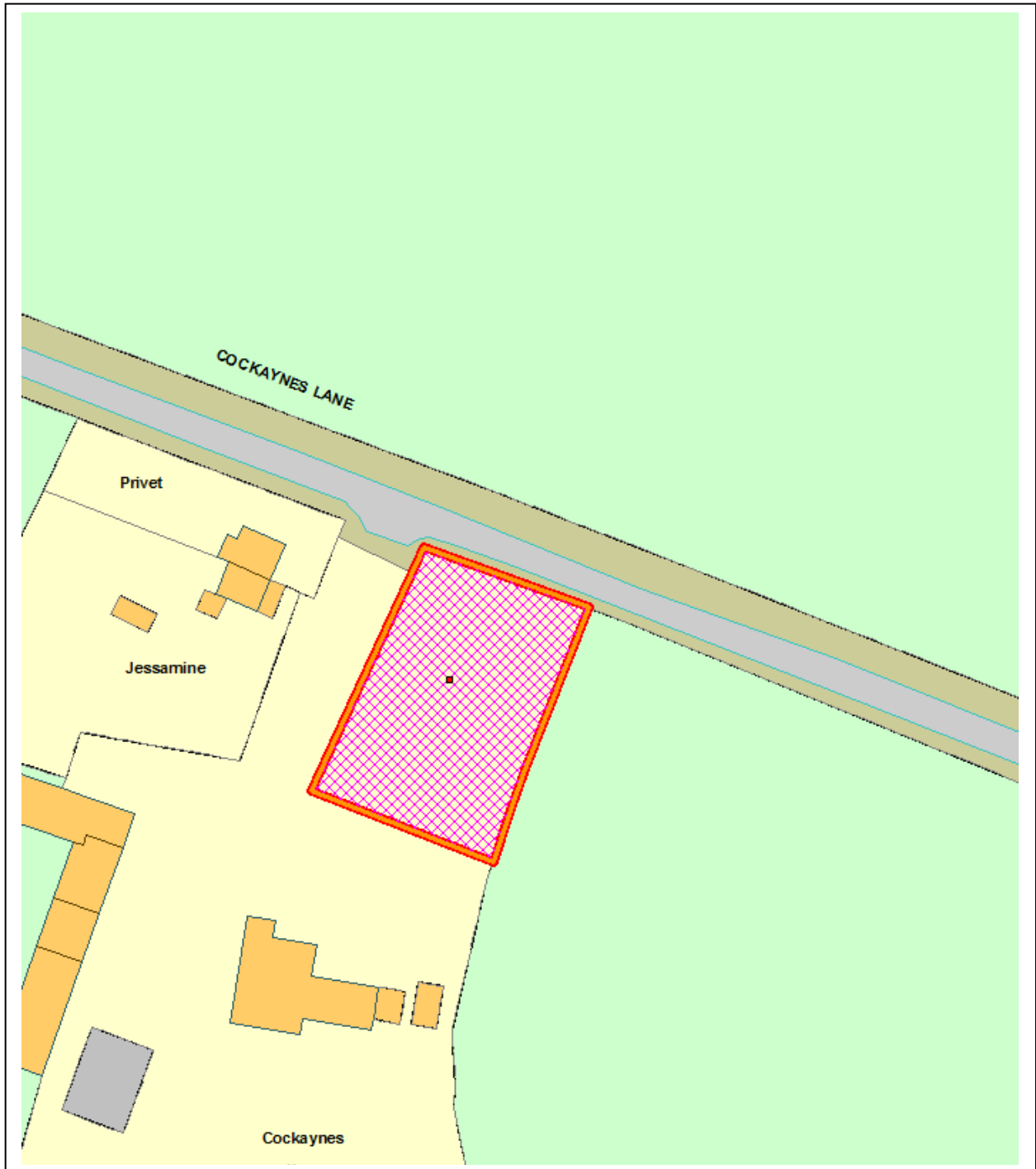


PLANNING COMMITTEE

4TH JANUARY 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 16/01621/FUL - LAND ADJACENT COCKAYNES HOUSE, COCKAYNES LANE, ALRESFORD, CO7 8BZ



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Application:	16/01621/FUL	Town / Parish: Alresford Parish Council
Applicant:	Mr Lawrence Putter	
Address:	Land Adjacent Cockaynes House, Cockaynes Lane, Alresford, CO7 8BZ	
Development:	Erection of one detached three bedroom dwelling house.	

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr Gary Scott.
- 1.2 The application is for the erection of a single detached dwelling on the southern side of Cockaynes Lane. The application site has been the subject of two refused planning applications for single dwellings, which were subsequently dismissed at appeal. Since the dismissal of the most recent appeal, two large housing schemes for 145 dwellings to the south and east of the site and 60 dwellings to the north have been granted outline planning permission on appeal. These appeal decisions represent a strong material planning consideration when assessing the impact of the application on the character of the lane.
- 1.3 The principle of residential development is considered acceptable in this sustainable location in close proximity to the range of services and facilities in Alresford.
- 1.4 The revised detail of the proposal along with the two key appeal decisions on land adjacent and opposite the site are considered to overcome the previous objections and reasons for dismissal at appeal. The resultant development would respect the character of the surrounding area with no material harm to the protected trees, highway safety or residential amenity. In the absence of a five year housing land supply approval is recommended as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits taking account of the National Planning Policy Framework and policies of the Local Plan.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit
2. List of approved plans
3. Remove Permitted development rights for boundary treatments, outbuildings and pools
4. Remove Permitted development rights for extensions to the dwelling
5. Tree protection measures and hedgerow planting as shown on RPA plan
6. Construction Method Statement
7. Permeable paving
8. No unbound material in first 6m of access
9. Vehicular parking and turning area provided prior to occupation and retained thereafter
10. Landscaping scheme
11. Implementation of landscaping scheme

2. Planning Policy

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan (2007)

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond – Preferred Options Consultation Document (July 2016)

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Supplementary Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice (2009)

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation,

some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

3. Relevant Planning History

13/01462/FUL	Erection of one no. aspirational dwelling.	Refused (Dismissed on Appeal)	08.05.2014
15/01035/FUL	Erection of 1no. detached 3 bedroom dwelling house and attached garage.	Refused (Dismissed on Appeal)	25.09.2015

Land South of Cockaynes Lane

14/01823/OUT	Up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	Refused (Allowed on Appeal – 01.06.2016)	14.04.2015
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Land North of Cockaynes Lane

15/00120/OUT	Up to 60 dwellings	Refused (Allowed on Appeal – 01.12.2016)	02.11.2015
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4. Consultations

Building Control and Access Officer No comments at this time.

ECC Highways Dept This Authority has assessed the highway and transportation impact of the proposal and having regard to the fact that this proposal would only lead to very minor intensification in use of an existing access, does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan 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.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

- No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority.

Tree & Landscape Officer The main body of the application site is set to grass. The site contains trees on its boundary several of which make a positive contribution to the character and appearance of the area and to the rural character of Cockaynes Lane.

The application site is affected by Tree Preservation Order TPO/14/05. The TPO affords formal legal protection to 3 oaks adjacent to the highway, a Lime situated in the south western corner of the plot and two other trees situated on land immediately adjacent to the application site: a Lime and an Oak.

In order to show the impact of the development proposal on the trees on the land the applicant has provided a tree survey and report. The report shows how the development proposal can be implemented without causing harm to the trees.

With regard to the boundary hedgerow situated adjacent to the access road and Cockaynes lane, the status of the land on which the hedgerow is situated will determine whether or not it falls within the scope of the Hedgerow Regulations 1997. If the land is part of the countryside then the hedgerow will be protected by the above regulation whereas if the land is part of the curtilage of a residential dwelling house it will not.

Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping. It will be important for the soft landscaping to address boundary treatment especially adjacent to Cockaynes Lane.

5. Representations

5.1 Alresford Parish Council object to the development on the basis that the site is outside the settlement development boundary, the development would not have a positive impact for the village and would harm the rural character of the lane.

5.2 32 letters of objection have been received (some from the same address) in respect of the following matters:

- Materially harmful to the rural landscape character and appearance of the area.
- Fails to provide suitable living conditions for future occupants.
- Would have an adverse impact on protected trees and landscaping.
- Unsustainable location outside development boundary.
- No soakaway, drainage, utility supplies (these points would be addressed at Building Regulations stage for a development of this scale).
- Would set a precedent - strain on existing infrastructure (each application is assessed on its merits and it is not considered there is a directly comparable site in the immediate area).
- Unsuitable access - unmade and single width road.
- No right of access (the access drive is shown outlined in blue confirming that it is within the applicant's ownership or control. If this is not the case this would be a civil matter to be resolved between the parties and would not affect determination of this application).

- Traffic increase would be a danger to pedestrians and cyclists - no pavements or street lighting.
- Flooding (the site is not within a flood zone but does lie within an area identified as being at risk of surface water flooding. The risk is 'less' (i.e. the lowest of the three categories) and given the small footprint of the development in relation to the undeveloped garden and mature vegetation retained, is unlikely to result in any material increase in surface water flood risk. A permeable paving condition is recommended to ensure the driveway and parking area does not increase surface water runoff).
- Poor design.
- Harmful to protected species and wildlife (the mature vegetation around the boundaries of the site is to be retained with the centre of the site being lawn and therefore of low ecological value. The proposal is therefore unlikely to result in any harm to protected species or wildlife in the area).
- Loss of light to neighbouring properties.
- Two refusals and two appeal dismissals previously relating to residential development on this site.

6. **Assessment**

The main planning considerations are:

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

Context and Background

- 6.1 The application site lies to the south side of Cockaynes Lane, which is a narrow country lane, on the corner with a track which serves three dwellings (Cockaynes House, Privet and Jessamine). The site lies outside of the Settlement Development Boundary (SDB) within the Saved and Draft Local Plan, albeit adjacent to the SDB in the draft plan.
- 6.2 The wider locality along Cockaynes Lane is characterised by large houses in generous plots that are mainly set back from the road. There are generous road verges and established planting resulting in a spacious rural character.
- 6.3 The application site is currently grassed and contains trees (some protected) and hedgerow to the boundaries. It was previously part of the garden to Cockaynes House but is now in separate ownership.
- 6.4 There have been two previous applications for housing on this site which have both been dismissed on appeal. The most recent application referenced 15/01035/FUL was for a similar development to that now sought. The application was refused by members of the Planning Committee on the 22nd September 2015 on the grounds that the development would introduce development into a space which currently contributes to the spacious and rural character along Cockaynes Lane. Members considered that the erection of a dwelling in this prominent location would materially and detrimentally alter the open and rural character and appearance of the area.
- 6.5 The planning inspector dismissed the subsequent appeal and concluded that;
 - The appeal site is at present quite clearly in a rural area distinctively separate from the built up area of the village of Alresford;

- The development would introduce a significant mass of built form into a space which currently contributes to the spacious and rural character of Cockaynes Lane and as a residential plot is less generous to those nearby;
- Development would have an adverse urbanising impact in views along the lane most notably in a westward direction when trees are not in leaf;
- The attached flat roofed garage would be negative feature in design terms; and
- The development would not enhance or maintain the vitality of any rural community.

6.6 The relevant planning history section at paragraph 3 refers to two applications for large residential developments in the immediate area. One for up to 145 houses (14/01823/OUT) which comprises land to the immediate eastern boundary of the application site and to the south behind Cockaynes House. The second (15/00120/OUT) for up to 60 dwellings comprising land immediately opposite the application site on the other side of Cockaynes Lane. Both these applications were refused by the Council but subsequently allowed on appeal by the Planning Inspectorate. Due to the proximity of the site to these appeal decisions and the issues raised above by the inspector, these appeal decisions are a material planning consideration when assessing the merits of this application.

Proposal

6.7 The application proposes a detached three bedroom dwelling and a parking and turning area.

6.8 The dwelling is traditional in design, measuring 9.4 metres wide by 6.6 metres deep and 7.7 metres to the ridge. Vehicular access is off the driveway serving the three neighbouring dwellings to the west.

6.9 The proposed construction materials are medium multi-red bricks with dark multi-red brick plinth and detailing, reconstituted stone cills and portico, and natural slate to the main roof.

Policy Context/Principle of Development

6.10 The site lies outside of the Settlement Development Boundary of the Saved and Draft Local Plans. It is accepted that the Council is currently unable to demonstrate a five year supply of deliverable housing sites but the provision of one dwelling would make only a modest contribution to the supply for the district as a whole.

6.11 As an adequate supply of housing cannot be demonstrated paragraph 49 of the NPPF applies in relation to the three dimensions of sustainable development. The proposed dwelling would generate economic activity during its construction and subsequent occupation so would meet the economic dimension of sustainable development.

6.12 In regard to the social impact it is necessary to consider the distance to important destinations such as healthcare, education, convenience shopping and jobs. The nearest established settlement is Alresford with the SDB in the saved local plan located approximately 92 metres to the East along Cockaynes Lane. Alresford is classed as a Rural Service Centre under draft policy SPL1 and identified as having a range of services and public transport links. The proposed dwelling is around 345 metres away from local amenities e.g. shops and takeaways and it is around 385 metres away from the train station. These are both in walking distance from the proposed dwelling. Furthermore, the Planning Inspector did not object to the principle of residential development on this site and commented that the development is in proximity to the village of Alresford and its services and facilities. Consequently the proposal is considered to meet the social dimension of sustainable development.

- 6.13 The environmental role is about contributing to protecting and enhancing the natural, built and historic environment which is considered below under Impact on Surroundings and Trees.

Impact Upon Surroundings and Trees

- 6.14 The site forms part of the previous front garden to Cockaynes House and has the appearance of a residential garden with lawn and relatively dense boundary trees and hedgerow. The trees with the greatest amenity value are the three Oaks adjacent to Cockaynes Lane, the Lime tree in the south western corner is also an important feature in the landscape. Two other trees (an Oak and a Lime) outside the boundary also merit protection and all the above trees are afforded formal legal protection by Tree Preservation Order TPO/14/0005.
- 6.15 The Planning Inspector when assessing the most recent appeal on the site considered that the provision of a single dwelling on this plot would significantly harm the rural character and appearance of the lane. However, as stated above, since the appeal decision relating to the application site was issued, two key appeals relating to large housing developments on adjacent site have been determined. The appeals granted outline planning permission for 145 dwellings on the land to the east and south of the site and 60 dwellings on the land directly opposite the application site on the northern side of Cockaynes Lane. As such these appeal decisions are a strong material consideration when assessing the merits of the current application and particularly in respect to its impact upon the character of this section of Cockaynes Lane.
- 6.16 The appeal decisions result in the approval of 205 dwellings to the south and east of the site and to the north on the opposite side of Cockaynes Lane. These developments also necessitate the widening of the lane at its eastern end and the provision of a pedestrian footpath. In this context and notwithstanding the fact that the Reserved Matters for these housing developments have yet to be received, the eastern end of Cockaynes Lane and particularly in and around the application site will become more urban in character.
- 6.17 Against this backdrop and having consideration to the presence of existing dwellings to the west, the application site will eventually be surrounded by residential development on all sides. For this reason and due to the presence of existing boundary vegetation that will be supplemented, the proposal for a single dwelling would not adversely impact upon the character of this section of Cockaynes Lane. The application site is located in a central location in amongst existing housing and the housing sites approved on appeal. The resultant dwelling would therefore not appear out of place or harmful to the character of the lane and views westwards would not be limited to that of the approved dwelling, due to the eventual presence of housing to the north that will extend further westwards than the site. In addition, the retention of the existing trees and hedgerow will further assist in softening the appearance of the development subject to conditions to secure appropriate landscaping and removing permitted development rights for boundary treatments and outbuildings.
- 6.18 In respect of the protected trees and hedgerows on the site, as the land was previously residential curtilage the hedgerows do not fall within the scope of the Hedgerow Regulations 1997. The information submitted adequately demonstrates that the proposal can be implemented without causing harm to the protected trees subject to adequate conditions to control protection of the trees during construction.
- 6.19 One of the objections of the inspector to the previous application was the design of the proposed flat roofed garage. In view of this the flat roof garage element has been removed from the scheme and replaced with a block paved parking area. This represents an improvement.

- 6.20 The detailed design is of a traditional dwelling which is in keeping with the scale, design and construction materials of surrounding development. The ridge height of the dwelling has been reduced by over 1m resulting in a less bulky and prominent dwelling which is also set much further back from Cockaynes Lane and substantially behind the neighbouring dwelling at Privet. This significantly reduced bulk, footprint and forward siting is considered to overcome the previous concerns in relation to the impact upon the spacious and rural character along Cockaynes Lane.
- 6.21 The dwelling would be provided with a generous rear/side garden of around 305 square metres plus around 95 square metres of side garden between the dwelling and Cockaynes Lane. This is four times that required by saved Policy HG9 and ensures the dwelling respects the spacious rural character of the area. To ensure this character is retained it is recommended permitted development rights for extensions and outbuildings are removed to ensure the spacious character is retained and in the interests of preserving the root protection areas of the protected trees.
- 6.22 Subject to the recommended conditions the proposal is therefore considered to result in no material harm to the spacious rural character of the surrounding area and meets the environmental dimension of sustainable development.

Residential Amenity

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

Highway Safety

- 6.24 The layout shows ample space for the parking and turning of two vehicles. The development is therefore in accord with the current parking standards.
- 6.25 The Highway Authority has no objection to the proposal subject to conditions requiring the parking and turning area being provided prior to first occupation of the dwelling, no unbound materials used in the first 6m of the access and a sustainable transport pack being provided. The first two requirements will be secured via conditions. In respect of the transport information pack this will not be sought. As the application is not a major residential development it is not considered that it would be reasonable to request such a marketing pack. Furthermore, there is no policy mechanism in place to secure the provision of one.

Background Papers

None.