

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	21/05/2019
Planning Development Manager authorisation:	SCE	22.05.19
Admin checks / despatch completed	ER SB	23/05/19 23/05/19

Application: 19/00018/FUL **Town / Parish:** St Osyth Parish Council

Applicant: Mr C Cook- CE Cook Developments Ltd

Address: The Old Cottage Daltes Lane St Osyth

Development: Erection of 1 new dwelling and garage.

1. Town / Parish Council

St Osyth Parish Council

Whilst it is appreciated that the applicant has reduced the height of the garage (as indicated in drawing 1507/05c), the Parish Council would object to the siting of the garage as per Block Plan 1507/02B, and would instead prefer to see the same elevations (1507/05c refers), with the building located as per the location indicated in drawing 1507/02A.

The Parish Council are opposed to the garage being sited as per Block Plan 1507/02B, as it is felt that it will have considerable impact on the neighbouring property, in terms of the provision of natural light.

2. Consultation Responses

Tree & Landscape Officer

Land to west of the application site is affected by a tree preservation order TPO/94/19 Tan Cottage and The Old Cottage and land to the north east is affected by TPO/84/45 Land North of Daltes Lane. The planning application does not threaten any of the trees covered by the 2 TPO's.

In order to show the impact of the development proposal on trees on the application site and on the adjacent and to show how the protected trees will be retained and protected for the duration of the construction phase of the development the applicant has provided, as part of the design and Access Statement, a Tree Survey and Report that is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

The site layout makes provision for the retention and physical protection of all of the important trees on the application site and adjacent land. The development proposal could be implemented without causing harm to those trees if the tree protection measures set out in the arboricultural report are adhered to.

The Tree Survey shows those trees to be removed and those to be retained. In most respects the report appears to accurately reflect the

situation as it is on the ground however it still shows the retention of the Hawthorn (T1 of the report) which has been removed.

Prior to the determination of the application the applicant should provide details of new soft landscaping for the site frontage, including a replacement tree ' or perhaps group of 3 trees - to replace the Hawthorn.

ECC Highways Dept

The information that has been submitted in association with the application has been fully considered by the Highway Authority. The carriageway width along Daltes Lane is approximately 3.3 metres wide and a no through road. The proposal retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 105 metres westwards (to the junction) and 2.4 metres to the maximum site boundary eastwards, as measured from and along the northern edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times. .

Prior to first occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Prior to first occupation of the dwelling the vehicular access for the proposed dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (3 metres minimum - 6 metres maximum), shall be retained at that width for a minimum depth of 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway.

There shall be no discharge of surface water onto the Highway.

The proposed double garage should have a minimum internal measurement of 7m x 5.5m

The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway (delete as appropriate).

Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

UU Open Spaces

Recommendation

Although there is currently limited provision of play facilities in St Osyth the nearest play areas are located some distance from the development site and therefore it is unlikely to have an impact on these facilities. No contribution is required on this occasion.

Building Control and
Access Officer

No comments at this time.

3. Planning History

TRE/94/47	T.1 - Magnolia - Crown reduce	Current	30.11.1994
01/01362/TPO	Reduce Magnolia at front of property by 25%	Approved	21.09.2001
99/01019/OUT	One dwelling	Refused	27.08.1999
07/01942/TPO	T1 - Magnolia (Tan Cottage) - reduce crown by 20%. T2 - Magnolia (Old Cottage) - reduce crown by 10 - 20%	Approved	24.12.2007
13/01448/OUT	To construct one dwelling.	Approved	17.04.2014
15/01337/FUL	1 No. new dwelling house with associated garage.	Approved	12.02.2016
17/01336/TPO	T2 - Magnolia - reduce by 30%	Approved	07.09.2017
17/02212/TPO	Beech - reduce by 30 - 40%		06.02.2018
19/00018/FUL	Erection of 1 new dwelling and garage.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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
 - HG1 Housing Provision
 - HG9 Private Amenity Space
 - HG14 Side Isolation
 - EN1 Landscape Character
 - EN6 Biodiversity
 - EN23 Development Within the Proximity of a Listed Building
 - TR1A Development Affecting Highways
 - TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL1 Managing Growth
 - SPL3 Sustainable Design
 - LP1 Housing Supply
 - LP2 Housing Choice
 - LP3 Housing Density and Standards
 - LP4 Housing Layout
 - PPL3 The Rural Landscape
 - PPL4 Biodiversity and Geodiversity
 - PPL9 Listed Buildings
- Local Planning Guidance
- Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's

initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located outside of the of the settlement boundaries of St Osyth. The application site lies on the northern side of Daltes Lane and currently forms part of the garden area for the residential dwelling known as The Old Cottage. This property is one of a pair of Grade II Listed Cottages. The site extends to about 0.06 hectares and is mainly grassland which is enclosed by a picket fence along the road frontage and by mature vegetation on the other boundaries.

Proposal

This planning application is for the construction of a dwelling house with detached garage. The proposed dwelling would consist of 4 bedrooms and measure 12.3m in width, 15.2m in depth and 8.3m to ridge. A detached garage is situated to the front of the property which measures 6m x 6.2m in footprint and 4.5m to ridge height.

Planning History

In January 2000 planning permission was refused at appeal for an outline application for the construction of a single dwelling on this site. Outline planning permission was then granted in 2014

and then full planning permission in 2015. This application seeks revisions to the previously approved scheme by relocating the garage to the front of the property.

Principle of Development

The site was previously the subject of planning permission for a single dwelling which expired whilst this application was being processed earlier this year. Consequently the principle of siting a dwelling on the plot of land has been previously established.

In respect of the sustainability credentials of the proposed dwelling it would generate economic activity during its construction and subsequently would meet the economic dimension. In terms of the social dimension, the site is a short walk along footpaths to the centre of St Osyth to the north which has a range of services and facilities including a primary school, several shops and employment opportunities. The site is therefore considered to be socially sustainable.

Matters therefore turn to the detailed aspects of the development, including its merits against the environmental strand of sustainability which includes the impact upon the character of the area, trees and heritage assets.

Impact upon Character/Design

The siting of a dwelling in this location would have a minimal impact upon the semi-rural nature of Daltes Lane. The development of the plot represents a natural infill between the residential properties located on either side of the site. The inclusion of supplementary planting, particularly along the site frontage will further help to ensure the site retains its vegetated appearance would assist in softening views of the dwelling and garage from Daltes Lane. The vegetated nature of the site combined with the proposed set back of the dwelling and the presence of existing properties on either side means that the proposed dwelling would not appear prominent in views from the west or east along Daltes Lane and would not lead to the detrimental erosion of the rural character of the lane. The garage, albeit in a set forward location, would be viewed against the backdrop of the existing forward sited cottages present to the east. This with the inclusion of soft landscaping to the site's frontage ensures that the garage would not appear overly prominent. In views from the west along Daltes Lane the garage and house would be screened by the cottages.

The scale and design of the dwelling takes into account the characteristics, proportions and features of the adjacent listed cottages. The front elevation of the property contains small dormers, a canopy to the front door and a brick chimney which provide articulation and added interest. The use of lime render to the exterior walls, a red brick plinth and clay tiles to the roof are sympathetic to the character and appearance of the adjacent listed cottages. Whilst the projecting wing to the rear is fairly deep in plan, this relates appropriately to other properties within the lane and would not be visible from public vantage points.

The use of black weatherboarding and a hipped roof to the detached garage would give the building the appearance of a traditional rural outbuilding. Whilst the detached garage is sited to the front of the property it would relate appropriately to the rural character of the area in terms of its proportions and, through the submission of amended plans to significantly reduce its height, it would remain subservient in appearance to the dwelling.

Heritage Asset

It is noted that the application site is located some distance to the east of the listed building at The Old Cottage. In addition it is considered that the existing formal gardens to the north-west and south-east would not be disturbed by the development of a single dwelling at this site. The significant setback of the dwelling along with the mature vegetation that is present on the perimeters of the site ensure that views of the proposed dwelling and the existing listed cottages would not be seen in conjunction. The detached garage would also would not impinge on views of the listed building due to its siting adjacent to the cottages to the east and the presence of mature vegetation in the intervening area.

Furthermore, the proposed dwelling would be sympathetic to the character and appearance of the listed cottages in terms of its materials, proportions and detailing.

The development would therefore not be detrimental to the setting of the adjacent listed building.

Residential Amenities

The proposed dwelling would be located a sufficient distance from the properties either side not to cause any loss of outlook/light concerns to arise. The significant setback of the dwelling behind the property to the east 'Brookwood' and their siting alongside the neighbour's garage means that the appearance of the development from their rear garden area and rear facing windows would not be highly prominent or oppressive.

The only windows proposed that face the neighbouring plots would be roof lights that are sited high enough within their respective roof slopes and located a sufficient distance from the main private amenity areas serving adjoining dwellings not to cause excessive overlooking.

The garage would be set 6.5m from the side elevation of the neighbouring property known as 'Brookwood'. The size of the retained gap and the single storey nature of the garage with a low hipped roof, means that any impact in terms of outlook and loss of light would be minimal. Furthermore, the windows present on the facing elevation are secondary windows meaning that they are not the only window that serves the room in question. This further reduces any perceived impact in terms of light deprivation.

Trees

The application was accompanied by a tree survey/report. The Council's Trees and Landscape Officer has commented as below;

Land to west of the application site is affected by a tree preservation order TPO/94/19 Tan Cottage and The Old Cottage and land to the north east is affected by TPO/84/45 Land North of Daltes Lane. The planning application does not threaten any of the trees covered by the 2 TPO's.

The site layout makes provision for the retention and physical protection of all of the important trees on the application site and adjacent land. The development proposal could be implemented without causing harm to those trees if the tree protection measures set out in the arboricultural report are adhered to.

Should consent be likely to be granted then a soft landscaping condition should be attached to secure details of new planting including trees.

Conditions will be attached to any permission ensuring the tree protection methods are adhered to during construction phase and to secure additional planting through the submission of a soft landscaping scheme.

Highways

Essex County Council Highways have no objections subject to the following;

- the vehicular access being constructed at a width between 3-6m and provided with an appropriate crossing of the verge;
- vehicular visibility splays of 105m westerly by 2.4m by site maximum easterly being provided to the access;
- no unbound materials in first 6m of access;
- details of a vehicular turning facility being provided and maintained free from obstruction;
- planting being set back 1m from visibility splays;
- all off-street parking being in accordance with the parking standards;
- no discharge of water onto the highway;
- provision of residential transport packs;
- details of a construction method statement being provided.

Whilst the internal dimensions of the double garage are below those required in the current parking standards, there is ample provision for vehicular parking on the proposed driveway area serving the property. Other matters including the access width and turning area are shown on the plans, consequently a condition to reflect the approved plans will suffice for these.

Legal Obligation

The Council's Public Open Space team have confirmed that a contribution towards local play enhancements is not required in this instance.

Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other Considerations

St Osyth Parish Council objects to the garage being sited as per Block Plan 1507/02B, as it is felt that it will have considerable impact on the neighbouring property, in terms of the provision of natural light.

6 letters of objection have been received (3 from the same objector). These cover the following points;

- garage height too high (amended plans have been received reducing the garage height by 1m)
- querying the position of the boundary (not a planning matter but appears to have now been resolved through party discussions)
- revised garage position to front would cause over-shadowing and loss of light to neighbouring property (see conclusions above)
- the forward siting of the garage would block views of the new house and harm the semi-rural character of the lane (the garage would be more visible set to the front of the house, however it would be viewed against the backdrop of the existing cottages to the east which are set hard up against the highway boundary. The proposed materials of black weatherboarding and clay tiles to the roof mean that the garage would take on the appearance of a traditional rural outbuilding).

Since the objections from the parish and neighbours have been received the garage has been further reduced to 4.5m to ridge and the roof has been altered to comprise of a hipped roof. This reduces the prominence of the building in views along the lane and the potential impact upon the neighbour's amenity.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the commencement of any above ground works precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - This is a publicly visible building adjacent to listed buildings where sympathetic materials are a visually essential requirement.

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

- 5 The hereby approved development shall take place fully in accordance with the tree protection measures set out in the submitted Arboricultural Impact Assessment and the accompanying Tree Protection Plan (prepared by Landscapes of Change dated August 2015).

Reason - In order to suitably protect the root systems of existing trees on the site for the benefit of the character and appearance of the surrounding area and the ecology of the site.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 7 Prior to first occupation of the dwelling the vehicular access for the proposed dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The access shall be constructed in accordance with the details shown on approved plan no. 1507/02C and shall be provided with an appropriate crossing of the verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

8 No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- vi. hours of working

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

9 Prior to first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splays with dimensions of 2.4 metres by 105 metres westwards (to the junction) and 2.4 metres to the maximum site boundary eastwards, as measured from and along the northern edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction above 600mm at all times.

Reason - To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

10 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

11 Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

12 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

13 The development hereby permitted shall be carried out in accordance with the following approved plans: 1507/02C, 1507/05D, 1507/04C and 1507/03.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highway Informative

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<input checked="" type="radio"/> NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	<input checked="" type="radio"/> NO