

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	25/08/2021
Planning Development Manager authorisation:	JJ	25/08/2021
Admin checks / despatch completed	DB	26.08.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.08.2021

Application: 21/01106/FUL **Town / Parish:** Wix Parish Council
Applicant: Wood
Address: Wingarth Colchester Road Wix
Development: Proposed double garage.

1. Town / Parish Council

No comments received

2. Consultation Responses

ECC Highways Dept
18.08.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.

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

1. No unbound material shall be used in the surface treatment of the vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

2. The proposed private drive shall be constructed at right angles to the highway boundary and/ or existing carriageway. to a maximum width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/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.

3. 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.

4. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times.

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.

5. The double garage should have a minimum internal measurement of 7m x 5.5m

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: 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

2: 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

19/00270/FUL	Erection of 9 new dwellings with detached garages including new boundary treatments, re-worked landscaping, re-worked access, neighbouring boundary adjustment, potential tree felling and new soft landscaping.	Approved	02.10.2019
21/00747/NMA	Non-material amendment to approved application 19/00270/FUL for confirmation of double garage design prior to construction to include change in brick coursing/detailing and confirmation of dimensions	Refused	15.06.2021

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)
QL11 Environmental Impacts and Compatibility of Uses (part superseded)
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)
SP7 Place Shaping Principles
SPL3 Sustainable Design

Local Planning Guidance
Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. In this regard 'Proposed Modifications' to emerging Section 2 of the 2013-33 Local Plan which contains more specific policies and proposals for Tendring has been examined and hearing sessions have now closed. The main modifications recommended to make the plan legally compliant and sound were considered at the Council's Planning Policy and Local Plan Committee on 29th June 2021. The Council is holding a six week public consultation on the Main Modifications and associated documents, which began on 16th July 2021. The consultation will run for just over 6 weeks, closing at 5pm on 31st August 2021, following which adoption is expected later this year. Section 2 will join Section 1 as part of the development plan, superseding in full the 2007 Local Plan. Section 2 of the 2013-33 Local Plan is therefore at a very advanced stage of preparation and should be afforded considerable weight.

5. Officer Appraisal

Proposal

This application seeks permission for a double garage with access from the private driveway at the rear of the dwelling of Wingarth which is located within the settlement development boundary of Wix. The private driveway along the north eastern side boundary of Wingarth was granted permission as part of the residential development to the rear under planning reference 19/00270/FUL

Design and Appearance

The proposed double garage will be sited a distance of 17.6 metres from the rear of the dwellinghouse and accessed from the private driveway which also serves nine new dwellings currently under construction. The proposal will be glimpsed from Colchester Road when passing the private driveway between Wingarth and the timber merchants however the traditional construction of the garage, namely red brick with soldier courses above the doors and slate type roof tile will ensure there will be no significant impact to the street scene. The garage is single storey with a pyramid roof and sited so as not to feature as a prominent structure within the private driveway. The design and finish of the proposed garage will not look out of place adjacent to the new dwellings with garages situated along the private driveway.

Impact on Residential Amenity

The single storey, pyramid roof garage is sited at the north western corner of the application site away from any immediate neighbouring properties ensuring there is no significant impact in terms of loss of light, loss of privacy or outlook to any neighbour.

Over 200 square metres of private amenity space remain following the construction of the proposal which is considered more than adequate.

Parking and Highway Safety

The garage meets the minimum internal dimensions standard for a double garage which is 7 metres x 5.5 metres. In addition, two off road car parking spaces that meet the standard where one space measures 2.9 metres x 5.5 metres are provided in front of the garage.

Essex Highways have been consulted on the proposal and confirm it is acceptable subject to conditions if planning permission is granted. The conditions relate to unbound materials, discharge of surface water, boundary planting and garage size. A further condition relating to the maximum width of the driveway with an appropriate drop kerb is neither reasonable nor necessary. The new access is formed from the private drive serving nine dwellings of which the two properties opposite have driveway access widths of 6 metres and 6.5 metres respectively. The width of the driveway subject of this application is 6.5 metres and is therefore considered appropriate in this context and ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety. Car parking and double garage standards have been met which together with the other highways conditions imposed ensures highway safety is achieved.

Other Considerations

No letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

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. 237-1/S2/02/B and 237-1/S2/01/C.

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

3 No unbound material shall be used in the surface treatment of the vehicular access/
driveway throughout.

Reason - To avoid displacement of loose material onto the highway in the interests of
highway safety.

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.

5 Any new boundary planting shall be planted a minimum of 1 metre back from the highway
boundary and any visibility splay, and retained free of obstruction above 600mm at all times.

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.

6 The double garage should have a minimum internal measurement of 7m x 5.5m.

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

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 informatives

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

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.

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