

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	13/09/2018
Planning Development Manager authorisation:	AN	17/9/18
Admin checks / despatch completed	AN	18/9/18

Application: 18/01054/FUL

Town / Parish: Elmstead Market Parish Council

Applicant: Mr M Willis

Address: Barnfield Lodge Clacton Road Elmstead

Development: Two detached dwelling houses.

1. Town / Parish Council

No comments received.

2. Consultation Responses

Tree & Landscape Officer

The dwellings shown on the site layout plan have been built. The amendment to the vehicular access from the highway will necessitate the removal of a section of boundary conifer hedge but this will not have an adverse impact on the appearance of the area.

The site layout plan shows new tree planting and provides adequate information regarding species, specification and planting location.

ECC Highways Dept

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 the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority. Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary. Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use. Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent

indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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. Planning History

01/02129/FUL	Use of buildings/part of curtilage of dwelling for the storage of a small quantity of building materials/equipment (Renewal of planning permission TEN/98/0238)	Approved	01.02.2002
91/00944/FUL	Extension to existing bungalow and change of use to Class C.2 Use [Residential Institution].	Refused	25.02.1992
94/00661/FUL	Extension to bungalow	Approved	29.06.1994
97/00603/LUEX	Claim for Certificate of Lawful Use: Additional use of property for storage of building materials and equipment		28.11.1997
98/00238/FUL	Use of buildings/part of curtilage of dwelling for the storage of a small quantity of building materials/equipment	Approved	07.04.1998
11/00838/FUL	Single storey extension to create additional living accommodation.	Approved	27.09.2011
15/00417/OUT	Erection of two detached dwellings served by existing vehicular access.	Approved	12.06.2015
15/01361/DETAIL	Reserved matters application for the erection of two detached dwellings served by existing vehicular access.	Approved	24.11.2015
17/00053/DETAIL	Variation of Condition 1 of application 15/01361/DETAIL to add 2 additional windows per plot	Approved	10.03.2017

to comply with the ventilation requirements of building regulations.

17/30207/PREAPP	Erection of 4 detached bungalows.	Refused	31.08.2017
17/01588/DISCON	Discharge of Condition 4 (Construction Method Statement) of Planning Permission 17/00053/DETAIL.	Approved	26.10.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

HG1 Housing Provision

HG9 Private Amenity Space

EN1 Landscape Character

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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 site is located at Barnfield Lodge on the southern side of Clacton Road and is sited opposite to, but outside of, the Settlement Development Boundary for Elmstead as established in the saved and draft local plans. The site has been developed for 2 large detached dwellings as approved under 15/00417/OUT and 17/00053/DETAIL. The dwellings are near completion.

Proposal

This application seeks full planning permission for the whole development again to simply allow for a revision to the previously approved access arrangements.

This application seeks to create a central access to serve the 2 dwellings, closing off the existing access to the eastern end of the site.

Assessment

The principle has been established and the detailed design approved. The dwellings shown on the site layout plan have been built. The amendment to the vehicular access from the highway will necessitate the removal of a section of boundary conifer hedge but this will not have an adverse impact on the appearance of the area. The site layout plan shows new tree planting and provides adequate information regarding species, specification and planting location.

The main consideration in this instance is therefore whether the relocation of the access to the middle of the site is acceptable in highway safety terms.

Highway Safety

The new access provides a sufficient access width, visibility splays, layout and turning to serve the approved dwellings. The closure of the existing access can be conditioned to avoid any conflicts in the interests of highway safety.

Essex County Council Highway Authority raise no objection to the revised access arrangements subject to conditions which will be imposed where necessary.

Other Considerations

No letters of representation have been received.

As the dwellings are nearing completion, there is no requirement for the standard time limit condition to be imposed in this instance. The necessary conditions relating to the approved landscaping and materials shall be included to carry forward the details approved on the previous application 15/01361/DETAIL.

Conclusion

Due to the minor nature of the amendment to the approved and the acceptability in terms of highway safety, the application is recommended for approval.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: DRAWING NUMBER 061/1101, CONTRACT DRAWING TS1171-02 REV. AB, CONTRACT DRAWING TS1171-07 REV. AB, 117-15-11A, STD-1501-001(I), STD-1501-002 (I), and STD-1501-003 (I) approved under this application; and 117-15-25A, 117-15-21B, 117-15-24A and 117-15-20B approved under 17/00053/DETAIL.

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

- 2 The scheme of landscaping shown on drawing reference number DRAWING NUMBER 061/1101 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.

- 3 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 4 The development shall be carried out in strict accordance with the Construction Method Statement approved under application 17/01588/DISCON.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 5 The external facing and roofing materials to be used in the construction of the development shall be in accordance with those detailed within the application form forming part of this permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 6 The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 7 The vehicular turning facility for motor cars for each dwelling as shown on the approved plans shall be provided and maintained for this sole purpose, free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, 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.

Highway Authority

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