

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	17/10/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	17/10/2024
Assistant Planner final checks and despatch:		ER	17/10/2024

Application: 24/01258/FUL **Town / Parish:** Beaumont Parish Council

Applicant: Mr Charlie and Mrs Katie Sanderson

Address: Land Lying to The South of Elm Farm Swan Road

Development: Planning Application - Change of use from disused grazing land to a small scale glamping site with 2 glamping pods and a holiday lodge.

1. Town / Parish Council

Beaumont Parish Council Beaumont Parish Council discussed this application at a meeting on 09.09.24 and the following concerns were raised:

1. Access point - There are safety concerns over the access point to the site as it is on a sharp bend with inadequate visibility splays. The site is not on any public transport route and the only pedestrian access to and from the site is along the verge of Swan Road, a road with the national speed limit.

2. Sustainability-The rural/remote location of the site is such that access to key facilities, public transport, and leisure opportunities is limited and for the vast majority of journeys the only practical option would be by car. In addition, with basic facilities in the proposed pods, it is expected occupants will want or need to go to and from the site several times a day.

3. Environmental & Living Conditions of Neighbours- Wood fired hot tubs would require regular draining, cleaning and refilling. How would this water be safely disposed of without adversely impacting the environment? Is a septic tank sufficient for what will effectively be three properties? Open fires pose a risk to neighbouring crops. There is concern over the issue of noise and light pollution on site, particularly into the evenings, as the occupants would be on holiday and, quite rightly, want to have a good time and socialise outside. Occupants in the proposed pods would need to access the proposed communal shower and toilet block throughout the day and night. The living conditions of existing residents, in particular the elderly and families nearby with young children could be adversely affected.

4. Integrity of Local Planning Policy- It is clear that the application is part retrospective as work has commenced on site with the creation of a large bund, electric and water supply connected, a timber shed constructed, a septic tank installed and hard standings partly constructed. The access has been widened with the removal of a single field gate and hedging. A double gate has been erected inside the original entrance. It cannot be assumed that planning permission will be granted.

The Parish Council are concerned that if permission is granted to remove the agricultural status of this land and grant it commercial use, that it might end up being used for other commercial purposes in future without having to go through the full rigour of the planning process and that it could end up being used for other purposes, such as residential. The lodge alone is sufficient to house a family of five. Should permission be granted, this will set a dangerous precedent for other owners of parcels of agricultural land in the district to do the same.

2. Consultation Responses

Tree & Landscape Officer
03.09.2024

The application site is currently set to grass with rank and ruderal vegetation encroaching onto the land. There are no trees or other significant vegetation in the main body of the land therefore no important vegetation will be adversely affected by the proposed development.

The site is enclosed by an existing hedge which currently provides a good level of screening and enclosure. There is an existing gated access to the land.

A Public Right of Way (PRoW) runs along the western boundary of the application site that is overgrown with brambles. There are no clear views into the site from the PRoW as intervening vegetation provides comprehensive screening.

Any proposed forms of enclosure should be restricted to chain-link or post and rail fencing with boundary hedge planting. Close board fencing will not be appropriate in this location and consideration should be given to the removal of permitted development rights to ensure that this type of fencing is not erected post development.

Should planning permission be likely to be granted then details of the indicative planting shown on the Block Plan should be secured by a planning condition.

Environmental Protection
26.09.2024

Thank you for your consultation regarding the proposed development above.

I have reviewed the above application and have no comments to make but please see below informative.

INFORMATIVE - Foul Drainage:

The submitted application form advises a septic tank will be utilised as a way of disposing of foul waste; we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

REASON: to protect the health of residents and nearby residential premises

ECC Highways Dept
11.09.2024

Having reviewed the submitted information, I note the vehicular access would be gained via an existing field access and therefore it would intensify its use and so we need to be comfortable sufficient visibility would be provided within highway and/or land under the control of the applicant.

With this in mind, please can you ask the applicant to provide:

1. A scale drawing showing the full extent of the visibility splays proposed, I note that visibility splays have been denoted on the drawing but no distance has been provided. The splays should be based on the posted speed limit (60-mph) or the 85th percentile vehicle speed ascertained from a 7-day speed survey, the speed surveys should be taken at the extent of the achievable visibility splays in each direction. Extent of highway should be coloured (see item 3 below).
2. The results of a speed survey if one is conducted to establish the required visibility and to determine if a relaxation in the visibility splay distance can be considered.
3. The results of a formal extent of highway search (including the covering letter and/or email) as sourced from <https://www.essexhighways.org/transport-and-roads/highway-schemes-and-developments/adoption-and-land/highway-status-enquiries.aspx> (any problems with online payment/filling in the form the applicant should email highway.status@essexhighways.org who process the requests)*
4. The visibility splay for north-eastbound vehicles waiting to turning right into the access should also be provided, due to the bend.

*Where there is a roadside ditch or pond, that ditch or pond (even if it has been piped or infilled) would not in the majority of circumstances form part of the highway. Often, roadside ditches, which are apparent on the ground are not indicated on the Ordnance Survey Mapping. The same applies to historic ditches. Therefore, any ditches (including historical) and ponds should also be marked on the drawing.

Clearly if the applicant does commission additional work there is no guarantee that the required standards can be met or that the proposal will be acceptable to the Highway Authority.

3. Planning History

24/01258/FUL	Planning Application - Change of use Current from disused grazing land to a small scale glamping site with 2 glamping pods and a holiday lodge.
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4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of

the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP8 Tourism

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Essex Design Guide

7. Officer Appraisal

Site Context

The application site is located on the eastern side of Swan Road outside of the Beaumont-cum-Moze settlement development boundary. There are no neighbourhood plans to consider.

The application site consists of grassland with hedgerow on the boundary with Swan Road and gated access to the land. Public footpath 13 of Beaumont-cum-Moze runs along the western boundary of the site. The grassland is not managed and is overgrown with ruderal vegetation.

Proposal

The application seeks permission for a glamping site with two glamping pods, a holiday lodge and associated development to include a shower block, hot tubs, off road car parking, hardstanding for the driveway and pathways, and planting.

Principle of Development

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

Policy PP8 Tourism states that to attract visitors to Tendring District and support economic growth in tourism the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan.

Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.

Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a settlement development boundary. Those areas without a settlement development boundary are considered to be part of the countryside.

The application site is located outside of the settlement development boundary for Beaumont-cum-Moze in the Local Plan. Beaumont-cum-Moze is categorised as a Smaller Rural Settlement as defined in Policy SPL1. It is considered that these smaller rural settlements are the least sustainable necessitating reliance on the private car for journeys and the proposed development would extend far beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Local Plan while having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 and this would not be an appropriate site for development.

The proposal fails to comply with the statutory plan-led approach and conflicts with the Council's strategic approach for growth.

Design/Visual and Landscape Impact

Paragraph 131 of the National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness.

PPL3 seeks to protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance.

The proposal to change the use of the application site to a glamping site will adversely alter the character and appearance of the land. It is noted that there are no details of the shower and toilet block shown on the block plan or the wood fired hot tubs and decking mentioned in the statement and therefore a full assessment of this part of the proposal cannot be made. Although the proposed buildings are single storey, the lodge, notwithstanding its natural timber appearance, in view of its size and scale will appear incongruous in the landscape along with the other structures which includes two glamping pods, the shower/toilet block and hot tubs will urbanise the field.

The proposed natural mound, whether for privacy or for other reasons that are not known introduces an unfamiliar topography to the site which is uncharacteristic and unacceptable. The agricultural land surrounding the site is largely flat with no harsh undulations. The use of Laurel hedging for the separation of plots from each other and to enclose the parking area is not acceptable, it is more commonly seen in a residential setting and is not suitable for the rural countryside location. The buildings on the application site, coupled with the hardstanding required to facilitate the development and the potential for lighting during darkness will erode the rural character and appearance of the immediate area.

The Council's Tree and Landscape Officer was consulted on the application and he confirms that no important vegetation will be adversely affected by the proposed development.

It is therefore considered that the proposal, by virtue of extending into open countryside, the siting of buildings across the site with an uncharacteristic mound, hardstanding and Laurel hedging results in an inappropriate form of development detrimental to the character and appearance of the area which is contrary to the aforementioned national and local policies.

Impact on residential amenities

Due to the single storey nature of the accommodation units and separation from Millstone Farm and Pond Farm to the south west and Elm Farm to the north there will be no significant impact to neighbouring residential amenities in terms of loss of light, loss of privacy or outlook.

The siting of three units on the application site for holiday use which is likened to a residential use is unlikely to give rise to unacceptable levels of noise or pollution.

Highway Safety

Paragraph 114 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design.

Policy SPL3 of the Local Plan states that new development shall have access to the site that is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

Policy CP2 of the Local Plan confirms that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety.

The field is served by an existing vehicular access and metal gate, however, the proposal will intensify its use. The proposed access is a width of 3.6 metres, such that it would be difficult for two cars to comfortably pass one another on the drive preventing ease of access into the site from Swan Road if a vehicle is exiting the site at the same time causing conflict detrimental to highway safety. In the same way, it would be difficult for a refuse lorry to access and turn within the site and this would be the same for a tanker to access the site for emptying of the proposed septic tank.

Four car parking spaces and one disabled car parking space is shown on sheet 102 that meet the standard for the size of the space, however, it is unclear whether the number of spaces is adequate for the accommodation on offer.

Essex Highways have been consulted on the application, however, they have not been able to provide a final response as there is inadequate information in relation to the speed of the road and the proposed visibility splays.

The application site is situated on a stretch of Swan Road that is subject to a 60-mph speed limit. The Access Plan shows visibility splays of 75.232 metres in a northerly direction and 184.403 metres in a south westerly direction taken 2.5 metres back from the highway in the centre of the entrance. The Essex Design Guide confirms that an access on streets with speeds above 37mph should be designed to Design Manual for Roads and Bridges (DMRB) criteria which states visibility splays on a 60mph road requires a sight line of 215 metres in both directions and it is therefore considered that the visibility splays proposed are substandard. In addition, there is uncertainty as to whether the visibility splays can be achieved within the limits of public highway and/or land in the control of the applicant as they appear to cross third party land. No speed surveys of the road have been undertaken, as such, the precise visibility splay requirements have not been identified and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety.

Public footpath 13 of Beaumont-cum-Moze runs along the western boundary of the site, however it lies outside of the red line application site. The Essex Highways team previously made comments regarding intensification of the existing access to the site and the potential impact on the access to the footpath in terms of visibility but no objection was raised in this respect.

Water Conservation, Drainage and Sewerage

Paragraph 180 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 191 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Paragraph: 020 Reference ID: 34-020-20140306 of the National Planning Policy Guidance states that septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required. A completed Foul Drainage Assessment Form 1 (FDA1) form, or equivalent information, should accompany all planning applications where use of a non-mains system is proposed for foul drainage. The operation of small sewage discharges such as those from septic tanks or package treatment plants is regulated under the Environmental Permitting Regulations 2016 (EPR).

Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

In relation to non-mains drainage from non-major development the Environment Agency's advice is that to comply with the Framework and PPG on foul drainage matters, an LPA needs to be satisfied that foul drainage can be provided without adverse impact on the environment. This requires ensuring that both those environmental risks outside of the control of the permit and the relevant considerations in the PPG are addressed. The LPA should also be mindful that the developer will need to address foul drainage matters to get their environmental permit and meet

building control regulations. Therefore, they should be confident that it is likely that any necessary permits and approvals can be successfully obtained.

The Foul Sewage section of the application form states that it is not intended to connect to a mains sewer. Instead, foul sewage will be disposed of by way of a septic tank implying that a mains connection is not possible although the FDA1 form has not been completed.

In considering the acceptability of the proposed non-mains drainage, the site is not close to any designated site of importance to biodiversity, nor is it located within close proximity to any watercourse. The site is not located within a Drinking Water Safeguard Zone or Source Protection Zone 1, and the site is sufficiently large enough to accommodate a soakaway. Taking these factors into account, and the absence of a mains connection in proximity to the site, the proposed foul drainage arrangements are considered to be acceptable subject to compliance with Building Regulations and Environmental Permitting Regulations 2016.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

All development proposals should demonstrate how renewable energy solutions, appropriate to the building, site and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations. The Council is particularly supportive of the use of Solar Panels and will expect them to be incorporated into new development wherever possible and practicable. In this case no renewable energy solutions or energy efficiency measures have been proposed, however it is considered reasonable and necessary to impose an appropriate planning condition on the grant of planning permission to secure the delivery of such measures.

Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The preamble to Policy PPL4 states that where a development might harm biodiversity an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application. Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." This includes local authorities, which encompass local planning authorities (LPAs). Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and, after consideration, determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. While the Section doesn't explicitly state that planning decisions must contribute to biodiversity conservation, it's essential to consider the broader context of planning functions within the authority. Typically, LPAs play a crucial role in land use/development decisions, and these can have significant implications for biodiversity. In conclusion for decision making, it is considered that the LPA must be satisfied that the development would conserve and enhance. This development is subject to the general duty outlined above. On that basis a biodiversity enhancement strategy will be secured via condition. Such a strategy may look to include native planting strategies and insect friendly planting, wildlife-friendly infrastructure i.e. nesting boxes, bee bricks and habitat structures.

Therefore, the development with the inclusion of this condition, on balance, and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

The statutory framework for BNG applies. This involves the imposition (automatically applied as a deemed condition) of a planning condition on approvals to ensure the objective of at least 10% net gain over 30 years. The determination of the Biodiversity Gain Plan (BGP) under this planning condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the BGP, via planning condition discharge, is approved.

Given this position, the government strictly provides it would generally be inappropriate for decision makers to refuse an application on the grounds that the biodiversity gain objective will not be met. It is considered logical to confirm this closer to commencement of development, given the potential number of options available. This further supports the position that the biodiversity gain objective can always be met in some form.

Protected Designated Habitats

This holiday accommodation development lies within the Zone of Influence. Based on the development type and proximity to European designated sites, the proposal falls outside the scope of the Essex Coast RAMS as part of the screening assessment, however, applications involving tourist accommodation could still potentially have recreational disturbance impacts (and other impacts) on designated sites. Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for holiday accommodation meeting those tests.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. Prior to commencement of any development, a S106 Legal Agreement/Unilateral Undertaking will be sought to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017. A planning condition would be considered reasonable and necessary to secure the S106 Legal Agreement/Unilateral Undertaking for the necessary financial contribution and this will be imposed on the grant of planning permission.

Protected Species

Given the nature of the application site, a previously grazed field now partially overgrown in places, enclosed by mature hedging and mature trees, there is a potential for wildlife and their habitats. In this case bats could use the land for foraging or commuting, the land could also provide habitats for breeding birds, reptiles, invertebrate and protected plants and a Preliminary Ecological Survey is required in order that the impacts to wildlife and their habitats can be properly assessed.

Policy PPL4 states that any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

Paragraph 180 of the National Planning Policy Framework requires that planning decisions protect and enhance sites of biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

National Planning Practice Guidance for the Natural Environment confirms that an ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Standing advice from Natural England confirms that if there is suitable habitat on the site to support protected species a survey is required. In this case the Natural England standing advice verifies that veteran trees, meadows, grassland and pasture on the land or linked to the site (by similar habitat) or rough grassland, scrub and hedgerows on or next to the site as likely habitats for protected species. No such information has been provided with this application and therefore the effects on protected species and their habitats are not able to be fully considered. As such, the proposal is in conflict with the afore-mentioned policies, guidance, advice and the Framework.

The applicant has not provided a preliminary ecology survey and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to Policy PPL4. In this case it is unknown whether significant harm will be caused.

Conclusion

In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. The development aligns with the statutory framework for biodiversity net gain, striving to achieve a 10% net gain in biodiversity value over 30 years. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Other considerations

Beaumont Parish Council raise the following concerns:

1. Safety concerns over the access point
2. Sustainability of the rural/remote location
3. Impact on neighbouring amenity
4. Integrity of Local Plan Policy

Officer comments: Points 1 to 3 have been addressed within the report. Point 4 – Commencement of any works on the site that requires and has not been granted planning permission will be investigated by the Planning Enforcement Team following a report by the Parish Council or a third party and appropriate action taken. Each planning application is assessed against the policies of the Local Plan.

The Council's Environmental Team have no comments to make on the application however they recommend an informative on the grant of planning permission in relation to the proposed foul drainage.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

1 Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned

to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting.

Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a settlement development boundary. Those areas without a settlement development boundary are considered to be part of the countryside.

The application site is located outside of the settlement development boundary for Beaumont-cum-Moze in the Local Plan. Beaumont-cum-Moze is categorised as a Smaller Rural Settlement as defined in Policy SPL1. It is considered that these smaller rural settlements are the least sustainable necessitating reliance on the private car for journeys and the proposed development would extend far beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Local Plan while having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 and this would not be an appropriate site for development.

The proposal fails to comply with the statutory plan-led approach and conflicts with the Council's strategic approach for growth leading to unsustainable development in the countryside.

2 The proposal to change the use of the application site to a glamping site will adversely alter the character and appearance of the land. Although the proposed buildings are single storey, the lodge notwithstanding its natural timber appearance, in view of its size and scale will appear incongruous in the landscape along with the other structures which includes two glamping pods, the shower/toilet block and hot tubs will urbanise the field. The proposed natural mound, whether for privacy or for other reasons that are not known introduces an unfamiliar topography to the site which is uncharacteristic and unacceptable. The agricultural land surrounding the site is largely flat with no harsh undulations. The use of Laurel hedging for the separation of plots from each other and to enclose the parking area is not acceptable, it is more commonly seen in a residential setting and is not suitable for the rural countryside location. The buildings on the application site, coupled with the hardstanding required to facilitate the development and the potential for lighting during darkness will erode the rural character and appearance of the immediate area.

The proposal is considered contrary to Policies SP7, SPL3, PPL3 and the National Planning Policy Framework by virtue of extending into open countryside, the siting of buildings across the site with an uncharacteristic mound, hardstanding and Laurel hedging resulting in an inappropriate form of development detrimental to the character and appearance of the area.

3 The field is served by an existing vehicular access and metal gate however the proposal will intensify its use. The proposed access is a width of 3.6 metres, such that it would be difficult for two cars to comfortably pass one another on the drive preventing ease of access into the site from Swan Road if a vehicle is exiting the site at the same time causing conflict detrimental to highway safety. In the same way, it would be difficult for a refuse lorry to access and turn within the site and this would be the same for a tanker to access the site for emptying of the proposed septic tank as it is not considered safe to do either from the roadside.

Essex Highways have confirmed that there is inadequate information in relation to the speed of traffic on the road and the proposed visibility splays.

The application site is situated on a stretch of Swan Road that is subject to a 60-mph speed limit. The Access Plan shows visibility splays of 75.232 metres in a northerly direction and 184.403 metres in a south westerly direction taken 2.5 metres back from the highway in the centre of the entrance. The Essex Design Guide confirms that an access on streets with speeds above 37mph should be designed to Design Manual for Roads and Bridges (DMRB) criteria which states visibility

splays on a 60mph road requires a sight line of 215 metres in both directions and it is therefore considered that the visibility splays proposed are substandard. In addition, there is uncertainty as to whether the visibility splays can be achieved within the limits of public highway and/or land in the control of the applicant as they appear to cross third party land. No speed surveys of the road have been undertaken, as such, the precise visibility splay requirements have not been identified and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety.

Therefore, the development is contrary to Policies SP7, SPL3, CP2 of the Local Plan and the National Planning Policy Framework.

4 Given the nature of the application site, a previously grazed field now partially overgrown in places, enclosed by mature hedging and mature trees, there is a potential for wildlife and their habitats. In this case bats could use the land for foraging or commuting, the land could also provide habitats for breeding birds, reptiles, invertebrate and protected plants and a Preliminary Ecological Survey is required in order that the impacts to wildlife and their habitats can be properly assessed.

Policy PPL4 states that any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

Paragraph 180 of the National Planning Policy Framework requires that planning decisions protect and enhance sites of biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

National Planning Practice Guidance for the Natural Environment confirms that an ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Standing advice from Natural England confirms that if there is suitable habitat on the site to support protected species a survey is required. In this case the Natural England standing advice verifies that veteran trees, meadows, grassland and pasture on the land or linked to the site (by similar habitat) or rough grassland, scrub and hedgerows on or next to the site as likely habitats for protected species. No such information has been provided with this application and therefore the effects on protected species and their habitats are not able to be fully considered. As such, the proposal is in conflict with the afore-mentioned policies, guidance, advice and the Framework.

The applicant has not provided a preliminary ecology survey and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to Policy PPL4. In this case it is unknown whether significant harm will be caused.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Drawing Title. LOCATION PLAN Sheet 101 received 14/10/2024

Drawing Title. BLOCK PLAN Sheet 102

Drawing Title. ACCESS PLAN Sheet 103

Response to ECC Highways comments received 14/10/2024

Three bedroom lodge product specification

Glamping pod product specification

The Burrows statement

11. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
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12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO
Has there been a declaration of interest made on this application? No Declarations Of Interest Made	YES	NO