

PLANNING COMMITTEE

15 January 2019

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION – 18/01775/FUL – LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD**



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<b>Application:</b>	18/01775/FUL	<b>Town / Parish:</b> Alresford Parish Council
<b>Applicant:</b>	Mr and Mrs K Pope	
<b>Address:</b>	Land adjacent 2 Wivenhoe Road, Alresford, CO7 8AD	
<b>Development:</b>	Residential development of 1 dwelling	

## 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 dwelling is 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. Standard time limit
2. Approved plans
3. Details of boundary treatments
4. Details of how retained trees will be protected during construction
5. Soft landscaping details
6. Soft landscaping implementation scheme
7. Removal of Permitted Development rights for boundary treatment

## 2 **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007:

COM6 Provision of Recreational Open Space for New Residential Development

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 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
18/01381/FUL	Residential development of 3 dwelling houses.	Refused	24.10.2018

#### **4 Consultations**

**ECC Highways Dept**

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

**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. They 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. They 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.

It appears 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 of a plan 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

With regard to boundary treatment it will also be necessary to secure details of fencing or new planting abutting the open countryside. 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 proposed development lies adjacent to recorded cropmark evidence which may indicate prehistoric or later activity, however the area of the proposed house lies beyond this and is of a scale that is unlikely to impact on any significant archaeological remains. There is no recommendation for this application.

**UU Open Spaces**

Current Position

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford.

Recommendation

Although there is a deficit of equipped play in Alresford, it is not felt that this development will have any impact on the current facilities.

## **5 Representations**

1.1 Alresford Parish Council objects for the following reasons:

- The site lies outside the approved village envelope, as defined on the last approved Local Plan. The current draft Local Plan being insufficiently advanced to be a material consideration.
- A previous proposal for 3 dwellings was recently refused as the site lies outside the village boundary amongst other reasons.
- Approval was only granted for a single dwelling on this site some 2 years ago, because the proposal was for a unique, bespoke designed eco-house, which would be largely hidden over the greater position of the site from external view.

1.2 The current proposal effectively replaces this with a large conventionally designed house, on a site (as stated) outside the village limits which unlike the approved dwelling will be plainly visible from Wivenhoe Road and other external views.

1.3 There have also been 6 letters of objection received, with the following concerns:

- The access point is not suitably located;
- The site has previously been refused for multiple dwellings;
- Highway safety concerns;
- The site is substantially outside of a Settlement Development Boundary;
- Pressure to existing infrastructure;
- Scale not in-keeping with surrounding properties or rural landscape;
- Visual impacts; and
- Does not overcome reasons for refusal within 18/01381/FUL.

## **6 Assessment**

### Site Context

1.1 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 is mature trees and hedgerow which provide screening.

1.2 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.

1.3 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

- 1.4 This application seeks planning permission for the erection of one residential dwelling, to be detached and two storeys in height, with a single storey double garage.

### History

- 1.5 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).
- 1.6 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.
- 1.7 More recently, under planning reference 18/01381/FUL, the Planning Committee determined to refuse an application on this site for three dwellings. The reasons for this refusal was the proposed dwellings, by respect of their large size and siting behind the existing building line within spacious open plots, would appear as a prominent and incongruous feature, and would therefore represent a form of ribbon development that would not appear in-keeping with the surrounding semi-rural street scene.

### Differences to recent proposal for three dwellings

- 1.8 For ease of reference, a summary of the changes in comparison to recent planning application 18/01381/FUL are as below. The design of the dwelling will largely be in-keeping with Plot 1 from the previous application, subject to the amendments below:
- The previous garage/car port/storage area has now been replaced with a single storey double garage;
  - Two additional rooflights, one to each side elevation; and
  - One first floor window to the west side elevation to serve bedroom 1 has been removed.

### Principle of Development

- 1.9 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).
- 1.10 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

- 1.11 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).

- 1.12 The submitted plans show there is to be one detached dwelling, which will be two storeys and serve four bedrooms. Whilst the layout shows the proposed dwelling will be set slightly back from the adjacent properties, it is only a marginal amount (approximately 2 metres). The dwelling will therefore help to build upon the existing strong linear pattern of development running west to east along Wivenhoe Road, and therefore the layout is acceptable.
- 1.13 In terms of the dwellings height, it is noted there are a mixture of single storey, 1.5 storey and two storey properties in the vicinity and therefore the principle of a two storey dwelling is acceptable, whilst its width of 17 metres is similar to that of Number 2 Wivenhoe Road and its depth of 11 metres is only slightly larger than adjacent properties to the west.
- 1.14 In terms of the design of the dwelling, key features have been incorporated to ensure the bulk is reduced; namely the inclusion of front and rear dormers, a front gable, a canopy, a brick plinth and a single storey side element. The use of materials is also considered acceptable in this semi-rural location. Therefore the dwelling is considered to be of good design and will assimilate well within its surroundings.
- 1.15 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.

#### Impact on Neighbouring Amenities

- 1.16 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).
- 1.17 The only adjacent neighbour potentially impacted by the proposal is Number 2 Wivenhoe Road, located to the west of the site. However, there is an approximate separation distance of 13 metres which will ensure the dwelling will neither appear imposing nor result in significant loss of light.
- 1.18 In respect of potential overlooking, it is noted there are no first floor side elevation windows to the western elevation, whilst the three 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

- 1.19 The application site is set to grass and is well screened by a number of trees of a mixed species to the northern boundary with the highway. 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.
- 1.20 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.
- 1.21 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.



- 1.22 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 approved.
- 1.23 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

- 1.24 The proposed development lies adjacent to recorded cropmark evidence which may indicate prehistoric or later activity; however the area of the proposed dwelling lies beyond this and is of a scale that is unlikely to impact on any significant archaeological remains.

#### Highway Safety

- 1.25 Essex County Council Highways have been consulted and they raise no objections.
- 1.26 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.
- 1.27 The proposed double garage will not adhere to the above measurements; however there is significant room to the front and side of the plot to accommodate the necessary parking.

#### Legal Obligations

- 1.28 The Council's Public Open Space and Play Team confirm there is a current deficit of 1.91 hectares of equipped play and formal open space in Alresford, however it is not felt the development will impact upon the current facilities and no contribution is requested.

#### Conclusion

- 1.29 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.