

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/05/2019
Planning Development Manager authorisation:	SCE	21.05.19
Admin checks / despatch completed	Pw	21/5/19

Application: 19/00240/OUT **Town / Parish:** Great Bromley Parish Council

Applicant: Mr Dodds

Address: Park 2 Land at Badley Hall Farm Badley Hall Road Great Bromley

Development: Vary condition 24 of approved planning application 16/00782/OUT. The condition requests a footway of 2.5m, see drawing for alternative proposal.

1. Town / Parish Council

Great Bromley Parish Council

Great Bromley Parish Council supports the application as it appears to comply with health and safety regulations.

2. Consultation Responses

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 condition:

Prior to the occupation of any of the proposed dwellings the footway from the tangent with Mary Lane North (northern side) along Brook Street north and north westerly over the junction with St Georges Close and to the pedestrian gate at St Georges school shall be extended to the full width of the highway wherever possible or to a maximum of 1.8 metres in width and being provided entirely at the Applicant/Developer's expense including tactile paving, pram crossings, new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority based on the draft proposed footpath widening drawing (Drawing. No. Pa_04).

3. Planning History

16/00782/OUT	Outline planning application with all matters reserved for the erection of 24 new dwellings, including affordable housing and the provision of additional church and school overflow parking within the new site for approximately 30 no. private cars.	Approved	08.03.2017
18/00974/DETAIL	Reserved matters applications for the erection of 24 new dwellings,	Approved	17.09.2018

including affordable housing and the provision of additional church and school overflow parking within the new site for approximately 30 no. private cars.

18/01856/DISCON	Discharge of condition 3 (Materials) of application 18/00974/DETAIL.	Approved	17.12.2018
18/01946/DISCON	Discharge of conditions 4 (Archaeology), 5 (Environmental Protection), 9 (Estate Roads and Footways), 17 (Bicycle Storage), 18 (Construction Method Statement), 19 (Vehicular Turning Facility), 26 (Surface Water Drainage), 27 (Off-Site Flooding), 28 (Maintenance Plan) and 30 (Foul Water Drainage) of approved application 16/00782/OUT.	Approved	20.03.2019
19/00240/OUT	Vary condition 24 of approved planning application 16/00782/OUT. The condition requests a footway of 2.5m, see drawing for alternative proposal.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

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

HG3A Mixed Communities

HG5 Local Needs Affordable Housing Outside Village Development Boundaries

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

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN13 Sustainable Drainage Systems

EN29 Archaeology

TR1A Development Affecting Highways

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

Tending 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
- LP6 Rural Exception Sites
- 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 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 application site comprises 1.3 hectares of existing agricultural land known as 'Park 2 land' forming part of Badley Hall Farm at Great Bromley. Mary Lane North is located to the north of the site and provides the point of access as identified in the previous outline planning approval. To the west is Parsons Hill which provides the main access route through the village of Great Bromley. The site forms part of a larger agricultural field that extends to the south. The northern and western boundaries that address the highway are enclosed by mature trees/hedges. A number of the trees present on the western boundary are afforded preservation orders. The site slopes gently from east to west. Work has commenced on site for the construction of 24 dwellings.

Proposal

This application proposes to vary condition 24 of planning permission 16/00782/OUT which granted outline planning application with all matters reserved for the erection of 24 new dwellings, including affordable housing and the provision of additional church and school overflow parking within the new site for approximately 30 no. private cars.

Condition 24 states the following;

Prior to the occupation of any of the proposed dwellings the footway from the tangent with Mary Lane North (northern side) along Brook Street north and north westerly over the junction with St Georges Close and to the pedestrian gate at St Georges school shall be extended to the full width of the highway wherever possible or to a minimum of 2.5m in width and being provided entirely at the applicant/Developers expense including tactile paving, pram crossings, new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

The applicants are proposing to vary the condition to reduce the width of the footpath as in many places 2.5m is not achievable due to ownership issues and existing water course routes. A revised plan has been provided showing a width of 1.8m at certain points along the path and the width of the width of land in highway ownership in other places.

All other aspects of the outline permission remain as approved. The reserved matters application has now also been approved and works on site have commenced.

Appraisal

Impact of Changes/Highway Considerations

The changes to the scheme relate solely to the width of the footpath linking the development site to the main facilities within Great Bromley to the north. ECC-Highways have reviewed the amendments proposed to the footpath and have no objections subject to the inclusion of a

substitute condition stipulating that the footpath shall be constructed to the full width of the highway wherever possible or to a maximum of 1.8 metres in width, as per the submitted drawing.

In view of these comments the alterations to the footpath are considered to be acceptable from a highway safety viewpoint.

Legal Agreement/Conditions

The legal agreement secured at outlined stage under planning permission reference 16/00782/OUT contains a mechanism which allows it to be applied to subsequent section 73 applications. A letter advising the developer that the Council will be relying on the original legal agreement has been sent and agreed.

The reserved matters application has been approved and works have commenced on site. Furthermore, several conditions on the original outline permission have been discharged. As a result the time limit conditions will be removed and those conditions already update to reflect the approved details.

RAMS

Having considered the proposed avoidance and mitigation measures outlined within the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS), the Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to the proposed footpath width.

Natural England has confirmed that ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

As stated above the original planning permission has been implemented through the commencement of works on site. This application relates to minor changes to the footpath and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Other Considerations

ECC Place Services Archaeology Team have confirmed that the post excavation report still needs to be submitted and approved. The associated condition will therefore be worded to reflect this requirement.

Great Bromley Parish Council supports the application as it appears to comply with health and safety regulations.

No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development should proceed in accordance with findings of submitted Archaeological Written Scheme of Investigation approved under reference 18/01946/DISCON.

Within 2 months of the date of this permission the required post excavation report shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason - The Tendring Historic Environment Characterisation Project and Essex HER show that the proposed development is located within an area with known potential for below ground archaeological deposits.

- 2 The development shall be constructed in accordance with the noise and emission control measures outlined in the document titled 'Measures to Control Emissions of Dust, Dirt and Noise' as approved under planning reference 18/01946/DISCON.

Reason - In the interests of residential amenity.

- 3 The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest British Telecom 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 with British Telecom, 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 - In the interests of achieving sustainable development for this scheme.

- 4 Prior to the first occupation of the residential development, the proposed estate road, at the bellmouth junction with Mary Lane North shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m throughout and flanking footways 2m. in width returned around the radius kerbs. 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.

- 5 Prior to the proposed access onto Mary Lane North being brought into residential use, minimum vehicular visibility splays of 95m easterly by 2.4m by site maximum westerly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure a reasonable degree of intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 6 The estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be constructed in accordance with those details shown on drawing no's. C-006 Revision P2, C-100 Revision P1 and CA-105 Revision P1 as approved under planning reference 18/01946/DISCON.

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

- 7 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.

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

- 8 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be

constructed at right angles to the highway boundary and to a width of 5.5m 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 9 All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.

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

- 10 All footways on site should be provided at no less than 2.0m in width.

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

- 11 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary throughout the development.

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

- 12 All off street car parking shall be in precise accord with the details contained within the current Parking Standards including at the proposed car parking facility.

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

- 13 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason - To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.

- 14 The bicycle storage facilities, as shown within the document titled 'Cycle Storage Schedule' approved under planning reference 18/01946/DISCON, shall be provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason - To promote the use of sustainable means of transport.

- 15 The development shall be constructed in full accordance with the details shown within the submitted 'Construction Method Statement' approved under planning reference 18/01946/DISCON.

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

- 16 The vehicular turning facility shall be constructed in accordance with the details shown on the document titled 'Vehicular turning facility for service and delivery vehicles' as approved under planning reference 18/01946/DISCON.

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.

- 17 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 18 Any new or proposed boundary hedge or trees shall be planted a minimum of 2m back from the highway boundary and 2m 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.

- 19 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.

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

- 20 The proposed access to the car park area should be provided at 6.0m in width 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 vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 21 Prior to the occupation of any of the proposed dwellings the footway from the tangent with Mary Lane North (northern side) along Brook Street north and north westerly over the junction with St Georges Close and to the pedestrian gate at St Georges school shall be extended to the full width of the highway wherever possible or to a maximum of 1.8 metres in width and being provided entirely at the Applicant/Developer's expense including tactile paving, pram crossings, new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority as per the proposed footpath widening drawing (Drawing. No. PA_04).

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

- 22 Prior to the occupation of any of the proposed dwellings the applicant shall provide 2 x new bus stops or upgrade the existing bus stops in Brook Street adjacent to and in the vicinity to St Georges School to current Essex County Council specifications by the provision of level entry kerbing, new posts and flags, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developers expense to the specifications of the Highway Authority.

Reason - To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

- 23 The surface water strategy shall be constructed in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reasons -

- 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.

24 The off-site flooding scheme shall be implemented in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reason - To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater.

25 The maintenance of the approved surface water drainage strategy shall be undertaken in accordance with the details shown in the document titled 'SUDs Management and Maintenance (dated November 2018) as approved under planning reference 18/01946/DISCON.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

26 The applicant or any successor in title must 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.

27 The foul water strategy shall be constructed in accordance with the details shown on the following plans/documents approved under planning reference 18/01946/DISCON;

- C-005 Revision P2
- C-100 Revision P1
- CA-106 Revision P1
- C-007 Revision P1
- SW Network 2_Basin_Rev (Dated 31 October 2018)
- SW Network 1_TANK_REV B (Dated 1 November 2018)

Reason - To prevent environmental and amenity problems arising from flooding.

28 The final market dwelling provided on the site shall not be occupied until the proposed church and school overflow car park, as identified on drawing number PD/03A has been fully constructed and laid out within the site.

Reason - To ensure this facility is provided on site.

29 The development hereby permitted, in respect of the highway footpath works, shall be carried out in accordance with the following approved plan: PA_04.

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.

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.

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.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

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