

AUTHORISATION	INITIALS	DATE
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Planning Development Manager authorisation:	TF	04/03/2020
Admin checks / despatch completed	CC	04/03/2020
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Application: 20/00036/FUL **Town / Parish:** Wrabness Parish Council

Applicant: Mr John Acton

Address: Land Site of Former Broadfields Primrose Hill Wrabness

Development: Variation of condition 2 (approved plans) of approval 18/01809/FUL to alter the semi detached dwellings to two detached dwellings of a similar design.

1. Town / Parish Council

Wrabness Parish Council No objection to this application.

2. Consultation Responses

None

3. Planning History

93/00743/FUL	Construct two storey wing on the north side and parapets to existing two storey cottage	Approved	04.08.1993
05/01747/OUT	Demolition of existing house and replacement with 2no detached dwellings and double garages	Refused	30.11.2005
06/00568/OUT	Demolition of existing house and replacement with 2 no. semi-detached dwellings and double garages.	Refused	12.07.2006
07/01331/FUL	Demolition of existing derelict dwelling and replacement with one detached house, with detached double garage.	Refused	03.10.2007
08/00074/FUL	Demolition of existing derelict dwelling and replacement with 1 No. detached house and detached double garage, and alterations to existing vehicular access.	Refused	12.03.2008

18/01294/FUL	Replacement semi-detached dwellings and detached double garages.	Refused	02.10.2018
18/01809/FUL	Replacement semi-detached dwellings and detached garages.	Approved	19.12.2018

4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
 QL2 Promoting Transport Choice
 QL3 Minimising and Managing Flood Risk
 QL9 Design of New Development
 QL10 Designing New Development to Meet Functional Needs
 QL11 Environmental Impacts and Compatibility of Uses
 HG1 Housing Provision
 HG3 Residential Development Within Defined Settlements
 HG3A Mixed Communities
 HG4 Affordable Housing in New Developments
 HG6 Dwelling Size and Type
 HG7 Residential Densities
 HG9 Private Amenity Space
 HG14 Side Isolation
 COM6 Provision of Recreational Open Space for New Residential Development
 COM31A Sewerage and Sewage Disposal
 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)

LP1 Housing Supply
 LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 PPL3 The Rural Landscape
 CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

Essex Design Guide (2005)

Urban Place Supplement (2007)

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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

Site Description

This application relates to an irregular shaped parcel of land on the eastern side of Primrose Hill, within the parish of Wrabness. The character of the surrounding area is semi-rural; to the north are scatterings of built form, whilst adjacent to the south is a detached two storey property constructed in weatherboarding. The wider character becomes far more rural however, with large areas of agricultural land to all sides. At the present time the site is in a state of disrepair, with steel fencing to the front west facing elevation and numerous building materials scattered across the site. The

site is not situated within a recognised Settlement Development within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks to vary condition 2 (approved plans) of approval 18/01809/FUL to alter the semi-detached dwellings to two detached dwellings of a similar design.

Planning History

Under planning ref: 08/00074/FUL, planning permission was refused for the erection of one detached dwelling with a double garage following the demolition of the existing dwelling, on the grounds that its size and height would be an intrusive and imposing feature, detrimental to visual amenity and the local character.

This decision was overturned at appeal stage (appeal ref: APP/P1560/A/08/2079919/WF). Following this decision, initial groundworks were carried out, as referenced by Building Control ref: 11/08374/IN, to ensure the permission had been implemented; however the submitted plans indicate that these works were never concluded due to the previous occupant suffering from financial issues.

Under planning decision 18/01294/FUL, permission was refused for the erection of two semi-detached dwellings. This was because the additional dwelling to that previously approved was treated as a new dwelling outside of a Settlement Development Boundary, whilst the detached garages were overly prominent and out of keeping with the street scene.

Under planning permission 18/01809/FUL permission was approved for the erection of two replacement semi-detached dwellings and detached garages.

Assessment

Principle of Development

Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

Policy EN3 of the Adopted Local Plan states development within a Coastal Protection Belt should not significantly harm the landscape character and quality of the undeveloped coastline. The sentiments of this policy are carried forward within Policy PPL2 within the Emerging Local Plan.

The principle of development was established by the granting of planning permission 18/01809/FUL. Issues such as the impact on the village character, potential contamination and highway safety have already been assessed via the appeal, with the principle of development of the site being well established.

Design, Layout and Appearance

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.

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 proposed dwellings are to be detached, two storeys and sited to the south of 'Myskyns' along Primrose Hill. The dwellings will be accessed via a new access point created to the west of the site off Primrose Hill. The siting of the dwellings will be approximately in line with existing development to the north and south, sited in the same location to the detached dwelling previously approved, and will therefore help to build upon the existing building line. Therefore there is no identifiable harm with the dwellings proposed siting.

In terms of the design of the dwellings, they include key features to help break up the bulk of the proposal, including chimneys, front and rear dormers, brick plinths and front gables. The use of red brick, cream render and clay tile will also be an acceptable use of materials.

It is therefore concluded that the proposals are acceptable in terms of design layout and appearance and will not appear overly prominent within the street scene.

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 100 square metres. The information that has been supplied shows that this is comfortably achieved for both new dwellings.

Impact to 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).

Whilst the two dwellings will be visible to the existing residential properties to both the north and south, there is an approximate separation distance of 8.5m to both neighbouring boundaries, which will ensure no significant loss of light or the dwellings appearing imposing.

In terms of potential overlooking, the dwellings have been designed to ensure that only first floor side elevation windows are to serve an en-suite and bathroom, which would all be obscure glazed. The first floor rear elevation windows, all serving bedrooms, will not have views into the south-facing property's amenity area, whilst views to the north-facing property will be limited to the rear of the garden, an area less likely to be regularly occupied.

Therefore the impact to neighbouring amenities is considered acceptable.

Highways

Essex County Council Highways were consulted on the previous application and stated the proposal was acceptable subject to conditions relating to vehicular access width, the use of no unbound materials, details that show the prevention of the discharge of surface water, the existing access point being permanently closed, a car parking and turning area, the inclusion of a Construction Method Statement and any boundary hedging to be planted 1m back from the highway boundary.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m.

The submitted plans show the proposed garages do not accord with the above measurements; however there is sufficient space to the front of each dwelling to accommodate the necessary parking requirements.

Tree and Landscapes Impact

There are no trees or other significant vegetation on site beyond a single Laurel, which is located on the boundary of the highway. This however does not merit retention or protection by means of a tree preservation order.

The eastern boundary abuts Stour Wood and steps were required to ensure that no harm is caused to the trees within the wood and close to the application site. Accordingly a tree report was provided as part of the previous consent which included tree protection measures and new hedge and tree planting to the western boundary.

The information supplied within this tree report is sufficient to demonstrate the development can be implemented without causing harm to the trees on the site and adjacent land, whilst the planting proposed is sufficient to secure a good boundary feature.

Other Considerations

There has been no other letters of representation received.

6. Recommendation

In conclusion the two proposed dwellings are to be sited within a semi-rural location which also forms part of a Coastal Protection Belt and is also within the proposed extension to an Area of Outstanding Natural Beauty. However it is acknowledged that the immediate surrounding area to the north and south sees a number of residential properties which the pair of detached properties would be sited in line with.

The site itself is currently in a poor state and it is noted that planning permission 18/01809/FUL, which is for a pair of semi-detached dwellings with a similar scale and footprint to that being proposed, can be constructed regardless of the determination of this application. Therefore, on balance, there is not considered to be significant identifiable harm to the areas important character and the proposal meets with the guidance as given by the aforementioned local and national policies.

In view of the above the application is recommended for Approval.

7. Conditions

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

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

(2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers, 28-2018-05 pb Proposed front and rear elevations, 28-2018-06 pb Proposed side elevations, 28-2018-03 pa, Site plan and proposed floor plans, 28-2018-07 pb Proposed garage floor plans and elevations, 28-2018-02 pd Proposed block plan, 2018-04 pa Proposed first floor plans.

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

(3) Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety

(4) No unbound materials shall be used in the surface treatment of the proposed vehicular access 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.

(5) The existing access or any part of an access or dropped kerb rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-installment to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

(6) The development shall not be occupied until such time as the car parking and turning area, indicated on the approved plans, has been hard surfaced and sealed. The car parking area 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 thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

(7) Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

(8) No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

(9) Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety.

(10) 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: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, 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.

8. Informatives

(1) Environmental Protection

In order to minimise potential nuisance to nearby existing residents caused by demolition/construction works, Environmental Protection ask that the following below is conditioned;

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

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