

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	07/11/2019
Planning Development Manager authorisation:	TF	11/11/2019
Admin checks / despatch completed	CC	11/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	11/11/19

**Application:** 19/00571/DETAIL **Town / Parish:** Elmstead Market Parish Council

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

**Address:** Charity Field Land South of Colchester Road Elmstead

**Development:** Reserved matters application following planning approval 14/01728/OUT- Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space.

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

Elmstead Parish Council No comments received

### **2. Consultation Responses**

Tree & Landscape Officer The information provided relating to soft landscaping is comprehensive and acceptable in terms of species selection and specification.

The information provided by the applicant satisfactorily fulfils the requirement to provide new planting on the application site.

### **3. Planning History**

14/01728/OUT	Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space.	Refused	05.01.2016
18/00431/DETAIL	Reserved matters application following planning approval 14/01728/OUT - Provision of vehicular & pedestrian access from School Road to the application site in accordance with the Highway Authoritys requirements.	Approved	19.10.2018
18/01863/DETAIL	Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space. (Reserved Matters including Appearance, Layout and Scale)	Approved	14.02.2019

19/00571/DETAIL	Reserved matters application following planning approval 14/01728/OUT- Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space.	Current	
19/00572/DISCON	Discharge of conditions 7) Tree protection measures, 12) Ecological Mitigation Scheme & management plan, 13) Construction Method Statement, 14) Written Scheme of Investigation of Archaeology & 15) Development must not take place other than in accordance with Written Scheme of Investigation approved under Condition 14 - to Approved Planning Application 14/01728/OUT (allowed at Appeal).	Approved	15.05.2019
19/00771/DISCON	Discharge of conditions 8, 9, 10 and 11 (all relating to surface water drainage) of application 14/01728/OUT allowed on appeal APP/P1560/W/16/3153567.	Approved	31.07.2019

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

#### **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 comprises a 6.24 hectare parcel of undeveloped grassed land situated to the south of Colchester Road (A133) and to the west of School Road. The site's eastern, southern and part western boundaries are bordered by a mature tree lined hedgerow. The northern boundary comprises a mixture of fences, vegetation and open boundaries to residential properties fronting onto Colchester Road, but with rear gardens facing the application site.

The application site lies outside of a defined settlement development boundary as set out in the Tendring District Local Plan (2007), but largely falls within the Settlement Development Boundary for Elmstead within the Emerging 2013-2033 Tendring Local Plan (2017).

### **Description of Proposal**

This application seeks planning permission for part of the reserved matters following approval of up to 50 residential dwellings under previous planning permission 14/01728/OUT.

The proposal relates solely to the details of the proposed hard and soft landscaping scheme. Access was previously approved under 18/00431/DETAIL and the scale, appearance and layout were approved under 18/01863/DETAIL.

As stated above the proposal is the development of 50 two-storey houses, an area of public open space, a new community hall and allotments arranged around a new central access road taken from School Road. The proposed housing mix is as follows:

Private Housing

- 14 x 5-bed houses
- 24 x 4-bed houses

Social

- 7 x 3 bed affordable houses
- 5 x 2 bed affordable houses

The scheme provides for a mix of dwelling sizes and types in line with the Council's adopted and emerging planning policies.

Principle

The principle of development has already been established through the grant of outline planning permission by the Planning Inspectorate on 17th February 2016.

Whilst the Council decided to refuse the outline application with concerns over sustainability, the number of dwellings proposed and the physical relationship of the site to the established settlement, the subsequent appeal was allowed. The Planning Inspector concluded that the development would not cause harm to the character and appearance of the area and the detailed design to be submitted as a reserved matter would be able to accord with Development Plan policies and national guidance on good design. With the lack of a five year supply of housing land, the Inspector considered that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The reserved matters under consideration as part of this detailed application are:

- Landscaping

Assessment of Landscaping Scheme

The information provided relating to soft landscaping is comprehensive and acceptable in terms of species selection and specification. The planting scheme shows low level hedgerows and shrub planting to the front of dwellings and enclosing parking areas and the planting of trees at key points along the spine road and spur roads to assist in softening views of the built form. The public open space is to be laid with a mixture of cultivated turf and seeded wildflower areas with a hoggin laid track running centrally through the open space from the community hall parking area to the western end of the development. Additional tree planting is proposed throughout the open space including small clusters of trees within the northern section of the site.

The information provided by the applicant satisfactorily fulfils the requirement to provide new planting on the application site. The Council's Tree and Landscaping Officer supports the submission.

RAMS - Legal Obligation

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

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This also applies to reserved matters applications where the impact of recreational pressures on designated sites was not considered at outline stage.

A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Other Considerations

No further letters of representation have been received.

### **6. Recommendation**

Approval

### **7. Conditions**

- 1 The approved scheme of landscaping as shown on drawing no's. JBA18/296-01 B, JBA18-296-02 B, JBA18-296-03 B, JBA18-296-04 B and JBA18-296-05 B, 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.

#### Legal Agreement Informative - Recreational Impact Mitigation

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

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