

DBDELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	07/04/22
Planning Development Manager authorisation:	JJ	07/04/2022
Admin checks / despatch completed	DB	07.04.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	07.04.2022

Application: 22/00282/VOC **Town / Parish:** St Osyth Parish Council

Applicant: Mr Gary Jordan - Earl Wood Properties

Address: The Coach House 110 Colchester Road St Osyth

Development: Variation of condition 2 of application 19/00929/FUL to make use of the existing attic space with inclusion of a velux window to the side elevation of Plot 1.

1. Town / Parish Council

St Osyth Parish Council No objections.
28.03.2022

2. Consultation Responses

ECC Highways Dept It is noted that this application concerns variation of condition 2, of
24.03.2022 original application 19/00929/FUL whereby variations have been
made to make use of the existing attic space with inclusion of a
dormer to the side elevation of Plot 1. The revision does not alter the
off-street parking provision for the dwelling. As such, the Highway
Authority does not object to the proposals as submitted.

Informative:

1: 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

Essex County Council The above application is for the variation of condition 2 of application
Archaeology 19/00929/FUL to make use of the existing attic space.
28.03.2022

A programme of archaeological investigation has been completed at the above site and no further work is required, there is no recommendation for this application.

Essex County Council The application is for variation of condition 2 of application
Heritage 19/00929/FUL to make use of the existing attic space with inclusion of
04.04.2022 a Velux window to the side elevation of Plot 1. The previously
approved application is for proposed residential development
comprising of 2 detached 1.5 storey dwellings.

The proposed site is located within the St Osyth Conservation Area.

I generally do not support the insertion of rooflights (a non-traditional type of fenestration) within the Conservation Area. However it is noted that the proposed conservation rooflights are of modest size and their visibility from the Conservation Area will be partially mitigated by the existing mature vegetation along the bypass.

There is no objection to this application.

3. Planning History

19/00929/FUL	Proposed residential development comprising of 2 detached 1.5 storey dwellings.	Approved	17.01.2020
21/01554/DISCON	Discharge of condition 10 (Archaeological Evaluation) of application 19/00929/FUL.	Approved	28.10.2021
21/01696/NMA	Non-material amendment to permission 19/00929/FUL, sought to change materials from red tiles to a natural grey slate, stating bricks being used on project.	Refused	22.10.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP4 Housing Layout

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is land located to the north-western corner of Colchester Road, within the parish of St Osyth. The site forms part of the garden area for 'The Coach House', and falls to the north-eastern edge of the St Osyth Conservation Area. The character of the surrounding area is semi-rural; to the east of the site is the larger St Osyth settlement, consisting of significant built form, however to the west is a large grassed area associated with the St Osyth Priory.

The site falls within the recognised Settlement Development Boundary for St Osyth within the Adopted Local Plan.

Planning History

Under planning application 19/00929/FUL, permission was granted for the erection of two detached residential dwellings, one served by three bedrooms and the other two bedrooms.

Description of Proposal

This planning application seeks permission for a variation of Condition 2 of planning permission 19/00929/FUL, which relates to the approved plans. The alteration being requested is to utilise the existing attic space within Plot 1 with the inclusion of one velux window. This is to be sited to the rear, eastern elevation.

Initially, the plans were to include an additional dormer to the side, southern elevation. However, during the determination of the application the applicant revised the drawings to a velux window instead.

Assessment

1. Principle of Development

The principle of the residential development of two dwellings on this site has previously been established within planning permission 19/00929/FUL, with the dwellings now nearing completion at the time of the Officers site visit. The determination therefore falls to the detailed considerations discussed below.

2. Visual Impacts

Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Adopted Policy PPL8 (Conservation Areas) states new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The proposed development results in a minor alteration to the previously approved scheme, with one additional velux window being added to the eastern elevation of Plot 1. Given that this faces towards the rear of the dwelling, it will not be visible from main views along Colchester Road to the west.

It is acknowledged that the site falls within the St Osyth Conservation Area, and as such Essex County Council Place Services Built Heritage Team have been consulted. They have stated that while they typically would not support the insertion of rooflights, as a non-traditional type of fenestration, within a Conservation Area, they also acknowledge the modest alterations being proposed. Given this, and that their visibility from the Conservation Area will be partially mitigated by existing mature vegetation along the bypass to the north, they raise no objections.

3. Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adopted Policy SP7 of the Adopted Local Plan requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The nearest residential properties to the proposed development are 'The Coach House' to the east and 100 Colchester Road to the south. While the amenities of these properties have the potential to be harmed, it is acknowledged the proposal results in the addition of one velux window. Views from this window do not overlook any neighbouring properties, including Plot 2 of the approved development, and in any case the window faces upwards thereby significantly reducing overlooking potential.

Therefore there is not considered to be such harm to any neighbouring amenities that would warrant a reason for refusal.

Other Considerations

St Osyth Parish Council have raised no objections.

There have been no other letters of representation received.

Conclusion

The proposed development is a minor variation to the scheme previously approved under 19/00929/FUL, and will not result in any significant visual impacts. There will also be no impact to neighbouring properties, and therefore the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Permission 19/00929/FUL - drawing numbers LP_01, PA_07, PA_02, PA_04, PA_03 and LOC 1804/07 A.

Planning Permission 22/00828/VOC - drawing number 6839-1250.

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

- 2 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

- 3 There should be no obstruction above ground level in relation to the existing vegetation within a 2.4 metre wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 Prior to occupation of the development a vehicular turning facility, of a design to be previously 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 for each dwelling.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 7 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.

- 8 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.

- 9 The development shall be in accordance with the report titled 'Archaeological evaluation on land west of the Coach House' dated March 2021 and as agreed within 21/01554/DISCON.

Reason - The Historic Environment Record shows that the proposed development lies directly to the south of an extensive sequence of cropmarks probably of multi-period date.

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.