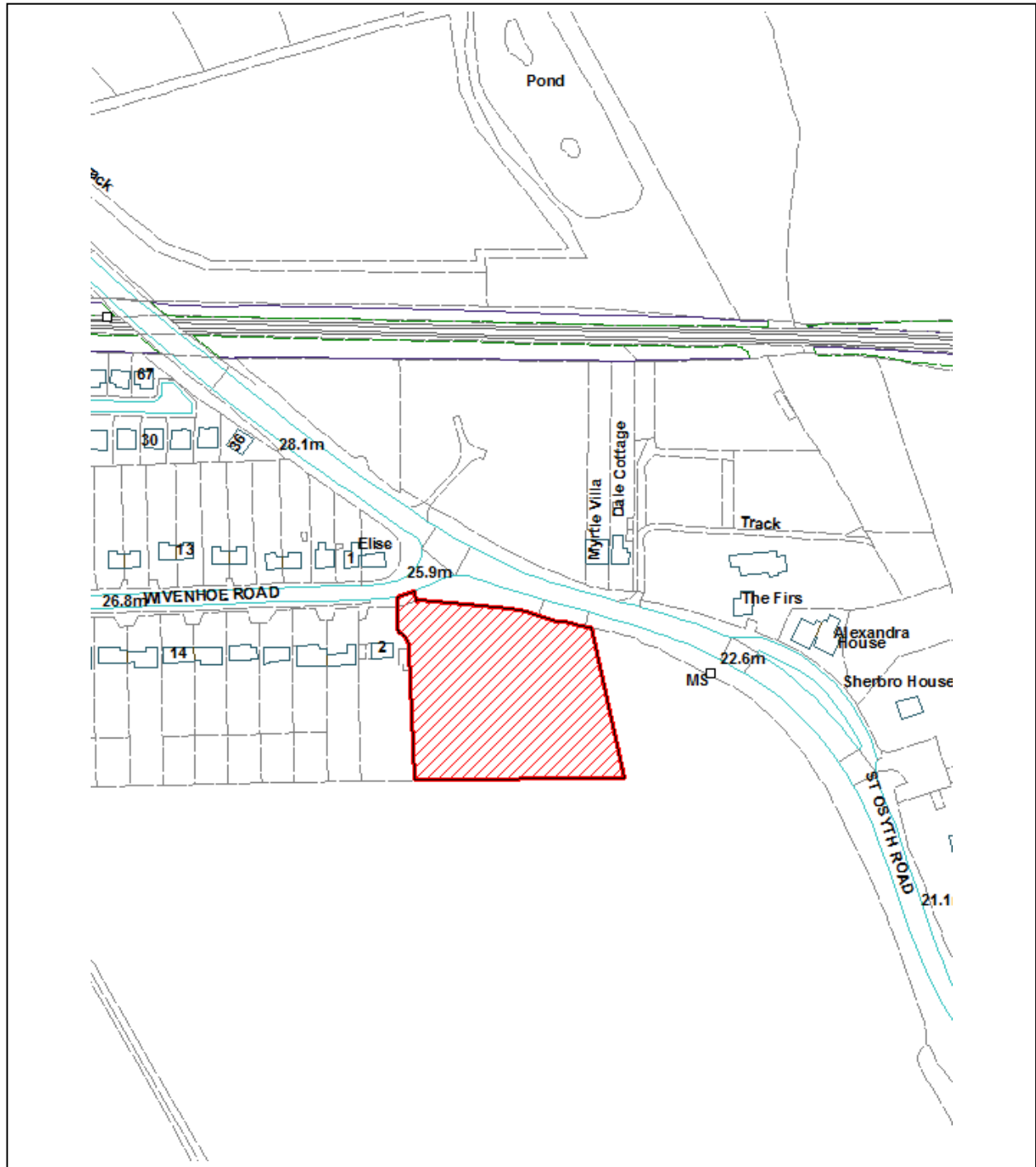


PLANNING COMMITTEE

16 October 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION – 18/01381/FUL – LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD



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Application:	18/01381/FUL	Town / Parish: Alresford Parish Council
Applicant:	Mr and Mrs K Pope	
Address:	Land adjacent 2 Wivenhoe Road, Alresford CO7 8Ad	
Development:	Residential development of 3 dwellings	

1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as one of the applicants is employed by Tendring District Council within the Planning Department.
- 1.2 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to detailed considerations.
- 1.4 The proposed dwellings are considered to be of good visual design and will not result in any significant harm to existing neighbouring amenities. Further, the proposal will not represent a highway safety risk and will not be harmful to the local landscape.

Recommendation: Approval

Conditions:

1. Reserved Matters standard conditions;
2. Approved plans;
3. Details of boundary treatments;
4. Details of how retained trees will be protected during construction;
5. Archaeological trial trenching works;

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007:

EN1 Landscape Character

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL7 Archaeology

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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 (2018) 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 Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

3. **Relevant Planning History**

01/01197/FUL	01/01877/FUL Change of use from agricultural to domestic	Approved	20.09.2001
06/01419/TPO	1 No. Oak - -remove all epicormic growth. Crown lift to 6 metres over road.	Approved	29.09.2006
13/00833/OUT	Outline application for 5 new dwellings.	Refused	14.11.2013
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved	11.02.2016

4. Consultations

ECC Highways Dept

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

1. Prior to the first occupation of the proposed dwellings, the proposed vehicular access and off street parking and turning facilities shall be provided in accordance with Drawing Numbered 2489-02 Rev B with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

2. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

3. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

4. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Tree and Landscape Officer

The application site is set to grass and is well screened by a belt of trees of a mixed species situated on the boundary with the highway. It appears that the development proposal could be implemented without harm being caused to these trees. These should be retained for the contribution that they make to the amenity of the locality and for their screening value.

There is a line of Cupressocyparis Leylandii situated to the left hand side of the existing access to the land that would be removed if consent to develop the land were to be granted. These have some visual amenity value but do not merit retention or protection by means of a Tree Preservation Order.

A large Oak is situated in the highway in front of 2 Wivenhoe Road that is covered by Tree Preservation Order 10/46. This tree is unlikely to be affected by the development proposal.

Information contained in The Design and Access Statement submitted in support of the planning application states that, with the exception of the coniferous hedge to the west of the existing site access all trees on the southern boundary will be retained and physically protected for

the duration of the construction phase of any development for which planning permission may be granted. It is apparent from the site layout that good separation exists between the trees and the development.

Should planning permission be likely to be granted then a condition should be attached to secure details of the steps that will be taken to physically protect retained trees as described above. This may not require a full tree survey and report but will require the production showing the Root Protection Areas (RPA's) of retained trees. Any incursion into the RPA of retained trees may require specialist 'No-Dig' construction techniques.

This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations

The Design and Access Statement also makes reference to boundary treatment and it will also be necessary to secure details of boundary treatments abutting the open countryside. As described in the Design and Access Statement - close board or panel fences would not be appropriate. Post and rail fences with native hedging planted directly adjacent would be in keeping with the character of the area.

Essex County Council
Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest. There are extensive cropmarks of trackways and field boundaries in both the area of the proposed development and the adjoining fields. These do not appear on the 1875 OS map and are assumed to pre-date it. The proposed development is therefore likely to impact on archaeological remains of unknown date.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation

assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason for recommendation:

The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

5 Representations

- 5.1 Alresford Parish Council wish to object to the proposal. Whilst a single dwelling has previously been approved on this site, an application for five dwellings was refused and dismissed at appeal. Further, the access point is onto a dangerous junction on Wivenhoe Road, where bus and car traffic will be directly upon vehicles exiting from the site.
- 5.2 There have also been 10 letters of objection received, with the following concerns:
- The access point is not suitably located;
 - The site has previously been refused for multiple dwellings;
 - Significant increase in traffic movement to that previously approved;
 - Set a precedent;
 - The site is substantially outside of a Settlement Development Boundary;
 - Pressure to existing infrastructure; and
 - Scale not in-keeping with surrounding properties or rural landscape.

6. Assessment

Site Context

- 6.1 The site is situated to the south of the junction of Wivenhoe Road and St Osyth Road in Alresford, and is currently laid to grass. Along the north boundary of the site there are mature trees and hedgerow which provide screening.
- 6.2 The site is currently accessed via an entrance to the western side of the site adjacent to No. 2 Wivenhoe Road. Wivenhoe Road is a residential street, with a mix of dwelling of different styles and designs. On the opposite side of the St Osyth Road there is a cluster of residential properties.
- 6.3 The site falls adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but falls inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

- 6.4 This application seeks planning permission for the erection of three dwellings, each to be detached and two storeys in height.

History

- 6.5 Under planning reference 13/00833/OUT, an application for five dwellings was refused on the grounds that it would represent a significant extension of ribbon development located outside of any defined settlement limit, and would not constitute a minor infill but instead a harmful intrusion into the rural street scene. This decision was upheld at appeal (reference APP/P1560/A/14/2212508).
- 6.6 Since these decisions, the application site has been included within the Settlement Development Boundary for Alresford within the Emerging Plan. Under planning reference 15/01686/FUL, planning permission was therefore granted for a single detached dwelling.

Principle of Development

- 6.7 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.8 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.

Layout, Design and Appearance

- 6.9 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.10 The submitted plans show there are to be three detached dwellings, each of which will be two storeys and serve four bedrooms. Whilst the layout shows the proposed dwellings will be set slightly back from the adjacent properties, they will help to build upon a strong linear existing pattern of development running west to east along Wivenhoe Road, and therefore the layout is acceptable.
- 6.11 In terms of the design of the dwellings, each has its own appearance and key features have been incorporated to ensure the bulk of the dwellings are reduced. These include the use of front gables, canopy's, brick plinths, front and rear dormers and single storey side and rear extensions. Further there is a variation in the proposed materials, which helps to add variety to the development, whilst it is also acknowledged there is no set building type within the immediate surrounding area that would necessarily need to be adhered to. Therefore the dwellings are considered to be of good design and will assimilate well within their surroundings.

- 6.12 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied demonstrates that this is comfortably achieved for all three proposed dwellings.

Impact on Neighbouring Amenities

- 6.13 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 The only adjacent neighbour potentially impacted by the proposal is Number 2 Wivenhoe Road, located to the west of the site. However, given that the nearest plot, Number 3, has a single storey side extension to the side nearest the boundary and maintains an additional 10m separation distance, the impact of the dwellings in terms of loss of light or appearing imposing will be significantly reduced.
- 6.15 In respect of potential overlooking, plot 3 has no first floor side elevation windows that could directly overlook, whilst the two first floor rear elevation windows will only have views to further rear of the neighbouring garden, an area less likely to be regularly occupied.

Tree and Landscaping Impacts

- 6.16 The application site is set to grass and is well screened by a number of trees of a mixed species to the northern boundary. The development can be implemented without harm being caused to these trees, but they should be retained for the contribution they make to the amenity of the locality and for their screening value.
- 6.17 There is a line of Cupressocyparis Leylandii situated to the left hand side of the existing access that would be removed if the proposal was implemented; however whilst these have some visual amenity value they do not merit protection by means of a Tree Preservation Order.
- 6.18 A large Oak tree is situated in the highway in front of 2 Wivenhoe Road that is covered by Tree Preservation Order 10/46; however the tree is unlikely to be affected by the development proposed.
- 6.19 The submitted information states that, with the exception of the coniferous hedge to the west of the existing site access all trees along the southern boundary will be retained and physically protected for the duration of the construction phase of any development approve.
- 6.20 A condition is recommended to be attached to secure details of the steps that will be taken to physically protect retained trees, whilst a further condition is recommended to secure details of boundary treatments abutting the open countryside. Post and rail fencing with native hedging directly adjacent would be in-keeping with the areas character.

Archaeological

- 6.21 The Essex Historic Environment Record shows the proposed development lies within an area of archaeological interest. There are extensive cropmarks of trackways and field boundaries in both the proposed area of development and the adjoining fields that do not appear on the 1875 OS map and are therefore assumed to pre-date it. Accordingly it is recommended conditions are attached to ensure a programme of trial trenching is

undertaken prior to the commencement of any development, with the post-excavation assessment to be submitted within six months of the decision date.

Highway Safety

- 6.22 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the off street parking and turning facilities, the submission of a Construction Method Statement and the use of no unbound materials.
- 6.23 A further condition relating to the storage of bicycles has been requested; however given that there is significant room within the proposed garages and private garden areas, this condition is not recommended to be included.
- 6.24 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.25 Plot 1 will incorporate a garage capable of accommodating one parking space, whilst there is significant room to the front of each plot to accommodate the remaining necessary parking.

Conclusion

- 6.26 This principle of residential development in this location is acceptable and subject to conditions there is not considered to be any visual harm, harm to neighbouring amenities, harm to local landscape or result in highway safety concerns. Therefore the application is recommended for approval.

Background Papers

None