

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/05/2021
Planning Development Manager authorisation:	JJ	27/05/2021
Admin checks / despatch completed	DB	27.05.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.05.2021

Application: 21/00586/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr and Mrs Thornton

Address: Land off Bradfield Road Wix

Development: Erection of one detached dwelling - variation to approval 20/00345/FUL to include addition of utility room and amended site area.

1. Town / Parish Council

2. Consultation Responses

ECC Highways Dept
25.05.2021

The Highway Authority observes that dwelling is set back from the highway and is accessed from an established private track and would not normally comment, however, it is noted that this application concerns variation to the previous approved application to include the addition of utility room and amended site area only and retains adequate parking and turning, therefore:

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

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

Tree & Landscape Officer
29.04.2021

No trees or other significant vegetation will be affected by the development proposal.

The application site is not visible from the public realm; consequently there appears to be little scope or benefit to be gained by securing soft landscaping to enhance the appearance of the development or the wider public realm.

UU Open Spaces
20.05.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 21/00586/FUL

Site Address: Land off Bradfield Road Wix Essex

Description of Development: Erection of one detached dwelling variation to approval 20/00345/FUL to include addition of utility room and amended site area
Current Position

There is currently a deficit of -0.56 hectares of equipped play in Wix.

Recommendation

Although there is currently a deficit of play in Wix it is not thought that this dwelling will have any impact on the current facilities

3. Planning History

16/01664/OUT	Detached 3 bedroom house.	Approved	20.02.2017
17/01908/OUT	Detached 3 bedroom house.	Refused	19.01.2018
19/00213/FUL	Proposed dwelling.	Withdrawn	24.05.2019
19/01048/OUT	Erection of 4no. single storey dwellings.	Approved	22.10.2019
19/01145/DETAIL	Erection of one detached dwelling (Submission of Reserved Matters following grant of outline planning permission under reference 16/01664/OUT).	Approved	10.01.2020
20/00345/FUL	Proposed erection of one detached dwelling.	Approved	10.07.2020
20/00781/FUL	Proposed erection of 4 pairs of semi-detached dwellings, providing 8 dwelling houses.	Approved	11.09.2020
20/00869/DETAIL	Amended drawing showing minor alterations to window fenestration and porch.	Approved	
20/01403/NMA	Non-material amendment to approved application 19/01145/DETAIL for minor alterations to window fenestration	Approved	25.01.2021

and porch.

21/00206/DISCON	Discharge of conditions 3 (landscaping), 4 (landscaping), 5 (boundary treatments), 9 (materials) and 19 (noise report) of approved application 20/00781/FUL.	Approved	18.03.2021
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG14 Side Isolation

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design

SPL1 Managing Growth

LP3 Housing Density and Standards

LP4 Housing Layout

PPL4 Biodiversity and Geodiversity

HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises a parcel of land measuring 0.18 hectares situated on the eastern side of Bradfield Road within the Parish of Wix.

The site is outside of a defined settlement boundary within the Saved Tendring District Local Plan (2007), but falls adjacent to the Settlement Development Boundary of Wix within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Outline planning permission was granted under planning reference 17/01908/OUT for the erection of a three bedroom house.

Directly to the east of the application site planning permission was granted under planning reference 16/01664/OUT and 19/01145/DETAIL for the erection of one dwelling.

Planning permission has also been granted under reference 19/01048/OUT for four dwellings to the west of the application site.

Planning permission was granted under reference 20/00345/FUL for the erection of one detached dwelling and this application seeks to replace this permission.

Planning permission was granted under 20/00781/FUL for the erection of 4 pairs of semi detached dwellings.

Description of Proposal

This application seeks planning permission for the erection of one detached dwelling - variation to approval 20/00345/FUL to include addition of utility room and amended site area.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Representations

1. Principle of Development

The principle of development has been established through the previously approved outline application reference 17/01908/OUT and therefore development is acceptable on the application site subject to the details below.

2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

The proposed changes to application 20/00345/FUL include the addition of the utility room and amended site plan. The other elements have been assessed under planning application 20/00345/FUL.

The proposed utility room will be located to the eastern Elevation of the Host dwelling. The proposal is one and a half storeys with a dual pitched roof serving the utility, study and toilet to the downstairs with an en-suite to the first floor. The proposal will be constructed from matching materials to those used within the host dwelling which are considered acceptable.

The extended site area is considered acceptable and will not cause any visual impact upon the character of the area. In terms of Policy HG9 of the Saved Tendring Local Plan 2007, sufficient private amenity space is provided in line with this policy.

3. Residential Amenities

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

The utility room will comprise of a roof light to the front and rear elevation, both being high level for light purposes only. It is therefore considered that the utility will not cause any impact upon neighbouring amenities.

The extended site area will not cause any impact upon the neighbouring amenities.

4. Trees and Landscaping

No trees or other significant vegetation will be affected by the development proposal.

Although the site is not visible to the public realm, a landscaping scheme will be requested.

5. Highway Consideration and Parking Provision

Essex Highway Authority have been consulted on this application and have observed that dwelling is set back from the highway and is accessed from an established private track and would not normally comment, however, it is noted that this application concerns variation to the previous approved application to include the addition of utility room and amended site area only and retains adequate parking and turning, therefore, the Highway Authority does not object to this proposal.

Further, Essex Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for parking spaces measuring 5.5m x 2.9m and garages should measure 7 metres by 3 metres. The plans provided demonstrate two parking spaces to serve the host dwelling. It is considered that the proposal is sufficient to provide parking in line with Essex Parking Standards.

6. Legal Obligation

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".

No contribution is requested from the public realm.

7. Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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.

Having considered the proposed avoidance and mitigation measures, Tendring District Council conclude that in this instance it would be unreasonable to seek mitigation measures. This application seeks a variation to the approved plans attached to a previously approved application. Furthermore, the amendments are minor and do not majorly alter the approved dwelling and do not increase the number of dwellings proposed.

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

8. Other Considerations

Wix Parish Council have not commented on this application

One letter of representation have been received raising the following concerns:

- Concerns over overlooking onto neighbouring amenities

This concern has been addressed within the report.

- Concerns that the dwelling is in close proximity to the new homes being built.

In response to this concern, the application provides sufficient space to enable a development which is not considered cramped.

- Concerns over the loss of a view

This concern is not a material planning consideration and therefore has not been taken into consideration when determining this application.

- Concern over the value of the house

This concern is not a material planning consideration and therefore has not been taken into consideration when determining this application.

- Concerns over why the first application is no longer acceptable

This application is to vary the original application to add a utility room and the site area only.

- Concerns over access for emergency services

This concern will be addressed at building regulation stage.

6. Recommendation

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:

YCH-102 Revision C - Block Plan
YCH-102 Revision C - Elevations and Floor Plans

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

- 3 Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the footway or where no provision is present, the carriageway.

Reason - In the interest of highway safety

- 4 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.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 5 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities

- 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 details shall be erected prior to the occupation of the development 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 setting in the interests of visual amenity

- 7 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, gates or other means of enclosures, shall be erected forward of the front elevation of the dwelling hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 8 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the window proposed serving the bedroom 2 and 3 to the first floor on the eastern elevation shown on Drawing No. YCH-102 Revision C shall be non opening and glazed in obscure glass prior to first occupation and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

- 9 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 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 - In the interest of visual amenity and the rural character of the area

- 10 All changes in ground levels, hard landscaping, planting, seeding or turfing 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 - In the interest of visual amenity and the rural character of the area.

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

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

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement approved under planning reference 20/00345/FUL 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.

Building regulations

Fire access may be an issue.

Highways

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

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