

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	15/09/2020
Planning Development Manager authorisation:	TF	07/10/2020
Admin checks / despatch completed	CC	07/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	07/10/2020

**Application:** 20/00903/OUT **Town / Parish:** Great Bentley Parish Council

**Applicant:** Miss Clara Spicer - CALA Homes (NHC)

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

**Development:** Variation of condition 15 of 14/01750/OUT to remove part of clause (ii) which states "the widening of Heckfords Road at its junction with the A133".

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

Great Bentley Parish  
Council

At Great Bentley Parish Council Planning Committee meeting held on 6th August 2020 it was resolved to object to this application.

This clause has two parts firstly the widening of Heckfords Road and secondly traffic islands/bollards/beacons.

A Road Safety Audit carried out by ECC in April 2019, completed in May 2019 in which item 4.6 accepted that 2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane are recommended and which are also part of this building application condition.

The part of the clause that can be removed is the "widening of Heckford's Road with its junction with the A133".

The "2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane" should remain as a condition to this application as stated in the Road Safety Audit and condition 15 of 14/01750/OUT.

### **2. Consultation Responses**

ECC Highways Dept  
18.08.2020

It is noted that this application concerns variation of condition 15 and as such the Highway Authority does not object to the proposals as submitted.

NOTE: The remaining proposals referred to in Condition 15, clause (ii), apart from the widening of Heckfords Road form part of application 19/01021/OUT.

### 3. Planning History

14/01750/OUT	Outline application for a mixed use scheme comprising up to 150 dwellings and open space, a class B1 employment area and structural landscaping.	Refused <b>(Allowed on Appeal)</b>	19.11.2015
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
19/01440/DETAIL	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.	Approved	29.01.2020
19/01501/DISCON	Discharge of Conditions 10 (Landscape), 11 (Foul Water), 12 (Surface Water) and 18 (Construction Method Statement) approved (via appeal) on Planning Application 14/01750/OUT.	Current	
20/00903/OUT	Variation of condition 15 of 14/01750/OUT to remove part of clause (ii) which states " the widening of Heckfords Road at its junction with the A133".	Current	

### 4. Relevant Policies / Government Guidance

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tending 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
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
COM26	Contributions to Education Provision
EN1	Landscape Character
EN3	Coastal Protection Belt
EN6	Biodiversity
EN29	Archaeology
TR1A	Development Affecting Highways
ER7	Business, Industrial and Warehouse Proposals
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SPL1	Managing Growth

SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
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
PP6	Employment Sites
PP13	The Rural Economy
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications 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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities ‘Garden Communities’ proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector’s advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector’s endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site known as 'Station Field', forms part of St Mary's Hall Farm, lies on the south eastern edge of Great Bentley and immediately to the east of existing built development fronting onto Plough Road. The site is generally level with the southern and eastern boundaries of the site open. To the south and east of the site are a number of tree plantations which punctuate the landscape. To the north of the western half of the site is an area set aside for allotments and beyond that an existing industrial estate. New commercial development will be provided to the north of the eastern section of the site which formed part of the outline planning permission for the site. The remainder of the site has planning permission in place for 150 dwellings.

The area of the land related to this reserved matters application is approximately 7.7 hectares.

### Proposal

This application seeks to vary condition 15 (ii) of 14/01750/OUT (Appeal Reference - APP/P1560/W/15/3141016) to remove the section of the condition requiring the widening of the A133 at its junction with Heckfords Road.

### Appraisal

Following a review of the requirements of this aspect of condition 15, ECC Highways have advised that the widening of the junction could lead to an increase in motorist's speed turning left onto Heckfords Road onto the A133 thereby causing a safety issue if a bus was waiting at the bus stop at this junction. It is also stated that widening would only provide additional capacity for 2-3 queuing vehicles and would reduce visibility for motorists turning left if a car was waiting alongside to turn right.

As a consequence ECC-Highways have no objections to the proposal to vary the condition.

### Legal Agreement/Conditions

The legal agreement is worded as such to cover variations to the original planning permission. Therefore there is no requirement for a deed of variation to secure the legal obligations contained therein.

A RAMS contribution was secured at reserved matters stage.

Where still relevant all those conditions present on the original permission have been re-applied and updated where previously discharged.

### Other Considerations

Great Bentley Parish Council resolved to object to this application. This clause has two parts firstly the widening of Heckfords Road and secondly traffic islands/bollards/beacons.

A Road Safety Audit carried out by ECC in April 2019, completed in May 2019 in which item 4.6 accepted that 2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane are recommended and which are also part of this building application condition. The part of the clause that can be removed is the "widening of Heckfords Road with its junction with the A133".

The "2 no. traffic islands with illuminated bollards and high level beacons at the right turn lane" should remain as a condition to this application as stated in the Road Safety Audit and condition 15 of 14/01750/OUT.

(In response it is indeed the case that the bollards and high level beacons will remain as a condition requirement).

No further letters of representation have been received.

## **6. Recommendation**

Approval

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the Location Plan No. EG004-LP01 Revision B.

Reason - For the avoidance of doubt.

- 2 The maximum number of dwellings to be contained in the development shall be 150 and maximum amount of gross internal B1 business space shall be 2,700 square metres.

Reason - For the avoidance of doubt.

- 3 All structural landscaping shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development and other landscaping in a 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 secure the implementation of the approved landscaping scheme in the interests of visual amenity.

- 4 The development shall be constructed in full accordance with the phasing plan (drawing no. 1645/10 and Cala Homes Letter dated 2th October 2017) as approved under planning reference 17/01681/DISCON.

Reason - In the interests of visual and residential amenity.

- 5 In order to reflect the requirements of Network Rail, no more than 25 dwellings shall be occupied so long as Footpath FP8 level crossing (also referred to as E45) remains open. Any additional dwellings may not be occupied until such time as this rail crossing has been closed and a footpath diversion has been provided or a bridge or other possible measures to be agreed by the Council in writing are in place.

Reason - In the interests of health and safety.

- 6 No development shall commence until a Landscape and Public Open Space Management Plan including a lighting strategy, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved, in writing, by the Local Planning Authority. The Landscape and Public Open Space Management Plan so approved shall be carried out in accordance with the details and timescales to be contained in that document.

Reason - To secure the successful implementation of the approved landscaping and open spaces in the interests of visual amenity.

- 7 No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason - In the interests of amenity.

8 No development shall commence until details of a surface water drainage works shall have been submitted to and approved in writing by the local planning authority. The submitted details shall:

- a) include measures to minimise the risk of flooding during the construction works; and
- b) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- c) include a timetable for its implementation; and
- d) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

No building shall be occupied until the works have been implemented in accordance with the approved details.

Reason - To avoid the risks associated with surface water flooding.

9 The development shall be carried out in full accordance with the findings and recommendations of the Phase II Site Appraisal (P7820 - dated March 2017) as approved under planning reference 19/00126/DISCON.

Reason - To address the potential for any land contamination issues in the interests of health and safety.

10 No occupation of the development shall take place until the following have been completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:

- i) A priority junction off Plough Road to provide access to the site as shown in principle on the planning application drawings; and
- ii) 2no. traffic islands with illuminated bollards and high level beacons at the right turn lane at the A133 and Heckfords Road junction; and
- iii) Two new bus stops adjacent the proposal site access off Plough Road or upgrading of existing bus stops with the highest frequency of services which would serve the development. For either option, stops shall be provided or upgraded to current Essex County Council specification.

No dwelling within the development shall be first occupied until such time as all facilities identified in a), b) and c) above have been provided in accordance with details so approved.

Reason - In the interests of highway safety.

11 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote the use of sustainable transport options.

12 The development shall be carried out in full accordance with the findings and recommendations contained within the Ecological Assessment (as prepared by Ethos Environmental Planning - dated August 2018) as approved under planning reference 19/00125/DISCON.

Reason - In the interests of biodiversity.

13 No phase of development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority for that particular phase. The statement shall include details of:

- i) the parking of vehicles of site operatives and visitors; and
- ii) the loading and unloading of plant and materials; and
- iii) storage of plant and materials used in constructing the development;
- iv) wheel and under-body washing facilities; and
- v) hours of construction

Reason - In the interests of highway safety and residential amenity.

14 The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason - In the interests of residential amenity of future residents.

## 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.

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