

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	10/10/2019
Planning Development Manager authorisation:	TF	11/10/2019
Admin checks / despatch completed	CC	14/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	14/10/19

Application: 19/00548/OUT **Town / Parish:** Little Oakley Parish Council

Applicant: Mr David Barker

Address: Land Between Barn Cottages and Walcot Harwich Road Little Oakley

Development: New single dwelling.

1. Town / Parish Council

Little Oakley Parish Council Have not commented on this application.

2. Consultation Responses

Essex County
Council Heritage

The application is for a new single dwelling.

The site is located adjacent to Grade II listed Barn Cottages (List Entry ID: 1112101).

There may be opportunity for development within the site, however the application is not supported.

The Heritage Statement is not considered to fully assess the contribution the site makes to the significance of the adjacent listed building and therefore the impact of the proposal is not fully understood.

Historic England prescribes a methodology in their guidance '*The Setting of Heritage Assets*' which has been considered for this application.

From a review of historic mapping, it's clear that the site once formed part of the ownership of Barn Cottages. This building, together with Cherry Tree Cottage, historically were in a more isolated situation at the junction. Whilst this situation has changed through several phases of development in the environs, the undeveloped form of the proposal site has retained the aesthetic isolation of Barn Cottages from other buildings. The undeveloped form of the site to make a positive contribution to the setting and significance of the heritage asset. The proposal will detract from this contribution to significance, particularly with regard to the proposed siting and ridge height of the new building. The ridge height is higher than Barn Cottages which is considered inappropriate in retaining the listed building's prominence in the streetscape. The siting is also intrusive, bringing the listed

building into a long building line which extends to the west and is unprecedented.

The proposal will cause 'less than substantial harm' to a designated heritage asset and therefore paragraph 196 of the NPPF is relevant.

There may be opportunity for development within this site, but it is not considered that the proposal presents a sympathetic solution to this sensitive location. Should this application be refused, and the applicant wishes to pursue development options for this site, it is recommended that they engage in pre-application discussions with Tendring District Council.

ECC Highways Dept

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

1. Prior to occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to the proposed access being brought into use, vehicular visibility splays of site maximum by 2.4m by site maximum as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

3. 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 and in accordance with Policy DM 1.

4. Prior to the proposed access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

5. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. Any new boundary hedge shall be planted a minimum of 1m back from the highway boundary and entirely clear of any visibility splays.

Reason: To ensure that the future outward growth of the hedge 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 and in accordance with Policy DM 1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

3. Planning History

02/00993/OUT	Renewal of outline planning application TEN/93/0654 for bungalow with garage.	Approved	29.07.2002
93/00654/OUT	(Plot of Land between Barn Cottages and Walcot, Harwich Road, Little Oakley) Bungalow with garage (Renewal of Permission TEN/0803/90)	Approved	09.07.1993

96/00670/OUT	(Plot of land between Barn Cottages and Walcot, Harwich Road, Little Oakley) Bungalow with garage (Renewal of permission TEN/93/0654)	Approved	26.07.1996
98/00354/OUT	(Land north side of Harwich Road, Lt Oakley) Residential development	Approved	12.05.1998
99/00805/OUT	Bungalow with garage (Renewal of TEN/96/0670)	Approved	15.07.1999
05/00822/OUT	Renewal of outline planning application 02/00993/OUT for erection of bungalow with garage.	Approved	30.06.2005
10/01405/FUL	New dwelling and garage.	Refused	11.02.2011
11/01056/FUL	New dwelling.	Refused	07.11.2011
13/00275/OUT	New single dwelling.	Approved	31.07.2013
16/00756/OUT	New single dwelling.	Approved	12.07.2016
19/00548/OUT	New single dwelling.	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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

COM6 Provision of Recreational Open Space for New Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

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 (2019) 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 relates to land between Barn Cottages and Walcot, Harwich Road, Little Oakley. The application site is accessed from Harwich Road. The parcel of land is currently vacant laid to grass and it has a site area of 0.04 hectares.

Planning History

Under planning reference 13/00275/OUT, outline permission was granted with all matters reserved except access. Under planning reference 16/00756/OUT, outline permission was granted with all matters reserved except access.

Proposal

The application seeks outline planning permission for the construction of one dwelling with two parking spaces.

All matters (appearance, landscaping, layout and scale) are reserved for consideration as part of a future detailed application except from access. The proposal therefore seeks to establish the principle of one dwelling on the site.

Assessment

The main considerations for this application are;

- o Principle of Development
- o Layout and Appearance
- o Residential Amenities
- o Highway Safety and Parking

- o Trees and Landscaping
- o Heritage Impact
- o Financial Contributions
- o Habitat Regulations Assessment

Principle of Development

The site lies within the Settlement Boundary for Little Oakley , as outlined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

That said, this is an outline application, where all matters of detail are reserved except access for subsequent approval. This means that most of the issues will only fall to be given full and proper consideration under any subsequent application for approval of reserved matters.

Layout and Appearance

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application. Elevational drawings have been submitted as part of this application. However, in a future application it is noted that the height of the dwelling will need to be reduced to 1.5 storeys to be in keeping with the surrounding area and it will need to be set back from the street scene to retain the listed buildings prominence within the street scape.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The floor plans submitted with this application demonstrate that the dwelling will accommodate two bedrooms and therefore requires a minimum of 75 square metres. The drawing provided shows that ample space can be achieved.

It is therefore considered that a detailed design, layout and landscaping scheme could be provided at reserved matters stage which would preserve the character of the surrounding area and be acceptable in terms of visual impact.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Appearance and layout are reserved for later consideration. It is considered that one dwelling could be accommodated on the site with no material loss of amenity in terms of loss of light, outlook or privacy. Therefore, it is considered that sufficient spacing with the neighbouring dwellings - number 9 Harwich Road and 'Walcot' - could be achieved to result in a development that would not harm the amenities of neighbours.

Highway Safety/Parking

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex County Highways have no objection to this application subject to conditions relating to vehicular access, visibility splays, no unbound materials, pedestrian visibility splays, tandem vehicular parking and boundary hedge.

The Council's Adopted Parking Standards require that dwellings with 2 bedrooms or more require a minimum of 2 parking spaces per unit. The preferred bay size for cars is 5.5 metres by 2.9 metres. The minimum bay size is 5 metres by 2.5 metres and should only be used in exceptional circumstances. Garages should measure 7 metres by 3 metres in line with Essex Parking Standards. The plans demonstrate that both parking spaces would measure 2.5 metres by 5 metres which falls below the Essex Parking Standards. However, there is sufficient space available on site to accommodate the requirement.

Trees and Landscaping

Landscaping will be secured at the reserved matters stage. There is scope for soft landscaping to be implemented to screen and enhance the appearance of the completed development. It is considered that no trees or other significant vegetation will be affected by the development proposal. The proposed planting of a Beech hedge on the boundary will be secured by condition when a detailed application is submitted.

Heritage Impact

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Local Plan states that development that would adversely affect the setting of a listed building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site is located adjacent to a Grade II Listed Barn Cottages.

The Council's Historic Environment consultant has stated that there may be potential for development within this site, considering its sensitive location an outline application is not appropriate, with the level of impact unable to be understood. Therefore the Historic Environment Consultant is not in support of this scheme. However, it is considered subject to a sympathetic and high quality design, it is considered that the works could enhance the area's character. Therefore, it is considered that whilst the comments raised are noted, on balance it is considered that a future detailed proposal could ensure that the dwelling is accommodated on site without harming the setting of the Grade II Listed Building. Any substandard proposals would be refused on heritage grounds. An informative has been added to confirm the detailed proposal should be of an excellent standard and that pre application advice should be sought.

Financial Contributions - Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -1.08 hectares of equipped play/open space in Little Oakley. Due to the size and location of the development it is unlikely to have any impact on the current deficit. No contribution is being requested on this occasion.

Habitat Regulations Assessment

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

A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England.

The application scheme proposes a residential dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 1.3km away from Hamford Water Ramsar and SPA. New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure 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

Little Oakley Parish Council have not commented on this application.

No letters of representation have been received.

6. Recommendation

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 3 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4 Prior to occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

- 5 Prior to the proposed access being brought into use, vehicular visibility splays of site maximum by 2.4m by site maximum as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety

- 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 the proposed access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety

- 8 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety

- 9 Any new boundary hedge shall be planted a minimum of 1m back from the highway boundary and entirely clear of any visibility splays.

Reason: To ensure that the future outward growth of the hedge 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

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: Drawing No. 1303.3/2.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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:

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The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Within a future detailed planning application, the design should be of an excellent standard given the sensitive location within a Conservation Area and within the setting of a Grade II* Listed Building. It would be advised that pre-application discussions are carried out prior to a future submission.

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
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