

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	28/10/2019
Planning Development Manager authorisation:	TF	01/11/2019
Admin checks / despatch completed	CC	04/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	4/11/19

**Application:** 19/01335/FUL **Town / Parish:** Thorrington Parish Council

**Applicant:** Rusden Ltd

**Address:** Land adjacent Morton House Station Road Thorrington

**Development:** Variation of conditions 2 and 4 to substitute drawings numbers to allow for an amended site layout and house types, and condition 7 relating to widened footway of application 17/00090/FUL (allowed on appeal APP/P1560/W/17/3175859).

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

Thorrington Parish  
Council

No comments received

### **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 conditions:

1. Prior to occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

2. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

4. The vehicular access route shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects as shown in principle in the revised proposed site layout drawing nos. 686/1 a and 686/2 a;

- Carriageways measuring no less than 5.5m in width
- 2 x 2.0m width footway on both sides of the private road.
- 6-metre-wide shared surface for the private drives (1.2 + 4.8m)
- 6.7-metre-wide shared surface for the first 6 metres for the private drive serving plots 8, 9 and 10.



- Appropriate pedestrian crossing facilities where the new road joins the existing highway.

- Kerb radii measuring 10.5m

5. Prior to first occupation of the development the size 5 vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose for the private drives.

6. No development shall take place, including any ground works or demolition, until a Construction Method Statement 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 underbody washing facilities

7. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

8. Any single garages should have a minimum internal measurement of 7m x 3m and all garages shall be retained for the purposes of vehicle parking in perpetuity

9. 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, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

10. Prior to occupation a footway shall be provided along the Station Road frontage measuring no less than 1.5m in width and shall be provided entirely at the Developer's expense.

Note: there is a short length where this won't be achievable because of a tree trunk. That short length will have a footway width of 1.4m.

Tree & Landscape Officer

In order to show the extent of the constraint that the Oaks on the perimeter of the site are on the development potential of the land the applicant has submitted an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations

The document identifies those trees and other vegetation that will need to be removed in order to facilitate the development proposal and shows how retained trees will be physically protected for the duration of the construction phase of any development that may be granted planning permission.

It is particularly noted that the amendment to the layout proposes a reduction in the width of the public footway that will minimise the impact on retained trees. The creation of a 2m footway would be undesirable, in terms of its impact on trees as it would have caused both significant root damage and complete tree removal.



The creation of a public footway with an approximate width of 1.4m will enable all boundary trees to be retained other than those that will need to be removed to create the new vehicular access.

In terms of soft landscaping the site layout plan shows the position and species of new tree and hedgerow planting but does not appear to provide a specification. If the applicant can confirm that trees will have a minimum girth of 8 -10cm at time of planting then this will be sufficient.

### 3. Planning History

17/00090/FUL	Proposed construction of 10 No. bungalows with associated access roads and improvements to footway.	Refused	21.04.2017
19/01335/FUL	Variation of conditions 2 and 4 to substitute drawings numbers to allow for an amended site layout and house types, and condition 7 relating to widened footway of application 17/00090/FUL (allowed on appeal APP/P1560/W/17/3175859).	Current	
19/01549/DISCON	Discharge of conditions 1 (commencement), 2 (Approved drawings), 3 (Road details), 4 (Parking), 5 (road construction details) and 6 (wheel washing) of application 17/00090/FUL (allowed on appeal APP/P1560/W/17/3175859).	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

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

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

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

SP5 Infrastructure & Connectivity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP4 Safeguarded Local Greenspace



- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- 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 (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 application site measures 0.97 hectares and forms a rectangular area of land which is in agricultural use. The land fronts Station Road and is open in nature although mature planting and trees exist to the site frontage. The site is set between two rows of existing residential development fronting Station Road, but is located outside of the Settlement Development Boundary in both the saved and emerging local plans. Little or no development exists on the opposite side of Station Road.

The site has an extant planning permission for 10 bungalows which was granted on appeal in 2018. Associated clearance work on site has recently commenced.

### **Proposal**

This application proposes the variation of conditions 2, 4 and 7 of the appeal decision APP/P1560/W/17/3175859 to substitute drawings numbers to allow for an amended site layout and house types and vary the width of the public footway to the site frontage.

### **Appraisal**

#### **Principle of Development**

The principle of siting 10 detached bungalows on this site has been established through the granting of appeal decision reference APP/P1560/W/17/3175859. Matters of consideration therefore turn to the impact of the layout/design changes in visual and amenity terms.

#### **Impact of Changes**

The layout approved on appeal showed a sinuous arrangement with the bungalows being set back varying distances from the highway. This revised layout shows a more linear form of development with the bungalows sitting at right angles to the carriageway set behind the mature frontage hedgerow and a small landscaped area. The previously proposed attenuation basin has been removed in lieu of permeable paving and storage areas to the rear of the bungalows. The precise details of the surface water drainage scheme are to be approved via condition.

The access point remains as previously approved towards the northern end of the development. This will serve a short section of adopted highway with private drives spurring off to serve the bungalows. As before a gap within the frontage of the bungalows, level with the access point, will be retained to provide access to the farmland to the east.

All properties comfortably exceed the required 100sqm of private garden space and all have a minimum of 3 off-street parking spaces.



In terms of the design approach, the bungalows have been amended slightly to replace the integral garages with detached ones and to include amendments to the style and type of the proposed bay windows, brick plinths and entrance canopies.

Overall the changes to the layout and the design of the bungalows are acceptable and relate appropriately to the character, siting and form of development in the vicinity.

#### Condition 7 - Footpath

Condition 7 of the appeal decision states that a 2m wide footpath should be provided along the site frontage. However, it is evident that a footpath is already in situ. Further to discussions and a site meeting between the developer and ECC-Highways it is clear that the footpath extends to a maximum of 1.5m (1.4m where an existing tree results in a pinch-point) when the existing vegetation is scraped back.

In subsequent comments from ECC-Highways it has been agreed that the condition can be varied to secure a reduced width.

#### Trees/Landscaping

In order to show the extent of the constraint that the Oaks on the perimeter of the site are on the development potential of the land the applicant has submitted an Arboricultural Impact Assessment (AIA). This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations

The document identifies those trees and other vegetation that will need to be removed in order to facilitate the development proposal and shows how retained trees will be physically protected for the duration of the construction phase of any development that may be granted planning permission.

It is particularly noted that the amendment to the layout proposes a reduction in the width of the public footway that will minimise the impact on retained trees. The creation of a 2m footway would be undesirable, in terms of its impact on trees as it would have caused both significant root damage and complete tree removal.

The creation of a public footway with an approximate width of 1.5m will enable all boundary trees to be retained other than those that will need to be removed to create the new vehicular access.

In terms of soft landscaping the site layout plan shows the position and species of new tree and hedgerow planting and is sufficient to enhance the overall development.

#### Conditions/Legal Obligations

All other conditions on the appeal decision will be re-imposed including a landscaping condition to secure its implementation during the first planting season after occupation.

No legal obligations were secured at appeal stage. The Council removed its requirement for a public open space contribution and the inspector duly allowed the appeal on this basis. As this application relates solely to a variation of the outline permission it would be unreasonable to request any planning obligations as part of this application.

#### Other Considerations

Thorrington Parish Council has not commented upon the application.

1 letter of objection has been received outlining concerns in respect to the principle of residential development in this location and the adverse impacts upon; local infrastructure, traffic congestion and wildlife impacts. (All these matters were considered when the original application for 10



bungalows was allowed on appeal. This application does not re-visit the principle of developing the site).

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall commence prior to the 4th September 2020.

Reason - To comply with the requirements of Section 91 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 following approved plans: 686/1 Rev A, 686/2 Rev A, 686/9, 686/8, 686/7, 686/6, 686/5, 686/4, 686/3, 686/11, 686/10

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

- 3 Development shall not take place until details of the junction between the proposed service road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.

Reason - In the interests of highway safety.

- 4 No dwelling shall be occupied until spaces and garages have been laid out within the site in accordance with drawing nos. 686/1 Rev A and 686/2 Rev A for cars to be parked and these spaces shall thereafter be kept available at all times for the parking of vehicles.

Reason - In the interests of highway safety.

- 5 No development shall take place until details of the standards to which the estate roads serving the development are to be constructed shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the roads have been constructed in accordance with the approved details.

Reason - In the interests of highway safety.

- 6 Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason - In the interests of highway safety.

- 7 Prior to the occupation of any dwelling the existing footpath to the frontage of the site shall be widened to 1.5m in width, aside from a small section adjacent to an existing tree where only 1.4m is achievable, by removing the existing overgrown verge. The footpath shall then be maintained at this width thereafter.

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

- 8 The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.



Reason - In the interests of highway safety.

- 9 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, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote the use of sustainable transport modes.

- 10 No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority.

Where a sustainable drainage scheme is to be provided, the submitted details shall: provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and, provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason - To ensure satisfactory provision of surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

- 11 The tree protection measures outlined on the submitted Tree Removal and Protection Plan (Drawing no. 4217 AR/001/Rev 0) shall be adhered to at all times during the construction phase of the development.

Reason - To ensure the adequate protection of mature trees on the site in the interests of visual amenity.

- 12 No dwelling shall be occupied until a broadband connection has been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 13 The approved scheme of landscaping shown on drawing nos. 686/1 Rev A and 686/2 Rev A 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.



## 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.

Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is a breach of this legislation. The public's rights and ease of passage over public footpath no3 (Thorrington) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

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.

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](mailto: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.

<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