

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/11/19
Planning Development Manager authorisation:	TF	14/11/19
Admin checks / despatch completed	CC	15.11.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	VLE	15/11/19

**Application:** 17/01917/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr & Mrs L Buchan

**Address:** Windmill House The Street Ramsey

**Development:** Proposal to erect 2 new dwellings with associated parking & landscaping.

### 1. Town / Parish Council

The view of the Ramsey & Parkeston Parish Council is No Objection

### 2. Consultation Responses

**Tree & Landscape Officer** The only tree of significance on the application site is the young Silver Birch within Plot 2. This tree makes only a moderate contribution to the appearance of the Ramsey Conservation Area. It does not merit retention or protection by means of a tree preservation order.

With regard to the impact of the development on other trees it should be noted that there are trees within the curtilages of adjacent properties. However the separation distance is such that they are unlikely to be adversely affected by the development proposal. It is therefore not considered necessary for the applicant to provide a detailed Tree Report and Survey.

The site layout shows the planting of 4 English Oak that will, in time, become important features in the conservation area.

**ECC Highways Dept** The Highway Authority does not wish to make comment further to those submitted under application 17/00525/FUL.

**Historic England** The proposals comprise the erection of two detached dwellings; one single-storey and one 1.5 storeys in height, with walls of soft red brickwork with white cement plinths and black weatherboarding above, together with rosemary clay tile roofs and white-painted softwood windows.

Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations, (paragraph 17). Great weight should be given to a heritage asset's conservation and any harm requires clear and convincing justification, Significance can be harmed or lost through alteration or destruction of the heritage asset or development within

its setting, (paragraph 132). Where a proposal would result in harm, this should be weighed against the public benefit of the scheme, including securing its optimum viable use, (paragraph 134).

Following our concerns regarding the previous proposals submitted earlier in 2017 for two two-storey, three-bedroomed houses on this site, Historic England consider the current proposals for the construction of two dwellings (one single-storey and one 1.5-storey) to be contextually appropriate in terms of scale, massing and detailed design including materials in this sensitive, elevated location. We are satisfied that the significance of the grade II\* listed Ramsey Windmill would not be harmed as a result of the impact of the development on its setting and that the significance of the Ramsey Conservation Area would not be harmed as a result of the impact of the development on its character and appearance. We would have no objections should your authority be minded to approve the application.

#### Recommendation

Historic England has no objections to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 132 and 134.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

UU Open Spaces

#### **Current Position**

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space.

There are two play areas in Ramsey. A Local Area for Play located at Ramsey War Memorial and a Local Equipped Area for Play at Clayton Road.

To cope with additional development in Ramsey, the War Memorial Trust have plans in place to increase the size of the War Memorial play area by the provision of a MUGA.

#### **Recommendation**

**Due to the lack of facilities in Ramsey it is felt that a contribution towards off-site play facilities is justified and relevant to the planning application, which can go toward the provision of a MUGA adjacent to the War Memorial Play Area.**

### **3. Planning History**

09/00678/FUL	Change of use from Class C3 (dwellinghouse) to Class C2 (residential care home) for homeless and disabled children.	Refused	19.10.2009
16/00272/FUL	Demolition of the existing annexe and courtyard arrangement and replacement with a two-storey extension including internal alterations.	Refused	17.05.2016
17/01917/FUL	Proposal to erect 2 new dwellings with associated parking & landscaping.	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

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
LP1 Housing Supply  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
CP1 Sustainable Transport and Accessibility

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 (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 is located within the settlement of Ramsey. The application is located abutting the settlement boundary for Ramsey, in both the saved and emerging local plans, sitting within the existing cluster of dwellings, albeit that it is just outside, but adjacent to the built-up area. The site comprises two parcels of grassed land located either side of a lane (Bucks Lane) that leads to Windmill House and Ramsey Windmill to the north. The windmill is Grade II\* listed. The site is also situated within the Ramsey Conservation Area.

### Proposal

This application proposes the erection of two detached properties on land either side of Bucks Lane. The properties would be single storey (2 bed) and 1 and half storey (3 bed) in scale and would be finished in black weatherboarding under a plain clay tiled roof. To the north of each property a private amenity space is proposed that would be enclosed by hedgerow.

A previous application (ref - 17/00525/FUL) for the construction of two substantial dwellings on the application site was withdrawn due to concerns over the scale and size of the properties and their impacts upon the setting of the Ramsey Windmill. This application represents a re-submission following discussions in respect of the design/scale of the development with Historic England.

### Appraisal

#### Principle of Development

The application site is located outside, but adjacent to, the Settlement Development Boundary of Ramsey Village as defined within the saved policy for Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

The National Planning Policy Framework 2019 (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 report, 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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Ramsey is categorised in Policy SPL1 of the plan, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and range of local services available. Ramsey and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. The proposed development however, whilst technically outside the settlement boundary, would be located within a small residential extension to the northern side of the village and would constitute 'small-scale residential 'infill' development' that would fit well within the pattern of development and would not adversely impact the historic character of the village.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below;

#### The Economic Dimension

Economically, the proposed dwellings would to some extent contribute to the economic objective of the NPPF as the construction of the dwellings would provide short term employment and once completed the residents will contribute to the local economy.

#### The Social Dimension

Socially, the site is located in an area which does not benefit from many key facilities there is a public house and good bus service. However, the local school is situated some distance away towards Dovercourt. However, whilst such facilities are not within reasonable walking distance, they are easily accessible by public transport or within cycling distance. It is therefore considered that on balance the proposal meets the social dimension of sustainable development.

#### Environmental Dimension

Saved Policy EN1 of the Local Plan states that the quality of the district's landscape and its distinctive local character will be protected and, where possible enhanced and that development which would significantly harm the landscape character or quality will not be permitted. Whilst the site lies outside the Settlement Development Boundary as defined within the Local Plan it would form 'infill' development with a small extension within the village and would sit well within the urban grain and established pattern of development. The scale of development is appropriate for the size

of the village, and is enclosed by other residential dwellings. The proposed dwellings have a road frontage. The proposed development would be an acceptable form of development therefore would not result in any adverse impact to urban and historic character of the area. The development therefore meets the environmental strand of sustainability.

### Design/Heritage Impacts

The design of the dwellings has evolved through discussions with Historic England regarding their impact upon the listed Ramsey Windmill and Ramsey Conservation Area. As a result of these discussions the dwellings would take on a simplistic traditional appearance utilising black weatherboarding and plain clay tiles to give reference to traditional rural outbuildings comprising of materials in the local vernacular. The dwellings would be similar in appearance to the neighbouring properties in terms of form comprising a dual-pitch and hipped roof along with comparable eave heights. The dwellings would front onto the lane and would be enclosed by a low level red brick wall consisting of a Flemish Bond. The private gardens to the north are to be screened by planting that will be secured via a landscaping condition. Permitted development rights for walls/fencing and extensions/outbuilding will be removed to protect the character of the area and the setting of the Ramsey Windmill.

Historic England have reviewed the application and confirm that they consider the proposed development to be contextually appropriate in terms of scale, massing and detailed design in this sensitive location. Further they confirm that the significance of the grade II\* listed Ramsey Windmill would not be harmed as a result of the impact of the development on its setting and that the significance of the Ramsey Conservation Area would not be harmed in respect of the impact of the development upon its character and appearance. As such Historic England have no objections to the proposals.

### Tree Impacts

The only tree of significance on the application site is the young Silver Birch within Plot 2. This tree makes only a moderate contribution to the appearance of the Ramsey Conservation Area. It does not merit retention or protection by means of a tree preservation order.

With regard to the impact of the development on other trees it should be noted that there are trees within the curtilages of adjacent properties. However the separation distance is such that they are unlikely to be adversely affected by the development proposal. It is therefore not considered necessary for the applicant to provide a detailed Tree Report and Survey.

The site layout shows the planting of 4 English Oak that will, in time, become important features in the conservation area. These will be secured via the landscaping condition.

### Residential Amenities

The proposed development would not result in a materially damaging impact upon neighbour amenity by way of loss of light, privacy or impact upon outlook. Plot 1 would be sited adjacent to an existing property (Old Mill Cottage), however its facing flank is single storey in scale and due to its siting to the north of this dwelling would not adversely impact upon the light it receives. Plot 2 would be located a significant distance from any nearby residential dwelling and therefore would not harm the existing amenity of nearby residents.

### Private Gardens

Each property would be served by an amenity space of over 200sqm which comfortably accords with the requirements of saved policy HG9 which stipulates a minimum of 75sqm for 2 bed properties and 100sqm for 3 bed and over properties.

### Highways

Essex County Council Highways have reviewed the submitted plans and have no objections to layout providing or the capability of the lane to serve two additional properties. They have

requested conditions relating to; the provision of the parking/turning areas prior to first occupation and no unbound materials within 6m of the highway boundary.

The plans show that each property would be served by 2 no. parking spaces to accord with the requirements of the current parking standards.

#### Legal Obligations

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 -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space. There are two play areas in Ramsey. A Local Area for Play located at Ramsey War Memorial and a Local Equipped Area for Play at Clayton Road.

To cope with additional development in Ramsey, the War Memorial Trust have plans in place to increase the size of the War Memorial play area by the provision of a MUGA.

Therefore, due to the lack of facilities in Ramsey it is felt that a contribution towards off-site play facilities is justified and relevant to the planning application, which can go toward the provision of a MUGA adjacent to the War Memorial Play Area.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure compliance with saved policy COM6.

#### Habitat Regulations

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

Ramsey & Parkeston Parish Council have no objections to the application. No further letters of representation have been received.

#### Conclusion

It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Tendring District Local Plan Proposed Submission Draft. Accordingly the application is recommended for approval.

## **6. Recommendation**



## 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 The development hereby permitted shall be carried out in accordance with the following approved plans: P01, P02 and P03.

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

- 3 The development shall not be occupied until such time as the car parking and turning areas, indicated on the approved plans, have been made available. The car parking and turning areas shall be retained in this approved form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason - To minimise the level of on-street parking of vehicles in the adjoining streets in the interests of highway safety.

- 4 No development 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 interests of visual amenity and the character of the area.

- 5 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 interests of visual amenity and the character of the area.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

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

- 7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the roof of the dwellings shall be erected or carried out without first having obtained planning permission.

Reason - To avoid any adverse impact on the amenities of neighbouring residents by virtue of overlooking and to protect the character and appearance of the conservation area and the setting of nearby listed windmill.

- 8 No development shall take place, including any ground works or demolition, until a Construction Method Statement 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:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. hours of construction

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of residential amenity.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the setting of the nearby listed Ramsey Windmill and Ramsey Conservation Area are retained, in the interests of visual amenity.

## 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.

### Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	<b>YES</b>	<b>NO</b>
---	------------	-----------

**Are there any third parties to be informed of the decision?**  
**If so, please specify:**

YES

NO