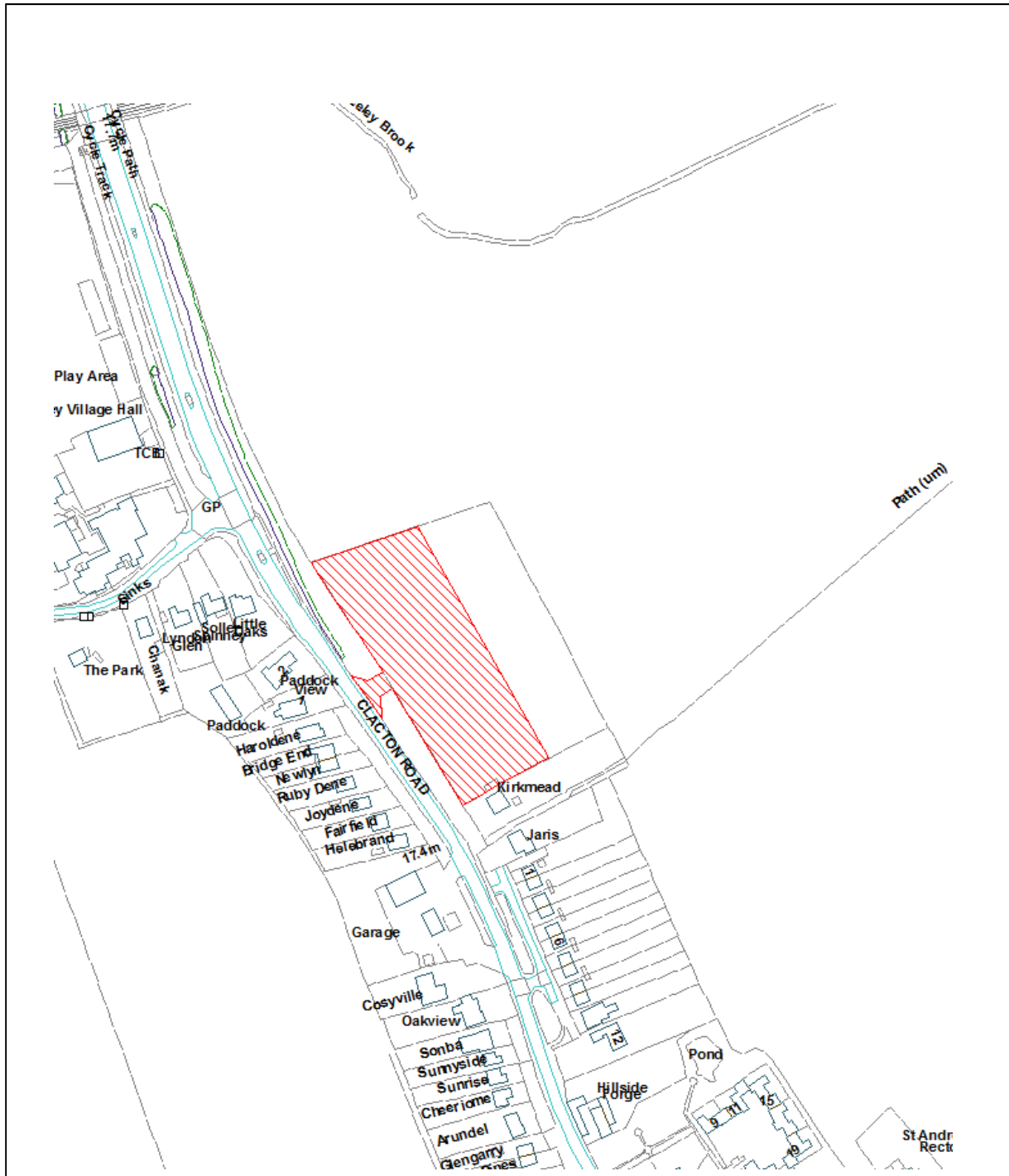


PLANNING COMMITTEE

28 APRIL 2015

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 14/01720/OUT - LAND ADJACENT KIRKMEAD CLACTON ROAD, WEELEY, ESSEX CO16 9DN



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Application:	14/01720/OUT	Town / Parish:	Weeley Parish Council
Applicant:	Mr D Byford		
Address:	Land adjacent Kirkmead, Clacton Road, Weeley CO16 9DN.		
Development:	Construction of 8 detached dwellings with associated garaging and parking.		

1. Executive Summary

- 1.1 The application site lies outside of the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan (2007); but abutting the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan Proposed Submission Draft (2012) (as amended). Policies within these plans seek to restrict development to within the settlement development boundaries.
- 1.2 Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) states that permission is to be refused for new residential development subject to specified exceptions.
- 1.3 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.4 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.5 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.7 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' whilst also being able to achieve a development that would comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well as Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).

Recommendation: Approve Outline

Conditions:

That the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Samples of the materials
5. Hard and soft landscaping
6. All hard and soft landscaping implementation
7. Landscaping - Five year clause
8. Tree protective measures
9. As requested by the Highway Authority
10. Boundary treatments
11. Details of Refuse storage/collection areas
12. Permeable surfacing
13. Scheme to provide renewable energy and energy and water efficiency technologies to be used
14. Archaeology investigative and report works
15. Biodiversity mitigation and enhancement provision
16. Removal of PD rights for fencing, walls and means of enclosure on the northern boundary of the site
17. Lighting details

2. Planning Policy

National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG6	Dwelling Size and Type
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
EN1	Landscape Character
EN6	Biodiversity
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PEO3	Housing Density
PEO4	Standards for New Housing
PEO22	Green Infrastructure in New Residential Development
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

None

4. Consultations

- Weeley Parish Council – No comments received.
- TDC Public Experience – Request Public Open Space Contributions
- ECC Highways Dept – The Highway Authority raises no objection subject to:-

- 4.1 1. Prior to occupation of the development, the proposed estate road, at its bellmouth junction with Clacton Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m and flanking footways 2m. in width returned around the radius kerbs which shall connect to the existing footways adjacent the proposed site access. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials. Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.
- 4.2 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 of the Highway Authority's Development Management Policies February 2011.
- 4.3 3. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling. 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 of the Highway Authority's Development Management Policies February 2011.
- 4.4 4. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary or proposed highway boundary. Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
- 4.5 5. Prior to the proposed access being brought into use, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council) Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 4.6 6. Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose. Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
- 4.7 7. All off street parking shall be in precise accord with the details contained within the current Parking Standards. 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 and 8 of the Highway Authority's Development Management Policies February 2011.
- 4.8 8. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
- 4.9 9. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose. Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
- 4.10 10. Prior to the occupation of any of the proposed dwellings the southbound bus stop adjacent to the vehicular access shall be improved by the provision of level entry kerbing, new post and flag, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense. Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management
- ECC Archaeological Services – Request condition requiring a programme of archaeological trial trenching and written scheme of investigation.
 - ECC Education Services – No comments received
 - Environment Agency – Advisory comments
 - Anglian Water – No comments received
 - UK Power Networks – No comments received
 - ECC SUDs Advisory Body – Advisory comments received.

5. Representations

5.1 1 letter of objection received with 14 signatures (although 15 names included) from 9 dwellings. The points raised are summarised below:

- Speed limit is 40 mph, not 30 mph as stated in DAS. Plus many people ignore the speed limit.
- Highway concerns from parked cars on highway verge restricting visibility splays from proposed development
- Concerns over further increase in usage of B1441, given proposed Weeley garden Village housing allocation
- 4 previous fatalities on the B1441 – one caused by dazzling sunlight on this part of road due to hill
- Possible weight restriction to be removed from Weeley bridge – therefore increase in larger vehicles passing site
- Concerns when accidents on A133 the B1441 is used as diversion route which adds to the traffic problems on this road
- No street lighting on that side of the road. Adding lighting would add to light pollution – not sympathetic to countryside

5.2 3 letters of objection (2 from same property) received. The points raised are summarised below:

- Concerns over traffic speeds on B1441 – difficulty existing properties
- Proposed access opposite existing housing – highway concerns over vehicles existing B1441 from both sides
- Construction traffic will be a nuisance
- Impact on views
- Development on green belt land
- Detrimental to rural community
- Weeley small rural village – 1,200 houses already possible
- No notification from the Council received of the application
- Speed limit is 40 mph, not 30 mph as stated in DAS. Plus many people ignore the speed limit.
- Highway concerns from parked cars on highway verge restricting visibility splays from proposed development
- St Andrews School could be increased in size (if Weeley Garden Village goes ahead) causing further concerns over road safety.
- Bus stops on both sides of road which impacts on visibility
- No street lighting – further increase in risk of accidents occurring
- No street lighting on that side of the road. Adding lighting would add to light pollution – not sympathetic to countryside and wildlife
- Proposal generate further traffic congestion
- Concern over loss of existing hedgerows and trees at site entrance
- Concerns over further increase in usage of B1441 and greater congestion, given proposed Weeley garden Village housing allocation
- Possible upgrade of Weeley Station will increase traffic problems
- 4 previous fatalities on the B1441 – one caused by dazzling sunlight on this part of road due to hill
- Possible weight restriction to be removed from Weeley bridge – therefore increase in larger vehicles passing site
- Concerns when accidents on A133 the B1441 is used as diversion route which adds to the traffic problems on this road

- Farm vehicles also need to use proposed access to maintain grazing land to rear of the site
- Concern over grazing land to rear being developed in future with more houses

5.3 1 letter of observation received. The points raised are summarised below:

- DAS submitted with application is incorrect – Weeley Village Post Office is not and has not been closed; no Main Road in Weeley; no public house called The Ship in Weeley; site not within 30 mph speed limit (is 40 mph).

6. Assessment

6.1 The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highway Considerations
- Biodiversity
- Drainage and Flood Risk
- Other Material Considerations (Including Section 106 Obligations)

Site Context

- 6.2 The application site is a broadly rectangular area of land lying to the east of Clacton Road. It is predominately laid to grass and has an existing field gate access located centrally along its western boundary (fronting onto to Clacton Road). The site is currently used for the grazing of sheep.
- 6.3 The site is bordered by a mature tree lined hedgerow on its western boundary, and a hedgerow on its northern boundary (approx 2 metres in height). The southern boundary is formed by a post and rail fence and shares a boundary with a recently erected replacement dwelling known as Kirkmead (LPA ref. 13/00539/FUL). This new replacement dwelling is outside the land ownership of the applicant. The eastern boundary of the application site is not delineated as it forms part of the field. Beyond the eastern boundary of the application site is a further tree lined hedgerow, with ditch. A ditch is also present along the northern boundary of the site.
- 6.4 The site falls in gradient from south to north. Overhead power lines sail above the northern boundary.
- 6.5 To the west of the application site is a deep (grassed) highway verge adjacent to Clacton Road. Clacton Road in this location is 40MPH. A bus shelter and footpath are located on this side of Clacton Road, with a further bus stop and footpath on the opposite side of Clacton Road.
- 6.6 Residential properties are located to the south and west of the application site, with agricultural land located to east and north. Weeley Railway Station, Weeley Primary School, Village Hall, and playing fields beyond are located to the north-west of the application site.
- 6.7 The site measures approximately 140 metres in length, and 53 metres in depth, and equates to approx. 0.77 hectares.

- 6.8 The application site lies outside of the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan (2007); but abutting the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan Proposed Submission Draft (2012) (as amended). Policies within these plans seek to restrict development to within the settlement development boundaries.

Proposal

- 6.9 The current application seeks outline consent with all matters reserved for the construction of 8 detached dwellings, with associated garaging and parking.
- 6.10 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows a single vehicular access off Clacton Road with 8 residential properties situated along an internal access road, with a 1 acre grazing area of land retained to the east of the application site (within the ownership of the applicant).
- 6.11 These properties are indicated as accommodating a minimum of 100 square metres of private amenity space, and properties with 4 bedrooms or more in size. The applicant has indicated the properties would have a height of between 7.5m to 8.5m to ridge level.
- 6.12 It is suggested that there would be sufficient scope to provide substantial landscape planting around the perimeter of the site, particularly the eastern boundary which would make a positive contribution to the bio-diversity of the site.

Principle of Development

- 6.13 The main issues for consideration are:
1. whether the site would be suitable for housing having regard to the principles of sustainable development.
 2. the effect of the proposed development on the character and appearance of the surrounding area.
- 6.14 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan, 2007 which aims to direct new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.15 Weeley/Weeley Heath is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.16 Weeley/Weeley Heath is identified within Policy SD3 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) as a Key Rural Service Centre, where such settlements will be the focus for small-scale employment and tourism related development that reflects their unique rural character, local housing and employment needs and physical, environmental and infrastructure constraints. In addition, these settlements will accommodate a sustainable, fair and proportionate increase in housing stock that will support the overall housing growth proposed for the district.

- 6.17 Given the limited weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.18 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.19 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.20 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.21 It should be noted that whilst the Council has published the Tendring District Local Plan Proposed Submission Draft (2012), the document is yet to be submitted to the Secretary of State and formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may possibly be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.22 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.23 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- Economic,
 - Social and
 - Environmental roles.
- 6.24 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic

- 6.25 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

Social

- 6.26 In terms of the social role, the site is within close proximity of the local amenities within Weeley village such as a village convenience store, post office and bakery within walking distance of the site. The site is also within walking and cycling distance of the local primary

school and recreational area. Weeley/Weeley Heath is also on a bus route and there is a bus shelter adjacent to the application site, and a bus stop on the opposite side of the road, with services to Clacton, Frinton and Colchester.

- 6.27 In addition it is noted that Weeley/Weeley Heath Railway Station is within walking distance of the site, which connects Weeley to Frinton/Walton and Clacton (via Thorpe-le-Soken), and further afield into Colchester and London. These facilities go some way to illustrate the sustainability credentials for the village.
- 6.28 It is noted that Weeley/Weeley Heath has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres, public transport facilities and other community facilities. Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the village and the site.
- 6.29 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

Environmental

- 6.30 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site immediately adjoins the Settlement Development Boundary in the 2012 Draft Local Plan with a number of residential dwellings to the west of the site, and would be well contained by existing mature vegetation.
- 6.31 As a result, development would be comparable with existing development in the locality. On this basis Officers consider that a more pragmatic approach is justified in this instance to development, as the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

Character and Appearance

- 6.32 The application is in outline with all matters reserved. However, the indicative drawing submitted with the application suggests that the development would comprise 8 detached residential dwellings, presumably two-storey in height (given the DAS states heights would be between 7.5 and 8.5m). Given that the site measures 0.77 hectares, this equates to 10 dwellings per hectare, which is comparable with the existing settlement pattern and grain of the area.
- 6.33 The indicative layout illustrates that 8 dwellings would comply with the Council's requirements with regard to parking provision and amenity space as set out in Saved Policy HG9 of the 2007 Local Plan, and the 2009 Parking Standards.
- 6.34 It is considered that the development as shown on the indicative drawing would broadly follow the character and appearance of existing development in the locality. The development would act as a natural termination for development in this area of Weeley, given the containment from existing mature vegetation. The properties at two-storey in height would be seen in context with existing two-storey development that exists on the eastern side of Clacton Road, but given that existing residential development on the opposite side of the road is primarily bungalows, and the northern boundary of the site is adjacent to open countryside, there may be a need to carefully consider the building heights in this location, and the requirement for a levels condition given the gradient of the land, so

as the development does not adversely affect the character and appearance of the area. These would be matters to consider under reserved matters stage.

- 6.35 Although design and appearance do not form part of the consideration of this outline application, it is considered that the site is capable of accommodating 8 dwellings in a way that would not result in any adverse impact on the character and appearance of the surrounding area and therefore, Officers conclude that the proposed development can be considered as fulfilling the environmental role of sustainable development and consequently does comply with the presumption in favour of sustainable development anticipated in paragraph 14 of the NPPF.
- 6.36 Given the edge of settlement location, and the presence of a managed 2 metre high field hedgerow on the site's northern boundary, important consideration would need to be given to the strengthening of the vegetation on this boundary. The indicative layout drawing does indicate strengthening with hedgerow trees, and the submitted DAS states substantial landscape planting can take place around the perimeter of the site, which would make a positive contribution and ensure the development is assimilated into its wider countryside setting. However as landscaping is reserved for future consideration, the details are not required at this stage.

Neighbouring Amenity

- 6.37 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.38 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.39 It is noted that a recently erected replacement dwelling has been built to the south of the site, known as Kirkmead. This is a two-storey dwelling with accommodation in the roof space. Windows are located on this property's north elevation (facing the site). However these are secondary windows, and the placement of a new dwelling (such as plot 8 as shown on the indicative layout plan), is not considered to have any adverse impact on the residential amenities of this property. It is also noted that this property has a post and rail fence to the boundary with the site. With careful treatment of the boundary with fencing, the proposed development would not affect the privacy of this property.
- 6.40 It is noted that concerns have been submitted from properties adjacent to the site on Clacton Road with regards to adverse impact on neighbouring residential amenity, such as overlooking concerns. However as already stated, the layout plan submitted with the application is an indicative layout only, and members are not assessing the layout as submitted as this is reserved for future consideration.

Highway Considerations

- 6.41 Policy QL10 of the Saved Plan 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. This requirement is also carried forward to Policy SD9 of the Draft Plan.
- 6.42 Essex County Council as the Highway Authority has been consulted on the application (see above for full comments). They raise no objection to the principle of the development and vehicular access from Clacton Road in this location. It is noted that objections have been received with regards to highway safety concerns, however as stated the Highway Authority have not raised any concerns from a highway safety aspect, and therefore Officers consider a refusal on this issue could not be substantiated.
- 6.43 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. As a result the proposal would require an additional 2 spaces. It is considered that the site is capable of accommodating this level of parking.

Biodiversity

- 6.44 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances. The benefits of the development should clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.45 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.46 The application site whilst devoid of any species rich habitat (the site mainly comprising a grazing paddock for sheep), is largely surrounded by trees and hedgerows with ditches with running water on two sides. The site is also in close proximity to Weeley Brook to the north, and an ancient woodland and County Wildlife Site to the north-east (Island Grove). As a result a phase 1 habitat survey has been submitted.
- 6.47 The survey confirms the site is not suitable for protected species and comprises a closely grazed grass field. However, the western and northern boundary hedges have high potential to support nesting birds, and low potential to support bats and great crested newts. It is noted both boundaries are due to be retained and protected as part of the proposals, and if the recommendations of the report are followed, there will be no adverse impact upon any protected species. No further surveys were recommended with respect to any of these species.
- 6.48 The report recommends that to avoid impact upon trees and hedges, as well as bats and great crested newts, specific conditions are recommended to cover such issues as lighting and location; water management during and after construction; tree and hedgerow protection; and landscape design and implementation. Furthermore, there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes.

- 6.49 These recommendations can be implemented by planning condition, and on that basis, the proposed development is not considered to adversely affect any nearby ecological designations, or protected species.

Drainage and Flood Risk

- 6.50 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Saved Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.51 However, given that the site is located entirely within Zone 1 (low risk of flooding) on the Environment Agency Flood Maps, and the site is less than 1 hectare in size, a Flood Risk Assessment is not required. The EA however have been consulted and they note that there are surface water flow routes running across the site, and as a consequence the Local Lead Flood Authority (Essex CC) should be consulted.
- 6.52 The LLFA has been consulted and they have no specific comments to make.
- 6.53 Given that the application is in outline with all matters reserved, any issues with regards to surface water drainage can be addressed at the reserved matters stage.
- 6.54 The EA note that there is no information regarding the disposal of foul water for this site, and as the site is located in a sewered area they would expect the development to be connected to the mains sewerage system. According to the EAs maps, the site is approx 9 metres from the main sewer network. Given that the application is in outline with all matters reserved, this is not an issue for which details are required at this stage, but an informative will be added to the outline planning permission to advise the applicant/developer of the EAs requirements.

Other Material Considerations

Section 106 Obligations

- 6.55 During the course of determining this planning application the Council has received legal advice relating to the requirement for a financial contribution towards the provision of new or improved public open space facilities under Saved Policy COM6 and draft Policy PEO22. In accordance with the Government response to the consultation on Planning Contributions the Council will no longer be seeking this financial contribution for sites of 10-units or fewer. The current proposal falls below this threshold and does not therefore require a unilateral undertaking.

Background Papers

None.