

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	20/05/2020
Planning Development Manager authorisation:	TF	20/05/2020
Admin checks / despatch completed	CC	20/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	20/05/2020

**Application:** 20/00365/OUT **Town / Parish:** Alesford Parish Council

**Applicant:** Mr Ray Edwards

**Address:** Land to The rear of 1 Coach Road Alesford

**Development:** Proposed detached 3 bed bungalow with detached garage.

### **1. Town / Parish Council**

Mrs Michelle Salazar  
15.04.2020

Alesford Parish Council have no comments to make

### **2. Consultation Responses**

ECC Highways Dept  
01.04.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposed access will share the existing vehicle access with the host dwelling. The site history indicates that a one dwelling property was previously approved under 01/01082/OUT. The dwelling will be located near to existing bus stop facilities on Wivenhoe Road. The site provides adequate parking and turning facilities for both the host and proposed dwelling therefore:

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

1. Prior to occupation of the dwelling 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. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. Prior to the occupation of any of the proposed dwelling, the existing private drive/access shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and shall be provided with an

appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. There shall be no discharge of surface water onto the Highway.

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 to ensure accordance with policy DM1.

5. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the dwelling unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and 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.

Informative:

1: It is noted that adjacent to the existing vehicle access there is a lit road warning sign; any alterations to the driveway will need to take this into consideration during the design and implementation stage.

2: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority

against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

01/01082/OUT	Residential development	Approved	05.09.2001
04/01990/FUL	Disabled persons ramp to front entrance of existing doctors surgery.	Approved	16.12.2004
87/00148/FUL	Change of use from private residence to doctors surgery	Approved	24.03.1987

### **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
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development
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
PPL4	Biodiversity and Geodiversity
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities

### **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 (EIP) 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 refers to 1 Coach Road, Alresford which is a doctor's surgery. The site itself is located to the west of the doctor's surgery building which is currently laid to grass. The site is located within the settlement boundary of Alresford. The site is accessed from Coach Road.

### Proposal

This application is an outline form with all matters reserved and proposes the erection of one detached bungalow, garage and associated parking.

### Assessment

The main considerations for this application are;

- Principle of development
- Design, Layout and Appearance
- Residential Amenities
- Highway Considerations
- Trees and Landscaping
- Legal Obligations
- Habitat Regulations Assessment
- Other Considerations

### Principle of Development

The site is located within the Settlement Development Boundary (SDB) for Alresford, as established within the emerging local plan. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

### Design, Layout and Appearance

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).

All detailed matters are reserved for later consideration, an indicative block plan and elevations have been provided to indicate how the development could be achieved within the application site. The indicative plan demonstrates that the site can accommodate a two/three bedroom dwelling with a garage and associated parking. The indicative elevations demonstrate that the dwelling would be single storey with two gable projections to the front elevation and it would be constructed from materials that are considered to be in keeping with the character of the area.

The block plan provided demonstrates that the proposed dwelling can accommodate 100 square metres of private amenity space in line with Policy HG9 of the Tendring District Local Plan 2007 and sufficient garden is retained for the doctor's surgery, number 1 Coach Road.

The application site adjoins existing residential development to the north which is two storey and to the east is number 1 Coach Road which is single storey. It is therefore considered that the proposed development is an infill site that can accommodate a dwelling. A condition will be imposed to ensure that the proposed dwelling is single storey to ensure that it is in keeping with the character of the surrounding area and to reduce the impact upon neighbouring amenities.

Therefore, it is considered that a detailed design, layout and landscaping scheme could be provided at reserved matters stage which would preserve the character of the surrounding area and it would be acceptable in terms of visual impact.

### Residential 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).

Appearance and layout are reserved for later consideration. It is considered that a dwelling on the site could be accommodated with no material loss of amenity in terms of loss of light, outlook or privacy due to the degree of separation to neighbouring dwellings. It is therefore considered that sufficient spacing can be achieved to all neighbouring boundaries to not cause any harm to the neighbouring amenities.

### Highway Considerations

Essex County Council as the Highway Authority have been consulted on the application and have stated that the proposed access will share the existing vehicle access with the host dwelling. The site history indicates that a one dwelling property was previously approved under 01/01082/OUT. The dwelling will be located near to existing bus stop facilities on Wivenhoe Road. The site provides adequate parking and turning facilities for both the host and proposed dwelling. The Authority have no objections subject to conditions relating to a vehicular turning facility, no unbound materials, construction of private drive, no discharge of surface water, hard surfacing of vehicle parking area and garage measurements.

As details of the proposed access are subject to a later reserved matters application, it therefore does not form part of the assessment of this application and recommended conditions relating to this will not be included within any approval decision. However, the information supplied demonstrates that an access point can be provided which is sufficient at this stage.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres. A garage is proposed within this application, Essex Parking Standards requires for garages to measure 7 metres by 3 metres. The indicative block plan provided demonstrates that two parking spaces can be achieved in line with Essex Parking Standards to the front of the proposed dwelling and parking provided to serve the doctor's surgery.

### Trees and Landscaping

The application site is set to grass and does not contain any trees or other vegetation. Planting on the southern boundary of the site adjacent to Wivenhoe Road would improve the appearance of the development and of the public realm.

### 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 1.91 hectares of equipped play and formal open space in Alresford. Any additional development in Alresford will increase demand on already stretched play facilities. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford, approximately 0.2 miles from the site. This play area is designated as a Local Equipped Area for Play and is the only play area in Alresford.

To cope with additional usage, it would be necessary to increase the size of this play area. The Parish Council does have plans in place to increase the number of play items should further development take place in the village. Any contribution received will be used at St Andrews Close Alresford.

A completed unilateral undertaking has been received to secure the financial contribution.

#### Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influences (ZOI) around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation) there is a requirement to request financial contributions to mitigate against any recreational impact from new dwellings for sites falling within the ZOI's.

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 one dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 1.6 km away from Colne Estuary SPA, SAC and Ramsar.

New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary 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.

#### Other Considerations

Alresford Parish Council have made no comment on this application.

1 letter of representation has been received raising the following concerns;

- Planning Permission has been granted previously and building works were not carried out.

*In response to the concern above, as stated within the report, the application site is located within the development boundary of Alresford and therefore the principle of development is acceptable.*

- The property would be in a prominent location on the busy Wivenhoe Road, directly on the junction with Ford lane with the entrance/exist to the property on two roundabouts and directly opposite a bus stop making it a dangerous position.

*In response to the concern above, ECC Highways have been consulted on this application and their comments have been addressed within the report. The Highway Authority have no objections subject to conditions and therefore the proposal is acceptable in term of highway safety.*

- Loss of light and privacy to number 2 Poplar Close.

*In response to the concern above, this application is to assess the principle of the development on the site. The reserved matters application will include the details which will ensure that the dwelling complies with Policy HG14 of the Tendring District Local Plan 2007. A condition has also been imposed to ensure that the dwelling is single storey only to reduce any impact upon the neighbouring amenities.*

- The property would be directly next to the doctor's surgery where parking on the street is already a problem.

*In response to the concern raised, the piece of land in question was not used as a car park for the doctor's surgery. As stated previously ECC Highways has no objection to the proposed dwelling.*

- Previous planning refused on paragraph 64 of the NPPF at number 2 Poplar close - reference 14/01327/FUL.

*In response to the concern raised above, every application is assessed on its own merits. The proposal was contrary to policy 64 of the NPPF. This application is considering the principle of development with all matters reserved which will be determined within a detail application.*

- Numerous dwellings built in Alresford, this is not essential.

*In response to the concern raised above, as the application is located within the settlement boundary, the principle of development is acceptable.*

## **6. Recommendation**

Approval - Outline

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 The dwelling hereby permitted shall be single storey only.

Reason - In the interests of visual amenity and in order to minimise the impact upon neighbouring amenities.

## 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

It is noted that adjacent to the existing vehicle access there is a lit road warning sign; any alterations to the driveway will need to take this into consideration during the design and implementation stage.

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](mailto:development.management@essexhighways.org) or by post to:

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The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### 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.

### 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.

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