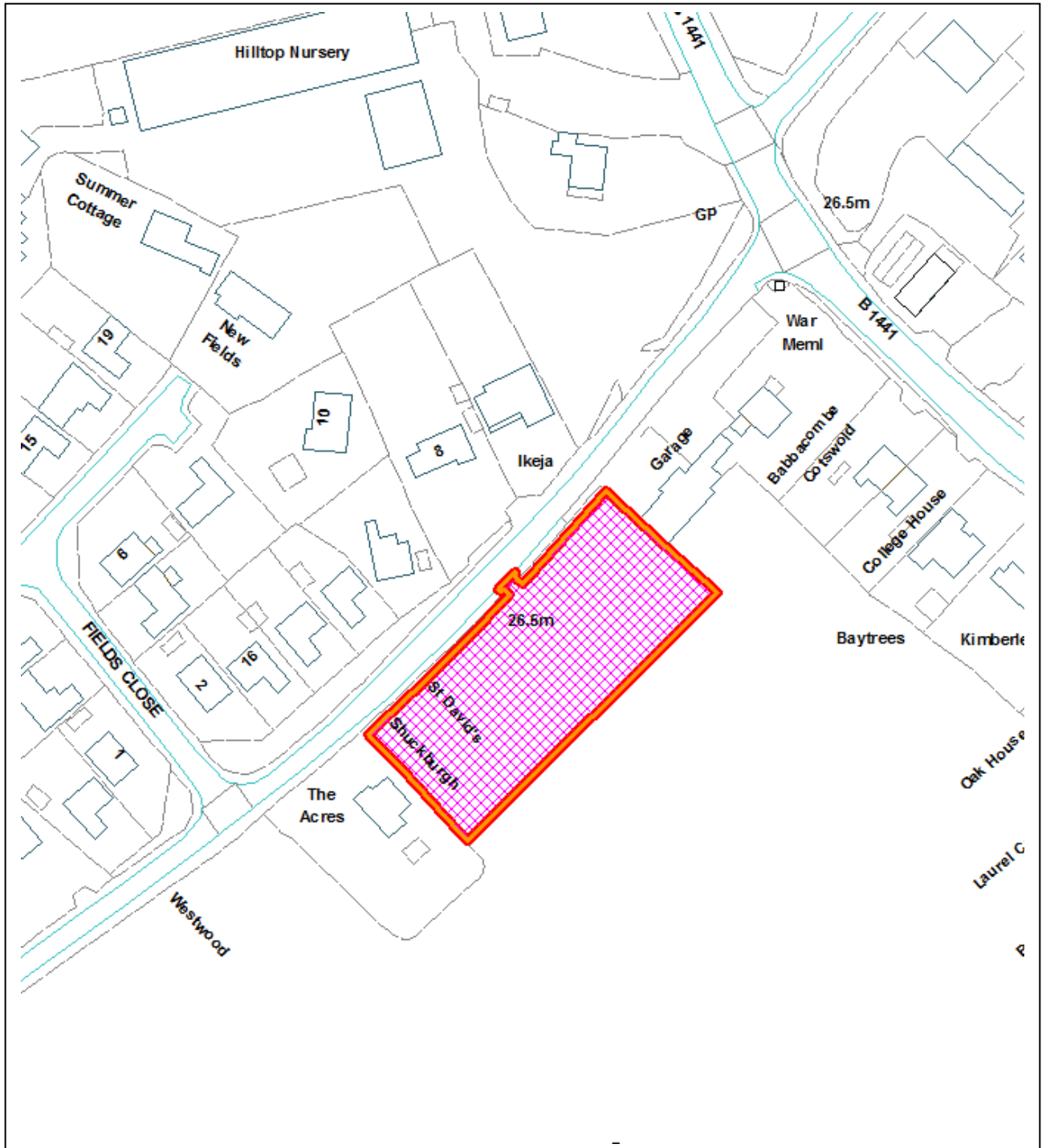


PLANNING COMMITTEE

18 MAY 2016

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION – 16/00186/OUT - LAND EAST OF BENTLEY ROAD, WEELEY, CO16 9DP**



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<b>Application:</b>	16/00186/OUT	<b>Town / Parish:</b> Weeley Parish Council
<b>Applicant:</b>	St Osyth Beach Estate Ltd	
<b>Address:</b>	Land east of Bentley Road, Weeley, CO16 9DP	
<b>Development:</b>	Residential Development Comprising up to 6 Dwellings	

## 1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr Bray.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of 6 no. dwellings with associated parking and garaging.
- 1.3 The application site is situated on the eastern side of Bentley Road outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007); but wholly within the boundary in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012).
- 1.4 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.
- 1.5 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.
- 1.6 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 The site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact, subject to the detailed design being acceptable, it is considered that the site could be developed without raising any significant adverse impacts in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.
- 1.8 The development is required to make financial contributions in respect of public open space improvements in the locality and affordable housing provision. A unilateral undertaking is being drafted to secure these contributions.

### **Recommendation: Approve**

That the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) Within 3 (three) months of the date of the Committee's resolution to approve, the completion of a legal agreement/unilateral undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Affordable Housing contribution, and;
- Contribution toward play provision;

b) 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 in their discretion considers appropriate).

**Conditions:**

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Submission of hard/soft landscaping scheme
- 7) Implementation of landscaping scheme
- 8) Access width of 5.5m with appropriate crossing
- 9) Details of bridging/piping of ditch
- 10) Visibility splays of site maximum by 2.4m by site maximum
- 11) No unbound materials in first 6m of access
- 12) Individual accesses being 3.7m in width and double accesses being 5.5m in width
- 13) Any gates set 6m back from highway
- 14) Carriageway widths of 5.5m between kerbs or 6m where access without kerbs
- 15) Footways being minimum of 2m in width
- 16) Off-street parking in accordance with current parking standards
- 17) Garages being set back 6m from highway
- 18) Boundary hedge being setback 1m from highway and 1m behind visibility splays
- 19) Details of communal refuse store provided
- 20) Timing of vegetation clearance
- 21) Lighting details
- 22) Biodiversity mitigation and enhancement provision
- 23) Removal of PD rights for fencing, walls and means of enclosure on the south-eastern boundary of the site

**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  
HG4 Affordable Housing in New Developments  
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  
PEO10 Council 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

16/00186/OUT Residential development comprising up to 6 dwellings. Current

### 4. Consultations

#### **Essex County Council Highways**

No objections subject to;

- The proposed vehicular access being constructed to a width of 5.5m and provided with an appropriate dropped kerb vehicular crossing of the verge.
- Details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse being submitted.
- Vehicular visibility splays of site maximum by 2.4 by site maximum as measured along, from and along the nearside edge of the carriageway, being provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.
- No unbound materials being used in the surface treatment of the proposed vehicular access within 6m of the highway boundary or proposed highway.
- Each individual proposed vehicular access being constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access being constructed at right angles to the highway boundary and to a width of 5.5m.
- Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the nearside edge of carriageway of any new or existing road.
- All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.
- All footways should be provided at no less than 2.0m in width.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- Any new or proposed boundary hedge being planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.
- Details of a (communal) recycling/bin/refuse collection point being provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

<b>Natural England</b>	No objections.
<b>Essex Wildlife Trust</b>	No comments received.
<b>Principal Tree &amp; Landscape Officer</b>	No objections -  No trees or hedgerows will be affected by the development proposal.  The development would, if approved, result in new trees and hedgerow being planted. It would also contribute to the urbanising of the local environs.  Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping and boundary treatment. The indicative site layout shows new tree planting and provision for a new hedge on the boundary with Bentley Rd and with the open countryside to the rear of the application site: the hedgerow should comprise of indigenous species and the rear boundary should be marked by a simple post and rail fence to minimise the adverse impact of the development proposal when viewed from the open countryside.

## **5. Representations**

### 5.1 Weeley Parish Council objects;

- Bentley Road is located on a through route which, despite the introduction of a 30mph speed limit in December 2014, sees significant amounts of speeding traffic.
- This development, especially when considered in the context of other permissions granted in the immediate vicinity, will increase traffic flows to an unacceptable level.
- The bungalow next to the Bentley Road site has vehicle entry gates which are located so close to the highway that a car waiting to enter sticks out into the highway.
- Opposite the development is an industrial unit currently being used as a waste transfer station which involves the removal of a very large skip at least three times a week which cannot be achieved safely.
- The historical and rural environment of Weeley Heath should be protected.

### 5.2 11 letters of objection have been received. The points raised are summarised below:

- Adverse impact upon the open countryside.
- Site is located outside of the development boundary.
- Consolidation of ribbon development.
- Adverse impact on highway safety due to increase of traffic on Bentley Road.
- Prime agricultural land.
- Loss of privacy.
- Pressure on local infrastructure (school places, health facilities).
- No footpath on this side of Bentley Road.
- No space for construction vehicles.
- Site is not sustainable.
- Recent unacceptable increase in number of dwellings in Weeley Heath which is a rural area.

## **6. Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Biodiversity, and;
- Legal Obligations.

### **Site Context**

- 6.1 The application site is a rectangular area of land lying to the east of Bentley Road within the settlement of Weeley Heath. The site is located within the northern part of Weeley Heath and is approximately 0.21 hectares in size. The site is flat and characterised by improved grassland.
- 6.2 The site is bordered to the north-east by a commercial unit where the boundary is marked by tall conifer trees. To the south-west the site is bounded by a property known as 'The Acres' which is a large detached bungalow. The boundary treatment with this property is marked by a 2m high privet hedgerow. The land to the rear of the site is in agricultural use. The opposite side of Bentley Road to the west is occupied by several detached bungalows and further north by 2 detached dwellings.
- 6.3 The site frontage is marked by a low hedgerow set behind a drainage ditch. The rear boundary of the plot is open in character. The opposite side of Bentley Road is served by a public footpath that runs into Weeley to the north.
- 6.4 The application site lies outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007); but within in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012).

### **Proposal**

- 6.5 The current application seeks outline consent with all matters reserved for the construction of 6 dwellings (indicative drawing shows 4 no. semi-detached and 2 no. detached) with associated garaging and parking. The indicative housing mix plan shows 1 no. 5 bed property, 4 no. 3 bed properties and 1 no. 4 bed dwelling.
- 6.6 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 one vehicular access off Bentley Road with 6 residential properties situated off an internal access road.
- 6.7 These properties are indicated as accommodating a minimum of 100 square metres of private amenity space.
- 6.8 The submitted landscape strategy plan shows that there would be sufficient scope to provide substantial landscape planting around the perimeter of the site, particularly the south-eastern boundary which would make a positive contribution to the bio-diversity of the site.

### **Principle of Development**

- 6.9 The application site is located outside of the 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.
- 6.10 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. Saved 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.
- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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



- 6.18 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

- 6.19 In terms of the social role, the site is within reasonable 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 stop located approximately 150m away on Clacton Road to the north-east of the site with services to Clacton, Frinton and Colchester.
- 6.20 In addition it is noted that Weeley 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.
- 6.21 It is noted that Weeley 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 proportionate 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.
- 6.22 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

### Environmental

- 6.23 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 is located immediately opposite the settlement development boundary as defined in the saved Tendring District Local Plan (2007) and within the settlement development boundary in the draft local plan, with a number of residential dwellings sited to the west, north and south of the site.
- 6.24 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under the heading Character and Appearance.

### Character and Appearance

- 6.25 The site is located opposite to consolidated residential development that runs along the western side of Bentley Road a further 350m to the south-west of the application site. Directly opposite the site are several detached 1960/70's style bungalows and detached two-storey dwellings. The site itself is enclosed at both ends by built development, namely a commercial development at its northern end with residential properties fronting onto Clacton Road beyond and a large detached bungalow at its southern end. The frontage of the site is enclosed by a mature roadside hedge.
- 6.26 The development proposed of 6 no. dwellings fronting onto Bentley Road in a linear arrangement therefore represents an appropriate response to the pattern of built development in the vicinity. The presence of built form at either end of the site and

residential development on the opposite side of Bentley Road ensures that the infill of this site would not adversely impact upon the character of this part of Weeley Heath.

- 6.27 Whilst scale is a reserved matter the details submitted show that the dwellings would be two-storey in height served by single storey garages located in a set back position. The area comprises of a mixture of bungalows, chalet style dwellings and two-storey properties. Against this backdrop the siting of 6.no two-storey properties on the site would not appear out of character or prominent in this location.
- 6.28 The indicative layout provided shows that the dwellings would be served by a single access point off Bentley Road set behind an internal access road and replanted hedgerow. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.29 Therefore taking into consideration the current use of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Neighbouring Amenity**

- 6.30 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'.
- 6.31 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. The indicative layout shows that sufficient space could be left to 'The Acres' to the south-west by locating the driveway serving plot 6 adjacent to the shared boundary. Furthermore, the intended siting of the site access opposite no. 8 Bentley Road results in a reduced impact upon the resident's amenity due to the significant set back of the property at no.8.

### **Highway Considerations**

- 6.32 Essex County Council as the Highway Authority has been consulted on the application (see above for details). They raise no objection to the principle of the development and vehicular access from Bentley Road in this location. A transportation review of the site has been provided which concludes that the road network in this location has low flows (200 two-way flows during peak hour) and that pedestrians would have access to local footway links. 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.
- 6.33 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. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

### **Biodiversity**

- 6.34 The application site whilst devoid of any species rich habitat (the site is improved grassland), is largely surrounded by hedgerows and several trees with a drainage ditch located to the site frontage. As a result a phase 1 habitat survey has been submitted.
- 6.35 The survey confirms the site is not generally suitable for protected species as it is classed as improved grassland. The survey does state that the hedgerows and arable land may be of potential value to the local bat populations for foraging and/or commuting, however due to the small size of the area to be developed, with a precautionary lighting strategy the development is unlikely to have a detrimental effect on bat species. No bat roosting features were found at the time of the survey.
- 6.36 Therefore the inclusion of conditions relating to the timing of vegetation clearance and the use of sensitive lighting will help to ensure any impact upon nesting birds and foraging bats is minimal. 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.
- 6.37 As such the proposed development is not considered to adversely affect any nearby ecological designations, or protected species.

### **Legal Obligations**

- 6.38 Policy COM6 of the Tendring District Local Plan 2007 requires proposals for residential development on sites below 1.5 hectares in size to contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built. The financial requirement must accord with the provisions of the Council's Supplementary Policy Document (SPD). A similar policy stance is taken in draft plan Policy PEO22.
- 6.39 A consultation response from the Council's Open Space manager states that "due to the lack of facilities in the area it is felt that a contribution towards play is justified and relevant to this planning application". The project that the contribution is to be applied to is the provision of additional Play Equipment, Hilltop Crescent, Weeley.
- 6.40 Saved Policy HG4 of the Tendring District Local Plan (2007) and Draft Policy PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) require that for settlements with a population of 3000 or fewer housing developments which have the potential for 5 or more dwellings the Council expect 25% of new dwellings to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available to the Council alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.
- 6.41 Saved Policy HG4 of the Tendring District Local Plan 2007 states that the Council will expect 40% of new dwellings to be made available in the form of affordable housing to be normally provided on site, in the following cases:
- a) In settlements of over 3,000 population: housing development for 15 or more dwellings or residential sites of 0.5 hectares or more;

b) In settlements with a population of 3,000 or fewer housing developments which have the potential for 5 or more dwellings or residential sites of 0.15 hectares or more.

- 6.42 The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that 25% (as contained within emerging Policy PEO10) is more realistic. The threshold under Saved Policy HG4 will therefore be applied but the percentage will be 25% as detailed under emerging Policy PEO10.
- 6.43 The Council's Housing Department have confirmed that an off-site financial contribution would be preferred in this instance and a figure of £105,000 has been calculated.
- 6.44 The applicant has agreed to provide both the public open space and affordable housing contributions and on this basis a unilateral undertaking is being drafted to secure these contributions. The recommendation reflects the need to obtain a completed unilateral undertaking prior to the issuing of any planning permission.

#### Background Papers

None