

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/11/2019
Planning Development Manager authorisation:	AN	14/11/2019
Admin checks / despatch completed	CC	14.11.2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	14/11/19

Application: 19/01215/OUT **Town / Parish:** Wix Parish Council
Applicant: Ms Zheng - Northeast Real Estate Development Ltd.
Address: White Hart House Harwich Road Wix
Development: Variation of condition 12 of application 12/01135/OUT to amend turning facilities.

1. Town / Parish Council

Wix Parish Council have not commented on this application

2. Consultation Responses

ECC Highways Dept

Both of the annotated type 3 turning heads shown in drawing numbered 3316-vc-100 are undersized, incorrectly aligned and unworkable for use by delivery and service vehicles, particularly in front of Plots 4, 5, 6 & 7, however, the site is served by an in and out arrangement which may facilitate the turning manoeuvres of these vehicles but not in a convenient or efficient manner, it is likely these vehicles will require to manoeuvre several times to make the turn to align to the proposed exit route.

The Highway Authority does not object to the proposals as submitted.

Informative1: It is recommended that the turning facilities shown in front of Plots 4, 5, 6 & 7 be abandoned and a communal refuse and recycling presentation area being provided in the vicinity of the access route to and from Harwich Road for all dwellings to use.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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

01/01581/FUL	Renewal of consent TEN/96/1599 for 18 room motel with parking and landscaping	Approved	30.06.2003
96/00585/FUL	Car park and accessway works, new hardstandings and picket fence	Approved	13.08.1996
96/01599/FUL	(Rear of The White Hart Inn, Harwich Road, Wix) 18 room motel with parking and landscaping	Approved	07.05.1997
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 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.	Approved	10.11.2016
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
18/01999/DETAIL	Variation of condition 1 of approved application 16/00871/DETAIL to replace drawing no. 2024-201, 2024-202, 2024-203, 2024-204, 2024-205, 2024-206, 2024-207 and 2024-208 with 3316-VA-10, 3316-VA-11, 3316-VA-12, 3316-VA-13, 3316-VA14 and 3316-VA-50.	Approved	
19/00740/FUL	Proposed new dwelling.	Approved	07.11.2019
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

QL9 Design of New Development

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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the northern side of Harwich Road within the parish of Wix. 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.

Proposal

This application proposes to vary condition 12 of planning application 12/01135/OUT to amend the turning facilities of the site due to a dwelling being approved under 19/00740/FUL on the originally approved turning area.

All other aspects have been assessed and approved under planning application reference 12/01135/OUT and 16/00871/DETAIL.

Principle of development

The principle of residential development on this site has already been approved via the granting of outline permission for 10 no houses with associated access road and car parking in lieu of the erection of a 36 bed motel.

This application relates to the vehicular turning facilities only.

The main considerations in this instance are;

- Highway Considerations - Variation of Condition 12 (Vehicular Turning Facilities)
- Financial contributions - Open Space
- Financial contributions - RAMS

Highway Considerations - Variation of Condition 12 (Vehicular Turning Facilities)

Condition 12 of planning permission 12/01135/OUT states;

Prior to the occupation of the hereby approved development, the vehicular turning facilities shown on drawing number 101 revision C shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

The reason for this application is due to the granting of planning application reference 19/00740/FUL, which occupies the turning area approved under planning application 12/01135/OUT.

Essex County Highways have been consulted on this application and do not raise any objections to the proposed amendment. It is considered that the changes to the turning facility will not adversely impact upon highway safety concerns.

Financial Contribution - RAMS

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).

Having considered the proposed avoidance and mitigation measures above, Tendring District Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to the turning facilities sited towards the front of the application site. This application seeks to amend the original planning permission which has commenced and does not involve any increase to the number of properties to be built.

Having made this appropriate assessment of the implications of the plan or project for the site it is concluded that the application does not fall within the scope of RAMS and as such a contribution will not be sought.

Financial Contributions - Open Space

Again, in this instance, the Council consider it would be inappropriate to request a financial contribution toward open space or play space facilities in the area as part of this revised application as the previous permission has been commenced works. The application seeks to amend the turning facility only and does not go to the heart of the permission.

Other Considerations

Wix Parish Council have not commented on this application.

1 letter of representation has been received and has raised the following concerns;

-planned development comes down a narrow single roadway.

-no allowances has been made for level differences between the adjoining roadway or in particular how transferal of loads from large vehicle movements has been factored into the design or how vehicle management crash mitigation has been managed to the wall or fence line indicated to the east or west of the access with the access roads, especially with levels differences between the adjoining lands on the east and the apparent narrow width of roads which would be unsuitable for heavily loaded large vehicles.

The access has been established under planning reference 12/01135/OUT and this application is to vary the vehicular turning facility only.

6. Recommendation

Approval – Outline

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan drawing number 101 Revision C and Noise Exposure Assessment Report 7754-NEA-01 submitted under planning application 12/01135/OUT and Drawing No. VC-100A submitted under planning application 19/01215/OUT.

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

- 2 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 3 No site clearance or construction work shall take place on the site on Sundays or public holidays. On all other days no site clearance or construction works shall take place on the site outside of the following times: 0700 - 1900 Mondays to Fridays and 0800 - 1300 on Saturdays. These restrictions shall apply throughout the site clearance and construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity for occupants of dwellings along Harwich Road.

- 4 The site levels should be as approved under planning application reference 16/00871/DETAIL and shall be implemented as approved unless the Local Planning Authority first gives written approval to any variation.

Reason - In the interests of visual amenity and privacy.

- 5 Prior to the occupation of the hereby approved development, the westernmost access shall be the sole means of ingress to the site and the access shall be provided in precise accordance with the details shown on drawing number 101 revision C submitted under planning application reference 12/01135/OUT and with appropriately worded signs to ensure the one way operation of the sites accesses within the site in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that all vehicles using the site ingress do so in a controlled manner, in the interests of highway safety.

- 6 Prior to the occupation of the hereby approved development, the easternmost access shall be the sole means of egress to the site and the access shall be provided in precise accordance with the details shown on drawing number 101 revision C submitted under planning application reference 12/01135/OUT with appropriately worded signs to ensure the one way operation of the sites accesses within the site in accordance with a scheme to have been previously submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that all vehicles using the site egress do so in a controlled manner, in the interests of highway safety.

- 7 Prior to the first use of the site egress, a 1.5m x 1.5m pedestrian visibility splay shall be provided on the west side of the access relative to the highway boundary. There shall be no obstruction exceeding 600mm in height at all times maintained in perpetuity.

Reason - To ensure a reasonable degree of intervisibility, in the interests of highway safety.

- 8 Prior to the hereby approved accesses being brought into use, vehicular visibility splays of 50m by 2.4m by 50m, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.
- Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.
- 9 Prior to occupation of the hereby approved development, the vehicular turning facilities shown on drawing number VC - 100A submitted under planning application reference 19/01215/OUT shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
- Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.
- 10 Prior to the occupation of the hereby approved development, the parking facilities shown on drawing number VC-100A submitted under planning application reference 19/01215/OUT shall have been provided, hard surfaced, sealed and marked out in parking bays. The car parking areas shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.
- Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.
- 11 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6 metres of the highway boundary.
- Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.
- 12 The bicycle storage should be as approved under planning application reference 16/00871/DETAIL and shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
- Reason - To promote the use of sustainable means of transport.
- 13 The on-site parking facility for construction workers and vehicles, a loading and unloading area for demolition and construction materials and a turning facility suitable for the largest vehicle attracted to or generated by the sites activities during the demolition, construction and fitting out phases, being provided entirely clear of the limits of the highway, shall be as shown under planning application reference 16/00871/DETAIL and shall be maintained during the period of construction.
- Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.
- 14 Details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be as shown under planning application reference 16/00871/DETAIL and shall be maintained during the period of construction.
- Reason - To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety.
- 15 Prior to the occupation of any of the dwellings the unmarked bus stop outside the White Hart Public House shall be improved by the provision of level entry kerbing, new post and flag, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel across the entire sites frontage, in a manner to have been previously agreed in writing with the Local Planning Authority.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 16 Prior to occupation the hereby approved dwellings shall be constructed in accordance with the glazing and trickle vent specification as detailed in the Noise Exposure Assessment Report 7754-NEA-01 as submitted under planning application reference 12/01135/OUT.

Reason - To achieve good internal noise levels for the hereby approved development which is located in close proximity to the A120.

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

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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:

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Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO