

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	09/05/2019
Planning Development Manager authorisation:	SCE	10.05.19
Admin checks / despatch completed	KAE	10/05/19.

**Application:** 18/01810/DETAIL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr J Lynch - South East Developments Limited

**Address:** Agricultural Field to The North of Meadow Close Elmstead Essex

**Development:** Reserved matters application following outline approval (planning approval 16/01015/OUT) for the erection of twenty dwellings with associated access and pedestrian crossing on Colchester Road.

### 1. Town / Parish Council

Elmstead Parish Council No comments received

### 2. Consultation Responses

ECC Highways Dept

AMENDED LAYOUT DRAWING 2450/2 Rev D. RECEIVED VIA EMAIL DATED 05 FEBRUARY 2019

Prior to the occupation of any of the proposed development the internal road and footway layout including the connection to the existing carriageway shall be provided in precise accord with Drawing Numbered 2450/2 Rev D.

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.

Prior to the occupation of any of each dwelling a car parking and turning area shall be provided in accord with current Parking Standards for that dwelling. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the proposed highway / throughout.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

Essex County Council  
Archaeology

There is no recommendation for any archaeological investigation for the above application. A programme of archaeological evaluation was completed for application 16/01015/OUT and a report received and approved, no further work was required.

#### **Second Comments**

Tree & Landscape Officer

The information provided in relation to soft landscaping is acceptable.

#### **Original Comments**

Tree & Landscape Officer

The site is currently in agricultural use and has no trees or other vegetation in the main body of the land. There are a number of important trees situated on the boundary of the application site. The trees on the western boundary being afforded formal legal protection by Tendring District Council Tree Preservation Order 16/04/TPO Land to the East of Tye Road, Elmstead Market

The applicant has previously submitted a Tree Survey and Report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The site layout provided shows that the proposed development would be outside the Root Protection Areas (RPA's) of the boundary trees. The measures set out in the tree report to physically protect the Root Protection Areas (RPA's) of the retained trees for the duration of the construction phase of the development are adhered to then the viability of the trees will not be compromised by the development proposal.

The site layout shows indicative soft landscaping proposals however there is insufficient information relating to species and specification of new planting. A detailed soft landscaping scheme will need to be provided by the applicant prior to the determination of the application.

For clarity the soft landscaping scheme should include the following information:

1. Tree, shrub or hedging plant species (names) should be shown on the landscape plan or on a schedule attached to the plan.
2. The number of tree, shrub or hedging plant species to be used in

any given area needs to be clearly identified.

3. The size of tree, shrub or hedging plant species (at time of planting) needs to be shown on the plan or on a schedule attached to the plan.

### 3. Planning History

14/01238/OUT	Outline application for the erection of twenty dwellings with associated access and pedestrian crossing on Colchester Road.	Approved	18.04.2016
16/01015/OUT	Variation of condition 20 of planning application 14/01238/OUT to amend wording of the condition to: 'Prior to first occupation, each dwelling will be provided with a Residential Travel Information Pack', and removing reference to a) and b) of this condition.	Approved	20.10.2016
18/01810/DETAIL	Reserved matters application following outline approval (planning approval 16/01015/OUT) for the erection of twenty dwellings with associated access and pedestrian crossing on Colchester Road.	Current	

### 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

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

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

HP4 Safeguarded Local Greenspace

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing  
CP1 Sustainable Transport and Accessibility  
PPL1 Development and Flood Risk  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL7 Archaeology

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The site comprises 1.03 hectares of relatively flat agricultural land at the western edge of Elmstead Market, north of Meadow Close. There are field boundary trees and hedging on the eastern and western boundary and the site is open to the north where it forms part of a larger field. The site is bordered to the south and east by the side and rear gardens of approximately 14 dwellings on Meadow Close and Harvest Way. The boundary between the site and properties on Meadow Close is mostly marked by a low, well-maintained ornamental hedge. Properties along Harvest Way are screened by hedging, trees and fencing. The arable use of the field continues beyond the northern and western boundaries of the plot.

The current access to the field is provided via Meadow Close, with a pair of wooden gates to the end of the turning head to secure the access. This is a route used by agricultural vehicles.

### History

Planning permission (14/01238/OUT) was granted on 18 April 2016 for outline consent for the erection of twenty dwellings with associated access and pedestrian crossing on Colchester Road. A further application (16/01015/OUT) to vary Condition 20 (Residential Travel Pack timings) of the outline permission was approved on the 20 October 2016. This has established the principle of residential development at the site.

### Proposal

This application seeks approval of the reserved matters (appearance, landscaping, layout and scale) following the approval of outline planning permission 15/00987/OUT for the erection of 20 residential properties.

The proposed housing mix is as follows;

- 18 x 3 bed bungalows
- 2 x 2 bed bungalows

### Layout/Appearance

In general terms, the layout is successful in achieving the established urban-design and secured-by-design principle of positioning properties front to front and back to back. With significant vegetation along the western and northern edges of the site, the development would be relatively well contained within the landscape and not particularly visible from views from the west or north. Given the site's containment within the landscape, the general density of existing properties to the east and south, the general approach to the layout of the development and the types of properties would appear acceptable.

The layout is shown to comprise of a central block paved access road with 4 private drives extending off to the east and west. The proposed bungalows are to be arranged around each private drive with several addressing the central access. This ensures that active frontages are present throughout the development along with tree and hedgerow planting that will assist in enhancing the overall appearance of the scheme.

Being a development of bungalows the proposed properties do have fairly large footprints. However, the spacing and size of the properties relates appropriately to the character of the locality and the proposed soft planting scheme will assist in softening views from within the development. In addition, each property is to be served by the level of private amenity space required by saved policy HG9 and ample parking provision.

There are a variety of different bungalows designs across the development, which incorporates visual interest through the use of differing facing materials (red/buff brickwork, boarding and a mix of slates and red tiles), horizontal brickwork banding, open faced porches and suspended window features. The majority of the bungalows have hipped roofs creating some uniformity across the development.

### Landscaping/Trees

The Council's Trees and Landscaping Officer has confirmed that the landscaping scheme provided shows a good level of new planting that will adequately screen and enhance the appearance of the development. The landscaping scheme also reflects the recommendations contained within the bat survey which includes the requirement to plant trees on the northern boundary of the site to improve the foraging conditions for bats. The outline permission also requires the submission of a landscape management plan to be submitted.

There are a number of important trees situated on the boundary of the application site. The trees on the western boundary being afforded formal legal protection by Tendring District Council Tree Preservation Order 16/04/TPO Land to the East of Tye Road, Elmstead Market.

In this respect the Trees and Landscaping Officer has confirmed that the applicant has previously submitted a Tree Survey and Report as part of the outline permission and that the site layout provided shows that the proposed development would be outside the Root Protection Areas (RPA's) of the boundary trees. A condition on the outline approved secures protection measures to be installed at construction phase.

In terms of hard landscaping the un-adopted internal road is to be constructed of permeable block paving in autumn gold colouring. Driveways/private drives are proposed in tarmac. This surface treatment is acceptable for this location.

### Residential Amenities/Functional Needs

The proposed bungalows would maintain a good separation distance from those properties to the south and east behind the intervening boundary vegetation and fencing. Furthermore, it must be noted that the proposed properties would be single storey in nature. Consequently any impact upon existing resident's outlook and privacy would be minimal.

Therefore the development would not cause any harm to existing resident's amenity in terms of outlook, light deprivation or privacy.

In terms of the amenity of future residents of the development the properties have been arranged to avoid potential impact in terms of privacy and outlook. To this end permitted development rights relating to dormers/rooflights within the roof space of the dwellings will be removed to avoid future impacts upon privacy levels.

As stated above each property will be provided with private amenity space that accords with the requirements of saved policy HG9. The dwellings all have gardens comfortably in excess of 75sqm for the 2 bed units and 100sqm for the 3 bed.

### Highway Matters

The arrangement of a single access point from Meadow Close remains as approved at outline stage. Essex County Council Highways have reviewed the plans and confirm they have no objections subject to the following requirements;

- the internal road and footway layout is constructed in accordance with the submitted layout plan
- details of estate roads are provided
- the parking and turning areas are provided prior to occupation
- bicycle storage is provided
- a construction method statement is submitted
- no unbound materials are used throughout the development
- residential travel packs are provided to future residents.

The majority of these requirements are either reflected on the submitted plans or secured through conditions on the outline approval. A condition concerning the use of no unbound materials throughout the development will be included. A condition for bicycle storage is not considered necessary given that each property is served by a garage.

In terms of parking provision, each property would be served by either a garage and open parking or just open parking bays. As a result each property would be given a minimum of 2 spaces each and in most cases more, which allows for a good level of visitor's parking too and accords with the requirements of the current parking standards.

### Ecology

An ecological appraisal undertaken as part of the outline application did not identify any direct loss of potential protected species habitats. The main development site was deemed to be of low ecological value, and the only features of ecological significance were limited to the eastern and western mature tree lines. These are due to be retained and protected as part of the proposals.

A requirement of the outline permission was the submission of a method statement for the provision of foraging habitats for bats on site. The method statement that has been submitted as part of this application recommends a new line of trees along the northern boundary of the site to provide a link between the existing trees on the eastern and western boundaries of the land. Furthermore, it advises on the provision of species rich hedging and the siting of trees within gardens serving the properties. This requirement is reflected on the submitted soft landscaping scheme. Bird and bats boxes will also be provided within the site on the existing trees. These details will be secured via condition.

### RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Legal Obligations – Outline Approval

The legal agreement secured at outline stage remains in force and requires the following;

- ECC-Highways crossing facility contribution of £70,000
- Bus stop upgrades contribution of £40,000
- Affordable housing contribution of £182,000; and



- A viability clawback clause to re-assess the viability of the site if works do not commence or are not completed within a certain timeframe.

### Other Considerations

A condition included at outline stage secured an archaeological programme of works prior to work commencing. Comments from ECC-Place Services have confirmed that the works have taken place and a report produced. Consequently, no further archaeological works are needed.

Elmstead Parish Council has not commented upon the application. One letter of observation has been received from a local resident concerning;

- loss of privacy from the rear of plot 14 (single storey windows only and a degree of separation of 30m to the rear elevation of the affected property, consequently a loss of privacy is not considered to represent a refusal)

- future maintenance of the hedgerow on the eastern boundary (this hedgerow is to be removed and a fencing condition is included on the outline permission to secure future details of the boundary treatment in this location)

- drainage concerns (a SUDs scheme is secured at outline stage, initial discussions confirm that underground crates will be used)

- land responsibility of area adjacent to the eastern boundary (not within the planning application site and not a material planning consideration).

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1B, 2D, 26B, 18A, 19A, 4, 5, 6, 7, 8A, 9A, 10, 11, 12, 13, 14, 15, 24, 25, 16, 17, 3A, EX1811906/002 B, EX1811906/006, EX1811906/007, EX1811906/010, EX1811906/039 A and EX1811906/104.

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

- 2 Each residential unit shall not be occupied until such time as its respective vehicle parking area, as indicated on the approved plans, including any parking spaces for the mobility impaired, have been hard surfaced and provided. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

- 3 Prior to first occupation of the development the vehicular turning facilities shown on drawing no. 2 Revision D 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.

- 4 The approved scheme of landscaping shown on drawing no. 26B, 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.

- 5 The hereby approved development shall take place fully in accordance with the recommendations outlined in the submitted 'Bat Method Statement' as prepared by Liz Lord Ecology (Dated 6th February 2019)

Reason - In the interests of biodiversity and to avoid harm to protected species utilising the site.

- 6 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 dwellings 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 amenity and to protect existing and future resident's privacy.

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

Reason - To ensure that loose materials are not brought out onto the highway, 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 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.

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.

### Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control.

#### Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07.00 and 19:00 Monday to Friday, Saturday 08.00 to 13.00 with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request for approval by Pollution and Environmental Control prior to the commencement of works.
- 7) The site manager name and contact number should be provided in writing to the pollution and environmental control team as soon as they have been appointed.

**Emission Control**

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

**Legal Agreement Informative - Recreational Impact Mitigation**

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p><del>NO</del></p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p><del>NO</del></p>