

**Land rear of 1- 4 Council Houses,  
Colchester Road, Wix**

**Erection of eight dwellings**

**Planning Statement**

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**Stanfords**

## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared on behalf of the De Roy Tool Co. Ltd and is submitted in support of an outline planning application for the erection of four pairs of semi-detached dwellings to the rear of 1- 4 Council Houses, Colchester Road, Wix.
- 1.2 This statement should be treated as forming part of the application, and includes details on the site and its surroundings, the intended scheme and how it relates to adopted and emerging planning policies. Although the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2013 removed the requirement for Design and Access Statements to be submitted with minor planning applications, this statement is submitted to explain the rationale behind the development to assist the Local Planning Authority in making its decision.
- 1.3 This application is a re-submission of an application subject of an appeal decision last month as it has since been found that a serious error was made by Essex County Council Highways which appears to have misled the Planning Inspector in reaching their conclusion to dismiss the appeal.

## **2.0 Site and Surroundings**

- 2.1 The site measures approximately 0.34 hectares, is roughly rectangular and is situated to the north of Colchester Road, Wix. It is an area of grass located to the rear of the back gardens for No's 1- 4 Council Houses, although unconnected to any of the neighbouring properties. The land is enclosed within a 2m high security fence with an access gate at the southwestern corner leading onto a private lane. The lane runs alongside No.1 Swedish Estate and extends through from Colchester Road to the A120. It provides access not only to the application site but also to allotment gardens located to the east of the site. A further access also serves a reservoir to the west operated by Anglian Water.
- 2.2 The track has a consolidated surface and for most of its length is single width. However, a verge extends to either side with informal passing bays. The bellmouth at the junction with Colchester Road comprises land owned by Essex County Council as

highway land together with an extensive verge along the north side of the carriageway. Details of the extent of the highway land is shown on the plan provided by Ringway Jacobs attached and forming part of the application. Visibility splays are available measuring 2.4m x 43m to the east and 2.4m x 43m to the west. The hedgerow across the frontage with Colchester Road has been removed. A public footpath extends along the north side of Colchester road from the junction of the lane up to the centre of the village, leading past both the primary school and village shop/post office. The village centre is served by regular bus services (No's 102 & 104) from Colchester bus station through to Manningtree and Harwich.

- 2.3 A speed limit sign has been positioned adjoining the bellmouth junction, positioned to the east side of the access. This sign has been found to have been incorrectly located.

### **3.0 Relevant Planning History**

- 3.1 An application was submitted to the Council in July 2022 (reference 22/01247/OUT). Following the Council's failure to determine the application, an appeal was lodged and subsequently dismissed in October 2023. Following correspondence with Essex County Council, it has now transpired that incorrect evidence was submitted to the Planning Inspectorate by the highway authority. Details of this circumstance and the consequence upon the Inspector's decision will be detailed in Section 6 below.

### **4.0 Policy Context**

#### National Guidance.

- 4.1 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should take into account the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive

and driven by a search for opportunities to deliver sustainable development, rather than a barrier.

### Adopted Local Plan

- 4.2 The application site is located within the defined development boundary of Wix as identified in the Policies Map of the Local Plan. The principle of residential development upon this site is therefore supported. As this application is in outline form, with just the principle of 8 dwellings to be considered, the relevant Development Management policies have not been detailed at this stage, but will be referred to later.



## 5.0 Proposed Development

- 5.1 The site has been included within the Council's Local Plan as being within the settlement boundary for Wix. The village has been identified as a 'smaller rural settlement' where some development is expected to take place. Although the village does not have a full range of facilities, it does contain a primary school, village shop and post office together with a public house and reasonable public transport through

services 102 & 104. It also has a number of local employment sites. It is therefore regarded as a sustainable settlement. The proposed site is within a very short walking distance from these facilities, with a surfaced and lit public footway along the entire northern side of Colchester Road from the entrance to the lane into the village centre.

- 5.2 Outline planning permission is sought for the development of 8 semi-detached dwellings. It is envisaged that these will be two bed units having regard to the apparent need for lower cost dwellings within the village and surrounding rural area. The format of the dwellings are shown upon the attached indicative site layout plan, and follows the simple utilitarian design of the Swedish Estate nearby. The neighbouring dwellings were constructed post-war by the then rural authority as a solution to rural housing needs at the time. Over time, the majority of these properties are now in private ownership.
- 5.3 Access to the site is via the private lane from Colchester Road. This is clearly the only means of access available and would have been considered acceptable when the village development limits were extended within the emerging Plan. There are full rights of access along the lane for users of the application site. The lane also provides access to the neighbouring farm, a reservoir and allotment gardens. It is also used as a short-cut from Colchester Road on to the A120. Although the lane is single carriageway, it is relatively well used. Informal passing bays exist along the lane, but this scheme envisages improvements to provide a passing bay halfway between the site entrance and Colchester Road.
- 5.4 Access is no longer a Reserved Matter within this submission. The applicant is aware of the need to limit additional use onto the A120. This use clearly exists at present without any apparent restriction. However, this scheme suggests that by arranging for the access on to the lane to be set at an angle, together with the use of appropriately sited bollards, all vehicles entering or leaving the site can only be achieved from Colchester Road. This arrangement would not prevent the existing established access rights for the farm owner, Anglian Water or users of the allotment gardens, but will prevent occupants of the proposed development traversing the A120.

- 5.5 The indicative drawing shows a possible layout, with the dwellings grouped off an internal private drive. It also includes a turning facility in accordance with highway standards. Each dwelling would be provided with at least two car parking spaces. An externally located electric vehicle charging point will be provided to each dwelling. All private gardens would be at least 75m<sup>2</sup> to accord with the Council's requirements. The frontage onto the lane is enclosed with a hedgerow and a number of trees. A further couple of trees can be found along the northern boundary, alongside the access to the allotment gardens. These can all be retained or are outside the application site itself. There are no trees within the main portion of the site. The application includes a Root Protection Plan to safeguard these trees. A further landscaping scheme can strengthen the perimeter including along the northern and southern boundaries. Otherwise, the site is screened from the west by the extensive planting around the reservoir, to the east by a woodland between the site and the allotment gardens and to the north by roadside planting along the A120.
- 5.6 In this instance, the site is located within the designated settlement limit for the village as identified in the adopted Plan, and in a location where there is reasonable access to public transport and thereby access to facilities such as shops, entertainment and employment. The land is currently amenity land. It is a 'brownfield' site and clearly previously developed land. It is not subject to any designation nor is there any likely habitat in the immediate proximity suitable for any protected species. It would not cause the loss of any agricultural land. The proposal would therefore make more effective use of land that is of limited value to the area, which has no intrinsic quality nor provides any benefit to the community.
- 5.7 At the heart of The National Planning Policy Framework is the presumption in favour of sustainable development. Local planning authorities should approve development proposals that accord with an up-to-date development plan without delay while also encouraging the effective use of land, providing that it is not of high environmental value. In accordance with paragraph 8 of the NPPF, the scheme can be evaluated as follows:-

### Economic and Social Context

- 5.8 The scheme is considered to be in a sustainable location located just off the main Colchester Road. Within 500m of the entrance is a convenience store and Post Office, primary school, bus stops and Public House. The site is served by regular bus services in to Colchester, Manningtree and beyond. Wix is recognised as being a rural settlement and therefore considered by the Council to be a sustainable location for growth to support the vitality and vibrancy of the rural area.
- 5.9 The proposal would contribute economically to the area by supporting existing construction jobs and also increasing the population within the village to help sustain local services and amenities.

### Environmental Context

- 5.10 The site is currently surrounded by housing to the south, a reservoir to the west and a woodland and allotment gardens to the east. It is an enclosed site that has limited value to the surrounding area or the amenity of the settlement. It would be seen in the context of the surrounding housing and not as isolated dwellings in the countryside. The indicative layout demonstrates that the resulting buildings will be designed to reflect the character of the properties in the area so as to not detract from the local vernacular. The site is therefore considered to be a suitable location for development which will easily be assimilated within the context of Wix and not be detrimental to the character and appearance of the surrounding countryside.
- 5.11 The site is therefore considered to be a sustainable location for growth as it performs extremely well against the three tests for sustainability as set out in paragraph 8 of the NPPF. Subject to appropriate design solution for the proposed dwellings, it is considered that the development can complement the immediate area. There will be no effect upon any neighbouring dwelling nor will the scheme result in increased danger to highway safety. The land is of no intrinsic value and the development will not cause harm to the character of the locality.

## 6.0 Appeal Decision and Highway Matters

- 6.1 The recent appeal decision in October 2023 followed the Council's non-determination of the identical application to this submission, although access is no longer a Reserved Matter. While the Council had raised a number of matters within their appeal submissions, the Inspector raised concern with only one matter; namely access.
- 6.2 In the first instance it is necessary to correct a number of inaccurate assumptions made by the Inspector. In paragraph 7 of the decision letter, the Inspector presumed that the previous use by Anglian Water was seasonal. As the use for residential purposes was year round, the Inspector concluded that the appeal scheme would 'substantially intensify the use of the access year round'. This assumption is wholly incorrect and based on no evidence whatsoever. The use by Anglian Water was required throughout the year. This erroneous opinion has therefore been raised with the Planning Inspectorate.
- 6.3 More importantly and of serious concern to both the applicant and the Parish Council relates to evidence that has come to light in the past few weeks. We have now established that the 30mph maximum speed sign has been installed incorrectly. The sign should have been erected at a distance of 630m from the crossroads with Harwich Road/Clacton Road, whereas the sign has been installed at a distance of only 620m. A copy of the formal Order obtained from ECC is included with this submission together with a measured survey plan. On this basis, the 30mph zone actually commences some 10m west of the proposed access onto Colchester Road. The County Council, District Council and Inspector were therefore entirely incorrect by suggesting that the access was beyond the 30mph zone, thereby the 'X' distance to be applied was stated as being 215m for roads with a speed restriction of 60mph rather than 43m as required by the Design Manual for Roads and Bridges. In contrast to the Inspector's conclusions, the plotted visibility splay as demonstrated by ourselves was correct, being based on the 43m distance. The evidence submitted by the highway authority thus appears to have misled the Inspector as the stated visibility requirements can be achieved.



6.4 For completeness, this application also includes details of the accident crash records in the vicinity together with a Radar speed survey undertaken at the application site entrance on Colchester Road. While the former indicates that fortunately the incorrect position of the 30MPH has not led to any accidents, the latter is rather alarming as it shows that the speed of traffic using Colchester Road through the village is unnecessarily high, undoubtedly as a result of the incorrect position of the speed reduction sign.

## **7.0 Conclusion**

7.1 Our concern in this case has been shared with the Parish Council at their meeting held on 20<sup>th</sup> November, who we understand will be raising the matter with their County Councillor. We have also reported this situation to ECC Highways to ensure that the correct signage is installed in accordance with the formal Road Traffic Order. Accordingly, as the only issue which resulted in the appeal being dismissed related to the question to which visibility splay was applicable, either 43m or 215m, the planning application has been re-submitted in order for the Council and County Council to correct their error with the minimum of delay.