

DELEGATED DECISION OFFICER REPORT

| AUTHORISATION | INITIALS | DATE |
|---|----------|------------|
| File completed and officer recommendation: | JD | 07/05/2020 |
| Planning Development Manager authorisation: | AN | 07/05/2020 |
| Admin checks / despatch completed | CC | 11/05/2020 |
| Technician Final Checks/ Scanned / LC Notified / UU Emails: | PW | 11/05/20 |

Application: 20/00181/FUL **Town / Parish:** Elmstead Market Parish Council

Applicant: [REDACTED]

Address: Charity Field School Road Elmstead Market

Development: Proposed amendments to the house type and siting for plots 27,28,31,32,33,34,35,37,38,39,40,41,42,43 and 50 approved under 19/00571/DETAIL and 14/01728/OUT.

1. Town / Parish Council

No response to date.

2. Consultation Responses

ECC Highways Dept
10.03.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority

Informative 1: 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.

Informative 2: 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 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.

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. | Allowed at appeal | |
| 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. | Approved | 11.11.2019 |
| 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 |
| 20/00181/FUL | Proposed amendments to the house type and siting for plots | Current | |

27,28,31,32,33,34,35,37,38,39,40,
41,42,43 and 50 approved under
19/00571/DETAIL and
14/01728/OUT.

20/00391/FUL Proposed erection of Elmstead
Market's Community Building.

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

QL12 Planning Obligations

HG4 Affordable Housing in New Developments

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN12 Design and Access Statements

TR1A Development Affecting Highways

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

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL4 Biodiversity and Geodiversity

CP2 Improving the Transport Network

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide for Residential and Mixed Use Areas

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 consists of open land on the western side of School Road. On the opposite side of the road is a school, The Market Field School. The northern boundary of the site generally adjoins the rear boundaries of properties facing onto Colchester Road, the main road through Elmstead Market leading to the west.

The site has an area of 6.24 hectares.

History

An outline planning application, 14/01728/OUT, was given planning permission at appeal, APP/P1560/W/16/3153567. The appeal was accompanied by a Planning Obligation dated 4 November 2016 under Section 106 of the Town and Country Planning Act 1990 (as amended). The outline planning permission was subject to 18 conditions including a condition that "Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved." Access has been approved by 18/00431/DETAIL. Appearance, layout and scale has been approved by 18/01863/DETAIL. Landscaping has been approved by 19/00572/DISCON.

Proposal

The application essentially seeks planning permission for changes to the house types of 15 of the 50 houses to be built on the site. The application seeks full planning permission and the red line to define the site is that of the original site given outline planning permission.

The number of dwellings and the schedule of accommodation is unchanged; private housing is still to consist of 14 five-bed houses and 24 four-bed houses with 12 Affordable Housing dwellings.

Nearly all the houses are detached two-storey houses with detached garages adjacent. There are houses in short terraces in the southeast corner of the site. Only plots 7 and 8 are semi-detached houses. All the houses are of an Essex vernacular style with a range of external materials; brick, render, weatherboarding.

Looking at the block plan, now drawing no. 2017-948-002 revision G (was revision D as previously approved), the changes are subtle.

There are four house types the subject of the proposal: Richmond; Hampton; Windsor; and, Portland. Richmond is a four-bedroom house with hipped roof and a shallow rear bay. The front elevation would be symmetrical and feature a supported canopy of a Regency type style above the entrance door. Hampton is a four-bedroom house with a hipped roof and an L-shaped footprint. The front elevation of the Hampton type would be similar to that of the Richmond though wider, with a more horizontal emphasis to the roof. Windsor is a four-bedroom house with a side gable roof and a front bay with gable. Portland is a four-bedroom house with a side gable roof. The Portland would have a symmetrical front elevation and have a shallow canopy above the entrance door.

The detached garages would nearly all be double garages with almost pyramidal roofs.

A materials plan has been submitted showing a range of vernacular materials.

Assessment

The principle of the housing development has been established by the history of the site. This application is concerned with a substitution of a house type and consequent minor layout changes.

With regard to Policy QL9, all the houses would have a good appearance and the block plan and street scenes submitted all show that the houses have been arranged to achieve a pleasing balance between variety and coherence. The houses would be well designed and would relate well to their site and as such meet the requirements set out in Policy SPL 3 of the emerging Local Plan.

Policy QL10 is concerned with matters including ensuring that buildings are orientated to ensure adequate daylight, outlook and privacy. Policy QL11 is also concerned privacy, daylight and other amenities. All the houses have principal windows to the front and rear elevations. The plot sizes are sufficiently large to ensure that all the houses would have adequate daylight and outlook. The houses are generally laid out side by side and at corners the depth of a rear garden ensures there would be no material overlooking of a neighbouring rear garden. The Richmond and Portland house types have first floor side windows but to bathrooms or en-suites. The Hampton house type has side windows to the bedroom in the rear bay. However, the siting of the Hampton type houses is such as to avoid overlooking. The side windows of the house on plot 32 would look onto the double width drive of plot 33 from one window and across its own garden to a flank of a garage and its hipped roof set on the boundary with plot 31. The proposal is considered acceptable with regard to daylight, outlook and privacy and with regard to all other considerations of Policies QL10 and QL11.

The plots the subject of this application would all exceed the minimum standard for private amenity space, often by a generous amount. The smallest rear garden the subject of this application, to plot 38, would have an area of 170 sq m. The proposal is acceptable with regard to Policy HG9.

Appropriate side isolation spaces would be employed in the setting out and arrangement of houses. The proposal is acceptable with regard to Policy HG14.

With regard to parking provision, all the plots in question would have a double garage with room to park two cars side by side in front with the exceptions of plots 32, 35 and 38 which would have a single garage though with room to park two cars side by side in set in front of the garage.

The proposal is acceptable with regard to parking provision and the local highway authority has confirmed in writing that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

Affordable Housing and open space provision have been secured in the planning history of the site as a whole. The current application is simply a modification of house type designs to be built. However, to avoid confusion, whereby full planning permission is granted for a sizeable site with no Legal Agreements attached, it is considered reasonable and necessary to specify the nature of the planning permission in a condition, to make clear that planning obligations to the scheme as a whole are still extant.

The development to which the proposal relates is within the zone of influence for the Essex Coast RAMS, being some 3.4km from the Colne Estuary RAMSAR. However, the proposal is effectively for replacement dwellings and therefore the proposal is outside the scope of the Essex Coast RAMSAR.

Notification of the application was sent to 31 properties in the locality and the application was advertised by a site notice. No response has been received.

6. Recommendation

Approval

7. Conditions / Reasons for Refusal

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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: Site location plan 2017-948-001; Block plan 2017-948-002 revision G; Materials plan 2017-948-003 revision C; Streetscene drawings 2017-948-006 revision C; Richmond floor plans 2017-948-010 revision B; Richmond elevations 2017-948-011 revision A; Richmond elevations 2017-948-012 revision B; Hampton floor plans 2017-948-030 revision A; Hampton elevations 2017-948-031 revision B; Hampton elevations 2017-948-032; Windsor floor plans 2017-948-040 revision C; Windsor elevations 2017-948-041 revision C; Windsor elevations 2017-948-042 revision C; Portland floor plans 2017-948-050 revision C; Portland elevations 2017-948-051 revision B; Portland elevations 2017-948-052; Garage type A 2017-948-080 revision C; Garage type B 2017-948-081 revision C; Grosvenor floor plans 2017-948-100; Grosvenor elevations 2017-948-101; and, Design & Access Statement.

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

3. This planning permission shall relate solely to the amendments of house types and setting out within plots 27,28,31,32,33,34,35,37,38,39,40,41,42,43 and 50. Notwithstanding any indication to the contrary presented by the red line of the site location plan, this planning permission relates only to the plots concerned and a Legal Agreement and conditions to outline planning permission 14/01728/OUT and subsequent planning permissions for matters reserved by the outline planning permission.

Reason: For the avoidance of doubt as to the scope of this planning permission.

4. Prior to first occupation of any house hereby approved a vehicle parking area, as indicated on the approved plans, shall have been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

8. Informatives

1. 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.
2. 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.
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|---|-----|----|
| Are there any letters to be sent to applicant / agent with the decision? If so please specify: | YES | NO |
| Are there any third parties to be informed of the decision? If so, please specify: | YES | NO |