

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	07/07/2020
Planning Development Manager authorisation:	AN	07/07/2020
Admin checks / despatch completed	CC	07/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	07/07/2020

Application: 20/00496/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr and Mrs Cooper-Keeble

Address: Land adjacent to Chapelfields Harwich Road Wix

Development: Proposed construction of self-build dwelling.

1. Town / Parish Council

Wix Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept
13.05.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is within the existing 30-mph speed limit and is located opposite the bus shelter and lay-by east of Baytree Close. The site 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 Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation of the development, the private access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. In accordance and in principal with site and block plan drawing no. 889-04 and prior to occupation of the development a vehicular parking area, 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.

3. Prior to occupation of the dwelling, the existing footway across the entire frontage of the site shall be widened to a maximum of 2 metres and shall be provided entirely at the Developer's expense (As per application: 20/00340/FUL) in accordance and in principal with site and block plan drawing no. 889-04.

Reason: To make adequate provision within the highway for the continued safe passage of pedestrians in accordance with Policy DM1 as a result of the proposed development.

4. 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.

5. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 drop kerbs), shall be retained at that width for 6 metres within the site 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 in the interest of highway safety in accordance with policy DM1.

6. 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.

7. 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.

8. 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.

9. The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay in accordance and in principal with site and block plan drawing no. 889-04.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

10. 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.

11. Prior to commencement of the development, the 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.

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: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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 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

00/00743/OUT	Residential development	Refused	12.07.2000
01/00704/OUT	Residential development (4 houses) resubmission of 00/00743/OUT	Refused	11.07.2001
02/02214/FUL	Change of use to construction company's yard and store with the erection of screen wall and enlargement of vehicle access	Refused	13.02.2003
05/00774/OUT	Development of site for residential purposes - 11 affordable homes - outline.	Refused	28.07.2005
12/01023/FUL	Proposed development of 14 houses and garages. Demolition of small industrial building.	Approved	17.11.2014

19/00996/FUL	Proposed construction of 9 No. houses, provision of new accesses and widening of footpath.	Approved	23.12.2019
20/00358/DISCON	Discharge of condition 18 (construction method statement) for application 19/00996/FUL.	Approved	23.04.2020
20/00360/DISCON	Part discharge of condition 22 (archaeology) for application 19/00996/FUL.	Approved	15.04.2020
20/00340/FUL Adjacent site	Proposed construction of self-build dwelling.	Current	

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

HG3 Residential Development Within Defined Settlements

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

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN1 Landscape Character

HG4 Affordable Housing in New Developments

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

EN1 Landscape Character

PPL3 The Rural Landscape

LP5 Affordable and Council Housing

LP7 Self-Build and Custom-Built Homes

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a plot of land on the northern side of Harwich Road within the Parish of Wix. The site extends approximately 0.06 hectares in size and is located between 2 development plots; the site approved for 9 dwellings under planning application 19/00996/FUL to the east and the current application for 1 self-building dwelling under planning application reference 20/00340/FUL to the west. The nearest existing neighbouring property is Chapelfields to the west.

The site is broadly rectangular in shape with an angled northern rear boundary demarcated by a number of established trees, hedgerows and an adjacent stream. There is a slight change in land levels and the land slopes down to the north.

The site lies outside of the settlement development boundary for Wix as defined within the adopted Tendring District Local Plan 2007 but lies within the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Description of Proposal

The application seeks full planning permission for the erection of 1 no. 4 bedroom detached, self-build dwelling with integral garage.

The application has been amended slightly; reducing the overall height to be more in line with the adjacent development of 9 dwellings and amending the finish/materials to add variation to the street scene having regard to the adjacent plot being considered under reference 20/00340/FUL.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Biodiversity;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS;
- Site Splitting and the Consideration of Affordable Housing; and,
- Representations.

Principle of Development

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The National Planning Policy Framework 2019 (NPPF) must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Plans and decisions should apply a presumption in favour of sustainable development. In line with Paragraph 11 of the NPPF, achieving sustainable development, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The 'development plan' for Tendring comprises the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Wix is categorised as a Village within the adopted Local Plan and as a Smaller Rural Settlement with the emerging Local Plan. Each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen settlement boundaries have been drawn flexibly to accommodate a range of sites both within and on the edge of the villages and this enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic or natural environment.

The site lies outside of the Wix Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2007. However, the extended boundary as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 now incorporates the application site.

Saved Policy HG3 of the adopted Local Plan deals with residential development within defined settlements stating that, within the 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. Proposals for development should ensure that the scale, design and intensity of any new building are in harmony with existing surrounding development.

Emerging Policy SPL2 states that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.

The principle of residential development on this site has therefore been established through the extension of the settlement development boundary. This is recognised as a socially sustainable location. The detailed considerations relevant to this proposal are set out below.

Scale, Layout and Appearance

Paragraph 8 of the NPPF sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character including the surrounding built environment and landscape setting. Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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 Emerging Plan. Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.

Amendments have been secured obtaining a reduced height and variation to the finishes/materials of the proposed dwelling. The layout, scale and linear arrangement responds appropriately to the existing pattern of development, mixed character area and to the development approved under planning application 19/00996/FUL to the east. The dwelling is appropriately spaced adhering to the side isolation requirements within saved Policy HG14 and allowing for a good set-back from the highway of over 13 metres. The rear private garden area is in excess of the minimum standards required by saved Policy HG9.

Overall, the scale, appearance and finish of the dwelling is considered acceptable and the development will not be materially harmful to the character or appearance of the area.

Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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 (2017).

The layout of the development, internal accommodation layout, spacing around the property, siting in relation to future neighbouring dwellings and private amenity space provision ensure a good standard of amenity for existing and future occupants. The distance retained to existing dwellings means that the proposed development will not result in any material harm to nearby properties.

Access and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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 and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

Essex County Council as the Highway Authority has been consulted on the application (see above for details) and raise no objection to the development subject to conditions which will be imposed or added as informatives as required.

Officers are satisfied that the site can accommodate the proposed development without resulting in any highway safety harm being served by appropriate accesses, visibility splays, parking and turning provision.

Trees and Landscaping

Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement.

On the northern boundary adjacent to the brook there is also a hedgerow that contains several mature trees such as Oak, Goat Willow, White Willow, Field Maple and Hawthorn. The main body of the application site does not contain any trees or other significant vegetation.

In order to fully and accurately assess the impact on the trees and hedgerows on the land the applicant has provided a tree report and survey that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations

The tree report provides an accurate description of the health and condition of the trees potentially affected by the development proposal. It identifies the need to remove the hedgerow on the boundary with the highway. It also makes reference to the opportunity for new planting on this boundary to replace the hedge and trees, this can be secured by condition.

In terms of the trees on the northern boundary the tree report describes the benefits of the boundary drainage ditch, inasmuch as it is a physical barrier to root growth into the application site. If the measures identified in the tree report are adhered to then the development of the land can take place without harm being caused to trees on the northern boundary.

The Tree Protection Plan submitted in support of the application shows that the development will not result in an incursion into the Root Protection Areas of trees on the northern boundary. The report also identifies that it will be necessary for a sensitive crown reduction of some of the trees on the northern boundary to be carried out to secure a satisfactory relationship between the dwelling and retained trees.

On balance the development proposal does not threaten the long term viability or health of retained trees.

Flooding

The site is not within a defined flood zone although it is adjacent to an existing stream. Any development will be required to include permeable or porous hard surfacing minimising any surface water flooding or discharge.

The proposed development cannot be considered to have a material impact upon the potential flooding of the adjacent stream.

Biodiversity

The application is accompanied by a Phase 1 Geo-Environmental Desk Study Report and an Extended Phase 1 survey.

The reports conclude that all trees indicated negligible potential to support roosting bats with an absence of suitable features. The hedgerows and stream provide foraging and commuting opportunities which need to be protected. A bat friendly lighting scheme will prevent disturbance to foraging and commuting bats and new roosting features should be installed to enhance biodiversity. Of the twelve species recorded one is on the Birds of Conservation Concern Red List the hedgerows offer potential nesting habitat any loss of which will be mitigated through the installation of nest boxes. The survey for Badger produced a negative result with no Badger setts and no evidence of Badger using the site. The survey for reptiles produced no evidence to suggest that reptiles are present on the site; the habitat did not meet the criteria as suitable reptile habitat lacking in a variety of sward heights. The habitat assessment found the site to be suitable for supporting Hedgehog; Hedgehog homes complemented by Hedgehog friendly fencing where appropriate will provide enhancements. The survey of the stream produced a negative result for Water Vole.

The report makes recommendations to provide enhancements comprising eight bat roost features and a bat friendly lighting scheme, installation of ten bird boxes, four Hedgehog homes within the development complemented by Hedgehog friendly fence if appropriate.

Where hedgerow is to be removed this should be completed outside of the bird breeding season (March to September inclusive); where is this not possible and inspection should be carried out by a suitably experienced ecologist prior to removal.

In conclusion, the site is of low ecological value and will benefit from the opportunities for enhancement offered by development.

Financial Contribution - Open Space/Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states that 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.

Due to the scale of the development no contribution is being requested on this occasion.

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 contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 4300 metres from Hamford Water Ramsar, SPA and SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the 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 proportionate financial contribution has been secured through a completed unilateral undertaking in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and the application therefore complies 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.

Site Splitting and the Consideration of Affordable Housing

Site splitting can be understood as the deliberate breaking down or splitting of a major development site into two or more sites to avoid having to provide affordable housing in accordance with the NPPF or Local Plan.

At the time of application 12/01023/FUL for the development of 14 houses and garages, the site was owned jointly, the owners being tenants in common. This means they own undivided shares in the land and they can leave their share by their will. At the time of the application one of the joint owners had passed away and the share of that owner was the subject of an application to court for the public trustee to be appointed as executor of that person's estate.

The planning statement for 19/00996/FUL states – A planning application was submitted in 2012 ref 12/01023/FUL and was granted on 17th November 2014 following the completion of the Section 106 agreement. This had been delayed due to legal issues associated with the death of one of the owners of the site prior to the completion of the agreement. Ongoing difficulties in this respect is why the development has not been progressed and is the driver for this new application on a section of the previously consented site. This reduced site of 19/00996/FUL area would not be a major development site within the meaning of the NPPF or Local Plan.

It is a matter of planning judgement to decide if a site that has been split should nevertheless be treated as a Major Development site.

Looking at the factors in *R (Westminster City Council) v First Secretary of State and Brandlord Limited* [2003] J.P.L 1066 and the High Court decision in the *New Dawn* case, *New Dawn Homes Ltd v S S for C & L G and Tewkesbury B C* [2016] EWHC 3314 (Admin), officers consider that this does not constitute an artificial scheme designed to avoid affordable housing provision because of the split in beneficial ownership at the time of the first application, the intervention of the court and the transfer of ownership under the will of the deceased.

On this basis, the site can be treated separately to the adjoining larger site as it does not appear that they were separated deliberately to avoid contributions or provision of affordable housing.

Representations

No comments have been received from Wix Parish Council.

No individual letters of representation have been received.

Conclusion

For the reasons set out above, the proposal is considered to represent a sustainable form of development in a location supported by national and local plan policy that will not result in any material environmental or residential harm that warrants refusal of planning permission.

6. Recommendation

Approval - Full

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 no. 889-04, Drawing no. 681/SK Revision B and Drawing 889-03 Revision B.

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 unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been provided within the application.

- 4 No above ground works 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 site, which shall include all boundary treatments and 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 - To ensure that the development is appropriate within its setting.

- 5 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 which, 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the area and the quality of the development.

- 6 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 screen walls and fences shall be erected prior to the occupation of the dwelling 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 edge of settlement location and in the interests of residential amenity.

- 7 No above ground works shall take place until a detailed ecological enhancement and management scheme be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with Section 8.0 Recommendations and Appendix 5 of the accompanying Hillier Ecology Extended Phase 1 Survey dated June 2019 and include a timetable for implementation. The development shall be implemented in accordance with the approved works prior to the occupation of the hereby approved dwellings.

Reason - To preserve and enhance the biodiversity of the site.

- 8 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 or other enclosures, shall be erected forward of the front elevation of the dwellings hereby approved.

Reason - In the interests of visual amenity and the character and appearance of the area.

- 9 In relation to the trees contained within the application site, the development shall be carried out in strict accordance with the ARBORICULTURAL REPORT dated 25th June 2019 and Tree Protection Measures contained therein.

Reason - In order to safeguard the trees to be retained in the interests of the visual amenity and biodiversity.

- 10 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 11 Prior to occupation of the development, the private access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 12 Prior to the occupation of the development the vehicular parking and turning areas to the front of the site shall be constructed, surfaced and maintained free from obstruction 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.

- 13 Prior to occupation of the dwelling, the existing footway across the entire frontage of the site shall be widened to a maximum of 2 metres and shall be provided entirely at the Developer's expense (As per application: 20/00340/FUL) in accordance and in principal with site and block plan drawing no. 889-04.

Reason - To make adequate provision within the highway for the continued safe passage of pedestrians.

- 14 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.

- 15 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (5 drop kerbs), shall be retained at that width for 6 metres within the site 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 in the interest of highway safety.

- 16 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.
- 17 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.
- 18 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.
- 19 The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay in accordance and in principal with site and block plan drawing no. 889-04.
- Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.
- 20 All new parking areas and areas of hardstanding 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 within the site area.
- Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

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

1: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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 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.

4: Prior to commencement of the development, the 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 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.