


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	17/10/18
Planning Development Manager authorisation:	AN	18/10/18
Admin checks / despatch completed	 SS	19/10/18 19/10/18

Application: 18/00431/DETAIL **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Nigel Tedder - Go Homes Ltd

Address: Charity Field Land South of Colchester Road Elmstead

Development: Reserved matters application following planning approval 14/01728/OUT - Provision of vehicular & pedestrian access from School Road to the application site in accordance with the Highway Authority's requirements.

1. Town / Parish Council

Elmstead Market Parish Council No comment.

2. Consultation Responses

ECC Highways Dept This recommendation refers solely to the bellmouth connection from the proposed development site known as Charity Field to School Road and means the location, visibility splays, footways and tactile paving and geometry as shown detailed in Journey Transport Planning Road Safety Audit (Stage 1) Document Drawing Numbered JTP 10717 - DR1. The internal layout and all other access and highway related matters will be considered under a separate application.

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 development, the proposed vehicular access at its bellmouth junction with School Road shall be provided in precise accord with the details shown in Journey Transport Planning Road Safety Audit (Stage 1) Document Drawing Numbered JTP 10717 - DR1. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an

acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

3. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities
- v. HGV Routing plan

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

3. Planning History

14/01728/OUT	Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space.	Refused (Allowed at appeal)	05.01.2016
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

TR1A Development Affecting Highways

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

PPL3 The Rural Landscape

SPL3 Sustainable Design

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

Site Description

The application site comprises a 6.24 hectare parcel of undeveloped grassed land situated to the south of Colchester Road (A133) and to the west of School Road. The site's eastern, southern and part western boundaries are bordered by a mature tree lined hedgerow. The northern boundary comprises a mixture of fences, vegetation and open boundaries to residential properties fronting onto Colchester Road, but with rear gardens facing the application site.

The application site lies outside of a defined settlement development boundary as set out in the Tendring District Local Plan (2007), but largely falls within the Settlement Development Boundary for Elmstead within the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Description of Proposal

This application seeks planning permission for part of the reserved matters following approval of up to 50 residential dwellings under previous planning permission 14/01728/OUT.

The proposal solely relates to the provision of a vehicular and pedestrian access point to the east of the site off School Road. Further details of the proposed development; namely the appearance, layout, scale and landscaping, will be assessed within a future application.

Assessment

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed access point is to be sited to the eastern boundary, off School Road. Whilst it will be highly visible, there are similar access points in proximity, notably parallel to the east as an access point for Market Field School, and will therefore not appear incongruous. Further, the proposal will not result in the loss of any existing vegetation along the eastern boundary of the application site to account for the necessary visibility splays. Therefore the visual impact is considered to be acceptable.

Essex Highways Authority have been consulted on the proposed works and have stated they are acceptable subject to a condition relating to the works being in accordance with the details shown in the Journey Transport Planning Road Safety Audit.

Essex Highways Authority have also requested details of estate roads and footways and the submission of a Construction Method Statement by condition; however the Construction Method Statement has previously been attached as a condition to 14/01728/OUT, whilst details relating to estate roads and footways will be covered within the layout reserved matters in a future application. Therefore neither of these will be attached as a condition.

Other Considerations

Elmstead Market Parish Council have not commented on the application.

There has been one letter of objection received, highlighting concerns regarding the re-siting of the access point compared to that shown within 14/01728/OUT. It states the previous plan showed a pathway to the eastern boundary which is not shown on the submitted plans for this application, whilst there is also no provision for a footway to the western boundary. The objection also refers to the ring-barking of three mature oak trees.

In answer to this, the layout shown under 14/01728/OUT was indicative only and did not form part of the original assessment, whilst the trees highlighted are not legally protected by means of a Tree Preservation Order.

Section 3.2.9 of the Section 106 agreement for outline planning permission 14/01728/OUT states works for the provision of a site access will not trigger commencement of development. The Council is therefore satisfied that the open space and education contributions are not triggered by the approval of this application.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted in respect of access shall be carried out in accordance with the following approved plans, drawing titled 'Access and Visibility'.

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

- 2 Prior to the first occupation of the development, the proposed vehicular access at its bellmouth junction with School Road shall be provided in precise accord with the details shown in Journey Transport Planning Road Safety Audit (Stage 1) Document Drawing Numbered JTP 10717 - DR1. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, 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.

Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development ref 14/01728/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

Layout for Reserved Matters

Please note that within any future reserved matters application details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.