

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	11/01/2019
Planning Development Manager authorisation:	AN	14/11/19
Admin checks / despatch completed	m	15/1/19

Application: 17/02163/FUL **Town / Parish:** Weeley Parish Council

Applicant: R Raymond

Address: Land at St Andrews Road Weeley

Development: Variation of Condition 2 of 15/01750/FUL to improve layout and house type elevations. 1299/P2/100 - UNCHANGED, DWG NO 1299/P2/101B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/102D REPLACED BY 056-2016-11-P1, DWG NO 1299/P2/103B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/104B REPLACED BY 5241-MATERIALS SCHEDULE, DWG NO 1299/P2/105B REPLACED BY 5241-10-03, DWG NO 1299/P2/106 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/107 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/108 REPLACED BY 5241-PA-20-02A, DWG NO 1299/P2/109 REPLACED BY 5241-PA-20-03A, DWG NO 1299/P2/110 REPLACED BY 5241-PA-20-04A, DWG NO 1299/P2/111 REPLACED BY 5241-20-06A, DWG NO 1299/P2/112B REPLACED BY 5241-30-06A, DWG NO 056/2016/01P1 REPLACED BY 056-2016-11-P1

1. Town / Parish Council

Weeley Parish Council No comment

2. Consultation Responses

Essex Wildlife Trust No comments received

Natural England No comments

ECC SuDS Consultee No comments

Essex County Council
Archaeology No further condition necessary

ECC Highways Dept No comments received

Anglian Water Services
Ltd No comments on the variation of condition.

Environmental Health No comments received

3. Planning History

15/01750/FUL Proposed residential development comprising 14 houses, garages, access, public open space and landscaping. Approved 20.07.2017

17/01848/NMA	Non-material amendment of application 15/01750/FUL - Minor site layout changes & to improve fenestration.	Approved	
17/02050/DISCON	Discharge of conditions - (04) Estate Roads, (10) Construction Method Statement, (14) Ecology, (15) Surface Water Drainage, (16) Off Site Flooding, (17) Maintenance Plan, (20) Landscaping - of Planning Application 15/01750/FUL.	Approved	02.05.2018
17/02154/DISCON	Discharge of condition 22 (lighting, refuse, & materials) of 15/01750/FUL.	Approved	23.01.2018
17/02163/FUL	Variation of Condition 2 of 15/01750/FUL to improve layout and house type elevations. 1299/P2/100 - UNCHANGED, DWG NO 1299/P2/101B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/102D REPLACED BY 056-2016-11-P1, DWG NO 1299/P2/103B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/104B REPLACED BY 5241-MATERIALS SCHEDULE, DWG NO 1299/P2/105B REPLACED BY 5241-10-03, DWG NO 1299/P2/106 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/107 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/108 REPLACED BY 5241-PA-20-02A, DWG NO 1299/P2/109 REPLACED BY 5241-PA-20-03A, DWG NO 1299/P2/110 REPLACED BY 5241-PA-20-04A, DWG NO 1299/P2/111 REPLACED BY 5241-20-06A, DWG NO 1299/P2/112B REPLACED BY 5241-30-06A, DWG NO 056/2016/01P1 REPLACED BY 056-2016-11-P1	Current	
18/00300/DISCON	Discharge of condition 24 (local recruitment strategy) to approved planning application 15/01750/FUL.	Approved	12.03.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM2 Community Safety

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex Design Guide

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 at the eastern end of St Andrews Road within the settlement of Weeley. The site measures 0.76 hectares and previously comprised of paddock land. The northern boundary is marked by a hedgerow which contains some mature trees. The eastern and western boundaries are fenced. The site is bordered by agricultural land to the north and east and existing 70's style residential development to the west and south. A public road runs adjacent to the south boundary of the site.

Construction work for 14 dwellings approved under planning reference 15/01750/FUL has commenced on site.

Proposal

This application proposes to vary condition 2 (Approved Plans) of planning permission 15/01750/FUL. The changes are as follows;

- Dwellings and garages on plots 1, 2 and 3 are moved back within the plot;
- Plot 4 dwelling is moved forwards marginally
- Plot 5 garage is moved forward within plot

- Plot 6 garage moved southwards
- Plot 7 dwelling moved back within the plot
- Dwellings on plots 10, 11, 12 and 13 moved back within the plot.
- Various revisions to window/door surrounds
- Revised positions to openings
- Swap of render to brick and brick to render on certain properties.

Appraisal

The principle of developing the site for residential purposes has been firmly established by the 2015 planning permission and this permission has been implemented through the commencement of work on site. Consequently, only comments upon the impact of the changes proposed are provided below.

Impact of Changes

The vast majority of the changes proposed are cosmetic and do not materially alter the appearance of the development. The re-siting of several of the properties in a set back position within their respective plots would assist in promoting a more spacious feel to the development and one more in keeping with the 1970's style development that is located to the south and west of the site. The re-siting of these properties reduces the garden sizes slightly however submitted plans show that all properties would retain at least 100sqm of private amenity. Furthermore, the re-location of the properties on plots 1 and 7 would not harm the amenities of those existing residents sited to the west as sufficient spacing is still retained.

In respect of the design changes these include the provision of porticos around several of the entrance doors and varied detail changes above windows and to chimneys. The swapping of materials is also proposed in certain instances from brick to render and vice-versa.

Again these changes are not materially significant and do not vastly alter the overall appearance of the development.

Overall the alterations proposed seek to enhance the spacious nature of the development and do not adversely impact upon the appearance of the development or the amenity of existing residents.

Conditions/Legal Agreement

A deed of variation has been completed to ensure the requirements of the legal agreement secured under the 2015 permission remain in place. The conditions attached to the 2015 permission will be re-applied and updated where necessary. A time limit condition is not required as work on-site has commenced.

Other Considerations

Weeley Parish Council has not commented upon the application. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1299/P2/100
 - 5241-10-02-C
 - 056-2016-11-P1
 - 5241 (Materials Schedule)

- 5241-10-03
- 5241-PA-20-01A
- 5241-PA-20-02A
- 5241-PA-20-03A
- 5241-PA-20-04A
- 5241-20-06A
- 5241-30-06A

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

- 2 The proposed carriageways and footways layout shall be provided in complete and precise accord with the details shown in Drawing Number 056-2016-11-P1 prior to any of the hereby permitted dwellings being occupied.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 3 The estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be constructed in full accordance with the plans approved under planning reference 17/02050/DISCON, which are;

- 056/2016/11-P6
- 056/2016/12-P2
- 056/2016/13-P4
- 056/2016/14-P4
- 056/2016/16-P5
- 056/2016/17-P2
- 056/2016/20-P3
- 056/2016/21-P3
- 056/2016-130318 REV A
- 056/2016-P3

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 4 The internal estate road junctions shall be provided with a clear to ground level visibility splay with dimensions of 20m westward by 2.0m. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction at all times thereafter.

Reason - To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

- 5 No dwelling shall be occupied until space has been laid out within the site, in accordance with drawing number 056/2016/11-P1 for cars to be parked off street.

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

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses 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.

- 7 No dwelling shall be occupied until the individual proposed vehicular access for that dwelling has been constructed at right angles to the highway boundary and to a width of at least 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of at least 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 8 Prior to the proposed access for any dwelling on the proposed development being brought into use, a 1.5 metre x 1.5 metre pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

- 9 The development shall be constructed in accordance with the document titled 'Revised Site Method Statement by Horizon Construction (Received 15th January 2018) as approved under planning reference 17/02050/DISCON.

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

- 10 Upon first occupation of each dwelling the developer/applicant shall provide the new occupant(s) with a Residential Travel Information Pack, detailing the sustainable transport available in the local area. The Pack shall contain, as a minimum, six one day travel vouchers for use with the relevant local public transport operator.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 11 Unless the Local Planning Authority first gives its written approval, no dwelling shall be occupied until all footway links to the existing Public Footpath No4 (Weeley) from the proposed development have been reconstructed to a minimum width of 2m and the connection of the proposed new footway to the existing Public Footpath No 4 (Weeley) has been provided in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure all pedestrian facilities are provided to an acceptable standard and enable unhindered pedestrian circulation and access throughout the proposed development site, in the interests of highway safety.

- 12 Any new or proposed hedging or other planting or boundary treatment fronting the highway shall be planted a minimum of 1 metre back from the highway boundary and 1 metre behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason - To ensure that the future outward growth of the hedge 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.

- 13 The development shall be carried out in accordance with the recommendations contained within the submitted document titled 'Biodiversity Mitigation and Enhancement Plan by MHE Consulting' (Dated - November 2017) as approved under planning reference 17/02050/DISCON.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity.

- 14 The surface water drainage strategy shall be carried out in accordance with the following documents/plans as approved under planning reference 17/02050/DISCON;

- 056/2016/SK151117-P1117-P1

- 056/2016/15-P1

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 15 Unless the surface water drainage system is to be adopted by an adopting authority the relevant party or parties named in the Maintenance Plan shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 16 The applicant will submit to the Local Planning Authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would otherwise result in harm to non-designated heritage assets with archaeological interest.

- 17 The approved scheme of landscaping shown on drawing no. LS 1018-01 Rev A (as approved under planning reference 17/02050/DISCON), shall be implemented no 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.

- 18 The lighting and refuse scheme shall be carried out in accordance with the details shown on drawing no. 10_04A as approved under planning reference 17/02154/DISCON.

Reason - To ensure a satisfactory development in relation to external appearance.

- 19 No dwelling shall be occupied, subject to fibre optic broadband being available at the nearest exchange, until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

20 The Local Recruitment Strategy document received on the 9th March 2018 and approved under planning reference 18/00300/DISCON, shall be adhered to at all times.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Environmental Health Informative:

Commercial vehicles (including fork lift trucks) shall only be started up, manoeuvred, operated, loaded or unloaded between 07:30 hours and 1900 hours Monday to Friday. Saturday between the hours of 0800 to 1300 and at no time on Sundays, Bank or other Public Holidays without the prior written consent of the Local Planning Authority.

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