

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	29/01/2020
Planning Development Manager authorisation:	TF	29/01/2020
Admin checks / despatch completed	CC	29/01/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	AP	29/1/2020

**Application:** 19/01440/DETAIL                      **Town / Parish:** Great Bentley Parish Council

**Applicant:** Mr Irwin - Moonlight Limited

**Address:** Land at Station Field Plough Road Great Bentley

**Development:** Reserved Matters application in respect of layout, scale, access, landscaping and appearance for Class B1 employment area of the approved outline planning permission ref. 14/01750/OUT.

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

Great Bentley Parish Council

Provide the following comments;

The application was discussed at the Great Bentley Parish Council Planning Committee meeting held on 7th November 2019.

1. Great Bentley suffers from traffic congestion in the village centre and at the level crossing on Plough Road.

2. The Parish Council requests that the Traffic Management Plan states that access to and from the site by construction vehicles should NOT pass over the railway crossing on Plough Road. This will stop the further increase of the traffic congestion which already exists within the village.

3. To support this request, please refer to the Network Rail comment dated 7th July 2017 regarding the planning application which is sited opposite Station Field which is also relevant to this application:

### **2. Consultation Responses**

ECC Highways Dept

Provide the following comments;

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 occupation of any of the proposed development the internal road and footway layout shall be the provided in accord with revised drawing numbers :

- **02 pl1 Block plan**
- **03 pl2 Landscape plan**
- **04 pl1 Hard landscaping details**

**Reason:** To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

3. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with block plan **02 pl1**. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

**Reason:** To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Each Blue Badge parking space shall have minimum dimensions of 3.9 metres x 6.5 metres.

**Reason:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

**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 and in accordance with Policy DM1.

6. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that

users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1.

7. 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.

**Reason:** To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. 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

**Reason:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

Environmental  
Protection

Reviewed the application and made no adverse comment.

Tree & Landscape  
Officer

Provide the following comments;

In terms of the soft landscaping proposals the information relating to tree planting is acceptable.

### 3. Planning History

13/00345/LUEX	Use of land as garden land including vehicular access.		30.05.2013
14/01750/OUT	Outline application for a mixed use scheme comprising up to 150	Refused	19.11.2015

	dwellings and open space, a class B1 employment area and structural landscaping.		
16/00950/OUT	Outline application for up to 50 market and affordable dwellings including open space, structural landscaping and minor diversion of bridleway.	Withdrawn	03.10.2016
17/30064/PREAPP	Proposed development of 150 dwellings and open space, B1 employment area, structural landscaping and allotments.		18.04.2017
17/01681/DISCON	Discharge of condition 08 (Phasing Plan) of planning permission 14/01750/OUT allowed at appeal APP/P1560/W/15/3141016.	Approved	08.11.2017
18/01981/DETAIL	Reserved matters application in respect of layout, scale, access, landscaping and appearance for Phases A, B, C and D of the approved outline planning permission.	Approved	06.08.2019
19/00125/DISCON	Discharge of Condition 17 (Ecological Mitigation Scheme) - approved (via appeal) on Planning Application 14/01750/OUT.	Approved	16.04.2019
19/00126/DISCON	Discharge of Condition 13 (Site Investigation Appraisal) - approved (via appeal) on Planning Application 14/01750/OUT.	Approved	22.02.2019

#### 4. Relevant Policies / Government Guidance

##### Planning Policy

###### National Policy:

NPPF National Planning Policy Framework 2019

NPPG National Planning Policy Guidance

###### Local Plan Policy:

*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
EN1	Landscape Character
EN3	Employment sites
EN6	Biodiversity
EN13	Sustainable Drainage
EN29	Archaeology
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development
COM 2	Community Safety
COM 23	Light Pollution

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

PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation
PPL7	Archaeology

Other guidance

*LPG 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.

## **5. Officer Appraisal**

### **Site Description**

The Site forms part of the St. Mary's Hall Farm and lies on the south eastern edge of Great Bentley. The wider outline planning permission site extends to 8.82 hectares and is bound by the existing homes to the west which front on to the eastern side of Plough Road, the Plough Road Industrial Estate and railway line to the north. Farm land and open countryside bound the Site to the east and south.

This Reserved Matters Application (RMA) seeks permission for the employment B1-Use of Outline application 14/01750 which is for a mixed use scheme comprising up to 150 dwellings and open space, a class B1 employment area and structural landscaping.

The RMA for the development of the 150 dwellings, including layout, scale, appearance, access and associated landscaping as well as vehicle and cycle parking was approved on 08 August 2019.

The outline planning permission was allowed on Appeal on 29 September 2016.

### **Assessment**

The main planning considerations are:

- Principle of Development;

- Highways and Parking Issues;
- Biodiversity;
- Arboriculture/Landscaping;
- Drainage and Flood Risk;

### **Principle of Development;**

The proposed scheme is submitted as a RMA; therefore much of the planning policy background to the scheme, including the principle of the development and the quantum of floorspace for the B1 units, has already been established.

The following consideration of planning policy relates solely to design matters and other issues that remain to be addressed at the RMA stage.

### **Access**

The site is well served by vehicular, cycle and pedestrian routes. Vehicular, cycle and pedestrian access into the site will be achieved predominantly from a new access road linked to Plough Road to the west. The proposed road layout and junctions for the development have been designed following consultation with Highways Officers and to comply with appropriate highway design standards. It has been confirmed that ECC Highways has no objections to the application - including the proposed form and specification of the access road to Plough Road - subject to the imposition of a number of highway specific conditions.

Officers raise no objection therefore to the proposals on the grounds of access subject to the imposition of Highway conditions.

### **Scale**

In regards to the scale and design of the units regard has been had to ensuring they will maintain the character of the local area along with the new residential units which are part of the wider scheme.

It is considered that the new units will relate to the site and surroundings in relation to scale, massing and form through drawing upon the local context and character. The scale and nature of the proposals are in scale to the wider area and are appropriate for the Site through maintaining similar building heights. The development will not have an adverse impact upon the privacy, daylight or other amenities of nearby occupiers.

### **Appearance**

A Design and Access Statement (DAS) that supported the outline application confirmed that the scheme had been informed by a character study of Great Bentley to ensure that the scheme connected with the local wider context.

It is considered that the proposed external design and form of the B1 Units are appropriate to its setting and provides a sufficient mix to create a strong sense of place.

Accordingly, the proposal is considered acceptable with respect to the National Planning Policy Framework and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) which sets out the council's commitment to supporting the aims and objectives of the NPPF in terms of Policies SD1, SD2 and SD5 (sustainable development) and SD9 (good quality design).

Officers raise no objection to the proposal therefore on the grounds of design and appearance.

### **Landscaping**

The applicant submitted amendments to the original Landscaping scheme in line with the Council's Tree Officer comments.

With regard to the amendments that have been made to the species selection for the soft landscaping scheme; this has resulted in a more robust scheme. It is noted that the scheme still includes the proposed planting of *Rubus fruticosus* (Blackberry) in the buffer planting on the southern boundary of the application site.

The Council's Tree Officer has advised, however, that if the developer strongly desires the inclusion of this species then its inclusion does not, in itself, make the scheme unacceptable.

Officers conclude that the information provided in relation to soft landscaping is considered comprehensive and sufficient to ensure that the new planting associated with the development of the land will enhance its appearance and be 'fit for purpose'.

### **Layout**

The illustrative layout forming part of the outline permission has been used to inform the general approach adopted in the detailed layout. The layout includes the provision of substantial landscape buffers along the eastern and southern boundaries (25 metres) and northern and western boundaries (10 metres), which ensure that the proposed development provides an appropriate transition to the surrounding open countryside and relates well to existing properties to the west.

The site layout has been designed to allow commercial vehicles to access and exit the site in a safe manner and sufficient room for refuse and recycling vehicles to safely and adequately collect waste in addition to the safe operation of the site.

ECC Highways has confirmed that the scheme is acceptable from a highways layout perspective.

### **Recommendation**

Approval- Reserved Matters/Detailed

## **6. Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

01 p2 Site location plan



- 02 pl1 Block plan
- 03 pl2 Landscape plan
- 04 pl1 Hard landscaping details

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

2) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscape masterplan L1081-2.1-1000 REV-P4, Provision of Open Space Plan L1081-2.1-1001 REV-P3, General Arrangements Sheets 1 to 8 inclusive drawing nos. L1081-2.1-1010 REV-P4 to 1017-2.1 REV-P4 (inclusive) and Levels Layouts Sheets 1 to 4 inclusive drawing nos. 854-05-01 to 854-05-04 inclusive, as previously approved under reference 18/01981/DETAIL, 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 adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the development.

3) Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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.

4) Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accord with revised drawing numbers :

- 02 pl1 Block plan
- 03 pl2 Landscape plan
- 04 pl1 Hard landscaping details

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

5) Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

6) The development shall not be occupied until such time as a car parking and turning area has been provided in accord with block plan 02 pl1. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

7) Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Each Blue Badge parking space shall have minimum dimensions of 3.9 metres x 6.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

8) The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

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 and in accordance with Policy DM1.

9) Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1.

10) 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.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

11) 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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

## **7. Informatives**

**Informative 1:** As a reminder, a forward visibility splay of 25 metres needs to be provided on each corner of the development particularly where the planting is being proposed.

**Informative 2:** Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

**Informative 3:** Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

**Informative 4:** The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

**Informative 5:** 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.

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