

**DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	AC	26 <sup>th</sup> Sept 2019
Planning Development Manager authorisation:	TF	30/09/2019
Admin checks / despatch completed	ER	1 /10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:		

**Application:** 19/01080/FUL **Town / Parish:** Weeley Parish Council  
**Applicant:** Mr and Mrs Austin  
**Address:** Aldene Wenlock Road Weeley  
**Development:** Proposed new build four bedroom dwelling.

**1. Town / Parish Council**

Mrs Nicola Baker Weeley Parish Council does not object to this application but would like to request that all necessary measures are taken to protect the continued viability of mature trees on neighbouring land.

**2. Consultation Responses**

ECC Highways Dept

UU Open Spaces No contribution is being requested from Public Realm

Building Control and Access Officer No adverse comments at this time.

**3. Planning History**

17/00381/OUT	Erection of 3 No. detached houses and garages (Following demolition of one house and vehicle body repair workshops) at Green Speed, Wenlock Road, Weeley	Approved
17/01594/DETAIL	Reserved matters application following outline permission 17/00381/OUT for Access, Appearance, Landscaping, Layout & Scale for Plot 3 at Green Speed, Wenlock Road, Weeley	Approved
19/01080/FUL	Proposed new build four bedroom dwelling.	Current

**4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

Wenlock Road is a private road located around 80 metres south west of the edge of the Settlement Development Boundary on Bentley Road in both the saved and draft local plans. The road serves horse paddocks and three existing dwellings. To the immediate west lies the dwelling 'Greenacres', with open agricultural land to the north, east and south. To the west of the lower section of the site lies the dwelling 'The Maudlings'.

The site has been cleared of the historic dwelling and the associated commercial activity. There are remnants of a hardstanding and a pocket of established conifer trees to the north-west boundary.

### History

Outline planning permission was granted under reference 17/00381/OUT, establishing that three new dwellings would be acceptable, laid out as two dwellings adjacent to 'Greenacres' with the third dwelling adjacent to 'The Maudlings'. A Reserved Matters application for the dwelling adjacent to 'The Maudlings' has been submitted and approved; this property is substantially complete. The outline application remains extant for the remaining two plots, subject to the Reserved Matters being submitted by 18<sup>th</sup> May 2020.

### Description of Proposal

The application proposes a single detached dwelling siting centrally within the width of the plot and slightly forward in the context of the depth of the plot.

Close-boarded fencing would provide boundaries to the rear garden being 1.2m high to the north-west and 1.5m to both the north-east and south-east boundaries; a wall constructed in brickwork to match the main dwelling, typically of 1.5m (interspersed with 1.7m piers) and containing a sliding vehicular access gate is proposed to the front boundary.

The dwelling would have an overall ridge height of 9.1m, a width of 13m and a depth of 15m; the eaves height would be around 5m. The front elevation contains a fully-glazed feature gable with a ridge of 7.2m and uniform fenestration to the remainder of the façade. The side elevations are gabled and contain modest fenestration. The rear elevation contains two fully-glazed feature

gables that both have enclosed balconies, solar panels are proposed to the east-facing roof slopes of both gables.

The dwelling's walls would be finished externally in a Flemish Antique brickwork (or similar) which has a soft, rustic red hue and the roof would be covered with Sandtoft Humber plain clay tiles in Flanders which has a deep, rich red hue. Window and door frames would have aluminium frames in a cream (or similar) pale contrasting colour.

### Principle

The dwelling is located outside the settlement boundary of both the adopted Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond; notwithstanding this, the principle of the development has been accepted in granting the outline planning permission.

### Appearance, Layout and Scale

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

Wenlock Road contains dwellings of mixed scale and external appearance; as little uniformity exists the proposed external finish is considered acceptable in its own right. The plans are for a two storey dwelling with integral garage which sits comfortably within its plot that has a rear garden in the region of 200sqm which is well in excess of the 100 square metre minimum which is required in accordance with saved policy HG9. In regards to scale, plot-to-dwelling sizes vary within the immediate area and, in this regard the scale of the dwelling proposed is similar to dwellings recently approved 17/01594/DETAIL.

### Landscaping

Presently the site is cleared and offers no ecological value. A row of established conifers exists to the north-east boundary; the application does not propose to remove these trees. A suitably-worded condition will be attached to any permission requiring further details to be submitted in regards to indicative soft landscaping and tree retention within the site as insufficient information accompanies the application in this regard.

### Highways/Access

The hardstanding forward of the dwelling is of ample size to adequately accommodate the required level of off-street parking and no objection has been received from the Highways Authority. Notwithstanding this, Wenlock Road is a private road and Condition 09 of the outline permission required the submission of a Construction Method Statement which will require details of measures to ensure mitigation against damage to Wenlock Road, details of parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, method for storing and removing waste from the site and hours of construction and delivery to ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the area.

### Residential Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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).

Although the dwelling will be sited a short distance away from the shared boundary with Greenacres, their dwelling is over 9m from the boundary. A first floor side facing window is proposed; as this would serve a bathroom a suitably-worded condition will be attached to any permission that requires this window to be obscurely glazed and permanently fixed shut. Rear-facing balcony-areas are proposed which are enclosed within the gables; the depth of the rearwards projection of the dwelling is such that the gables are significantly beyond the private amenity area of Greenacres. For these reasons the proposed dwelling

#### Legal Obligation

No contribution is requested in regards to Public Realm on this occasion.

#### Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

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.

#### Other Matters

Two contributions have been received in response to the neighbour consultation and display of the site notice. In summary, the contributions are:-

this is a Private road; it should be kept up to a good standard	Noted and agreed; Condition 9 (requiring a Construction Management Plan is submitted prior to commencement) will be attached to any forthcoming permission.
working hours on weekend should be Saturday morning only	Noted and agreed; Condition 9 (requiring a Construction Management Plan is submitted prior to commencement) will be attached to any forthcoming permission.
under section 10 that there are no trees on the development site or adjacent land. There are in fact several well-established trees in the garden of Greenacres, which are directly next to the boundary of the proposed site.	Noted. A condition regarding the submission of further details of soft landscaping (retention of existing and proposed) will be attached to any forthcoming permission.
I would also like to raise a query to ask	The application as submitted proposes a different form of

why this proposal has now been submitted as a new planning application, rather than a detail of the original application that covered this plot.	development.
I would like clarification please as to where the septic tank will be based in this application	The application does not specify that a septic tank will be installed

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

- 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 plans: PA.002 revision A, PA.003 revision E, PA.004 revision D, PA.005 revision E, PA.006 revision F and PA.007 revision B received 19th July 2019.

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

- 3 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o ground waters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments; and
- (iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency "Model Procedures for the Management of Land Contamination (CLR 11)".

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure

that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.
4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors due to the previous use of the site as vehicle body repair workshops.

- 4 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of buildings, fences or other enclosures, swimming or other pool shall be erected except in accordance with drawings showing the design and siting of such buildings or structures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In order to control the appearance and scale of these features in the interests of preserving the rural character of the surrounding countryside.

- 5 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of: a) measures to ensure mitigation against damage to Wenlock Road b) details of parking of vehicles of site operatives and visitors c) loading and unloading of plant and materials d) method for storing and removing waste from the site e) hours of construction and delivery. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the area.

- 6 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works for the site, which shall 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: 1991 - Trees in Relation to Construction."

Reason - The conifers to the north-west boundary form an attractive feature to the landscape and their retention offers a softening between the boundaries of the two dwellings.

**8. Informatives**

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

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		NO
<b>Are there any third parties to be informed of the decision?</b>		NO