

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	11/10/2019
Planning Development Manager authorisation:	TF	17/10/2019
Admin checks / despatch completed	CC	17/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	17/10/19

Application: 19/01021/OUT **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Steve Williams - Hills Residential Ltd

Address: Land at Admirals Farm Heckfords Road Great Bentley

Development: Variation of condition 12 of approved application 16/00133/OUT to amend clause (ii).

1. Town / Parish Council

Great Bentley Parish Council

Object to the application because the reason for removing condition 12 has not taken into account all possible options available.

The Parish Council request that the option of the junction becoming 'no right turn' is considered because:

- a) The A133 is at capacity, therefore turning right is fraught with danger;
- b) There has been one death whilst turning right at this junction;
- c) 'No right turn' would alleviate the issue of reduced visibility to the right when turning left;
- d. It would ease congestion at the junction as the vehicles waiting to turn right create a queue behind them;
- e) The bus stop could be either moved or withdrawn. Hedingham Buses has indicated to the Parish Council that they have no objection to the bus stop being removed; and
- f) The road would not need to be widened.

The Parish Council request condition 12 is not removed and that improvements are made to this junction

2. Consultation Responses

ECC Highways Dept Advise **Removal** of Condition 12.

3. Planning History

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016

16/01912/DETAIL	Proposed erection of 50 dwellings, garages and associated works.	Approved	12.05.2017
16/01999/OUT	A doctor's surgery and twenty five dwellings, associated infrastructure and landscaping.	Refused	04.04.2017
18/01543/TELLIC	Proposal to install electronic communications apparatus/development ancillary to radio equipment housing.	Determination	28.09.2018
18/01796/DISCON	Discharge of Conditions 7 (tree protection measures), 9 (phasing plan), 10 (landscape & public open space management plan), 14 (ecological mitigation & management plan), 15 (construction method statement), and 17 (local recruitment strategy) of 16/00133/OUT.	Approved	09.01.2019
19/00307/DISCON	Discharge of Condition 11 (Surface Water Drainage) of 16/00133/OUT.	Approved	12.03.2019
19/00801/NMA	Non-material amendment for approved application 16/01912/DETAIL.	Withdrawn	18.09.2019
19/01021/OUT	Removal of condition 12 of approved application 16/00133/OUT.	Current	
19/01204/DETAIL	Seeking approval for material changes further to application 16/01912/DETAIL (Plots 1 to 41).	Current	

4. Relevant Policies / Government Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

COM2 Community Safety

COM21 Light Pollution

COM23 General Pollution

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN12 Design and Access Statements

EN29 Archaeology

TR1A Development Affecting Highways

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

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

LP1 Housing Supply

LP2 Housing Choice

Essex Design Guide for Residential and Mixed Use Areas

Conservation in Essex No. 6 - Signs and Lettering

Designing for Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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

The application site comprises just under 6.8 hectares of agricultural land located at the northern edge of the village of Great Bentley, east of Heckford's Road and north of Moors Close. The site is flat and the western part of the site is visible from Heckford's Road, whilst the rest of the site is relatively well contained within the landscape, barely visible from most medium-long distance public view-points, mainly due to the strong line of trees and hedges along the northern boundary.

The site is irregular in shape and lies adjacent to the settlement development boundary and Great Bentley Conservation Area. A water pumping station with woodland within its grounds lies to the north of the site.

Planning permission has been granted under planning reference 16/00133/OUT for erection of 50 dwellings, garages, roads and associated works. The development will comprise the following dwelling mix:

- 9 x 2-bed bungalow
- 9 x 2-bed house
- 8 x 2-bed house
- 21 x 4-bed house
- 3 x 2-3 bed affordable

The scheme provides for a mix of dwellings sizes and types in line with the Council's adopted and emerging planning policies. The scheme includes areas of open space, a play area and sustainable drainage features.

The Proposal

This application seeks variation to Condition 12 of the aforementioned approval which reads as follows.

No occupation of the development shall take place until the following have been completed in accordance with details that shall have first been approved in writing by the Local Planning Authority.

- 1) ***A priority junction off Heckfords Road to provide access to the site as shown on drawing number IT1493/SK/02 Rev.D.***
- 2) ***Widening of Heckfords Road at its junction with A133 and 2no. traffic islands with illuminated bollards and high level beacons at the right turn lane***
- 3) ***Two new bus stops adjacent the site access off Heckfords Road or upgrading of existing bus stops with the highest frequency of services which would serve the proposals site. For either option, stops shall be provided or upgraded to current Essex County Council specification.***
- 4) ***A footway along Heckfords Road between the proposal site access and the Village Green as shown on drawing no IT1493/SK/01 Rev. D.***
No dwelling within the development shall be first occupied until such time as all facilities identified in 1)2)3) and 4) above have been provided in accordance with details so approved.

Reason- To enable satisfactory access to the site, including by bicycle as an alternative to the private motor car.

The applicant has provided written correspondence from Essex County Council Highways Department with regards to the removal of an element of Condition 12 with respect to the widening of the Heckfords Road junction. ECC Highways have advised that the widening of the junction could lead to an increase in motorist's speed turning left onto Heckfords Road onto the A133 thereby causing a safety issue if a bus was waiting at the bus stop at this junction.

They go on to recommend that the bus stop be relocated outside of the acceleration lane or consideration could be given to the removal of the existing narrow acceleration lane by extending the new kerb radius to the western side of the junction up to the give way lines, before then forming a separate bus stop layby immediately west of the junction.

It was felt that the bus stop was in an inappropriate position, but as an existing situation that this should not be funded by the developer.

It was also stated that widening would only provide additional capacity for 2-3 queuing vehicles and would reduce visibility for motorists turning left if a car was waiting alongside to turn right.

As a result of the above, ECC Highways have asked for removal of the clause within Condition 12 which sought to provide widening at the junction for the reasons outlined above.

6. Recommendation

That the application be approved.

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason – To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the Location Plan No. 1125A.L.001 dated 29/1/2016 as approved under planning reference 16/00133/OUT.

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

- 3 The reserved matters shall be in general conformity with the submitted illustrative masterplan dated 7th march 2016 but with the exclusion of any dedicated pedestrian access route via Moors lane , as currently shown on that drawing.

Reason - To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity and to address local concerns about pedestrian movements over land in private ownership.

- 4 The maximum number of dwellings to be contained in the development shall be 50.

Reason - To ensure compliance with the description of development hereby approved and to reflect the assumptions made in transport assessment for the scheme.

- 5 The development shall be carried out in accordance with the tree protection measures submitted as part of the Arboricultural Impact Assessment prepared by Tree Planning Solutions (dated 29th December 2016), as approved under planning reference 18/01796/DISCON.

Reason - In order to ensure the protection of trees, in the interests of local and residential amenity.

- 6 Structural landscaping shall be carried out during the first planting and seeding season (October-March inclusive) following the commencement of the development and other landscaping in a phased arrangement as may be agreed in writing by the Local planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with other of similar size and specvies, unless the Local planning Authority agrees in writing to a variation of the previously approved details.

Reason- In order to ensure a satisfactory development in terms of landscape appearance, character and functionality and ensure the earliest and practicable implementation of new planting required to mitigate the impact of the development.

- 7 The development shall be constructed in full accordance with Phasing Plan drawing no. 3522-0031 P01 as approved under planning reference 18/01796/DISCON.

Reason - To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity and pedestrian safety.

- 8 The development shall be constructed in full accordance with the Landscaping and Public Open Space Management Plan as detailed on drawing nos. 16.2030.01 Rev C, 16.2030.02

Rev C, 16.2030.03 Rev C, 16.2030.04 Rev C, 16.2030.05 Rev C and 16.2030.06 Rev C, as approved under planning reference 18/01796/DISCON.

Reason - To ensure the proper planning, management and maintenance of the approved landscaping and open space in the interests of amenity and the character and appearance of the area. It will form a new edge to the village and it is essential that the development includes adequate provision for structural tree planting and for the soft landscaping to mature and create an appropriate landscaped context for the built development as permitted.

- 9 The development shall be carried out in accordance with the detailed surface water scheme as per the Drainage Management Plan (prepared by Intermodal Transportation, dated October 2018); Drawing no. IT 1493/DS/01 Rev B; and letter prepared by Intermodal Transportation dated 15th February 2019, as approved under planning reference 19/00307/DISCON.

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

- 10 No occupation of the development shall take place until the following have been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- i) A priority junction off Heckfords Road to provide access to the site as shown on drawing number IT1493/SK/02 Rev. D;
 - ii) 2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane;
 - iii) Two new bus stops adjacent to the site access off Heckfords Road or upgrading of existing bus stops with the highest frequency of services which should serve the proposals site. For either option, stops shall be provided or upgraded to current Essex County Council specification; and
 - iv) A footway along Heckfords Road between the proposal site access and the Village Green as shown on drawing no. IT1493/SK/02 Rev. D.

No dwelling within the development shall be first occupied until such time as all facilities identified in i) ii) iii) and iv) above have been provided in accordance with details so approved.

Reason - To enable satisfactory access to the site, including by bicycle as an alternative to the private motor car.

- 11 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, of a Residential Travel Information Pack for sustainable transport, approved by the Local planning Authority, in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason- To promote travel from the site by sustainable modes including public transport as an alternative to the private motor car.

- 12 The development shall be carried out in accordance with the recommendations contained within the following documents: Preliminary Ecological Assessment prepared by Eco-Planning UK (dated 21st January 2016); Amphibian Survey Presence or Absence prepared by Eco-Planning UK (dated 1st June 2016) and Bar Report prepared by ADAD UK Ltd (dated October 2016), as approved under planning reference 18/01796/DISCON.

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

- 13 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, of a residential travel Information pack for sustainable transport, approved by the Local planning Authority, in consultation

with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote travel from the site by sustainable modes including public transport as an alternative to the private motor car.

- 14 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 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 24 mbps) 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.

8. Informatives

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: 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.

Informative 3: 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.

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