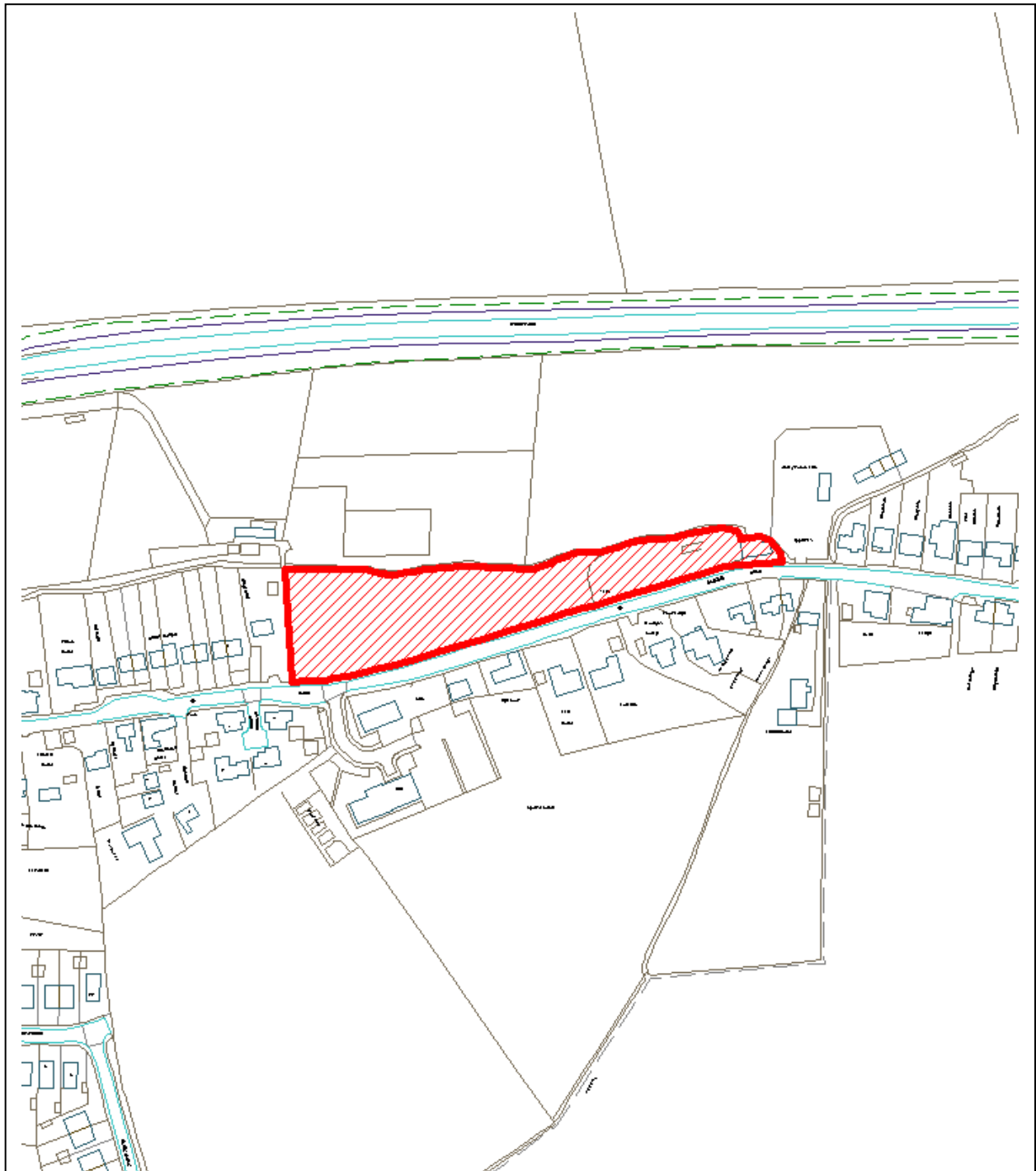


PLANNING COMMITTEE

23 APRIL 2013

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 12/01023/FUL - SITE TO THE EAST OF CHAPELFIELDS, HARWICH ROAD, WIX, CO11 2RY



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Agenda Item No.	A.2		
Application:	12/01023/FUL	Town / Parish:	Wix
Applicant:	Gipping Construction Limited		
Address:	Site to the East of Chapelfields, Harwich Road, Wix , CO11 2RY		
Development:	Proposed development of 14 houses and garages. Demolition of small industrial building.		

1. Executive Summary

- 1.1 The application proposes the erection of fourteen (14) dwellings on a partly, previously developed site on the northern side of Harwich Road, Wix.
- 1.2 The site is included within the settlement limit for Wix (Policies Inset Map 40: Wix) identified by the emerging local plan.
- 1.3 The report considers the proposal in relation to the National Planning Policy Framework (NPPF) and those policies of the District's emerging local plan (Tendring District Local Plan: Proposed Submission Draft 2012) where these can be afforded weight at this stage of the local plan preparation. The report also considers the proposal against other material considerations (including the planning history of the site; the question of whether it is appropriate to consider alternative sites; sustainability; design – including layout, amenity and parking standards; residential impact; visual and landscape impact; flood risk; biodiversity; pollution; highways issues; and Section 106 obligations).
- 1.4 Members should note that this agenda also includes a report relating to another site in Wix (Application Number 12/01135/OUT refers) and which also proposes a residential development. Officers have had regard to national planning policy; emerging local plan policy; and planning case law in relation to how applications should be considered where there are competing 'alternative sites' and are of the view that at this time (given the status of the emerging local plan in April 2013) each site must be determined on its merits and not as direct competitors to fulfil the housing need in Wix until 2021.
- 1.5 Officers consider that this application scheme is acceptable and that conditional planning permission should be granted following the completion of a Section 106 obligation.

Recommendation

That the Head of Planning be authorised to:

1) Grant planning permission (12/01023/FUL) for the development subject to:-

a) The completion of a Section 106 obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure contributions towards public open space (and any further terms and conditions as the Head of Planning and/or the Legal Services Manager in his or her discretion consider appropriate); and

b) **Conditions:**

1. Time Limit for commencement – three years from the date of the decision

2. Development in accordance with the plans
3. Details of materials and permeable surfacing to hard surfaced areas to be agreed
4. External Materials to be agreed
5. Hard and Soft Landscaping - including replacement hedgerow planting with native species
6. Tree protection measures and no dig operations where relevant
7. Boundary treatments
8. Site Levels
9. Construction to be in accordance with approved Construction Traffic Management Plan
10. Land contamination
11. Surface and foul water drainage scheme to be agreed
12. As per Highway Authority recommendations – including increased width of footpath to 2 metres and upgrade of nearest bus stop
13. As per recommendations in phase 1 habitat survey

Reason for approval:

The proposal for the construction of fourteen houses with associated parking, access and landscaping works is considered to comply with the NPPF and Tendring District Local Plan: Proposed Submission Draft 2012 in terms of layout and access. The Local Planning Authority having had regard to all planning considerations material to the determination of this application, including particularly the scale and nature of development and all consultations and representations made in connection with the application, has concluded that the proposal accords with the provisions of the Development Plan as applicable to it, and in the absence of any material adverse impact resulting from the development considers that there are no material grounds which justify its refusal.

2. Planning Policy

National Policy:

- 2.1 The NPPF presumes in favour of sustainable development, which requires Local Planning Authorities to **positively** seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. The NPPF states that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses should be treated on their merits having regard to market signals. It also encourages the reuse of previously developed brownfield sites – particularly those that are not of high environmental value.
- 2.2 The NPPF requires a mix of housing to be delivered that serves the needs of the community and reflects local demand in terms of size, type and tenure. In delivering such development high regard should be paid to good design that takes into account the views of the community.
- 2.3 It also places an emphasis on conserving and enhancing the natural environment.
- 2.4 The NPPF states that Local Authorities should take account of changes in market conditions over time and be sufficiently flexible to prevent development being stalled. To ensure viability, the costs of any requirements should be balanced against the need to provide competitive returns to a willing landowner and a willing developer to enable the development to be deliverable.

Local Plan Policy:

SD1 - Presumption in favour of sustainable development

SD4 - Smaller rural settlements

SD5 - Managing growth

SD7 - Securing facilities and infrastructure

SD8 - Transport and accessibility

SD9 - Design of new development

SD10 - Sustainable construction

PEO1 - Housing supply

PEO2 - Housing trajectory

PEO3 - Housing density

PEO4 - Standards for new housing

PEO7 - Housing choice

PEO8 - Aspirational housing

PEO9 - Family housing

PEO10 - Council housing

PEO14 - Single storey residential development

PEO22 – Green Infrastructure in New residential Development

PLA1 - Development and flood risk

PLA4 - Nature conservation and geo-diversity

Other guidance:

Essex Design Guide

Essex Parking Standards 2009

Statement of Community Involvement

The written Ministerial Statement of Greg Clark 23 March 2011 'Planning for Growth' – that sets out the Government's commitment to promoting sustainable growth.

3. Relevant Planning History

00/00743/OUT	Residential development	Refused	12.07.2000
01/00704/OUT	Residential development (4 houses) resubmission of 00/00743/OUT	Refused	11.07.2001
02/02214/FUL	Change of use to construction	Refused	13.02.2003

company's yard and store with the erection of screen wall and enlargement of vehicle access

05/00774/OUT Development of site for residential purposes - 11 affordable homes - outline. Refused 28.07.2005

4. Consultations

Essex County Council
Archaeology

Recommends a pre commencement condition to secure a scheme of investigation

Principal Tree &
Landscape Officer

The information contained in the tree report and survey submitted by the applicant contains an accurate description of the health and condition of the trees on the land and adequately demonstrates that the development can be implemented without having a significant detrimental impact on the trees and other vegetation. It also identifies works to trees.

The works are necessary to ensure a satisfactory juxtaposition of new dwelling to existing trees and involve pruning operations that it would be prudent to carry out prior to the commencement of any development for which consent may be granted, namely the pollarding of four Crack Willows T1, 2, 3 and 10 and the crown reduction of one Common Oak T7. These works will not significantly affect the amenity value of the trees and will ensure that they are retained at a size proportionate to their location.

Should consent be granted then a condition should be attached to secure new soft landscaping especially on the boundary with the highway where parts of G1 will be removed in order to gain access. Section 2.5 of the Tree Report makes reference to the opportunity for new planting in this area. Elsewhere on the application site opportunities for new tree and shrub planting should be maximised.

Anglian Water Services
Ltd

No comment received to date

ECC Highways Dept

The Highway Authority raises no objection subject to:-

1. Plots 1-4 & 5-8

Prior to the occupation of any of the proposed dwellings, each of the proposed private drives shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority.

Prior to each of the proposed accesses being brought into use, vehicular visibility splays of 45m by 2.4m by 45m shall be provided

2. Plots 9 & 14

Prior to occupation of the proposed development, each of the proposed vehicular accesses shall be constructed at right angles to

the highway boundary and to a width of 3.6 metres and shall be provided with an appropriate dropped kerb

Prior to each of the proposed accesses being brought into use, vehicular visibility splays of 45m by 2.4m by 45m shall be provided

3. Plots 10 -11 & 12-13

Prior to the occupation of any of the proposed dwellings, each of the proposed private drives shall be constructed to a width of 7.2m and shall be provided with an appropriate dropped kerb

Prior to each of the proposed accesses being brought into use, vehicular visibility splays of 45m by 2.4m by 45m shall be provided

4. Prior to each of the proposed vehicular accesses being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay shall be provided on both sides of that access

5. No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary.

6. The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced and sealed.

7. Prior to commencement of the proposed development, vehicular turning facilities as shown on the submitted plans, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

8. Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.

9. The proposed new boundary hedges shall be planted a minimum of 1m back from the highway boundary and outside any visibility splay.

10. Prior to the proposed access being brought into use, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority.

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

12. Prior to the commencement of the proposed development, details of a wheel and underbody cleaning facility shall be submitted to and approved in writing by the Local Planning Authority

13. Prior to the commencement of the proposed development, details of an on site parking facility for demolition and construction workers and vehicles, a loading and unloading area for construction materials and a turning facility suitable for the largest vehicle attracted to or

generated by the sites activities during the construction and finishing phases shall be submitted to and approved in writing by the Local Planning Authority.

14. Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway.

15. Prior to the occupation of any of the proposed dwellings the bus stop opposite the proposed development site and adjacent to the vehicular access to the Wix Village Hall shall be improved by the provision of level entry kerbing, new post and flag, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense.

Environment Agency

No comment to date

5. Representations

Community Involvement

5.1 In advance of submitting the formal application, the applicant has consulted Wix Parish Council. The applicant has been invited to and has attended two public Parish Council meetings. The proposal has also been considered by the Council's Development Team. The comments of both Wix Parish Council and the Council's Development Team (including those of the Council's Urban Design advisor) have been incorporated into the details of the submitted application.

Wix Parish Council: "emphatically confirm that Wix Parish Council and the community we represent back this fourteen house development whole heartedly and without reservation."

5 objections have been received and one observation. These are summarised as follows:

- Contests the Parish Council comments that the community whole heartedly supports the application due to the fact that only 1.5% of the residents of Wix attended the meetings when the application was discussed
- The Design and Access Statement is misleading – the site is not predominantly previously developed land and the vast majority of the existing hedgerow will need to be removed
- The widening of the footpath to two metres will push the dwellings back into the site nearer to the watercourse and may reduce parking
- Eight separate accesses onto Harwich Road will be created
- The replanted hedgerow will be restricted in height because of the need to provide visibility splays
- The development cannot accommodate service vehicles
- The plots are small
- The dwellings will be subjected to flood risk and no alterations are proposed to the watercourse
- Technical omissions and errors within the application so that it should not have been validated and should not be approved : inadequate Design and Access Statement; no tree survey; incorrect information on the application form; no habitat survey; the site is outside the settlement boundary
- The application relies on an unadopted local plan
- The assessment of all available sites has not been undertaken

- The 9m byelaw has not been amended by the Environment Agency to take into account the distance from the watercourse
- The design of the dwellings does not produce a cohesive group or sense of place
- The mix of dwellings does not accord with Policy HG6 of the then adopted local plan
- There is no affordable housing provision
- Concerns over the perceived different way in which the application at the White Hart site and this one have been dealt with by officers

6. Assessment

6.1 The main planning considerations are:

- Policy and Planning History
- Sustainability
- Design – including layout, amenity and parking standards
- Residential impact
- Visual and landscape impact
- Flood risk
- Biodiversity
- Pollution
- Highways Issues
- Section 106 Obligations

The Site

- 6.2 The site is broadly rectangular in shape and is located to the north side of Harwich Road. It has an overall site area of 0.7 hectares. The site is bounded to the north by a stream that is identified by the Environment Agency as liable to flooding. This boundary is also defined by a number of established trees.
- 6.3 The western end of the site where it abuts Chapelfields is used occasionally for the grazing of horses. The eastern end is largely concreted over and was formerly used for the manufacture of concrete products amongst other uses. There is a former chapel building to the far eastern part of the site that has been used in the past in connection with the industrial use of the site. This building is proposed to be demolished.
- 6.4 The southern boundary of the site is partly marked by an established hedgerow. Further to the south, on the opposite side of Harwich Road, is a sports ground, village hall, play ground and a number of residential properties located on spacious plots. The general character of the area is that of a small rural village developed in a linear formation along Harwich Road, beyond the built development is open countryside and the site has a semi-rural back drop.

The Proposal

6.5 The proposal is for the construction of fourteen (14) dwellings comprising both detached and semi-detached properties. The housing types include single; one and a half storey; and two storey properties. The following properties are proposed:

- | | | | |
|-------------------|------------|------------|----------------|
| • Plots 1 and 8 | 1 storey | 3 bedrooms | 84 sq. Metres |
| • Plots 2 and 6 | 2 storey | 3 bedrooms | 97 sq. Metres |
| • Plots 3 and 13 | 2 storey | 3 bedrooms | 95 sq. Metres |
| • Plots 4 and 5 | 2 storey | 4 bedrooms | 116 sq. Metres |
| • Plot 7 | 2 storey | 3 bedrooms | 90 sq. Metres |
| • Plots 9-12 inc. | 1.5 storey | 3 bedrooms | 95 sq. Metres |
| • Plot 14 | 2 storey | 3 bedrooms | 97 sq. Metres |

- 6.6 The housing types have been selected by the applicant to reflect the comments of the Parish Council. The Parish Council would prefer to see the provision of family housing that in turn would help to support local facilities including the school.
- 6.7 The application documents include:
- Design and Access Statement
 - Flood Risk Assessment
 - Contamination Report
 - Arboricultural Survey
 - Phase 1 Habitat Survey
 - Viability Report

Policy and Planning History

General Planning Policy Status:

- 6.8 **From 28th March 2013 the old adopted Local Plan (2007) cannot be relied on in the decision making process.**
- 6.9 Paragraphs 2.14, 2.15 and 2.16 of the NPPF explain the relative weight that can be given to policies and proposals in fully adopted Local Plans compared to emerging draft Local Plans when dealing with planning applications under the government's new planning system and its 'presumption in favour of sustainable development'.
- 6.10 Paragraph 214 of the Framework states that *"for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework"*. Accordingly, over the last 12 months (since the publication of the NPPF on 27th March 2012), the Council has applied full weight to the policies in the 2007 Adopted Local Plan, despite the fact that it does not reflect all aspects of the new national policies.
- 6.11 Paragraph 215 of the Framework states that *"in other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*. Given the fact that the 2007 Adopted Local Plan was only designed to cover the period up to 2011, is based on what is now outdated evidence, outdated housing targets from the now obsolete 2001 Essex and Southend-on-Sea Replacement Structure Plan and reflects the old set of Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) from the previous government, there is a strong argument for not giving weight to any of its policies from 28th March 2013.
- 6.12 However the government does allow the use of emerging draft Local Plans in determining planning applications. Paragraph 216 of the Framework states that *"from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)"*.

- 6.13 The Council's emerging plan is the Tendring District Local Plan: Proposed Submission Draft that was approved by Full Council in September 2012 and published for consultation in November 2012. The consultation period ended in January 2013 and the plan attracted approximately 800 representations. This is a reasonably advanced stage of preparation and whilst the Draft Local Plan still needs to go through the process of consultation on any focused changes, examination and finally adoption, the number and nature of comments made during the consultation period was relatively modest and many of the policies received little or no objection. Most of the policies likely to be used for day-to-day Development Management purposes remain relatively unchallenged with the majority of objections relating to strategic or site-specific issues. Because of the relatively advanced stage of preparation, the relatively few objections to most policies and the fact that the Draft Local Plan has been drawn up in accordance with the new NPPF as opposed to the previous PPS and PPG guidance, there is a strong argument for attaching considerable weight to this emerging plan in the determination of planning applications from 28th March 2013.
- 6.14 In conclusion, the Committee is advised that from 28th March 2013, the 2007 Adopted Local Plan can no longer be used in the determination of planning applications. Applications will be determined in accordance with policies in the Tendring District Local Plan: Proposed Submission Draft 2012 alongside the guidance provided by the NPPF. In accordance with paragraph 216 of the NPPF, recommendations will have regard to the extent to which there are unresolved objections to relevant policies – the less significant the unresolved objections, the greater weight that may be given.

Site Specific Policies

- 6.15 This site is included within the settlement boundary of the emerging local plan Policies Inset Map 40: Wix). The emerging local plan consultation resulted in an objection to the inclusion of this site within the settlement boundary. The objection can be summarised as follows:
- The emerging local plan does not meet the test of soundness when applied to the Policies Map Inset 40: Wix because it fails to deal effectively with land at the former White Hart public house. This land has formerly been allocated for a potential motel site since 1982. This site has an extant planning permission that has been implemented by way of an authorised technical start on site. The draft local plan makes no reference to the former longstanding motel allocation or the extant planning permission.
 - Whilst it may be that support for a motel allocation can no longer be justified the emerging local plan fails to consider the alternative development of the White Hart site for residential development.
 - The absence of the White Hart site from the Council's assessment means that the document has not been positively prepared.
 - The White Hart site and the Chapelfields site are the subject of applications for planning permission for residential development and are competitors.
 - The White Hart site should be included within the Wix Inset map because there is an under supply of social housing; a shortage of housing throughout the District; a need to deal with the requirements of an ageing population; and that there is a limited supply of brownfield sites within the District.
 - The White Hart site should be preferred because it provides for affordable housing; provides a variety of house size and style; and is on land that has been anticipated for development for at least thirty years. The site at Chapelfields is almost exclusively on Greenfield land; it exceeds the 10 dwelling threshold referred to in Policy SD4 and exceeds the maximum 6% increase in housing stock in Wix until 2021 and would not provide local benefits that would justify setting this policy aside. The Chapelfields site is not considered to be genuinely deliverable and would not provide the mix of housing to meet the aspirations of the District (Policy PEO7).
 - The amendment that the objector is seeking is to include the White Hart site within the settlement boundary and to exclude extraneous Greenfield sites that may include the Chapelfields site.

- 6.16 A complete version of the representation form can be viewed by members on prior arrangement with the case officer, however, the above is considered to represent a fair summary of the objection.
- 6.17 The following section of this report considers the proposal in relation to the main emerging local plan policies that relate to the principal of residential development of this site. It then gives an indication of the level of weight that officers consider can be attached to that policy and that should be taken into account when determining the application.
- 6.18 **Policy SD1** presumes in favour of sustainable development and states that the Council will take a positive and proactive approach in determining applications that reflects the NPPF requirements. Planning applications that accord with the policies of the local plan will be approved without delay unless material considerations indicate otherwise. The Planning Inspectorate has asked for this policy to be included within local plans to clarify and emphasise the presumption in favour of sustainable development at national level.
- 6.19 This policy can be applied with confidence as it reflects the NPPF requirement. Full weight can be attached to it in the decision making process.
- 6.20 **Policy SD4** relates to smaller rural settlements and identifies Wix as one such settlement. The policy is aimed at those settlements that do not have as many job opportunities; local services; facilities and other infrastructure but which are still under pressure to grow. In these locations, small scale developments that are in keeping with their surroundings may help younger people to continue to live in the area and to support local services and facilities.
- 6.21 In order to apply a fair distribution of growth throughout the whole District the emerging local plan proposes a 6% increase in housing stock in the urban, key rural settlements and smaller rural settlements between 1st April 2011 and 31 March 2021. Any proposal for housing development that would lead to the 6% increase being exceeded will only be permitted if it is supported by the local Parish Council.
- 6.22 The application proposal would exceed the 6% limit to 2021 by two units. The Parish Council has been consulted on the application both by the applicant at pre application stage and by the Council on the formal submission of the application and the Parish Council fully supports the application.
- 6.23 This policy, however, must be applied with some caution as there is objection to the soundness to the introduction of a maximum 6% increase of housing stock across the District. Greater weight should be given to the overall presumption in favour of sustainable development.
- 6.24 **Policy SD5** intends to manage growth across the District in smaller rural settlements such as Wix by defining settlement limits beyond those of the old local plan to include a range of possible development sites that could accommodate the maximum number of new homes proposed for that settlement either individually or cumulatively. Within these settlement limits there should be a general presumption in favour of development.
- 6.25 This policy needs to be applied with some caution both due to the objections raised as part of the local plan consultation in general and to the specific objection relating to the inclusion of this site within the settlement limit as reported on above. Members are advised that officers consider that the general presumption in favour of sustainable development should take precedence in this instance bearing in mind that, amongst other things : it represents sustainable development; the site is partly previously developed land; the development follows the existing pattern of development along Harwich Road; it does not involve development of particularly sensitive site from a biodiversity point of view; it does not encroach into the open countryside beyond the existing linear form of development in this location; and is supported locally by Wix Parish Council.

- a. There has been specific objection to this site both as part of the emerging local plan process and the application process. The objector compares and assesses the merits of the application site with those of the land to the rear of the White Hart and concludes that the two sites are competing to provide the maximum 6% housing growth to 2021 referred to in the emerging local plan and that the White Hart should be the preferred site due to the commitment of the site for development over a substantial period of time, amongst other things. Members are advised that whilst there remains to be uncertainty over the maximum 6% increase in housing stock then the sites need to be considered individually on their own merits having regard to the NPPF and those policies of the emerging local plan that can be afforded weight without reservation.

- i. Members will note that this agenda also includes a report that relates to the residential development of the site at the White Hart for ten (10) residential properties. There is a plethora of planning case law that relates to the need to assess the merits of alternative sites, however, your officers do not consider that at this stage the two sites are in competition for the same development whilst there is uncertainty over the implementation of the maximum 6% housing growth referred to in the emerging local plan. **Each application needs to be determined on its individual merits and not as alternatives for the same development and each must take into account the relevant national and local plan policies in the first instance and then all other material considerations.**

Planning History

- 6.26 There are two previous planning refusals for residential development on the site. These applications were refused as the development site was outside of the settlement and there was no justification for allowing the scheme contrary to policies of the local plan that sought to protect the countryside from inappropriate development. There has been a material change in circumstances since these refusals, not least, because now the emerging local plan includes the site within the settlement boundary. The current application should be judged in relation to current planning policy and other material considerations.

Sustainability

- 6.27 The NPPF presumes in favour of sustainable development. It divides sustainable development into economic; social and environmental concerns. For the purposes of the emerging local plan sustainable development means achieving prosperity in our District by addressing current and future economic and social challenges; meeting housing needs; achieving a fair distribution of growth across our District; protecting and enhancing our environment; and maintaining a good quality of life.
- 6.28 The development is on partly previously developed brownfield land.
- 6.29 The site is in a sustainable location and the provision of family housing will help to maintain and enhance the existing community facilities within the village.
- 6.30 The development accords with National and emerging local plan policies (policies SD1, SD4 and SD5 refer) that presume in favour of sustainable development .

Design – including layout, amenity and parking standards

- 6.31 The external materials include a mix of brick, render and weatherboarding. Many of the front elevations are enhanced by well proportioned and symmetrical porches or canopies which introduce an element of architectural detailing that helps the buildings address the street and provides a public face to Harwich Road. This is in keeping with the existing built pattern within the locality. The architectural detailing also incorporates chimney stacks on plots 2, 3, 4, 5, 13 and 14 that, coupled with the ranging ridge heights and generous spacing between each dwelling, provides a varied and sympathetic addition to the roofscape and streetscene. All the

proposed dormers are proportionate to the roof slopes and accord with the guidance of the Essex Design Guide.

- 6.32 Each property has two parking spaces. All the garages and parking spaces accord with the adopted Essex Parking Standards 2009. The two shared drives serving plots 1-4 and 5- 8 all meet with the Highway Authority's approval. It is proposed to condition the surface treatment of these drives to ensure that this is in keeping with the semi-rural location
- 6.33 The private amenity space for each dwelling is far in excess of the Council's previously adopted standards and emerging standards and this allows for a generous spacing between the properties amounting to a density of only 20 dwellings per hectare (Policy PEO3 refers). This reflects the existing low density development to the south of the site.
- 6.34 The housing type mix includes two single storey dwellings. Policy PEO14 of the emerging local plan seeks to control the number of additional single dwellings being built in the District. The reason for this is because there is a disproportionate amount of single storey dwellings making up the Council's existing housing stock. These are particularly popular with older residents. The Council wants to apply a controlled approach to the further supply of single storey dwellings and will consider these only in situations where the development of taller properties may not be appropriate. On sites of 10 or more dwellings the policy refers to allowing single storey properties on selective development plots where these adjoin the curtilages of existing bungalows where taller properties may cause adverse impacts on residential amenity. There is little objection to this policy and so it can be applied with a degree of confidence. In any event, the two single storey dwellings are proposed at points within the site that are either immediately adjacent to existing residential property or set further forward in the plot alongside the highway where the visual impact is reduced by virtue of the single storey nature of the development and where taller properties would not be appropriate.
- 6.35 The design therefore accords with national and emerging local plan policies that seek to ensure high standards of design and that developments meet their functional requirements (policies SD8 and SD9 refer).

Residential impact

- 6.36 The nearest dwelling house to the west is Chapelfields. Although Plot 1 is substantially set forward of the main front wall of Chapelfields, this plot is for a single storey building. Because of this and the distance from Chapelfields it is not considered that the development would result in an adverse impact on the residential amenity currently enjoyed by the occupants of Chapelfields by virtue of overlooking; overshadowing or dominance.
- 6.37 The dwellings to the south of the site, on the opposite side of Harwich Road, are all set back from the highway as are the proposed dwellings. These existing dwellings will not be adversely affected by the development due to the large degree of separation and due to the low density of the proposed development that allows breaks within the built development to provide ample opportunity for soft landscaping.
- 6.38 The layout also takes account of the amenities of the proposed dwellings and there will be no direct overlooking, over shadowing or buildings that dominate their neighbour.
- 6.39 The development complies with National and emerging local plan policies that seek to protect the amenities of residential properties (policies SD8 and SD9 refer).

Visual and landscape impact

- 6.40 The trees to the rear of the site along the watercourse are all proposed to be retained. This will assist in retaining a semi rural back drop to the development. The hedgerow to the front of the site will need to be removed to facilitate the widening of the footpath to 2 metres in

accordance with the Highway Authority requirements. It is intended to control the replacement planting of this hedgerow via a suitably worded condition.

6.41 The applicant has provided a tree report to consider the impact of the development both through the construction phase and when the properties are occupied. The report is summarised as follows:

- The trees appear to be in good health with no signs of pests or diseases normally associated with the species, and are not in any conflict with the site or surrounding properties
- Only a minor part of the Root Protection Area of three trees will be impacted by the proposal, however, given the minor breach at the extremities of this protective area it is not considered any significant roots will be impacted on
- Parts of one tree will have to be removed and other parts could be compromised by hard surfacing. This is a low quality hedge line and would best be removed and replanted with a diverse native hedge mix and intermittent standard trees of native origin
- It is unlikely that the proposed construction of the new houses will have any negative impact on the trees to be retained, as long as care and provisions for the trees needs are addressed and protective measures adhered to.

Flood risk

6.42 The application is accompanied by a Flood Risk Assessment. This assessment concludes that the development will be safe and sustainable. The proposed SuDS drainage strategy includes the following: surface water to be directed from the roofs via downpipes to the granular sub base below permeable paving; permeable paving will be used for the parking areas for each plot; the granular sub base will provide attenuated storage before outfalling to individual swales within each plot; each swale within the landscape areas will outfall to the watercourse as over edge surface water run-off without using any headwall structures within the watercourse. As a result the proposed total brownfield outfall rate from the individual swales to the watercourse is 28 litres per second, based on a rational method for previous land use impermeable area of 0.2 hectares.

6.43 The assessment concludes that the development is not at risk of flooding as all the development lies within Flood Zone 1 and the development will not result in the risk of flooding elsewhere due to the SuDS drainage strategy that is recommended in the Flood Risk Assessment.

The development accords with policy PLA14.

Biodiversity

6.44 The application is accompanied by a Phase 1 Habitat survey. This concludes that :

- There is no evidence to suggest that birds are building for breeding but there is potential nesting habitat in the hedgerow and trees.
- The building was surveyed for the presence of bats and the result was negative. There is a low probability of bats in the trees along the site boundary
- There was no evidence of barn owls using the building
- The presence of badgers was not evidenced and the site was regarded as unsuitable as habitat for badgers
- The site did not meet the criteria as suitable for reptile habitat
- The water vole survey produced no evidence to suggest that they are using the watercourse
- The hedgerow is of low species diversity
- 37 common plants were recorded
- Recommendations are that if works are carried out to the trees, hedgerow or scrub then this should be done outside of the bird breeding season or the trees should be inspected by an

ecologist beforehand if this is not possible. Bird boxes should be provided if any trees are to be lost.

- 6.45 The report does not identify any protected species on the site and does not consider that the development will have an adverse impact on biodiversity. The development accords with the NPPF that seeks to protect the natural environment and policy PLA4 of the emerging local plan.

Pollution

- 6.46 The application is accompanied by a report that considers the potential of contamination on the site due to its historic use. The report identifies that the site is partly, previously developed with a former chapel structure to the east of the site area. During the 1980's until around 2000 the site was used as a cement works. Several receptors to pollution were identified by the report including humans; structures; flora and the river flowing to the rear of the site. Following preliminary investigations it was considered that the development of the site would result in a low to very low risk posed by potential contaminants on the site. The report recommends that limited chemical analysis of the soils is undertaken for the site.
- 6.47 The officer's recommendation includes a condition for contamination investigations to be undertaken and that any recommendations resulting from this investigation are implemented during the course of construction.

Highways Issues

- 6.48 The Highway Authority does not object to the application subject to a number of conditions that have been summarised earlier in this report. The development would not result in any adverse impact on the capacity of the highway network or on the safety of all road users.
- 6.49 The development therefore accords with policy SD8 of the emerging local plan.

Section 106 Obligations

- 6.50 The NPPF (paragraph 173) states that the provision of sustainable development requires careful attention to viability and costs in decision taking. To ensure viability, the costs of any requirements to provide infrastructure should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable development to be deliverable.
- 6.51 The policies of the emerging local plan require a contribution to public open space (circa £35,000) (policy PEO22) and 25 % Council Housing (3 units) (Policy PEO10 refers).
- 6.54 The applicant has provided a Viability Report to demonstrate that the costs of the scheme in combination with these Section 106 contributions would render the development unviable.
- 6.52 The Council has commissioned an independent assessment of the applicant's Viability Report. This assessment concludes that the development can accommodate a contribution of no more than £35,000 in Section 106 obligations and cannot support the provision of any affordable units.
- 6.53 In accordance with the NPPF requirement to ensure that developments remain viable and deliverable it would not be appropriate to require any Section 106 obligations other than £35000 in connection with public open space.

7 Conclusion

- 7.1 The proposal has been considered in relation to the NPPF and those policies of the local plan that can be afforded relative weight. Regard has also been had to other material

considerations (including the planning history of the site; the question of whether it is appropriate to consider alternative sites; sustainability; design – including layout, amenity and parking standards; residential impact; visual and landscape impact; flood risk; biodiversity; pollution; highways issues; and Section 106 obligations). It is considered that the scheme is acceptable and that conditional planning permission should be granted following the completion of the Section 106 obligation.

Background Papers

None