

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
File completed and officer recommendation:	MP	08/06/22
Planning Development Manager authorisation:	JJ	14/06/2022
Admin checks / despatch completed	CC	05.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	05/08/2022

**Application:** 21/01552/FUL **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Mr Steve Williams - Hill Residential Construction Ltd

**Address:** Land to The East of School Road School Road Elmstead

**Development:** Erection of 62 dwellings (variation to previously approved scheme that results in amendments to 40 of the 62 dwellings).

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

Elmstead Parish Council  
17.12.2021

Elmstead Parish Council has no objections to the skewing of the houses. It does raise an objection to the double garages. With the site's location on the edge of the village it would be more in keeping to retain as much green or open space as possible, to keep the development as discrete as possible against the rural surroundings.

It also objects to the change from a 3-bed to a 4-bed property on the basis that there is a greater need for smaller housing that is not being met in the right proportions by the mix of housing provision that developments have brought to the village.

Although not in response to this application the council wishes to raise a concern regarding the swale. Will it be properly enclosed with a barrier that will prevent children from accessing the area, which could be highly dangerous with water in the bottom and steep sides?

Also, is the beige strip along the northwest border of the site a footpath for residents to be able to access the village via the pavement that reaches as far as the entrance to the adjacent Market Field School? The council would like to stress that it is particularly important, with the focus on being able to walk and cycle to the village amenities. The road, which has a 60mph limit at that point, would be too dangerous to walk along and if there is no connecting footpath it will encourage residents to make short trips, for example to the Primary School, in cars rather than walking.

### **2. Consultation Responses**

Anglian Water Services  
Ltd  
12.10.2021

Thank you for your email consultation on the planning application 21/01552/FUL

The submitted plans are not related to drainage therefore this application is outside of our jurisdiction to comment

ECC Schools Service

This application proposed 40 units. Presuming all of these units are

24.02.2022

homes with two or more bedrooms, a development of this size can be expected to generate the need for up to 3.6 Early Years and Childcare (EY&C) places; 12 primary school, and 8 secondary school places.

A developer contribution of £207,216 index linked to Q1-2020, would be sought to mitigate its impact on local primary school provision. This equates to £17,268 per place.

A developer contribution of £190,200 index linked to Q1-2020, would be sought to mitigate its impact on local primary school provision. This equates to £23,775 per place.

A secondary school transport contribution totalling £39,900 would be sought.

Re EY&C: I note a contribution for EY&C was not requested under TEN/16/1797 as there were sufficient places at that time; however, the situation may have changed since then so I have liaised with EY&C for an up to date assessment. I will revert back as soon as possible.

Environmental Protection  
12.10.2021

Contaminated Land: Given the site is located to historical agricultural land, we are requesting a Watching Brief be conditioned and adhered to throughout the construction phase -

We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction -

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be

reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

REASON: to protect the health of site workers, existing nearby residents, and end users

Lighting: The applicant / agent should ensure measures are taken to confirm that any lighting of the development will be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON: In the interest of protecting residential amenity

Construction Method Statement: The applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection, this document should include, but not be limited to the following information -

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

- Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

REASON: In the interest of protecting residential amenity

Should you have any queries concerning this, please do not hesitate to contact me.

ECC Schools Service  
09.02.2022

Based on the extant permission (TEN/16/1797), plans have been made to add school places to appropriate local schools and contributions from this site remain necessary. Therefore contributions towards primary and secondary education and secondary transport are required.

Please do not hesitate to contact me should you require further information.

Building Control and  
Access Officer  
22.10.2021

No adverse comments at this time.

Anglian Water Services  
Ltd  
11.10.2021

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need

to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. In order to make an accurate network capacity assessment we require the submission of a foul water strategy showing the proposed connection point, conveyance method and pumped rate if applicable. We therefore request a condition requiring an on-site drainage strategy. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

#### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would

recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.  
<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

## Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

### Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

### Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

### Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:

- Development size
- Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
- Connecting manhole discharge location (No connections can be made into a public rising main)
- Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
- Feasible mitigation strategy in agreement with Anglian Water (if required)

ECC Highways Dept  
02.11.2021

1. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with Drawing Number :

- 170122/rm/100/- Proposed block plan and street scene.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

Note: It has been agreed that the eastern end loop road will not be adopted by the Highway Authority and will remain in the hands of the developer/ management company.

2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

3. The development of any phase shall not be occupied until such time as the car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

4. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5. All single garages and all double garages should be constructed in accordance with drwg. no. 170122/rm/111/-.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards for those dwellings without garages. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the development of any phase, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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.

8. The public's rights and ease of passage over public footpath no. 11 (Elmstead\_162) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

9. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

The above conditions are 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.

Informative:

1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street

is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

2: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this



legislation. The public's rights and ease of passage over public footpath no.11 (Elmstead\_162) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

3: Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

4: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

5: 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.

Tree & Landscape Officer  
25.10.2021

In terms of the impact of the development proposal on trees on the application site and adjacent land the site layout appears to be broadly in accordance with previously approved planning permission

The current application does not provide information relating to the impact of the development proposal on existing trees.

However if the development were to be carried out in accordance with the recommendations contained in the tree report submitted with earlier planning applications then the impact of the current development on trees would be no greater than the extant planning permission.

In terms of soft landscaping the documentation submitted with the

application shows comprehensive and detailed planting proposals that will satisfactorily soften, screen and enhance the appearance of the application site

ECC SuDS Consultee  
22.10.2021

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) this ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the documents which accompanied the planning application, we would recommend the issuing of a holding objection on the basis of the following:

The information provided does not allow us to assess the development. Please provide information as required within the new ECC SuDS design guide:

<https://www.essexdesignguide.co.uk/suds/what-we-expect/>

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

UU Open Spaces  
02.11.2021

Response from Public Realm  
Open Space & Play

Application Details

Application No: 21/01522/FUL

Site Address: Land at The East of School Road Elmstead Essex

Description of Development: Proposed development of 40 dwellings to amend the approved plans for the same plots as per approved application 19/00791/DETAIL (Decision date 15/06/2020)

#### Current Position

There is currently a deficit of 4.51 hectares of equipped play/formal open space in Elmstead Market.

#### Recommendation

A contribution towards play and open space is justified and relevant to this planning

The Parish Council have plans in place to provide additional recreation facilities at the site known as Charity Fields on School Road.

Essex County Council  
Archaeology  
15.11.2021

An archaeological investigation has been completed on the above application site as a condition on the previous application. No further work was required and there are no recommendations for the above application.

ECC Highways Dept  
09.12.2021 (additional  
comments)

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. 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. It is noted that apart from the road layout for plots 14 to 26 changing slightly, the majority of the alterations affect individual plots, therefore:

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester, CO7 7LT

2: All double garages should have a minimum internal measurement of 7m x 5.5m, to encourage the use of garages for their intended purpose and to discourage on-street parking.

3: General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

4: 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**

16/01797/OUT	Outline application for the erection of 62 dwellings, associated garaging, parking and infrastructure.		20.04.2017
19/00791/DETAIL	Reserved matters application for the erection of 62 dwellings, associated garaging, parking and infrastructure.	Approved	15.06.2020
21/00959/NMA	Non-material amendment to Planning Permission ref: 19/00791/DETAIL (Reserved matters application for the erection of 62 dwellings, associated garaging, parking and infrastructure). Amendments to house layouts and types	Withdrawn	07.09.2021
21/01526/NMA	Non-material amendments of 19/00791/DETAIL sought for Plot 5 (garage depth amended), Plot 7 (house type substitution), Plots 9, 10 and 11 (new space added to encourage off street parking), Plot 13 (house type substitution), Plot 30 (garage position handed), Plot 49 (house type substitution), Plots 51,54,58 and 61 (increased gardens and more efficient parking) and Plot 62 (house type substitution).	Approved	29.09.2021
21/01820/DISCON	Discharge of conditions 5, (Tree protection) 7, (Surface Water Drainage) 8, (Offsite flooding prevention) 9, (Drainage Management) 11, (Foul Water Drainage) 12, (Archaeology) 13, (Construction method statement) and 18 (Ecology management plan) of application 16/01797/OUT.	All conditions discharged bar Condition 11	25.01.2022
22/00836/DISCON	Discharge of conditions 2 (Levels), 4 (Highway), 6 (Landscaping), 8 (Street Light), 9 (Materials), 10 (Playspace) of application 19/00791/DETAIL.	Current	

### 4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2021

## National Planning Practice Guidance

### Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP4 Meeting Housing Needs

SP5 Employment

SP7 Place Shaping Principles

### Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

HP1 Improving Health and Wellbeing

HP4 Safeguarded Local Greenspace

HP5 Open Space, Sports & Recreation Facilities

DI1 Infrastructure Delivery and Impact Mitigation

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

CP3 Improving the Telecommunications Network

## Local Planning Guidance

### Essex Design Guide

### Essex County Council Car Parking Standards - Design and Good Practice

## **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### **Site Description**

The application site comprises 4.37 hectares and is oblong shaped arable agricultural land, located to the eastern side of School Road within the parish of Elmstead Market. Adjacent to the north of site is Market Field School, with the majority of the settlement located further north, north-east and north-west. The character to the south of the site is more rural.

The site lies within the Settlement Development Boundary for Elmstead Market within the Adopted Local Plan.

### **Planning History**

Under planning application 16/01797/OUT, planning permission was previously granted on this site for a total of 62 dwellings and associated garaging, parking and infrastructure, following a non-determination appeal (reference APP/P1560/W/17/3169150, dated 5th February 2018).

Following this, under planning reference 19/00791/DETAIL, the reserved matters were then approved for the 62 dwellings.

### **Description of Proposal**

This planning application seeks full planning permission for the erection of 62 dwellings, which results in amendments to a detailed scheme previously approved under planning permission 19/00791/DETAIL, and will impact upon 40 of the 62 approved dwellings.

The alterations to the previously approved design are as follows:

- Plot 1 has been enlarged, and also slightly rotated to satisfy the surrounding electric easements;
- Plots 3 and 4 have been replaced with a house type 8 (previously house type 17);
- Plot 6 has been enlarged and slightly rotated to ensure symmetry across the front of the site;
- Plots 8, 12, 31 and 32 now includes a double garage;
- Plot 14 to 26 - the road layout has been amended and the junction has also moved slightly. Previous mix of house types was 2xHT1,4xHT25b,1xHT17,4xHT24,1xHT25a, and will now be 2xHT7,7xHT5,2xHT24,2xHT16;
- The house type for Plot 27 has been substituted due to the larger plot being better suited to a bigger house type
- The house type for Plot 28 has also been substituted due to layout concerns;
- Plot 29 - this house type has been substituted due to our own layout concerns relating to HT9;
- Plot 33 - this house type has been substituted;
- Plot 34 to 45 - the road layout has been amended and parking rearranged. Previous mix here was 2xHT25b,2xHT24,2xHT3,1xHT5, and now 1xHt8,2xHT5,4xHT24;
- Amendments to the house types for Plots 48, 49 and 50; and
- Repositioning of the pump station reposition due to buildability concerns at its previous location where depths for connection would potentially have been unsafe and the new position enable a shallower connection.

## Assessment

### 1. Principle of Development

The principle of the residential development of 62 dwellings on this site has previously been established within appeal decision APP/P1560/W/17/3169150. The determination therefore falls to the detailed considerations discussed below.

### 2. Visual Impacts

Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Overall, the site layout will largely remain unaffected by the proposed changes, continuing to revolve around two oval shaped roads which are joined by a central spine road that links back to School Road to the East.

As per the extant planning permission, the dwellings will all remain two storeys (except for the respite house). The development will still include a range of different house types with a mix of materials, and the overall medium density and character of detached dwellings with some terrace units broadly accords with the pattern of development within the wider Elmstead Market area. The proposed double garages are set back within the site and would not be visually harmful. The changes proposed overall do not harm this position and are therefore supported.

### 3. Impact to Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Adopted Policy SP7 of the Adopted Local Plan requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

Against the wider context of the scheme, the changes being proposed are relatively minor and will ensure no additional detrimental harm to any existing or future neighbouring amenities that would justify recommending a reason for refusal.

### 3. Highway Safety

Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 104 requires that streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Adopted Policy CP1 (Sustainable Transport and Accessibility) of the Tendring District Local Plan 2013-2033 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people.

Essex Highways Authority have been consulted and given that apart from the road layouts being slightly amended and the majority of the alterations affecting individual plots, they raise no objections.

### 5. Landscaping

The submission includes soft landscaping details, however these are subject to a separate discharge of conditions planning application (reference 22/00836/DISCON) that is concurrently being determined. As such, conditions for landscaping details will be re-imposed to this decision.

### 6. Legal Obligations

Within the outline planning consent (reference 16/01797/OUT), a Section 106 agreement was finalised and secured obligations towards education, affordable housing and open space. Given this current application is a revised full planning application incorporating significant amendments to that previously approved, an amended Section 106 agreement accompanies this application to secure the obligations noted above.

### Other Considerations

Elmstead Parish Council objects to the inclusion of double garages due to wanting to retain as much green and open space as possible, and also has concerns with the change to four bedroom properties as there is a greater need for smaller housing. No objections are raised with regards to the re-positioning of some units.

In addition the Parish Council have raised queries relating to the swale being properly enclosed, and the footpath to the north-west corner of the site being.

In answer to this, the swale is not to be enclosed as this would defeat its purpose as a multi-use area that can accommodate water in times of heavy rainfall. The footpath specified is a Public Right of Way that connects to the adjacent site to the north.

There have been no other letters of representation received.

### Conclusion

The proposed development results in a series of alterations to the scheme previously approved under 19/00791/DETAIL, and will not result in any significant visual impacts or harmful impacts to



neighbouring amenities, and Essex Highways Authority also raise no objections. Therefore the application is recommended for approval.

## **6. Recommendation**

Approval.

## **7. Conditions**

- 1 The development hereby permitted shall begin no later than two 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:

19/00791/DETAIL:

House Type 1 - 4177-0101 Rev P05  
House Type 2 - 4177-0201 Rev P03  
House Type 7A - 4177-0701A Rev P05  
House Type 9 - 4177-0901 Rev P04  
House Type 15 - 4177-1501 Rev P03  
House Type 17 - 4177-1701 Rev P03  
House Type 25A - 4177-3001 Rev P01  
House Types 10 & 11 (General Arrangement Plans & Elevations) - 4177-1001 Rev P04  
House Types 10, 11 & 19 (General Arrangement Plans & Elevations) - 4177-2501 Rev P02  
House Types 14 & 19 (General Arrangement Plans & Elevations) - 4177-2701 Rev P02  
House Types 14 & 19 (Reduced) (General Arrangement Plans & Elevations) - 4177-2801 Rev P02  
Garage Type 1 - Single Garage - 4177-1901 Rev P03  
Garage Type 2 - Double Garage - 4177-2001 Rev P03  
Cart Lodge - Triple - 3522-2101 Rev P03

21/01526/NMA:

21.5171.01 - Soft Landscaping Proposals Sheet 1 of 4  
21.5171.02 - Soft Landscaping Proposals Sheet 2 of 4  
21.5171.03 A - Soft Landscaping Proposals Sheet 3 of 4  
21.5171.04 - - Soft Landscaping Proposals Sheet 4 of 4

21/01552/FUL:

16/08/01 - Location Plan  
170122/RM/100 - Proposed Site Plan  
170122/RM/103 - House Type 3 - Floor Plans and Elevations  
170122/RM/104 - House Type 5 - Floor Plans and Elevations  
170122/RM/105 - House Type 7 - Floor Plans and Elevations  
170122/RM/106 - House Type 8 - Floor Plans and Elevations  
170122/RM/107 - House Type 10 - Floor Plans and Elevations  
170122/RM/108 - House Type 16 - Floor Plans and Elevations  
170122/RM/109 - House Type 24 - Floor Plans and Elevations  
170122/RM/110 - House Type 25 - Floor Plans and Elevations  
170122/RM/111 - Single and Double Garages

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

- 3 The development shall be in full accordance with the tree protection details submitted and approved in writing by the local planning authority within 21/01820/DISCON. These approved measures shall be implemented in full throughout the construction and operational phases of the development.

Reason - In order to protect existing trees impacted by the development.

- 4 Prior to occupation of the approved development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport (in consultation with Essex County Council), to include six one day travel vouchers for use with the relevant local public transport operator.

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

- 5 The detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, including infiltration testing, shall be in full accordance with the details submitted to and approved in writing by the local planning authority within planning reference 21/01820/DISCON.

Reason - To ensure the safe distribution of surface water is incorporated within the development.

- 6 The scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and to prevent pollution will be in full accordance with the details submitted to and approved in writing by the local planning authority within planning reference 21/01820/DISCON. Construction works shall be carried out in accordance with this approved scheme.

Reason - To ensure the risk of offsite flooding is sufficiently mitigated.

- 7 The maintenance plan detailing the maintenance arrangements including who is responsible for all of the surface water drainage system and the maintenance activities/frequencies shall be in full accordance with the details submitted to and approved in writing by the local planning authority within planning reference 21/01820/DISCON. Upon completion, the surface water drainage system shall be maintained in accordance with this approved plan.

Reason - To ensure surface water drainage is sufficiently incorporated within the development scheme.

- 8 The applicant shall maintain yearly logs of the maintenance of the surface water drainage system which should be carried out in accordance with the approved maintenance plan. These must be available for inspection upon a request by the local planning authority.

Reason - To ensure surface water drainage is sufficiently incorporated within the development scheme.

- 9 No development shall commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. None of the dwellings hereby permitted shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason - To ensure the safe and secure passage of foul water associated with the development.

- 10 The programme of archaeological evaluation secured and undertaken in accordance with a written scheme of investigation shall be in full accordance with the details as approved within 21/01820/DISCON.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

- 11 The development shall be in full accordance with the Construction Method Statement details submitted and approved within planning reference 21/01820/DISCON.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 12 No development that is sensitive to noise or disturbance shall take place within 15 metres of the boundary of any Anglian Water sewage pumping station.

Reason - To ensure the development does not harmfully impact upon the Anglian Water sewage pumping station.

- 13 The development hereby permitted 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 to and approved in writing by the local planning authority.

Reason - To ensure sufficient broadband coverage is provided to future occupants of the development.

- 14 No more than 35 dwellings hereby approved shall be occupied until one 2 bed house has been made available for use by Market Field School as a respite house for parents of the school's pupils.

Reason - To ensure the respite house is made available for use.

- 15 The Ecological Design Specification and Ecological Management Plan shall be in full accordance with the details approved within planning reference 21/01820/DISCON. The development shall be carried out in full accordance with the measures set out in this approved Specification and Plan.

Reason - In the interests of protecting biodiversity on the site.

- 16 No development shall commence until details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme prior to occupation.

Reason - To ensure a satisfactory form of development having particular regard to drainage and the provision of level access.

- 17 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accordance with drawing no. 170122/RM/100.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 18 Prior to the commencement of development, details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 19 Prior to the first occupation of the dwellings, details of cycle storage required to serve each dwelling shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason - To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

- 20 Notwithstanding the details shown on the submitted site plan , no development shall take place until:

a) There has been submitted to and approved in writing by the Local Planning Authority, a more detailed scheme of hard and soft landscaping works for the site, to include all areas of open space, all play areas, all amenity areas, all street trees, all verges and all other planted or open areas of the site. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction. The development shall be carried out in accordance with the approved details.

b) Existing trees on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping (above), have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority.

Reason - To ensure a satisfactory standard of landscaping and the protection of retained trees.

- 21 A landscape implementation and management plan, including planting schedules and long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape implementation and management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the timely implementation, management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

- 22 No street lighting or lighting of common area shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area.

- 23 No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason - To protect the amenities and privacy of occupiers of each plot and in the interests of wider visual amenities.

- 24 No development shall take place until precise details of the provision, siting, surface treatment of children's playspace together with details of the equipment to be provided and a timetable for the provision of the facility has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided in their entirety and be made available for use in accordance with the agreed timetable and thereafter retained for public use.

Reason - The need for playspace close to dwellings is essential to help meet the needs of the development.

- 25 No development shall take place until precise details of the provision of a parcel of land close to the northern boundary of the site, to be dedicated to the adjoining Market Field School for use for horticultural educational purposes (i.e. allotments/poly-tunnel(s)), to include a timetable for the provision of the agreed site, has been submitted to and approved in writing by the Local Planning Authority. The approved dedication of the agreed parcel of land to the school shall be in accordance with the agreed timetable and thereafter retained for such purposes.

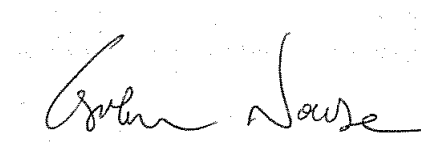
Reason - To accord with details agreed as part of the planning application submission.

## **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.

Signed

A handwritten signature in black ink, appearing to read 'Graham Nourse', is written over a faint, dotted rectangular grid.

Graham Nourse  
Assistant Director Planning

14/06/22