

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	24/10/2019
Planning Development Manager authorisation:	TF	28/10/2019
Admin checks / despatch completed	CC	28/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	28/10/19

**Application:** 19/01125/DETAIL **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr Oliver Hooway - Go Homes Ltd

**Address:** Land West of Heckfords Road Great Bentley

**Development:** Reserved Matters for 48 dwellings with a new terrace design and a switch of house types.

### **1. Town / Parish Council**

Gt Bentley Parish Council On 5th September 2019 Great Bentley Parish Council Planning Committee resolved to make no comment regarding this application.

### **2. Consultation Responses**

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

### **3. Planning History**

15/01820/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused (Allowed on Appeal)	24.05.2016
17/01621/DISCON	Discharge of conditions 15 (Programme of Archaeological Trial Trenching) and 16 (Completion of Archaeological) of planning permission 15/01820/OUT (allowed at appeal APP/P1560/W/16/3151169).	Approved	18.10.2017
17/01759/DETAIL	Erection of 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Approved	02.02.2018
18/00390/DISCON	Discharge of conditions 2 (Lighting Details), 3 (Materials) and 4 (Means of enclosure) to approved planning application 17/01759/DETAIL.	Approved	10.05.2018

18/00394/DISCON	Discharge of conditions 8 (surface water drainage scheme), 9 (offsite flooding mitigation), 10 (maintenance plan for surface water drainage scheme), 12 (tree protection measures), 13 (ecological mitigation and management scheme & survey of protected species), and 14 (construction method statement) of planning permission 15/01820/OUT allowed at appeal.	Approved	18.09.2018
18/00882/DISCON	Discharge of condition 17 (archaeological post excavation assessment) of application 15/01820/OUT approved under appeal APP/P1560/W/16/3151169.	Approved	14.09.2018
19/00256/OUT	Variation of Condition 7 (Highways Details) to application 15/01820/OUT (allowed on Appeal - APP/P1560/W/16/3151169).	Current	
19/01125/DETAIL	Reserved Matters for 48 dwellings with a new terrace design and a switch of house types.	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

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

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN17 Conservation Areas

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SP2 Spatial Strategy for North Essex

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

PPL8 Conservation Areas

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 (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 (including Site Description and Proposal)**

### Site Description

The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site previously formed part of a larger arable agricultural field but construction work is now under way on the approved housing scheme.

The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.

Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckfords Road.

To the east of Heckfords Road, permission has been given at appeal for a doctor's surgery and 25 no. dwellings with associated infrastructure and landscaping (application 16/01999/OUT). Furthermore, permission has been granted for the erection of 50 dwellings at Admirals Farm (applications 16/00133/OUT and 16/01912/DETAIL).

### Proposal

The current application seeks approval of the reserved matters (appearance, landscaping, layout and scale) relating to outline planning permission 15/01820/OUT, which was allowed at appeal, for the erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access were approved as part of the outline application.

This application represents a re-submission of the previously approved reserved matters scheme for 49 dwellings (17/01759/DETAIL) to introduce a switch of house types in the southern section of the development and a reduction of the overall scheme to 48 dwellings.

### Appraisal

#### Design/Layout Changes

The sole changes to the scheme relate to the southern section of the development. In lieu of the previously approved 7 units that face south on the eastern side of the spine road 5 larger units are proposed. The previous scheme also included a pair of semi-detached dwellings to the east of the 7 units that angled around the corner partly addressing the open space to the east and the road to the south. This scheme seeks to replace this pair of semi-detached dwellings with a terrace of 3 properties facing east therefore addressing the open space.

These changes are considered to be acceptable in a visual amenity and layout sense. The design of the replacement units is in keeping with other house types throughout the remainder of the development and the materials proposed are consistent with the previous approval.

In terms of layout the 5 units facing south retain good side isolation and the required 25m spacing between the proposed dwellings to the rear and existing properties to the south. Each of these

properties has a minimum of 2 parking spaces and in most cases an extra couple of spaces. These properties also retain over 100sqm garden sizes to accord with the saved policy.

The proposed terrace of three properties will be re-orientated to face east onto the open space which represents an improvement over the previous scheme in which the pair of semi-detached dwellings awkwardly attempted to turn the corner. Again each dwelling would be served by 2 spaces each. In terms of garden sizes each of these dwellings would be served by a garden slightly below the required threshold. The 2 bed dwelling would be served by a garden measuring 63sqm whereas the policy states 75sqm should be provided and the two 3 bed properties show gardens of 85sqm and 91sqm respectively against a policy requirement of 100sqm. However, given that these shortfalls are relatively minor and the properties face onto a large area of open space, such a shortfall is considered to be acceptable.

#### Residential Amenities

As stated above 25m back to back spacing is retained by the revised layout sufficiently safeguarding existing and future resident's level of privacy. No other adverse impact arise from the changes in respect of loss of outlook, light or privacy.

#### Highway Impacts

Essex County Council Highways have no objections to the revised layout and the parking provision proposed, which is significantly in excess of the policy compliant levels.

#### Conditions

Where necessary the conditions applied to the previously reserved matters application will be re-applied. An updated materials key plan and landscaping scheme has been provided which will be secured via conditions.

#### RAMS

In respect of the implementation of RAMS (Essex Coast Recreation Disturbance, Avoidance and Mitigation Strategy), the development has been implemented and construction work is under way with a significant number of dwelling completions. Furthermore, this reserved matters scheme represents 1 less dwelling than the implemented permission for 49 units. As such it is not considered to be reasonable to request the collection of a RAMS contribution in this instance.

#### Other Considerations

Great Bentley Parish Council has no comments to make upon the proposal. 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:

2017-908-002 Rev. D  
2017-908-306 Rev. B  
2017-908-005 Rev. B  
2017-908-010 Rev. B  
2017-908-011 Rev. B  
2017-908-012  
2017-908-013  
2017-908-020

2017-908-021  
2017-908-030  
2017-908-031  
2017-908-040 Rev. B  
2017-908-041  
2017-908-042 Rev. B  
2017-908-043  
2017-908-044  
2017-908-045  
2017-908-050 Rev. A  
2017-908-051 Rev. A  
2017-908-060 Rev. A  
2017-908-061 Rev. A  
2017-908-062  
2017-908-063  
2017-908-070 Rev. A  
2017-908-071 Rev. A  
2017-908-080 Rev. B  
2017-908-081 Rev. B  
2017-908-083  
2017-908-090  
2017-908-091  
2017-908-100  
2017-908-101  
2017-908-102  
2017-908-103  
2017-908-104  
2017-908-105  
2017-908-106  
2017-908-107  
2017-908-110 Rev. B  
2017-908-111  
17/303-01 Rev C

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

- 2 The external lighting scheme shall be carried out in full accordance with the approved external lighting layout plan (Ref - 2017-813-305), as approved under planning reference 18/00390/DISCON.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details drawing no. 17/303-01 Rev C shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other 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 others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the conservation area.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2016 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling 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 interest of amenities of the occupants of the neighbouring and proposed properties.

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Conditions and Legal Agreement

As this is a reserved matters application any decision will need to be read in conjunction with planning appeal decision APP/P1560/W/16/3151169, relating to planning application 15/01820/OUT, which contains a number of conditions and is subject to a legal agreement that are still relevant to the development.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	<input checked="" type="radio"/> NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	<input checked="" type="radio"/> NO