

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	17/06/2019
Planning Development Manager authorisation:	AN	17/6/19
Admin checks / despatch completed	SB	17/06/19.

Application: 19/00568/FUL **Town / Parish:** Alresford Parish Council

Applicant: Mr & Mrs Darlington

Address: Land rear of 173 Wivenhoe Road Alresford

Development: Proposed 3 Bedroom bungalow with attached garage.

1. Town / Parish Council

Alresford Parish Council does not support this application.

The previous application 17/01510/FUL was approved even though its back land filling.

2. Consultation Responses

ECC Highways Dept

The application has been fully considered by the Highway Authority. The proposal is at the end of Munson Drive off a private drive. The proposed dwelling retains adequate room and provision for off street parking and turning, for the existing and proposed dwelling therefore:

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

1. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

2. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

3. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to occupation of the proposed dwelling, 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 or by post to:

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

3. Planning History

173 Wivenhoe Road

75/00389/FUL	Demolition of existing house and replace with detached bungalow and garage	Approved	08.08.1975
78/00426/FUL	Garage carport and front porch	Approved	03.05.1978
80/00247/FUL	Two storey extension to dwelling	Approved	15.04.1980
88/00214/FUL	Extension part two storey	Approved	14.03.1988

Land Adjacent

17/01510/FUL	Proposed construction of 9 no. 3 bedroom detached bungalows, associated garages and vehicular access.	Approved	13.11.2017
18/00902/DISCON	Discharge of conditions 2 (materials), 3 (landscaping), 12 (reptile mitigation), 13 (external	Approved	16.07.2018

lighting) 15 (ecological enhancements), and 16 (contamination report) of planning permission 17/01510/FUL.

18/01155/FUL	Variation of condition 18 (Approved Drawings) to approved planning application 17/01510/FUL - to allow repositioning of Bungalows on plots 2 to 3.	Approved	04.09.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a rear portion of the existing garden serving 173 Wivenhoe Road, Alresford.

The site lies directly adjacent to the larger site currently being developed for housing approved under 17/01510/FUL and varied under 18/01155/FUL for 'Proposed construction of 9 no. 3 bedroom detached bungalows, associated garages and vehicular access.'

Description of Proposal

The application seeks full planning permission for the erection of 1 no. detached 3 bed bungalow with an attached garage (undersized) and 2 tandem parking spaces to the front accessed via the approved spine road and private driveway serving the adjacent development.

Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and,
- Representations.

Principle of Development

173 Wivenhoe Road and the majority of its rear garden falls within the Alresford Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007. The site and adjacent site currently under construction all fall within the extended Alresford Settlement Development Boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The principle of residential development in this location and in this backland siting is supported by the emerging local plan and considered acceptable through the granting of 17/01510/FUL.

The principle of the development is therefore acceptable in principle subject to the detailed considerations set out below.

Scale, Layout and Appearance

As stated above, the site lies directly adjacent to the 9 bungalows currently under construction. The development will appear as an extension to this development being sited to the west of Plot 9 and south of Plots 7 and 8 forming part of the collection of dwellings accessed via the approved access and private drive area already approved.

The scale, layout and appearance are wholly in keeping with the adjacent development. The spacing around the property is similar to the adjacent plots and the development will sit comfortably within its surroundings.

Piecemeal development considerations are not applicable in this case as the land has only recently been purchased. Development of this site was not possible at the time of the previous permission.

Residential Amenities

Saved Policy QL11 of the Tendring District Local Plan (2007) and Policy SPL3 of the emerging plan states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The single storey, fully hipped roof design of the proposed dwelling minimises its impact to the surrounding properties. The proposed dwelling and Plot 9 are separated by a double garage with over 17 metres retained to the frontage of Plot 8 and over 12 metres to Plot 7. The long garden serving number 173 Wivenhoe Road retains a back to back distance of almost 45 metres. 121smq of private garden area serves the proposed 3 bed dwelling being in excess of the 100sqm required by adopted Policy HG9 of the adopted Tendring District Local Plan.

For these reasons, the development results in a good standard of amenity for existing and future occupants.

Access and Parking

The dwelling will be served by an existing access and private drive serving the adjacent development. The dwelling will be served by a garage and 2 tandem parking spaces to the front.

The garage falls short of the minimum dimensions required by the adopted parking standards. However, 2 parking spaces are provided in addition to the garage that do accord with the standards.

Furthermore, the proposed dwelling retains adequate room and provision for off street parking and turning, for the existing dwelling. Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions relating to the following;

1. All single garages should have a minimum internal measurement of 7m x 3m.
The garage falls short of the minimum dimensions but provides 2 parking spaces to its frontage. This condition is not necessary and would require the submission of amended plans.
2. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
The proposed plans show 2 parking spaces of the required dimensions and can therefore be controlled by the approved plans conditions. This condition is not necessary.
3. Cycle parking shall be provided
Secure cycle storage is available within the proposed garage. This condition is not considered necessary.
4. Residential Travel Pack.
This is not considered necessary for a development of this scale.
5. Reception and storage of building materials.
This will be added as an informative along with the other requested informatives.

The development is considered acceptable in term of access, parking and highway safety.

Trees and Landscaping

No trees or other significant vegetation will be affected by the development proposal. The hedge on the western boundary may be reduced or removed as part of the development of the land but it does not fall within the scope of legislation that would enable it to be formally protected. It would be desirable for it to be retained for its intrinsic value. The frontage of the plot has the potential for a small tree that would have a positive impact on the local environment and enhance the appearance of the public realm.

A landscaping condition and informative will be added accordingly.

Financial Contribution - Open Space/Play Space

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.

No contribution is being sought in this instance.

Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

Representations

Alresford Parish Council does not support this application. The previous application 17/01510/FUL was approved even though its back land filling.

- *The principle of residential development in this back land siting has been accepted and established through the approval of the 17/01510/FUL. There is no significant harm as a result of this proposal that would warrant refusal of planning permission.*

1 letter of objection has been received raising concerns with the size of the building in relation to its plot.

- *The spacing around the dwelling and garden size are addressed in the main report above demonstrating that the building and plot relationship are acceptable.*

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Drg. No. 626/15.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

- 5 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction

have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 7 Prior to occupation of the dwelling hereby approved, the parking spaces as shown on approved plan Drg. No. 626/15 shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - In the interests of highway safety.

- 8 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.

- 9 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual and residential amenities.

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

1. Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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2. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

Landscaping Informative – Condition 3

It would be desirable for the hedge on the western boundary to be retained for its intrinsic value. It is also recommended that a small tree be added in the front garden; this would have a positive impact on the local environment and enhance the appearance of the public realm within the development.

Visitor Parking

Please note that this development results in the visitor parking spaces approved under the adjacent development to be repositioned. A variation of the approved plans condition attached to 18/01155/FUL will be required.