

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/01/2020
Planning Development Manager authorisation:	TF	10/01/2020
Admin checks / despatch completed	CC	10/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	SB	10/01/2020

Application: 19/01145/DETAIL **Town / Parish:** Wix Parish Council

Applicant: Mr & Mrs Thornton

Address: Land rear of Chapelfield House Bradfield Road

Development: Erection of one detached dwelling (Submission of Reserved Matters following grant of outline planning permission under reference 16/01664/OUT).

1. Town / Parish Council

Wix Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept

The proposal would be accessed via the existing vehicular access and private driveway that serves an existing equestrian use, which is adjacent to the proposal site and 150 metres distant from the Bradfield Road carriageway. There is adequate space for turning, to allow vehicles entering the site to turn an approach Bradfield Road in forward gear.

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

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

2. Prior to first occupation, the two vehicle parking spaces shown in principle in the Block Plan, drawing no. TCH - 203, Rev A, shall be constructed ready for use in accordance with the EPOA Parking Standards with each vehicular parking space to have minimum dimensions of 2.9 metres x 5.5 metres long. The vehicle parking area and associated turning area shall be retained in this form at all times. Reason: To ensure that on street parking of vehicles in the adjoining Bradfield Road does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

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.

Informatives:

All 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

16/01664/OUT	Detached 3 bedroom house.	Approved	20.02.2017
17/01908/OUT	Detached 3 bedroom house.	Refused	19.01.2018
19/00213/FUL	Proposed dwelling.	Withdrawn	24.05.2019
19/01048/OUT	Erection of 4no. single storey dwellings.	Approved	22.10.2019

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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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 Description

The application site comprises parcel of land situated on the eastern side of Bradfield Road within the Parish of Wix. The application site forms part of a larger parcel of land currently used for equestrian uses with associated outbuildings present on the land. The site is outside of the defined Settlement Development Boundary of Wix as defined by both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan Publication Draft (2017). The existing site entrance from Bradfield Road and access track will serve the development. To the north of the site is the A120 (Wix bypass). On the opposite side of the road and to the south of site fronting Harwich Road is a ribbon of established dwellings. To the south east of the site ('Lane east of Chapelfields') is a parcel of land subject of a previous approval for 14 houses.

Description of Proposal

The application seeks permission for the reserved matters for the construction of 1 dwelling following the approval at outline stage under planning application 16/01664/OUT.

Application 16/01664/OUT was made with all matters reserved. This application is therefore assessing the access, layout, scale, appearance and landscaping for the proposed development (taking into consideration the conditions imposed upon the outline consent).

Assessment

The main consideration are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contribution - RAMS;
- Requirements of Outline Conditions; and,
- Representations.

Principle of Development

The principle of development has been established by the granting of outline planning application 16/01664/OUT.

The detailed considerations are set out below.

Scale, Layout and Appearance

The appearance of the development is covered by the plans submitted. The materials to be used in the construction of the dwelling are controlled by condition 4 of the outline consent and will be submitted by way of Discharge of Condition application.

The dwelling is traditional in appearance with modern elements through the fenestration design. The scale of the property is considered in keeping with the character of nearby dwellings. Further consideration of the final finish and appearance of the dwelling will be carried out as part of the materials discharge of condition application.

The character of the site allows for the dwelling to appear spacious in its setting. Given the setback siting of the dwelling, any impact upon visual amenity and the wider landscape is minimal. The existing vegetation around and near the site together with the backdrop of existing dwellings and equestrian outbuildings help assimilate the dwelling into its surroundings with no material landscape or visual harm.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The dwelling is sited well away from neighbouring dwellings retaining a back to back distance of over 40 metres with Minters Cottages to the south. Furthermore, there is boundary vegetation providing screening between the dwellings and obscuring views into neighbouring gardens.

The dwelling is served by a garden area that meets the minimum standards within adopted Policy HG9.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

Trees and Landscaping

The details provided within the supporting Planning Statement explain how the trees along the boundary are to be retained and hard surfacing will match the existing with the parking bays to be finished in Marshall Pavers.

Given the setback siting of the dwelling, any impact upon visual amenity and the wider landscape is minimal and soft landscaping is not essential in this instance.

Highway Considerations and Parking Provision

The dwelling is to be served by the existing access and 2 parking spaces.

Essex County Council Highway Authority raise no objection to the development.

Financial Contribution - Recreational Disturbance

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 residential development on a site that lies within the Zone of Influence (Zoi) being approximately 5300 metres from Hamford Water SAC, Ramsar and SPA. New housing development within the Zoi 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 provided to secure this legal obligation 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.

Requirements of Outline Conditions

Other than the standard reserved matters time limit conditions, the outline application was subject to the following conditions;

- 4 - Materials details
- 5 - Landscaping details
- 6 - Implementation of landscaping
- 7 - Details of screen walls and fences
- 8 - Removal of fence PD
- 9 - Permeable hardstanding

The details submitted as part of this application satisfy conditions 5 and 7. The appropriate informative will be added to ensure compliance with the requirements of the other conditions.

Other Considerations

No comments have been received from Wix Parish Council.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the reserved matters associated with the approved development, the application is recommended for approval subject to the appropriate conditions.

6. Recommendation

Approval - Reserved Matters/Detailed

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan and materials: Drawing No TCH-201 Revision B and Drawing No TCH-203 Revision B.

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

- 2 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 - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location and to ensure sufficient private amenity space is retained.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

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Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 16/01664/OUT which contains conditions that remain relevant to the development and require further action.

Building Control Informative

Fire service access may be an issue.