

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	31/08/2018
Planning Development Manager authorisation:	SCE	03.09.18
Admin checks / despatch completed	BW	4/9/18

Application: 18/01155/FUL **Town / Parish:** Alresford Parish Council

Applicant: Rusden Ltd

Address: 181 Wivenhoe Road Alresford Colchester

Development: Variation of condition 18 (Approved Drawings) to approved planning application 17/01510/FUL - to allow repositioning of Bungalows on plots 2 to 3.

1. Town / Parish Council

Alresford Parish Council No comments received

2. Consultation Responses

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

Tree & Landscape Officer The proposed re-positioning of plots 2 and 3 will not have a significant adverse impact and any of the retained trees on the application site.

Building Control and Access Officer No comments at this time.

Waste Management No comments.

Environmental Protection Environmental protection has no adverse comments to make on this application.

ECC SuDS Consultee Due to the size of the development we have no comments to make on this application.

Natural England Natural England currently has no comment to make on the variation of condition 18.

3. Planning History

17/01510/FUL Proposed construction of 9 no. 3 bedroom detached bungalows, associated garages and vehicular access. Approved 13.11.2017

18/00902/DISCON Discharge of conditions 2 (materials), 3 (landscaping), 12 (reptile mitigation), 13 (external lighting) 15 (ecological enhancements), and 16 (contamination report) of planning Approved 16.07.2018

permission 17/01510/FUL.

18/01155/FUL

Variation of condition 18 (Approved Current Drawings) to approved planning application 17/01510/FUL - to allow repositioning of Bungalows on plots 2 to 3.

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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 (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, 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 Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the northern side of Wivenhoe Road on the western side of Alresford. A railway line runs to the north of the site with existing residential gardens forming the majority of the land. The site entrance is to be from Wivenhoe Road to the south within part of the curtilage of large bungalow. The area is characterised by residential development of varying scale and design. The site forms several rear gardens and consists of areas of vegetation, lawn and small domestic outbuildings.

The site is located outside the defined settlement boundary in the saved local plan but fully within in the emerging local plan.

Proposal

This application proposes to vary condition 18 of planning permission 17/01510/FUL to allow for the slight re-positioning of plots 2 and 3 to widen the access/turning head. Plot 2 has moved eastwards and plot 3 has moved northwards.

All other aspects of the 2017 permission remain as approved.

Appraisal

Visual Impact

The changes proposed are minor and relate to the positioning of the bungalows situated on plots 2 and 3 only. All other aspects of the previously approved development remain as before.

In this case the revisions are considered to be acceptable and would not result in a material change to the overall appearance of the development.

In respect of the landscaping scheme and tree protection measures these were deemed to be acceptable by the Council's Trees and Landscaping Officer at condition discharge stage. Consequently, the landscaping/tree protection conditions will be updated to reflect the approved scheme.

Other Considerations

Essex County Council Highways have no objections to the varied scheme.

No letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before 13th November 2020.

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 materials used in construction shall be those stipulated on the 'Materials Schedule' approved under reference 18/00902/DISCON.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 3 The approved scheme of landscaping shown on drawing no's. 626/1 A (approved under planning reference - 18/00902/DISCON) and 626/2 D shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres in both directions,

as measured from and along the nearside edge of the carriageway. Such vehicular visibility displays shall be provided before the 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 access and those in the existing public highway in the interest of highway safety.

- 5 Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan, 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.

- 6 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.

- 7 Prior to the first occupation of the development, the proposed access drive shall be constructed to a width of 5.5 metres and provided with an appropriate dropped kerb crossing of the footway to the satisfaction of the Local Planning Authority.

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

- 8 Prior to occupation of the development the refuse collection point, as shown on the submitted plan, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure sufficient refuse collection points are provided within the site, in the interests of highway safety and amenity.

- 9 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.

- 10 The development shall be carried out in accordance with the Tree Protection Methods outlined on the approved Tree Protection Plan no. 6288-D Revision A (as prepared by Hayden's Arboricultural Consultants).

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 11 The development shall be carried out in strict accordance with the ecological mitigation measures approved under 18/00902/DISCON and outlined in the following documents;

- Ecological Appraisal (dated 6th September 2017)
- Ecological Enhancement and Reptile Mitigation Plan (dated - 21st March 2018); and
- Letter from Liz Lord Ecology outlining reptile translocation methodology (dated 2nd July 2018).

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

- 12 The external lighting scheme shall be implemented in accordance the details approved under planning reference 18/00902/DISCON outlined within the applicant's covering letter dated 6th June 2018.

Reason - To ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 13 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and C 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 enlargement, improvement or other alteration to the roof of the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual and residential amenities.

- 14 The development shall be carried out in strict accordance with the ecological enhancement measures approved under 18/00902/DISCON and outlined in the following document;

- Ecological Enhancement and Reptile Mitigation Plan (dated - 21st March 2018)

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

- 15 The development shall be carried out in strict accordance with the land contamination mitigation measures approved under 18/00902/DISCON and outlined in the following documents;

- Report on Phase 2 Ground Investigation and Contamination Assessment at Land to the Rear of 169-181 Wivenhoe Road, Alresford Essex. Report Ref - 17-2637r(a) and dated April 2018; and

- Remediation Method Statement for Land to the Rear of 169-181 Wivenhoe Road, Alresford, Essex. Report Ref - 17-2637r(b).

Reason - To protect future residents against any potential contaminants present on the site.

- 16 Prior to the first occupation of the bungalows on plots 3-8 (inclusive) the recommendations as outlined at section 6.8 of the submitted 'Environmental Noise Assessment' (as prepared by Sharps Redmore dated 30th August 2017 and approved under planning reference 17/01510/FUL), shall be installed and retained as approved.

Reason - To protect future residents against noise and disturbance from trains using the railway line to the north, in the interests of amenity.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans: 626/1 Rev A, 626/2 Rev D, 626/3, 626/4, 626/5, 626/6, 626/7, 626/8, 626/9, 626/10, 626/11, 626/12 and 6288-D Revision A.

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

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.

Highway Informatives

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

Cost of Works - 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.

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

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