

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	06/12/2019
Planning Development Manager authorisation:	TF	06/12/2019
Admin checks / despatch completed	SB	06/12/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	W	6/12/19

**Application:** 19/01179/DETAIL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Williams - Hills Residential Construction Limited

**Address:** Land to The East of Tye Road Elmstead

**Development:** Reserved matters application for the variation of the site layout as approved in 18/01307/DETAIL.

### 1. Town / Parish Council

Elmstead Parish Council Elmstead Parish Council wishes to make the following objection to this application:

Elmstead has a deficit of open space and play area, and the council objects to the Local Area of Play, as shown in drawing 0001 Rev P.18 being removed. There is a lack of Public Open Space, and it is unclear how the total area is calculated. We are seeking clarity over this point.

### 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 the first occupation of the development, the proposed road junction at its bell mouth junction with Tye Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Preliminary Block Plan, drawing no. 0001 p23 to a carriageway width of 5.5 metres with 2 metre width footway on north side of the junction and switching to the southside just beyond the bell mouth.

2. Prior to first 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 to the north (bend) and 2.4 metres by 160 metres to the south 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 obstruction above 600mm at all times.

3. Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the Preliminary Block Plan, drawing no. 0001 p23 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.
5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
6. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.
7. All single garages should have a minimum internal measurement of 7m x 3m  
All double garages should have a minimum internal measurement of 7m x 5.5m
8. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.
9. There shall be no discharge of surface water onto the Highway.
10. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.
11. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.
12. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
13. Prior to occupation of the proposed dwelling, 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.
14. 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

### 3. Planning History

16/00219/OUT

Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and

Refused

27.07.2016

	infrastructure.		
17/00927/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	Approved	12.03.2018
18/00512/OUT	Outline planning application for residential development of up to 18 dwellings and associated open space, car parking and infrastructure.	Refused	04.07.2018
18/00681/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT (amendment to application 17/00927/DETAIL).	Refused	31.07.2018
18/01307/DETAIL	Reserved matters application for 32 dwellings, land for a community facility and associated parking and infrastructure.	Approved	02.08.2019
19/01012/NMA	Non-material amendment to application 18/01307/DETAIL - Alterations to road layout and re-ordering of house types to suit revised site layout.	Approved	
19/01179/DETAIL	Reserved matters application for the variation of the site layout as approved in 18/01307/DETAIL.	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

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

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type  
HG7 Residential Densities  
HG9 Private Amenity Space  
COM1 Access for All  
COM6 Provision of Recreational Open Space for New Residential Development  
COM26 Contributions to Education Provision  
COM31A Sewerage and Sewage Disposal  
EN1 Landscape Character  
EN4 Protection of the Best and Most Versatile Agricultural Land  
EN6 Biodiversity  
EN6A Protected Species  
EN6B Habitat Creation  
EN11A Protection of International Sites European Sites and RAMSAR Sites  
EN13 Sustainable Drainage Systems  
TR1A Development Affecting Highways  
TR1 Transport Assessment  
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  
SPL2 Settlement Development Boundaries  
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

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **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 is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently a arable field and is bounded by a continuous mixed native hedgerow with individual mature trees. An access has been constructed in connection with the re-development of the site for 32 dwellings.

To the north of the site is a detached residential property and rough grassed land. To the east of the site is a development site to the north of Meadow Close which was subject to a planning permission for 20 bungalows.

### Planning History/Proposal

The principle of development on the site for 32 dwellings has been established by the granting of outline consent at appeal (Planning Reference - 16/00219/OUT). Detail applications securing the access, landscaping, scale, appearance and layout details have also been agreed under applications 17/00927/DETAIL and 18/01307/DETAIL.

This application seeks approval of the layout and landscaping reserved matters incorporating alterations to the details previously approved under planning reference 18/01307/DETAIL.

The appearance and scale of the properties remains as previously approved, as does the access point onto Tye Road which has now been constructed.

### Layout Changes

The main changes to the layout relate to the following;

- The re-configuration of the areas of open space resulting in the removal of the small area of open space located in the south-eastern corner of the site and a slight increase in size of the play area situated to the south-western area of the site. The swale included in this area has also been reduced in size as it was previously designed to cater for 50 dwellings rather than 32 properties. Following the dismissal of an appeal for 18 units to the north of this site the swale can be reduced.
- Re-arrangement of the siting of properties following the removal of access spurs previously leading to the north and east of the site.
- Relocation of the LAP to the open space situated within the north-western area of the site.
- Re-configuration of the pump house/sub-station to move this further south away from a ditch and to provide a parking area to its frontage.

The changes proposed to the layout represent logical alterations to the scheme following the re-configuration of the access routes. The access spur roads leading north and east are no longer required due to the refusal and dismissal at appeal of a proposed development of 18 units to the north and given that the development permitted to the east does not make provision for an access road link.

As a result the layout is in general conformity with that previously approved. The areas of open space have been slightly reduced in size but are still in accordance with the level set in the associated s106. The relocation of the LAP to the north-western area of open space is also acceptable given that this area has a greater level of surveillance.

Each of the proposed dwellings has their own private amenity space. Policy HG9 of the Saved Local Plan requires 75 sqm of private amenity space for 2 bed dwellings and 100sqm of private amenity space for dwellings with 3 or more bedrooms. All dwellings are provided with garden areas which in many cases exceed this standard.

All of the proposed dwellings address the street and create an active street frontage. There are some dwellings that have side elevations facing the street, but these have been designed so that they also create an active frontage (with side entrance doors and windows).

The layout provides the majority of parking within the curtilage of the proposed dwellings there are a few areas where parking courts are used. Whilst these are not an ideal solution they are small clusters and are located in areas where they would not be prominent within the street scene.

In conclusion there is no objection to the changes proposed to the layout.

### Landscaping

In terms of the potential impact of the development proposal on the Oak trees on the land afforded protection by Tree preservation Order TPO/16/04 the details contained in the soft landscaping proposals plans states that all tree protection will be in accordance with the Tree Survey and report submitted with the outline application. In this respect the protected trees will not be harmed by the development proposal.

The information provided relating to soft landscaping is comprehensive and provides a good level of tree, shrub and hedgerow planting. The proposed soft landscaping will enhance the appearance of the development and help to ensure that it sits comfortably in its setting.

### Legal Obligations

The legal agreement secured at outline stage is not affected by the proposals. This agreement secured the following;

- The construction of an estate road (including footways) to an adoptable standard from Tye Road to the eastern boundary of the site.
- A financial contribution of £12,218.00 towards Primary Education
- The provision of 25% on site affordable housing; and
- The laying out of the open space in accordance with details agreed by the Council and transfer to a Management Company to be maintained in accordance with agreed details.

A unilateral undertaking was secured as part of the DETAIL application 18/01307/DETAIL to obtain a RAMS payment of £122.30p per dwelling. This undertaking was worded as such to ensure it remains in force for any subsequent DETAIL applications.

### Other Considerations

ECC-Highways have no objections to the alterations to the layout as the main point of access remains as previously approved.

Elmstead Parish Council objects to the changes due to the removal of the LAP and the re-configuration of the open space. (In response the LAP has now been re-instated by the developer and the open space has been calculated to confirm accordance with the requirements of the S106 secured at outline stage).

No further letters of representation have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The layout and landscaping aspects of the development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

- 4115 0001 P28
- 18 3095 01 D

- 18 3095 02 D
- 18 3095 03 D
- 18 3095 04

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

- 2 Prior to first occupation of the development the size 3 vehicular turning facility shown in principle on the Preliminary Site Plan, drawing no. 4115 0001 P28 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 3 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.

Reason - To avoid displacement of loose material onto the carriageway in the interests of highway safety.

- 4 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway or where no provision of footway is present, the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 5 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.

Reason - To ensure that the future outward growth of the planting 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.

- 6 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping drawing no's. 18 3095 01 D, 18 3095 02 D, 18 3095 03 D and 18 3095 04 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 - In the interests of visual amenity and the character of the area.

## **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.

The applicant is reminded that this detailed planning consent is subject to conditions attached to the outline permission for this development ref 16/00219/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.

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