

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	04/03/2021
Planning Development Manager authorisation:	TF	08/03/2021
Admin checks / despatch completed	CC	09.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	09.03.2021

Application: 19/00256/OUT **Town / Parish:** Great Bentley Parish Council

Applicant: Nigel Tedder - Heckfords Road Great Bentley Ltd

Address: Land West of Heckfords Road Great Bentley

Development: Variation of Condition 7 (Highways Details) to application 15/01820/OUT (allowed on Appeal - APP/P1560/W/16/3151169).

1. Town / Parish Council

Great Bentley Parish
Council
12.03.2019

Great Bentley Parish Council Planning Committee discussed the above application at the meeting held on 7th March 2019 and resolved unanimously to strongly object.

On the grounds of public safety, the footpath must be completed before any properties at this site are occupied. To access the school, play area, doctor surgery or other amenities it will be necessary to walk along the edge of the road, around a dangerous 'blind' corner from the development site to the village without the protection of being on a footpath.

Please bear in mind that this is a main route into the village, used frequently by large vehicles both heading to the village itself and also passing through to other areas.

The road and footpath measures were put in place by the Inspector for reasons of safety therefore the Parish Council strongly object to the postponement of these measures.

2. Consultation Responses

ECC Highways Dept
15.01.2021

It is noted that this application concerns variation of Condition 7 only, as such 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 - Development Management Team
 Ardleigh Depot,
 Harwich Road,
 Ardleigh,
 Colchester,
 CO7 7LT

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
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	Approved	14.09.2018

(archaeological post excavation assessment) of application 15/01820/OUT approved under appeal APP/P1560/W/16/3151169.

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.	Approved	22.05.2020

4. Relevant Policies / Government Guidance

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
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development

COM21	Light Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
EN17	Conservation Areas
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
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
PPL8	Conservation 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site previously formed part of a larger arable agricultural field but construction work is now under way on the approved housing scheme.

The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.

Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckfords Road.

Proposal

This application seeks to update and alter Condition 7 (Highway Works) of planning reference 15/01820/OUT (Appeal Reference - APP/P1560/W/16/3151169) following discussions with ECC-Highways and the completion of a linking footpath connecting the development with the Great Bentley Village green.

The original submission proposed an alteration to the trigger point for occupations associated with the construction of the linking footpath to the village green. However, following objections from ECC-Highways and concerns raised regarding pedestrian safety the footpath has now been fully completed.

As such this application now only seeks to vary the requirements of a, b, and d of Condition 7 of planning reference 15/01820/OUT (Appeal Reference - APP/P1560/W/16/3151169). These being;

- Alteration to the priority junction on Heckfords Road prior to the occupation of the 15th dwelling.
- Updated highway works to the A133 junction with Heckfords Road shall be completed prior to the occupation of the 20th dwelling.
- PRow improvement works shall take place prior to the occupation of the 15th dwelling.

The footpath element of Condition 7 now falls away due to its completion.

Appraisal

Following a review of the requirements of this aspect of Condition 7, ECC Highways have advised that the widening of the Heckfords Road/A133 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 result the modifications to the A133/Heckfords Road junction and the trigger point are considered to be acceptable.

Further slight changes are also proposed to the Heckfords Road junction radii to reflect the S278 approval and the trigger point for PRow improvements has also been altered to reflect current occupations on site.

Following construction of the footpath and the submission of updated details relating to the other aspects of Condition 7, ECC-Highways now have no objections to the application.

Legal Agreement/Conditions

The supplementary deed of variation has been completed to secure the legal obligations secured at outline stage against this new s73 permission.

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 objected to the application when originally submitted on the basis that any changes to the trigger points associated with the new footpath provision would be detrimental to highway/pedestrian safety.

As the footpath element of Condition 7 has now been completed this objection is no longer relevant to the determination of this application.

No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

1 The following highway works shall be completed;

a) A priority junction off Heckfords Road to provide access to the proposal site, as shown on Walker Associates drawing number C6696-CE7 Rev H, with 10m kerbed radii shall be provided prior to the occupation of the 15th dwelling.

b) Heckfords Road at its junction with the A133 shall be provided with 2no. traffic islands with bollards and high level beacons at the right turn lane, as shown on Walker Associates drawing number C6696-CE8 Rev E, these works shall be provided prior to the occupation of the 20th dwelling.

c) Improvements to the Public Right of Way which runs along the southern boundary of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development), shall be provided prior the occupation of the 15th dwelling.

Reason - In the interests of highway safety.

2 The surface water drainage scheme, offsite flooding mitigation and drainage maintenance shall be carried out in full accordance with the details contained within the submitted Walker Associates Consulting Limited - Drainage Strategy Report (and appendices 1-7) Project Ref: C6996, as approved under planning reference 18/00394/DISCON.

Reason - In prevent surface water flooding associated with the new development.

3 All tree protection measures during the construction phase shall be carried out in full accordance with the details contained on the submitted drawing no. 2017-908-007 and associated Landscape Management and Maintenance Plan (Dated March 2018) as approved under planning reference 18/00394/DISCON.

Reason - To protect existing trees/vegetation on site during construction in the interests of visual amenity.

4 The development shall be carried out in full accordance with the submitted Ecological Mitigation and Enhancement plan (AA Environmental Limited Report Reference 183082 - Dated March 2018) as approved under planning reference 18/00394/DISCON.

Reason - In the interests of biodiversity.

- 5 The development shall be constructed in full accordance with the submitted Construction Method Statement (Amended Construction Method Statement and Logistics Plan incorporating Traffic Management Plan - received 18th April 2018) as approved under planning reference 18/00394/DISCON.

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

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