

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	07/10/2020
Planning Development Manager authorisation:	TF	19/10/2020
Admin checks / despatch completed	CC	19/10/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	19/10/2020

Application: 20/00945/OUT **Town / Parish:** Elmstead Market Parish Council

Applicant: Mr Oliver Hookway - Go Homes Ltd.

Address: Former Charity Field School Road Elmstead

Development: Removal of condition 18 (residential travel plan) of 14/01728/OUT allowed on appeal APP/P1560/W/16/3153567.

1. Town / Parish Council

Elmstead Parish Council No comments

2. Consultation Responses

ECC Highways Dept From a highway and transportation perspective the proposal is acceptable to Highway Authority subject to the following replacement condition:

1. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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.)
Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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.	Refused (Allowed on Appeal)	05.01.2016
18/00431/DETAIL	Reserved matters application following planning approval 14/01728/OUT - Provision of vehicular & pedestrian access from School Road to the application site	Approved	19.10.2018

	in accordance with the Highway Authority's requirements.		
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 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.	Approved	11.05.2020
20/00391/FUL	Proposed erection of Elmstead Market's Community Building.	Approved	24.08.2020
20/00944/DISCON	Discharge of conditions 16 (broadband) and 17 (bus stops) of application 14/01728/OUT allowed on appeal APP/P1560/W/16/3153567.	Approved	12.08.2020
20/00945/OUT	Removal of condition 18 (residential travel plan) of 14/01728/OUT allowed on appeal APP/P1560/W/16/3153567.	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
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
COM23	General Pollution
COM26	Contributions to Education Provision
COM27	Telecommunications Equipment
COM29	Utilities
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN23	Development Within the Proximity of a Listed Building
EN29	Archaeology
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)

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
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL9 Listed Buildings
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 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 was approved under 19/00571/DETAIL.

Tree protection measures, ecological mitigation, construction method statement details and archaeological measures has been approved by 19/00572/DISCON. 19/00771/DISCON approved SUDs details and 20/00944/DISCON approved broadband and bus stop upgrade details.

Proposal

This application proposes the removal of condition 18 (residential travel plan) of 14/01728/OUT allowed on appeal by APP/P1560/W/16/3153567.

Condition 18 states;

Prior to occupation of the proposed development, a Residential Travel Plan, including the initial commitments, shall be submitted to and approved in writing by the local planning authority. The Residential Travel Plan shall include a commitment to provide a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development. It shall also include provisions to be amended and supplemented under the provisions of a yearly report to be submitted to the local planning authority on the anniversary of the approval of the initial Residential Travel Plan for a period of 5 years.

This application seeks the removal of this condition on the basis that it is too onerous for a development of this scale.

Appraisal

Following a review of the requirements of condition 18, ECC highways have advised that the wording of condition 18 is out of date and overly onerous for a development of this size.

As a consequence ECC-Highways have no objections to the proposal to remove the condition on the basis it is replaced with the following condition;

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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).

The applicant has confirmed that they are amenable to the inclusion of this condition.

Legal Agreement/Conditions

The original 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. Work has commenced on site so there is no need for time limit conditions.

Other Considerations

Elmstead Parish Council have not commented upon the application.

1 letter of objection has been received outlining the need to consider the residential travel plan as part of a cumulative impact of all housing developments recently approved in Elmstead.

In response, ECC-Highways have no objections to the removal of this condition and its replacement with a more up to date one commensurate with the scale of the development. This ensures a consistent approach to all developments of this scale and provides future residents of the development with a residential travel information pack and vouchers for public transport.

6. Recommendation

Approval

7. Conditions

- 1 The maximum number of dwellings to be contained within the development hereby approved shall be 50.

Reason - For the avoidance of doubt.

- 2 The sole vehicular access shall be taken from School Road and there shall be no vehicular connection between the site and Alfells Road, Pauls Crescent or Laurence Close.

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

- 3 The development shall be constructed in full accordance with the tree protection measures outlined on the Tree Protection Plan (Drawing no. 2017-948-T01) approved under planning reference 19/00572/DISCON.

Reason - To safeguard mature trees in the interests of visual amenity.

- 4 The approved surface water drainage scheme shall be fully implemented and subsequently maintained in accordance with the details contained within the approved document titled 'Drainage Strategy Report' as prepared by Walker Associates Consulting dated July 2019 (Project Ref: C7208), as approved under planning reference 19/00771/DISCON.

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

- 5 The adopting body responsible for maintenance of the surface water drainage system shall record yearly logs of maintenance carried out in accordance with the approved Maintenance Plan and these must be available for inspection upon request by the local planning authority.

Reason - To ensure the approved SUDs scheme is suitably maintained.

- 6 The development shall be carried out in accordance with the recommendations contained within the submitted Ecological Mitigation Scheme and Management Plan (as prepared by AAe Environmental Consultants - dated April 2019), as approved under 19/00572/DISCON.

Reason - In the interests of biodiversity.

- 7 The development shall be constructed in full accordance with the details contained within the submitted 'Construction Method Statement & Logistics Plan Incorporating Traffic Management Plan', as approved under planning reference 19/00572/DISCON.

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

- 8 The development shall be carried out in full accordance with the findings and recommendations contained within submitted 'Archaeological Evaluation' (Report No: 2019095) and 'Written Scheme of Investigation' (Project no: 180872), as approved under planning reference 19/00572/DISCON.

Reason - To safeguard any important archeological remains present on the site.

- 9 The development hereby permitted shall not be occupied until a broadband connection has been installed in accordance with details shown on drawing no. X596-FOCD-01 Revision C, as approved under planning reference 20/00944/DISCON.

Reason - In the interests of residential amenity.

- 10 The development hereby permitted shall not be occupied until the scheme for the enhancement of the two bus stops on Clacton Road opposite the old Kings Arms Public House has been carried out in accordance with the details shown on drawing no. C7208 - CE24B, as approved under planning reference 20/00944/DISCON.

Reason - To promote a sustainable transport option.

- 11 Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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).

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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