

Application:	13/00072/FUL and 13/00074/CON	Town/Parish: Ramsey and Parkeston Parish Council
Applicant:	Mr Ray Robinson	
Address:	Noyna, The Street, Ramsey, Harwich CO12 5HW	
Development:	13/00072/FUL - Erection of a pair of semi-detached cottages with parking spaces and new vehicular accesses (following demolition of existing bungalow and attached garages). 13/00074/CON – Demolition of existing bungalow and garages	

1. Executive Summary

- 1.1 The application site is situated within the defined settlement boundary of Ramsey Village and, therefore, the principle of residential development on this site is not at issue.
- 1.2 These applications seek full planning permission for the erection of a pair of semi-detached dwellings and conservation area consent for the demolition of the existing bungalow on the site.
- 1.3 The proposals are found to be acceptable in terms of their impact on the character and appearance of the Ramsey Conservation Area.
- 1.4 Matters of design, layout and access are also considered acceptable, having regard to all other material planning considerations.
- 1.5 Officers consider that this application scheme is acceptable and that conditional planning permission should be granted.
- 1.6 The application is linked to a Section 106 obligation relating to the provision of a financial contribution towards the provision of play equipment and formal open space.

13/00072/FUL

Recommendation: Approve

Conditions:

1. Standard time limit for commencement
2. Development to be carried out strictly in accordance with submitted plans
3. Soft and hard landscaping details to be approved
4. Vehicular accesses to be constructed at right angles to highway
5. Pedestrian visibility splays to be provided and retained
6. No unbound materials to be used within 6 metres of highway
7. Details of parking, loading and turning area during construction to be provided
8. Details of wheel and under body cleaning during construction to be provided
9. Samples and/or details of construction materials to be submitted and agreed
10. Permeable surfacing to be used

- 11. Restriction on hours of construction work
- 12. Removal of permitted development rights for extensions, outbuildings and windows in rear roof slope.
- 13. Boundary treatments to be agreed
- 14. Site levels

Reason for Granting Planning Permission:

The proposal for the construction of a pair of semi-detached with parking spaces and new vehicular accesses is considered to comply with the NPPF and Tendring District Local Plan in terms of design, layout and access. The Local Planning Authority having had regard to all planning considerations material to the determination of this application, including particularly the scale and nature of development and all consultations and representations made in connection with the application, this concluded that the proposal accords with the provisions of the Development Plan as applicable to it, and in the absence of any material adverse impact resulting from the development considers that there are no material grounds which justify its refusal.

13/00074/CON

Recommendation: Approve

Conditions:

- 1. Time limit for commencement (3 years)

Reason for Granting Conservation Area Consent:

The loss of the buildings would have no adverse impact on the character and setting of the Conservation Area, site or street scene. The development is therefore compliant with the National Planning Policy Framework, saved policy EN17 of the Tendring Local Plan (2007) and Policy PLA7 of the *Tendring District Local Plan Proposed Submission Draft (2012)*.

2. Planning Policy

National Policy:

The National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan (2007)

- QL1 Spatial Strategy
- QL10 Designing New Development To Meet Functional Needs
- QL9 Design of New Development
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements

HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for new Residential Development
EN1	Landscape Character
EN17	Conservation Areas
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

SD1	Presumption in Favour of Sustainable Development
SD4	Smaller Rural Settlements
SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design of New Development
PEO1	Housing Supply
PEO3	Housing Density
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New residential Development
PLA5	The Countryside Landscape
PLA6	The Historic Environment
PLA7	Conservation Areas

Other Guidance:

Essex Design Guide (2005)

Essex County Council Parking Standards (2009)

3. Relevant Planning History

02/00228/TCA	Remove or reduce two Conifer trees	Approved	27.02.2002
12/00052/FUL	Demolition of existing bungalow and garages and erection of 2 no. private residential properties with	Withdrawn	19.03.2012

garaging and new vehicular accesses.

12/00053/CON Demolition of existing bungalow and garages and erection of 2 no. private residential properties with garaging and new vehicular accesses. Withdrawn 19.03.2012

4. Consultations

- 4.1 Essex County Council Highways – No objection subject to the imposition of conditions relating to the vehicular accesses being constructed at right angles to highway boundary, pedestrian visibility splays being provided and retained, no unbound materials being used, travel plan and construction/demolition related.
- 4.2 TDC Principal Tree and Landscape Officer - The only tree on the land is a pollarded apple tree situated in the rear garden and an Ivy-covered Holly to the right hand side of the property. Neither tree merits retention or protection by means of a Tree Preservation Order. If the indicative tree planting shown on the site layout plan were to be carried out then the demolition of the bungalow and replacement with new dwellings has the potential to have a positive impact on the character and appearance of the conservation area. The landscaping of the front garden, including tree planting and a low hedge on the front boundary will enhance the appearance of the conservation area. Landscaping should be secured by condition.
- 4.3 Ramsey and Parkeston Parish Council – The RPPC view the proposal to be an overdevelopment of the site and has major concerns of the vehicular access onto the highway that is considered a safety issue for pedestrians and road users, both vehicles and horses.

5. Representations

13/00072/FUL

- 5.1 Planning application 13/00072/FUL has been subject to revision since original submission.
- 5.2 The originally submitted plans objected two objections.
- 5.3 The revised plans, which form the basis of this assessment, have attracted three objections, the salient points are summarised as follows:
- Building is too high;
 - Building set too far forward;
 - Light loss;
 - Not in keeping;
 - Too imposing;
 - Properties should be more like 'Keebles' and 'Poppy Cottage', and
 - Overpowering on small plot.
- 5.4 The comments raised are addressed within the officer assessment below.
- 5.5 No objections have been received specifically in relation to 13/00074/CON.

6. Assessment

6.1 The main planning considerations are:

- Policy Considerations;
- Design/layout;
- Impact on Conservation Area;
- Residential amenity;
- Highway safety; and,
- S106 Obligations (Public open space contributions).

Proposals

13/00072/FUL

6.2 This application seeks full planning permission for the erection of a pair of semi-detached, two-storey cottages with parking spaces and new vehicular accesses (following demolition of existing bungalow and attached garages). It is proposed to construct the properties using a smooth rendered external finish, over a brick plinth. The roofs are to be formed of red pantiles.

6.3 Plot 1 is a four bedroomed property and incorporates front facing dormer windows with the entrance centrally positioned within the front elevation facing the street. The property has a maximum ridge height of some 7.8m.

6.4 Plot 2 is a three bedroomed property and has a gabled frontage with the entrance door to the side. The maximum ridge height is approximately 8.6m.

6.5 Both properties provide off-road parking for two vehicles.

13/00074/CON

6.6 This application seeks conservation area consent for the demolition of the existing single-storey dwelling (known as 'Noyna') and associated garaging on the site.

6.7 Since negotiation of the application, amended plans have been received to address design and amenity concerns. These plans have been the subject of re-consultation with all key consultees and interested parties.

Site Context

6.8 The application site is irregular in shape and measures approximately 0.65ha. The site currently supports a single-storey dwelling and associated garaging. A similar property type can be found immediately to the north east. The site lies on the north western side of The Street, Ramsey, within the Ramsey Conservation Area and defined settlement boundary. The general topography is such that land levels rise to the west and north.

6.9 The area is characterised by traditional dwellings with street frontages. More modern developments of traditional styling have been erected within the area, including immediately south east, and to the opposite side of The Street. The immediate neighbouring properties include 'Belmont', a bungalow of similar form to 'Noyna', 'The Old Barn', a mansard type property set hard on the highway boundary to the adjoining south western site boundary and 'Old Mill Cottage', set to the rear of the site.

Policy Considerations

General Planning Policy Status:

- 6.10 From 28th March 2013 the old adopted Local Plan (2007) cannot be heavily relied on in the decision making process.
- 6.11 Paragraphs 2.14, 2.15 and 2.16 of the NPPF explain the relative weight that can be given to policies and proposals in fully adopted Local Plans compared to emerging draft Local Plans when dealing with planning applications under the government's new planning system and its 'presumption in favour of sustainable development'.
- 6.12 Paragraph 214 of the Framework states that "for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework". Accordingly, over the last 12 months (since the publication of the NPPF on 27th March 2012), the Council has applied full weight to the policies in the 2007 Adopted Local Plan, despite the fact that it does not reflect all aspects of the new national policies.
- 6.13 Paragraph 215 of the Framework states that "in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)". Given the fact that the 2007 Adopted Local Plan was only designed to cover the period up to 2011, is based on what is now outdated evidence, outdated housing targets from the now obsolete 2001 Essex and Southend-on-Sea Replacement Structure Plan and reflects the old set of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) from the previous government, there is a strong argument for not giving weight to any of its policies from 28th March 2013.
- 6.14 However the government does allow the use of emerging draft Local Plans in determining planning applications. Paragraph 216 of the Framework states that "*from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
 - *and,*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*
- 6.15 The Council's emerging plan is the Tendring District Local Plan: Proposed Submission Draft that was approved by Full Council in September 2012 and published for consultation in November 2012. The consultation period ended in January 2013 and the plan attracted approximately 800 representations. This is a reasonably advanced stage of preparation and whilst the Draft Local Plan still needs to go through the process of consultation on any focused changes, examination and finally adoption, the number and nature of comments made during the consultation period was relatively modest and many of the policies received little or no objection. Most of the policies likely to be used for day-to-day Development Management purposes remain relatively unchallenged with the majority of objections relating to strategic or site-specific issues. Because of the relatively advanced stage of preparation, the relatively few objections to most policies and the fact that the Draft Local Plan has been drawn up in accordance with the new NPPF as opposed to the previous PPS and PPG guidance, there is a strong argument for attaching considerable

weight to this emerging plan in the determination of planning applications from 28th March 2013.

- 6.16 In conclusion, the Committee is advised that from 28th March 2013, the 2007 Adopted Local Plan can not be heavily relied upon in the determination of planning applications. Applications will be determined in accordance with policies in the Tendring District Local Plan: Proposed Submission Draft 2012 alongside the guidance provided by the NPPF. In accordance with paragraph 216 of the NPPF, recommendations will have regard to the extent to which there are unresolved objections to relevant policies – the less significant the unresolved objections, the greater weight that may be given.
- 6.17 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. The National Planning Policy Framework states housing applications should be considered in the context of the presumption in favour of sustainable development and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.18 Draft Local Plan Policy SD1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 6.19 Draft Policy SD4 relates to smaller rural settlements and identifies Ramsey Village as one such settlement. The policy is aimed at those settlements that do not have as many job opportunities; local services; facilities and other infrastructure but which are still under pressure to grow. In these locations, small scale developments that are in keeping with their surroundings may help younger people to continue to live in the area and to support local services and facilities.
- 6.20 Whilst some caution must be applied to the application of draft policies, weight should be given to the overall presumption in favour of sustainable development. In this case the site lies within the defined settlement boundary for Ramsey and therefore the principle of development is not at issue.

Design/Layout

- 6.21 Delivering quality urban design is a core aim of the NPPF stating, in Paragraph 56, that good design is a key aspect of sustainable development and indivisible from good planning and in Paragraph 64 it states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions. Good quality design can be analysed by the following criteria:
- 6.22 *Context, existing character and site characteristic* – It is important that a development is based on a clear understanding of the sites context and the existing character of the area. Character being those elements that create a sense of place. In this instance the proposed scheme is considered to respond to local character and site context. The layout responds to existing development and therefore is sympathetic to local character.
- 6.23 *Density* – The density is approximately 30dph. This relates well to the density of surrounding development. This density allows the development to provide a tightly knit urban grain in the centre of the village, responding with the existing character whilst

allowing space for off road parking and private gardens. The density makes an efficient use of the land.

- 6.24 *Layout, Form and Grain* – The proposed layout provides a strong presence within the street scene, providing a staggered response to surrounding development. The traditional design is in keeping with the area and the general form is respectful of local vernacular.
- 6.25 *Legibility, Townscape and Architecture* – The layout provides good legibility with a defined building line that respects neighbouring development. The architecture is generally specific to the development and links well with the context of the area. The buildings are of a scale that would be compatible with houses nearby. The townscape is enriched by the use of a traditional designed development in lieu of the generic bungalow that exists on the site and through the use of appropriate materials to the dwellings. The architecture would have harmony with the village.
- 6.26 *Connectivity, Permeability and Pedestrian Priority* –The development provides appropriate vehicular and pedestrian access opportunities, connecting well to the existing highway. The site is well connected to the village given its central location within The Street.
- 6.27 *Landscaping and Open Space* – Careful consideration has been given to the quality of the public realm. The hard surfacing would comprise permeable block paving. Boundary treatment within the public realm would be a low brick wall with new planting. Existing trees would be retained where possible with new trees being planted in the open realm and private gardens.
- 6.28 Saved Local Plan Policies QL9 and QL11 and draft Local Plan Policy SD9 state, inter alia, that all new development must make a positive contribution to the quality of the local environment and relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
- 6.29 Given the above, the proposals are considered to accord with The Framework and local planning policies in terms of design and layout.

Impact on Conservation Area

- 6.30 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9) imposes a duty on Local Planning Authorities (LPA) to designate as Conservation Areas any '*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. The application site falls wholly within the Ramsey Conservation Area.
- 6.31 This guidance is reiterated in Policies EN17 and PLA7 which requires new development in a Conservation Areas to preserve or enhance it, retain elements or components which add to the special character of the area and be of an appropriate scale, form and design using appropriate materials.
- 6.32 A Conservation Area is a designated heritage asset as defined in the NPPF. This national policy guidance requires new development to sustain and enhance the significance of the asset.
- 6.33 The Ramsey Conservation Area Review summarises the Ramsey Conservation Area in the following manner:

The essential character of Ramsey Conservation Area is of a relatively short, tightly-defined, traditional village street, closely lined with vernacular properties with others forming

strong groupings away from the road. The generally limited scale of these properties contrasts with occasional larger buildings such as the listed farmhouses and the prominent post mill, though the restricted palette of facing materials applies equally to all these structures.

- 6.34 Of particular relevance is the reference within the Review to the proposal area. This is stated as follows:

Beyond two unprepossessing bungalows opposite, two cottages frame the entrance to The Mill. The first, The Old Barn, is the more substantial, with a gambrel roof of concrete tiles over panelled pargetted elevations. The other is a traditional gambrel roofed cottage, gable end to the road, with a substantial two storey rear extension. Further up The Mill drive stands Old Mill Cottage. Here again, a modest original cottage, this time with a thatched roof, has been given a larger rear extension.

- 6.35 It will be noted that the host property is described as an unprepossessing bungalow. This equates to being unattractive. The proposed semi-detached dwellings to replace the existing property are on the other hand attractively designed, and considered to be more appropriate in form and detailed design and therefore more befitting the conservation area setting. Accordingly the development is considered to enhance this part of the conservation area and therefore acceptable.
- 6.36 The application for Conservation Area Consent seeks to remove the existing bungalow and associated garages within the Ramsey Conservation Area. These buildings are modern buildings which currently detract from the historic character of the Conservation Area. As such the proposed Conservation Area Consent is acceptable and complies with saved Policy EN17 and draft Policy PLA7.

Residential Amenity

- 6.37 Concern has been expressed as to the impact of the scheme upon the residential amenity of occupiers of neighbouring property. In particular concerns were expressed as to the potential; for overlooking from the first floor windows (towards Old Mill Cottage to the rear) and to the effect of the scheme on the amount of light reaching properties opposite the proposal site.
- 6.38 Firstly the scheme has been revised since original submission to the effect that there are no windows at first floor level facing rearwards. Natural light and ventilation is provided through the provision of roof lights, which will not allow for overlooking of the property to the rear.
- 6.39 Secondly it is not agreed that the scheme will lead to an unacceptable light loss to properties opposite. Given the location and orientation of the buildings and neighbouring property, there will only be a limited reduction in evening sunlight to the front properties of buildings to the east. Such loss will not materially affect the quality of life of those occupiers.
- 6.40 The buildings have been set back to broadly align with the existing property so to ensure a reduction in visual dominance. Good separation exists between the proposed dwellings and all neighbouring properties.
- 6.41 As such, the proposals are considered to be acceptable in terms of impact on residential amenity.

Highway Safety

- 6.42 The proposals involve two vehicular crossings so that each property has its own driveway leading to two parking spaces.
- 6.43 The scheme has been assessed by Essex County Council, as Highway Authority, and they raise no objections to the proposals subject to the imposition of controlling conditions. Such conditions are reflected within the recommendation.
- 6.44 Accordingly the proposals provide adequate parking and do not give rise to any significant highway safety concerns.

S106 Obligations (Public open space contributions)

- 6.45 There is an identified deficit in equipped play and formal open space facilities in this Parish and a financial contribution towards improved play equipment and formal open space is justified.
- 6.46 A unilateral undertaking has been provided and the proposal is therefore in accordance with saved Local Plan Policy COM6 and draft Local Plan Policy PEO22.

Other Matters

Crime and Disorder

- 6.47 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Biodiversity and Protected Species

- 6.48 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. There are no issues of biodiversity or protected species in relation to this site.

Statement required by Article 31 of The Town and Country Planning (Development Management Procedure) Order 2010 (as amended)

- 6.49 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2010 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case minor amendments were secured to the proposed buildings design which enabled Planning Officers to recommend approval for the proposed development.

Background Papers

None