

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	07/11/2019
Planning Development Manager authorisation:	AN	7/11/2019
Admin checks / despatch completed	CC	7/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EC	7/11/19

Application: 19/00740/FUL

Town / Parish: Wix Parish Council

Applicant: Mr J Yu

Address: Land rear of White Hart House Harwich Road

Development: Proposed new dwelling.

1. Town / Parish Council

Wix Parish Council

Given concerns raised regarding the access and its location to the bend, Wix PC recommend an objection.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is located within an existing 30mph speed limit and at the end of a private access. The proposal is utilising the existing access and retains adequate room and provision for off street parking and turning, for the 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. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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 free of charge.

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 highway/carriageway (delete as appropriate).

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway/carriageway (delete as appropriate) 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:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2:

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.

Essex County Council
Heritage

The application is for proposed new dwelling.

The main heritage asset for consideration is the Grade II listed White Hart Inn (List Entry ID: 1240452).

I have no objection to the revised proposal.

I recommend applications are attached to any approved application pertaining to details/samples of materials to ensure a quality building is realised in the setting of the listed building.

3. Planning History

01/01581/FUL	Renewal of consent TEN/96/1599 for 18 room motel with parking and landscaping	Approved	30.06.2003
03/02002/LBC	Remove existing extensions and outbuildings and erect new extension. Change of use to dwelling	Refused	07.01.2004
03/02003/FUL	Remove existing extensions and outbuildings. Change of use from Public House to dwelling	Refused	07.01.2004
03/02158/OUT	Proposed residential developments for 8 dwelling	Refused	24.12.2003
07/00616/FUL	The erection of a 36 bed motel. As amended by Application Forms, Letter and Drawing No. 30365/101 Revision D received by email on 23rd October 2008.	Approved	30.10.2008
11/00042/FUL	Change of use from mixed use comprising public house and dwelling, to single dwelling incorporating demolition of single storey flat roofed extension and reinstatement of rear elevation including small lean-to extension.	Approved	25.10.2011
11/00043/LBC	Change of use from mixed use comprising public house and dwelling, to single dwelling incorporating demolition of single storey flat roofed extension and reinstatement of rear elevation including small lean-to extension.	Approved	25.10.2011
11/00777/FUL	The erection of a 36 bed Motel. As amended by application forms, letter and drawing no. 30365/101 Revision D received by email on 23rd October 2008. (Extension of time on previously approved 07/00616/FUL).	Approved	06.10.2011
12/01135/OUT	Construction of 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.	Approved	22.07.2013
16/00871/DETAIL	Reserved matters application for	Approved	10.11.2016

	approval of landscaping and appearance, for construction of 10 no houses with associated access and parking, including discharge of condition 7 (site levels), 15 (bicycle storage), 16 (onsite parking/loading) and 17 (wheel and underbody cleaning facilities) of planning permission 12/01135/OUT.		
16/01826/FUL	Erection of two bay garage/cart house.	Approved	27.01.2017
17/00978/DISCON	Discharge of condition 04 (materials) of planning permission 16/01826/FUL.	Approved	14.06.2017
19/00740/FUL	Proposed new dwelling.	Current	
19/01215/OUT	Variation of condition 12 of application 12/01135/OUT to amend turning facilities.	Current	
19/01275/DISCON	Discharge of conditions 16 (parking) and 17 (cleaning facilities) for approved application 12/01135/OUT.	Approved	17.09.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL6 Urban Regeneration Areas

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

HP5 Open Space, Sports & Recreation Facilities

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 (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 Context

The application site is located to the northern side of Harwich Road within the parish of Wix. Directly adjacent to the site to the north includes a number of dwellings under construction following the granting of planning permission 12/01135/OUT. To the south east of the site is White Hart Inn, a Grade II Listed Building. The site is outside of a recognised Settlement Development Boundary within the Saved Tendring District Local Plan (2007), but falls within the Settlement Development Boundary for Wix within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This planning application proposes the erection of a dwelling.

Appraisal

The main considerations for this application are;

- Principle of development
- Visual Impacts
- Impact upon Neighbouring Amenities
- Impact to the Setting of a Listed Building
- Highways Impact
- Trees and Landscaping
- Legal Obligations
- Habitat Regulations Assessment
- Other representations

1. Principle of development

The application site is located outside the settlement development boundary of Wix in the saved Tendring District Local Plan (2007) but within in the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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 inclusion of the site within the SDB of the emerging plan

represents a significant material planning consideration and demonstrates that it is the Council's intention going forward to release this land for residential purposes. Consequently the principle of residential development on the site is considered acceptable and sustainable.

2. Visual Impacts

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).

The plans submitted show a 3 bedroom dwelling which will be detached, one and a half storey and accessed via Harwich Road. The materials proposed are brick, render, slate tiles and white double glazed UPVC windows and doors which will be in keeping with the character of the area.

The residential character of the locality consists of a mixture of one, one and a half and two storey dwellings. Dormer windows to the front of the dwelling are a feature along Harwich Road and therefore the design of this proposal is considered to be in keeping with the character of the area.

It is considered that the proposed dwelling would not create a cramped form of development as it would provide important gaps to both sides in excess of the minimum standards set out within Policy HG14.

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 100sqm. The submitted plans demonstrate that the proposed dwelling can accommodate more than 100sqm.

3. Impact upon Neighbouring Amenities

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).

The proposed dwelling will be visible to the following neighbouring dwellings; to the south east, 'The White Hart Inn', to the south 'Dawn', to the west 'Venns' and the approved dwellings to the north. Although visible to 'The White Hart Inn', 'Venns' and the approved dwellings, there is an approximate distance of 10 metres to the neighbouring boundaries which is considered to be a sufficient distance without causing any impact upon neighbouring amenities. In terms of the neighbouring impact upon 'Dawn', there is approximately a 20 metre distance between the proposed dwelling and the rear elevation of 'Dawn'. There is a window serving the first floor however this will serve the proposed landing and therefore it is considered that this will not cause any significant impact of overlooking onto neighbouring amenities.

4. Impact to Setting of a Listed Building

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site is located adjacent to the north-west of White Hart Inn, which is a Grade II Listed Building. The new dwelling will sit deeper in the plot behind/to the side of the listed building therefore not appearing prominent within key views of the listed building. There is an approximate separation distance of 10 metres, and the main views to the listed building will remain unaltered, the new building will be clearly visible at the rear of the listed building but will be viewed in context with

the existing and approved dwellings in this location. Accordingly the Council's Historic Environment consultant has raised no objections subject to imposing a condition requesting for the applicant to provide details/samples of materials to ensure a quality building is realised in the setting of the listed building. This condition is included within the recommendation and the proposal is therefore considered to preserve the setting of the neighbouring listed building.

5. Highway Impacts

Essex Highways Authority have been consulted on this application and do not raise any objection subject to conditions relating to the vehicular turning facility, vehicular parking space measurements, cycle parking and storage of building materials. The conditions relating to vehicular parking will not be imposed as there is sufficient parking on the site, there is sufficient space in the rear garden to accommodate cycle parking and the storage of building materials will be imposed as an informative only. The only condition that will be imposed will be the vehicular turning facility.

The plans submitted demonstrate that two parking spaces have been provided in line with Essex Parking Standards requirements of 5.5 metres by 2.9 metres. The plans also demonstrate that there is sufficient turning. It is therefore considered that the site is acceptable in terms of highway safety.

The proposed site utilises the turning area of the previous approved planning application 12/01135/OUT, however under planning reference 19/01215/OUT, an application has been submitted to vary condition 12 of the outline application to provide an alternative turning area.

6. Trees and Landscaping

The main body of the application site does not contain trees or other vegetation of any significance. Scrubby growth has become established on the land but this does not merit retention or protection by means of a tree preservation order. The access and egress arrangements will be by way of the existing metalled road to the west of White Hart House and the narrow road metalled road to the east of White Hart House. Both of the above roads provide the opportunity for new planting in, what appear to be, neglected shrub beds adjacent to the roads.

The area adjacent to the road to the west of White Hart House does not contain any existing trees or shrubs and new planting in this location would contribute positively to the appearance of the public realm. The area adjacent to the road to the east of White Hart House contains a small Hawthorn and a small Spruce. Both of the trees are reasonable specimens and could be retained for their positive impact on the appearance of the area ' some trimming may be required to facilitate vehicular use of the road. The appearance of this area could also be enhanced by new soft landscaping and therefore a soft landscaping condition will be imposed.

7. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of -0.56 hectares of equipped play in Wix. There is one play area in Wix which is located off Harwich Road. Also located at this site is Wix Recreation Ground which is used by local football teams. Although there is currently a deficit, it is not thought that this development will materially increase this deficit. Therefore no contribution is being requested on this occasion.

8. 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.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 4.3km away from the Hamford Water Ramsar and SAC.

New housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure 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.

9. Other Representations

Wix Parish Council objects to the application regarding the access and its location to the bend.

One letter of representation has been received and has raised the following comments;

- The metal road to the east of the property looks unsuitable to large vehicular access and egress from the site
- Like assurances that the vehicular access will be maintained solely to the west double width access road. A one way system would not be sufficient or suitable for larger delivery or emergency vehicles.
- Assurances on the level of cutting back of the mature hedgerows to the east would also be required to the boundary line with the adjacent Nineveh property.

The access to the site has been previously approved under planning application reference 12/01135/OUT. Essex County Highways have no objections to this application and therefore the site is acceptable in terms of highway safety.

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 plan: Drawing Ref:PA-10B

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

- 3 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 - In the interests of visual amenity and the proximity to the Listed Building.

- 4 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 amenity and residential amenities.

- 5 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A 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), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and preserving the setting of the listed building.

- 7 No development 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 frontage of 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 order to enhance the visual appearance of the proposed dwelling and setting of the listed building.

- 8 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 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 - To ensure the existing trees are retained or replanted with similar species in the interests of the character of the area.

- 9 Prior to occupation of the development a vehicular turning facility, of a design to be previously approved in writing by the Local Planning Authority shall be constructed,

surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety

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.

Highways

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

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

Legal Agreement Informative - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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.

Are there any letters to be sent to applicant / agent with the decision?	YES	NO
--	-----	----

If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO