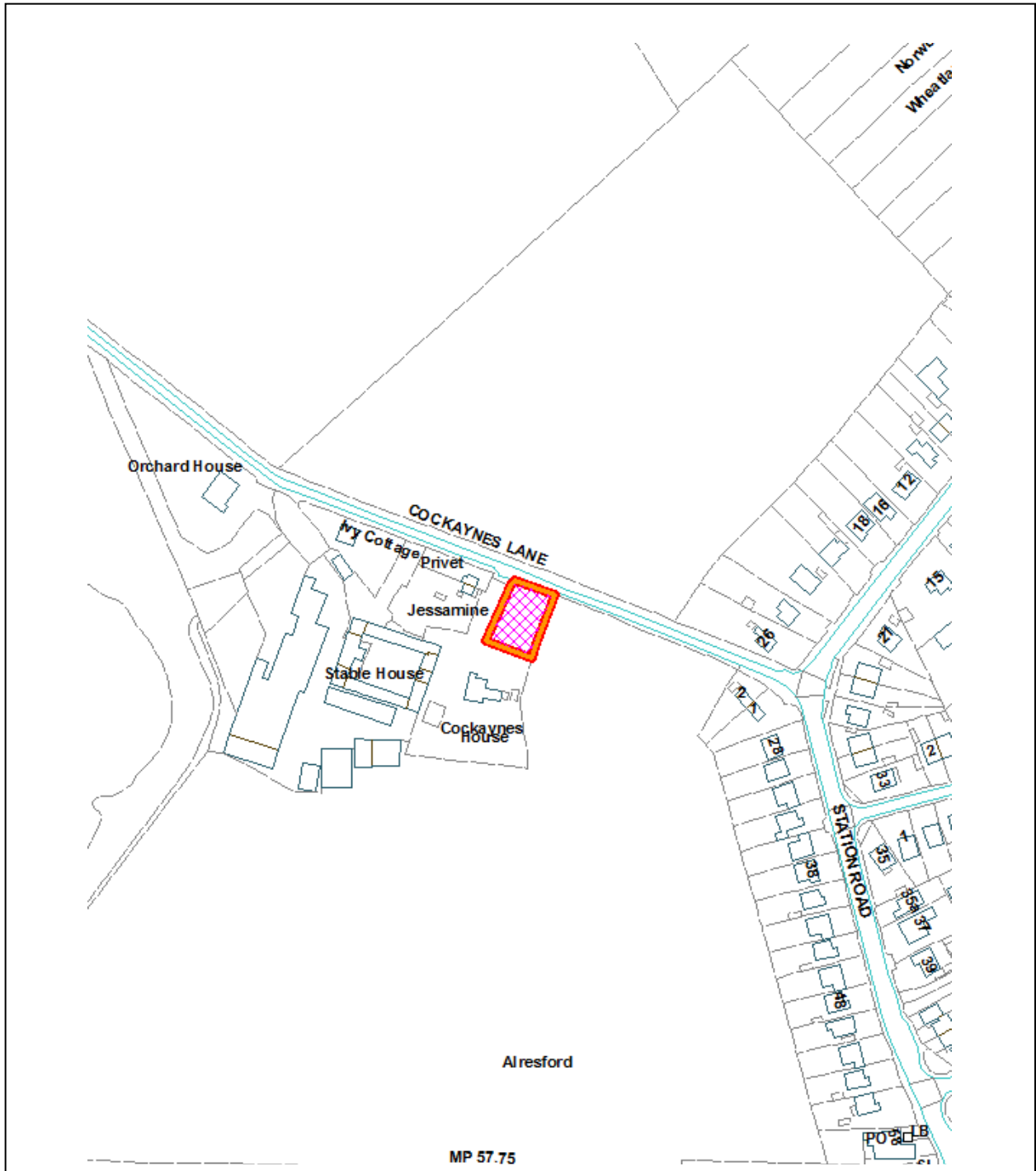


PLANNING COMMITTEE

22 September 2015

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 15/01035/FUL - LAND ADJACENT COCKAYNES HOUSE COCKAYNES LANE, ALRESFORD, CO7 8BZ



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Application:	15/01035/FUL	Town / Parish: Alresford Parish Council
Applicant:	Mr Lawrence Rutter	
Address:	Land adjacent Cockaynes House Cockaynes Lane Alresford CO7 8BZ	
Development:	Erection of 1no. detached 3 bedroom dwelling house and attached garage.	

1. Executive Summary

- 1.1 This application has been referred to Planning Committee by Officers as it represents a departure from the Development Plan being located outside the settlement development boundary.
- 1.2 A recent appeal dismissal for a detached dwelling on the site is of prime importance to consideration of this application. As detailed below, the principle of residential development is considered acceptable in this sustainable location in close proximity to the range of services and facilities in Alresford.
- 1.3 The detail of the proposal overcomes the previous objections and reasons for dismissal at appeal resulting in development which would respect the spacious rural character of the surrounding area with no material harm to the protected trees, highway safety or residential amenity. In the absence of a five year housing land supply approval is recommended as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits taking account of the National Planning Policy Framework and policies of the Local Plan.

Recommendation: Approve

Conditions:

- **Standard 3 year time limit**
- **List of approved plans**
- **Remove Permitted development rights for boundary treatments, outbuildings and pools**
- **Remove Permitted development rights for extensions to the dwelling**
- **Details of raft foundations to garage**
- **Tree protection measures and hedgerow planting as shown on RPA plan**
- **Construction Method Statement**
- **Permeable paving**

2. Planning Policy

National Policy:

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the
Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD3 Key Rural Service Centres

SD5 Managing Growth

SD9 Design of New Development

PEO4 Standards for New Housing

PEO8 Aspirational Housing

PLA5 The Countryside Landscape

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

13/01462/FUL	Erection of one no. aspirational dwelling.	Non determination appeal dismissed	08.05.2014
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Land South of Cockaynes Lane

14/01823/OUT Up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road. Refused 14.04.2015
Subject of a public inquiry scheduled for February 2016.

Land North of Cockaynes Lane

15/00120/OUT Up to 60 dwellings Pending Consideration

4. Consultations

- 4.1 ECC Highways No objection subject to one condition: Construction Method Statement
- 4.2 Environment Agency – Outside of the scope of matters for which they are statutory consultee. Provide guidance in relation to foul water disposal.

5. Representations

- 5.1 Alresford Parish Council object to the application.
- 5.2 21 letters of objection (some from the same address) have been received. The material planning considerations can be summarised as follows (with response in brackets where not addressed in the report below);
- Materially harmful to the rural landscape character and appearance of the area.
 - Fails to provide suitable living conditions for future occupants.
 - Would have an adverse impact on protected trees and landscaping.
 - Unsustainable location outside development boundary.
 - No soakaway, drainage, utility supplies (these points would be addressed at Building Regulations stage for a development of this scale).
 - Would set a precedent - strain on existing infrastructure (each application is assessed on its merits and it is not considered there is a directly comparable site in the immediate area).
 - Unsuitable access - unmade and single width road.
 - No right of access (the access drive is shown outlined in blue confirming that it is within the applicant's ownership or control. If this is not the case this would be a civil matter to be resolved between the parties and would not affect determination of this application).
 - Traffic increase would be a danger to pedestrians and cyclists - no pavements or street lighting.
 - Flooding (the site is not within a flood zone but does lie within an area identified as being at risk of surface water flooding. The risk is 'less' (i.e. the lowest of the three categories) and given the small footprint of the development in relation to the undeveloped garden and mature vegetation retained, is unlikely to result in any material increase in surface water flood risk. A permeable paving condition is recommended to ensure the driveway and parking area do not increase surface water runoff).
 - Poor design.
 - Harmful to protected species and wildlife (the mature vegetation around the boundaries of the site is to be retained with the centre of the site being lawn and therefore of low ecological value. The proposal is therefore unlikely to result in any harm to protected species or wildlife in the area).
 - Loss of light to neighbouring properties

6. Assessment

The main planning considerations are:

- Context and Background;
- Proposal;
- Policy Context/Principle of Development;
- Impact Upon Surroundings and Trees;
- Residential Amenity;
- Highway Safety.

Context and Background

- 6.1 The application site lies to the south side of Cockaynes Lane, which is a narrow country lane, on the corner with a track which serves three dwellings (Cockaynes House, Privet and Jessamine). The site lies outside of the Settlement Development Boundary (SDB) within the Saved and Draft Local Plan, located approximately 92 metres from the edge of the SDB for the village of Alresford which is classed as a Key Rural Service Centre under draft policy SD3 having a wide range of services and public transport links.
- 6.2 The wider locality along Cockaynes Lane is characterised by large houses in generous plots that are mainly set back from the road. There are generous road verges and established planting resulting in a spacious rural character.
- 6.3 The application site is currently grassed and contains trees (some protected) and hedgerow to the boundaries. It was previously part of the garden to Cockaynes House but is now in separate ownership. The site was incorrectly shown as a proposed employment site within the Tendring District Local Plan: Proposed Submission Draft (2012) but this has been removed within the Tendring District Local Plan: Re-Submission Focussed Changes (2014). The site was also included within the 2012 draft SDB along with surrounding allocation KEY1 (for housing and employment land) but both the allocation and SDB have been removed from the 2014 Draft Local Plan.
- 6.4 The previous application 13/01462/FUL was subject to a non-determination appeal. Officers confirmed at appeal that the application would have been refused on the following grounds: 1) Although limited weight was afforded to Draft Policy PEO8 (Aspirational Housing) the proposal failed to comply with criteria b (outstanding/innovative design), c (highest standards of architecture), e (significantly enhances the immediate setting), f (sensitive to the defining characteristics of the local area) or g (meet the requirements of other policies in the Local Plan) and on this basis there was nothing to distinguish the proposed dwelling as being an 'aspirational' dwelling of truly outstanding or innovative design or the highest standards of architecture from that of any other dwelling. 2) The detailed design, form and construction materials of the proposed dwelling were not reflective of the prevailing character of surrounding development, representing an incongruous form of development by virtue of its triangular form that would not be sensitive to the character and form of surrounding development to the serious detriment of visual amenity and the character of the surrounding area. In failing to contribute to the protection and enhancement of the built environment, the proposal conflicted with the environmental role and the overarching aims of the Framework in respect of the definition of sustainable development. Consequently, there could be no presumption in favour of the development anticipated in paragraph 14 of the Framework. 3) The application failed to demonstrate that the proposal could be carried out without causing harm to the protected trees.
- 6.5 The Inspector dismissed the appeal and agreed limited weight should be afforded to Draft Policy PEO8 (Aspirational Housing). Rather than objecting to the detailed design, form or construction materials, the Inspector's concerns focussed on the wide and deep footprint and that the proposal would "introduce development into a space which currently contributes to the spacious and rural character along Cockaynes Lane" adding "the open nature of the appeal site and its proximity to the road contribute significantly to the existing rural character of the area." "Overall, the insertion of the appeal proposal in this prominent location would materially and detrimentally alter the open and rural character and appearance of the area." In relation to the trees, the Inspector states "The trees are prominent within the rural street scene of Cockaynes Lane and contribute significantly to its character." She agreed that the application failed to demonstrate that the proposal could be carried out without causing harm to the protected trees.

- 6.6 The relevant planning history section at paragraph 3 refers to two applications for large residential developments in the immediate area. One for up to 145 houses (14/01823/OUT) which comprises land to the immediate eastern boundary of the application site and to the south behind Cockaynes House. The second (15/00120/OUT) for up to 60 dwellings comprising land immediately opposite the application site on the other side of Cockaynes Lane, this application remains under consideration.
- 6.7 14/01823/OUT was refused at Planning Committee on two grounds 1) that the development would considerably exceed the 50 dwelling limit set out in draft Policy SD3 and this number of dwellings would represent an approximate 18% increase in the housing stock of Alresford which is comparable, in percentage terms, to the projected housing stock increase required for the whole Tendring district over a 17 year period. For Alresford, a rural settlement within the second tier of the settlement hierarchy, this scale of development was considered to be too large to represent a sustainable, fair and proportionate increase in housing stock and would conflict with, and undermine, the core planning principle set out in the National Planning Policy Framework to make fullest use of public transport, walking and cycling and the need to focus significant development in locations which are or can be made sustainable. 2) The proposed development would require the widening of Cockaynes Lane with associated highways and footpath works as well as the loss of hedgerow to create access. Cockaynes Lane makes a significant positive contribution to the distinctive rural character of this part of Alresford. The development would also result in increased vehicular usage of Cockaynes Lane. For these reasons, the proposed development would result in significant adverse change to the area's character, failing the environmental dimension of sustainability. There is an appeal in progress on this decision with a Public Inquiry scheduled for 3rd February 2016.
- 6.8 The current proposal for one dwelling is not comparable to the recent refusal for up to 145 dwellings due to the vast difference in scale with a resultant negligible impact upon the settlement of Alresford from one additional dwelling, and the absence of any alterations being required to Cockaynes Lane for the single dwelling scheme.

Proposal

- 6.9 The application proposes a detached three bedroom dwelling with single attached garage and parking and turning area. The plans have been subject to small amendment to move the dwelling 45cm back from the access driveway to preserve the root protection area of one of the protected Lime trees (T1).
- 6.10 The dwelling is traditional in design, measuring 9.4 metres wide by 6.6 metres deep and 8.9 metres to the ridge. The attached single garage is flat roofed at 2.8 metres high. Vehicular access is off the driveway serving the three neighbouring dwellings.
- 6.11 The proposed construction materials are medium multi-red bricks with dark multi-red brick plinth and detailing, reconstituted stone cills and portico, and natural slate to the main roof.

Policy Context/Principle of Development

- 6.12 The Tendring District Local Plan (2007) is referred to as the saved plan and the Tendring District Local Plan: Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014) is referred to as the draft plan. The 2012 and 2014 plans have not yet been formally adopted and therefore carry limited weight. More weight must be given to the NPPF and the saved policies where in accordance with the NPPF.
- 6.13 The site lies outside of the Settlement Development Boundary of the Saved and Draft Local Plans. It is accepted that the Council is currently unable to demonstrate a five year supply

of deliverable housing sites but the provision of one dwelling would make only a modest contribution to the supply for the district as a whole.

- 6.14 As an adequate supply of housing cannot be demonstrated paragraph 49 of the NPPF applies in relation to the three dimensions of sustainable development. The proposed dwelling would generate economic activity during its construction and subsequent occupation so would meet the economic dimension of sustainable development.
- 6.15 In regard to the social impact it is necessary to consider the distance to important destinations such as healthcare, education, convenience shopping and jobs. The nearest established settlement is Alresford with the SDB located approximately 92 metres to the East along Cockaynes Lane. Alresford is classed as a Key Rural Service Centre under draft policy SD3 having a wide range of services and public transport links. The proposed dwelling is around 345 metres away from local amenities e.g. shops and takeaways and it is around 385 metres away from the train station. These are both in walking distance from the proposed dwelling. In objecting to the previous application the sustainability of the site was not raised as a concern by Officers given the short walk/cycle down a quietly trafficked lane to the edge of the SDB. At appeal the Inspector refers to the lack of a five year housing land supply and confirms that "Where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits taking account of the Framework as a whole." The Inspector did not object to the principle of residential development on this site so the proposal is considered to meet the social dimension of sustainable development.
- 6.16 The environmental role is about contributing to protecting and enhancing the natural, built and historic environment which is considered below under Impact on Surroundings and Trees.

Impact Upon Surroundings and Trees

- 6.17 The site forms part of the previous front garden to Cockaynes House and has the appearance of a residential garden with lawn and relatively dense boundary trees and hedgerow. The trees with the greatest amenity value are the three Oaks adjacent to Cockaynes Lane, the Lime tree in the south western corner is also an important feature in the landscape. Two other trees (an Oak and a Lime) outside the boundary also merit protection and all the above trees are afforded formal legal protection by Tree Preservation Order TPO/14/0005.
- 6.18 One of the reasons for objection and appeal dismissal of the previous application was the absence of a tree survey to demonstrate the site can be developed without harm to the protected trees on and around the site. A survey and Root Protection Area (RPA) plan has now been provided, with the dwelling subsequently moved 45cm towards the Eastern boundary to preserve the RPAs. The RPA of a conifer (T7) is encroached upon by the garage and corner of the dwelling however it is not worthy of retention due to its species and poor condition and its removal would provide space for a protected Lime tree (T8). As the land was previously residential curtilage the hedgerows do not fall within the scope of the Hedgerow Regulations 1997. The information submitted adequately demonstrates that the proposal can be implemented without causing harm to the protected trees subject to adequate conditions to control protection of the trees during construction and raft foundations to the garage to deal with the impact of the roots of the conifer (T7) on the soil moisture level.
- 6.19 The retention of the existing trees and hedgerow will soften the appearance of the development in the landscape resulting in no material harm to the landscape quality of the surrounding countryside subject to conditions to secure appropriate landscaping and removing permitted development rights for boundary treatments and outbuildings.

- 6.20 One of the objections to the previous application was the detailed design of the proposed dwelling which was an unusual triangle form. However, the Inspector's concerns focussed on the wide and deep footprint and that the proposal would "introduce development into a space which currently contributes to the spacious and rural character along Cockaynes Lane" to the detriment of the existing rural character of the area.
- 6.21 The detailed design is now of a traditional dwelling which is in keeping with the scale, design and construction materials of surrounding development. For comparison the previous proposal was 15.9 metres wide by 9.6 metres deep and was around 3 metres back from the front boundary. The current proposal is 9.4 metres wide by 6.6 metres deep (excluding single attached garage) with the flat roofed garage element set around 5.2 metres back from the front boundary and the two storey element set 8.3 metres back from the front boundary. The current proposal is therefore significantly less wide and deep than the previous proposal, resulting in a much less bulky and prominent dwelling which is also set much further back from Cockaynes Lane and substantially behind the neighbouring dwelling at Privet. This significantly reduced bulk, footprint and forward siting is considered to overcome the previous concerns in relation to the impact upon the spacious and rural character along Cockaynes Lane. The dwelling will also benefit from the dense existing screening further softening its impact.
- 6.22 The dwelling is provided with a generous rear/side garden of around 305 square metres plus around 95 square metres of side garden between the dwelling and Cockaynes Lane. This is four times that required by saved Policy HG9 and ensures the dwelling respects the spacious rural character of the area. To ensure this character is retained it is recommended permitted development rights for extensions and outbuildings are removed to ensure the spacious character is retained and in the interests of preserving the root protection areas of the protected trees.
- 6.23 Subject to the recommended conditions the proposal is therefore considered to result in no material harm to the spacious rural character of the surrounding area and meets the environmental dimension of sustainable development.

Residential Amenity

- 6.24 The proposed dwelling sits within a generous well screened plot with around 22 metre separation to the dwellings opposite, and around 28 metre separation to Cockaynes House to the South. This distance prevents any material harm in terms of loss of light, privacy or outlook.

Highway Safety

- 6.25 The proposed single garage is one metre too shallow to be considered as a usable parking space under the adopted parking standards. However there is ample space on site for parking and turning.
- 6.26 The Highway Authority has no objection to the proposal subject to a condition requiring a Construction Method Statement to be submitted to ensure construction vehicles do not park on the highway, materials are appropriately stored and wheel and underbody washing facilities are provided in the interests of highway safety. This is considered reasonable and necessary and forms a recommended condition.

7. Conclusion

- 7.1 This scale of residential development is considered to be sustainable in close proximity to the range of services and facilities in Alresford. The detail of the proposal overcomes the

previous objections and reasons for dismissal at appeal resulting in development which would respect the spacious rural character of the surrounding area with no material harm to the protected trees, highway safety or residential amenity. In the absence of a five year housing land supply approval is recommended as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits taking account of the National Planning Policy Framework and policies of the Local Plan.

Background Papers

None