

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	20/05/2020
Planning Development Manager authorisation:	TF	22/05/2020
Admin checks / despatch completed	CC	22/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	22.05.2020

Application: 20/00384/FUL **Town / Parish:** Great Bentley Parish Council

Applicant: Nigel Tedder - Heckfords Road Great Bentley Ltd

Address: Former Plots 48 and 49 Land West of Heckfords Road

Development: Change from 2no. dwellings formerly 4 bed semis, to a single detached dwelling.

1. Town / Parish Council

Gt Bentley Parish Council No comments received

2. Consultation Responses

ECC Highways Dept
30.04.2020

The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. As the revised proposal is for a single dwelling and the plot will be retaining the original parking being provided for the former plots 48 and 49 in addition to the access and turning area remaining unchanged:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: 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

2: 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

15/01820/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused (Allowed on Appeal)	24.05.2016
16/00870/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused	23.09.2016
17/01621/DISCON	Discharge of conditions 15 (Programme of Archaeological Trial Trenching) and 16 (Completion of Archaeological) of planning permission 15/01820/OUT (allowed at appeal APP/P1560/W/16/3151169).	Approved	18.10.2017
17/01759/DETAIL	Erection of 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Approved	02.02.2018
18/00390/DISCON	Discharge of conditions 2 (Lighting Details), 3 (Materials) and 4 (Means of enclosure) to approved planning application 17/01759/DETAIL.	Approved	10.05.2018
18/00394/DISCON	Discharge of conditions 8 (surface water drainage scheme), 9 (offsite flooding mitigation), 10 (maintenance plan for surface water drainage scheme), 12 (tree protection measures), 13 (ecological mitigation and management scheme & survey of protected species), and 14 (construction method statement) of planning permission 15/01820/OUT allowed at appeal.	Approved	18.09.2018
18/00882/DISCON	Discharge of condition 17 (archaeological post excavation assessment) of application 15/01820/OUT approved under appeal APP/P1560/W/16/3151169.	Approved	14.09.2018
19/00256/OUT	Variation of Condition 7 (Highways Details) to application 15/01820/OUT (allowed on Appeal - APP/P1560/W/16/3151169).	Current	

19/01125/DETAIL	Reserved Matters for 48 dwellings with a new terrace design and a switch of house types.	Approved	28.10.2019
20/00384/FUL	Change from 2no. dwellings formerly 4 bed semis, to a single detached dwelling.	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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM2 Community Safety

EN1 Landscape Character

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)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape

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). 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 lies to the north of the village of Great Bentley. The site previously formed part of a larger arable agricultural field but construction work is now under way on an approved housing scheme.

The application site relevant to this proposal follows the approved access into the site from Heckfords Road and the plot relevant to this application.

Proposal

This application seeks a change from 2 no. dwellings formerly 4 bed semis (plots 47 and 49) to a single detached dwelling (plot 48). This reduces the approved housing development down to 47 units overall.

The proposed single property would comprise of 5 bedrooms and match a housing type approved elsewhere on the development. The property would be finished in a buff stock brick and slate grey interlocking tiles.

Appraisal

Design/Layout Changes

The sole change proposed as part of this application is to substitute a pair of 4 bed semi-detached properties with a single 5 bedroom detached dwelling. This change is proposed to those plots previously approved as plots 47 and 49 which are sited at the eastern end of the development fronting public open space that addresses Heckfords Road.

These changes are considered to be acceptable in a visual amenity and layout sense. The design of the replacement unit is in keeping with other house types throughout the remainder of the development and the materials proposed are consistent.

In terms of layout the new property retains good side isolation and sufficient spacing to the proposed dwellings to the rear. The property would be served by 4 parking spaces and a garage thereby comfortably according with the current parking standards. The private garden area would measure 140sqm in size commensurate with the requirements of saved policy HG9.

Residential Amenities

As stated above sufficient spacing is retained to the properties to the rear safeguarding future resident's privacy. The proposed garage building also assists in providing the property immediately to the rear with a screened private area.

No other adverse impacts arise from the changes in respect of loss of outlook, light or privacy.

Highway Impacts

Essex County Council Highways have no objections to the revised layout and the parking provision proposed, which is in excess of the policy compliant levels.

Conditions

A condition securing footpath works prior to first occupation was required on the original estate permission. Several of the highway works are still outstanding including the completion of a footpath link to the village green. To be consistent these works are therefore required prior to the occupation of this plot and will be secured via condition.

RAMS/Legal Obligations

In respect of the implementation of RAMS (Essex Coast Recreation Disturbance, Avoidance and Mitigation Strategy), the development has been implemented and construction work is under way with a significant number of dwelling completions. Furthermore, this scheme represents a reduction in numbers from the implemented permission for 49 units. As such it is not considered to be reasonable to request the collection of a RAMS contribution in this instance.

The other obligations secured as part of the original application (education/healthcare/affordable housing provision) remain unaffected by this proposal given that the previous permission has been implemented and this proposal represents a reduction in the number of overall units.

Other Considerations

Great Bentley Parish Council has not commented upon the proposal. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 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 property shall be constructed utilising the following materials;

- Teversham Mixture Cream Stock
- Marley Modern roof tiles Slate Grey

Reason - To ensure consistency with the remainder of the housing development in the interests of visual amenity.

- 3 No occupation of the dwelling shall take place until the following have been provided or completed:

- a) A footway along Heckford's Road between the proposal site access and the Village Green as shown in principle on planning application drawing number 5153.001 Rev H.
- b) Improvements to the Public Right of Way which runs along the southern boundary of the proposal site.

Reason - In the interests of highway safety.

- 4 The car parking spaces and garage, shown on approved drawing no. 2017-908-002 E, shall be provided and made available for use prior to the first occupation of the dwelling. The garage and parking spaces shall be retained for parking purposes only.

Reason - To ensure the property is served by sufficient off-street parking.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans: 2017-908-002 E, 2017-908-120 and 2017-908-121

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

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.

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