



PLANNING COMMITTEE

DATE: Wednesday 19 April 2017
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)	Councillor Fairley
Councillor Heaney (Vice-Chairman)	Councillor Fowler
Councillor Baker	Councillor Gray
Councillor Bennison	Councillor Hones
Councillor Davis	Councillor McWilliams
Councillor Everett	

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686585.

DATE OF PUBLICATION: FRIDAY 7 APRIL 2017

AGENDA

1 **Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 **Minutes of the Last Meeting (Pages 1 - 12)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 29 March 2017.

3 **Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

4 **A.1 - Planning Application - 16/01912/DETAIL - Land at Admirals Farm, Heckfords Road, Great Bentley, CO7 8RS (Pages 13 - 30)**

Proposed erection of 50 dwellings, garages and associated works.

5 **A.2 - Planning Application - 16/01847/OUT - Land North of Colchester Road, Weeley, CO16 9AG (Pages 31 - 66)**

Outline planning application for up to 380 dwellings, approximately 2.8ha of B1 employment land (including a local centre (A1 and D1/D2 use)), land for a primary school together with associated amenity and open space provision, landscaping and access.

6 **A.3 - Planning Application - 16/02131/OUT - Land South of Colchester Road, Weeley, CO16 9AG (Pages 67 - 98)**

Outline planning application with some matters reserved for a residential development of 228 dwellings, primary school, nursery and car park.

7 **A.4 - Planning Application - 16/01520/FUL - 82 Jaywick Lane, Clacton-on-Sea, CO16 8BB (Pages 99 - 116)**

Erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.

8 **A.5 - Planning Application - 16/02031/FUL - Land Rear of 138 Connaught Avenue, Frinton-on-Sea, CO13 9AD (Pages 117 - 122)**

Change of use of part of rear garden at adjoining residential property for additional 8 parking spaces.

9 **A.6 - Planning Application - 17/00261/FUL - Former Public Toilets, Station Street, Walton-on-the-Naze, CO14 8DE (Pages 123 - 130)**

Change of use from a former disused public convenience to an audio recording and mixing studio.

10 **A.7 - Planning Application - 17/00294/FUL - The Grove Flats, Grove Avenue, Walton-on-the-Naze, CO14 8QY (Pages 131 - 134)**

Replace failing existing external balustrades for stainless steel balustrades with glazing panels and replace existing communal entrance with new aluminium doors and windows.

MEETING OVERRUN DATE

**In the event that all business is not concluded,
the meeting will reconvene on
Monday 24 April 2017 at 6.00 p.m.
in the Council Chamber, Council Offices,
Thorpe Road, Weeley
to consider any remaining agenda items**

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, at 6.00 p.m. on Tuesday 16 May 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON WEDNESDAY 29 MARCH 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Davis, Everett (except minutes 122 (part), 123, 125, 127 (part) and 128 (part)), Fowler (except minute 129), Hones, McWilliams (except minutes 122 (part), 123, 124, and 125 (part)) and Poonian
Also Present:	Councillors Bush, Land (except minutes 130-132), Nicholls (except minutes 128-132) and Talbot (except minutes 119-125 and 132)
In Attendance:	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager) (except minutes 129-132), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager) (except minutes 129-132), Matthew Lang (Planning Officer) (except minute 132) and Katie Sullivan (Committee Services Officer)

119. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor Poonian substituting) and Councillor Gray (with no substitute).

120. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 28 February 2017, were approved as a correct record and signed by the Chairman.

121. DECLARATIONS OF INTEREST

Councillor McWilliams declared a non-pecuniary interest in relation to Planning Applications 16/02125/OUT, 16/02127/OUT, 16/01912/DETAIL and 16/01999/OUT by virtue of the fact that she was the local Ward Member and also a prejudicial interest by virtue of the fact that she was pre-determined on all four applications. Councillor McWilliams also declared an interest in Planning Application 16/02127/OUT by virtue of the fact that she rented land and a building, within the same ownership as the application site, for stabling her horse.

Councillor Fowler declared a non-pecuniary interest in relation to Planning Application 16/02084/OUT by virtue of the fact that she was a resident of Mayes Lane and a Trustee and part of the management team for the Harwich Society.

Councillor Everett declared a prejudicial interest in relation to Planning Applications 16/02125/OUT, 16/02127/OUT, 16/01999/OUT, 16/01797/OUT and 16/01642/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned applications.

Councillor White declared a non-pecuniary interest in relation to Planning Application 16/01611/OUT by virtue of the fact that he was a local Ward Member.

Later on in the meeting as mentioned in minute 125 below Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was a patient of the current Great Bentley Surgery which was supporting the application. Councillor Heaney also declared a non-pecuniary interest in relation to Planning Application 16/01797/OUT by virtue of the fact she was a local Ward Member (minute 127 below referred).

122. A.1 - PLANNING APPLICATION - 16/02125/OUT - LAND TO THE NORTH OF THORRINGTON ROAD, GREAT BENTLEY, CO7 8QD

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/02125/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/02125/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

It was reported that this application had been referred to the Planning Committee at the request of Councillor McWilliams, the local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Essex County Council SUDS which had resulted in Planning Officers withdrawing the second recommended reason for refusal in the Officers' report.

Peter Harry, a local resident, spoke against the application and asked that the Committee consider his comments for Planning Application 16/02127/OUT also.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke against the application.

Councillor McWilliams, in her capacity as the local Ward Member, spoke against the application and asked that the Committee consider her comments for Planning Application 16/02127/OUT also. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Councillor Everett withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor Bennison, seconded by Councillor Hones and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

The Committee requested that if the application were to be allowed on appeal the reserved matters application should be brought to the Committee for determination.

123. A.2 - PLANNING APPLICATION - 16/02127/OUT - LAND TO THE WEST OF PLOUGH ROAD, GREAT BENTLEY, CO7 8LG

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/02127/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor McWilliams had also declared an interest in Planning Application 16/02127/OUT by virtue of the fact that she rented land and a building, within the same ownership as the application site, for stabling her horse. Councillor McWilliams was not present for this item.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/02127/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application. Councillor Everett was not present for this item.

It was reported that this application had been referred to the Planning Committee at the request of Councillor McWilliams, the local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Essex County Council SUDS which had resulted in Planning Officers withdrawing the second recommended reason for refusal in the Officers' report.

Peter Harry, a local resident, had earlier asked the Committee to consider his comments made against Planning Application 16/02152/OUT for this item also.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke against the application.

Councillor McWilliams, in her capacity as the local Ward Member, had earlier asked the Committee to consider her comments made against Planning Application 16/02152/OUT for this item also.

Following discussion by the Committee, it was moved by Councillor Davis, seconded by Councillor Fowler and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse outline planning permission for the development, for the following reasons:-

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

The Committee requested that if the application were to be allowed on appeal the reserved matters application should be brought back to the Committee for determination.

124. A.3 - PLANNING APPLICATION - 16/01912/DETAIL - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/01912/DETAIL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor McWilliams was not present for this item.

Members were informed that this was a reserved matters application seeking approval of detailed plans for 50 dwellings. This had followed on from the approval of outline planning permission 16/00133/OUT on 28 September 2016 in line with the Committee's resolution of 19 April 2016. Outline planning permission had been granted subject to a Section 106 legal agreement and 17 planning conditions.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) One additional representation from a local resident; and
- (2) Additional comments received from the Council's Principal Trees and Landscape Officer.

Peter Harry, a local resident, spoke on the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and unanimously **RESOLVED** that consideration of this application be deferred to enable negotiations to take place with the applicant for:

1. Plots 17, 18 and 19 to have larger dwellings and gardens; and
2. A larger green gap to be created within the development to allow for views through to woodland.

125. A.4 - PLANNING APPLICATION - 16/01999/OUT - LAND EAST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01999/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application. Councillor Everett was not present for this item.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01999/OUT by virtue of the fact that she was a patient of the current Great Bentley Surgery which was supporting the application.

Members were informed that this was an outline planning application which sought approval for an extension of the already approved fifty home Admirals Farm development, north of Great Bentley, to include additional land for a Doctors Surgery and for twenty five more dwellings.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a revision to the recommendations as proposed by Officers.

Peter De-Vaux Balbirnie, a local resident, spoke in support of the application.

Pippa Drew, a local resident, spoke against the application.

Parish Councillor Kevin Plummer, representing Great Bentley Parish Council, spoke in support of the application.

Councillor McWilliams, in her capacity as the local Ward Member, returned to the meeting and spoke against the application. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Jonathan Hills, the applicant, spoke in support of the application.

Following discussion and consideration of advice from Officers, it was moved by Councillor Fowler, seconded by Councillor Davis and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development for the following reasons:

1. Contrary to Local Plan;
2. Benefits do not outweigh harm; and
3. Intrudes into open countryside.

126. A.5 - PLANNING APPLICATION - 16/01920/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting an oral presentation was made by the Council's Planning Officer (ML) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) One additional proposed condition; and
- (2) Additional representations received from the applicant.

Jane Paxton, a local resident, spoke against the application.

Parish Councillor Cronin, representing Tendring Parish Council, spoke against the application.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

Following discussion and consideration of advice from Officers, it was moved by Councillor Heaney, seconded by Councillor Bennison and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the unacceptable impact on residential amenity from noise (Music, Car doors etc).

127. A.6 - PLANNING APPLICATION - 16/01797/OUT - LAND ADJACENT MARKET FIELD SCHOOL, SCHOOL ROAD, ELMSTEAD, CO7 7ET

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01797/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01797/OUT by virtue of the fact that she was a local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Nicholls, a local Ward Member.

Members were informed that the applicant had referred this matter to appeal against non-determination and therefore the Council could no longer determine the application.

The Officers' report detailed why Officers considered that the application would have been recommended for refusal and Members were invited to endorse the Officers' recommendation as the basis for defending the forthcoming appeal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Gary Smith, the Head Teacher of Market Field School and a local resident, spoke in support of the application.

Parish Councillor Ron Fairweather, representing Elmstead Market Parish Council, spoke against the application.

Councillor Nicholls, a local Ward Member, spoke against the application.

Jonathan Hills, the applicant, spoke in support of the application.

Councillor Everett withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Heaney and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to defend the forthcoming planning appeal and argue that outline planning permission for the development should be refused for the following reasons:

- The site lies outside the settlement development boundary for Elmstead Market as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Elmstead Market. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Elmstead Market and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

128. A.7 - PLANNING APPLICATION - 16/01642/OUT - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE

Councillor Everett had earlier declared a prejudicial interest in relation to Planning Application 16/01642/OUT by virtue of the fact that he was predisposed and pre-determined due to the fact that he had served a claim for judicial review against the Council in relation to the issue of the Council's 5 year housing land supply in the context of the Local Plan which was relevant to the afore-mentioned application.

It was reported that this application had been referred to the Planning Committee at the request of the former Ward Member, former Councillor Howard.

Members were informed that the applicant had referred this matter to appeal against non-determination and therefore the Council could no longer determine the application.

The Officers' report detailed why Officers considered that the application would have been recommended for refusal and Members were invited to endorse the recommendation as the basis for defending the forthcoming appeal.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Councillor Everett returned to the meeting, and in the capacity as a member of the public, spoke in favour of the recommendation of refusal but against the Council's reasons given for that recommendation. He then withdrew from the meeting, on the grounds of being predisposed and pre-determined, whilst the Committee considered the application and reached its decision.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Baker and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to defend the forthcoming planning appeal and argue that outline planning permission for the development should be refused for the following reasons:-

- The site lies outside the settlement development boundary for Great Oakley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Oakley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of the Great Oakley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No Section 106 agreement to secure affordable housing and open space has been completed.

The Committee also requested that if the application were to be allowed on appeal the reserved matters application should be brought back to the Committee for determination.

129. A.8 - PLANNING APPLICATION - 16/02084/OUT - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ

Councillor Fowler had earlier declared a non-pecuniary interest in relation to Planning Application 16/02084/OUT by virtue of the fact that she was a resident of Mayes Lane and a Trustee and part of the management team for the Harwich Society. She withdrew from the meeting, whilst the Committee considered the application and reached its decision.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Land, the local Ward Member of the adjacent Beaumont and Thorpe Ward.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following 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 with such Reserved Matters to come before the Committee;
- 4) Single storey dwellings only;
- 5) Materials;
- 6) Boundary treatments;
- 7) Submission of hard/soft landscaping scheme including tree protection details/scheme;
- 8) Implementation of landscaping scheme;
- 9) The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth;
- 10) Visibility splays measuring 2.4mx43m to the north and south;
- 11) No unbound materials in first 6m of accesses;
- 12) All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards;
- 13) Details of communal refuse store to be provided;
- 14) Timing of vegetation clearance and bat survey as set out in Phase 1 Habitat Survey;
- 15) Lighting details; and
- 16) Surface water drainage scheme as part of reserved matters application.

130. A.9 - PLANNING APPLICATION - 16/01611/OUT - LAND ADJACENT TO OAKMEAD ROAD, ST OSYTH, CO16 8NW

Councillor White had earlier declared a non-pecuniary interest in relation to Planning Application 16/01611/OUT by virtue of the fact that he was a local Ward Member.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Talbot, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Officer (ML) in respect of the application.

Mr Belcher, a local resident, spoke against the application.

Councillor Talbot, a local Ward Member and also representing St Osyth Parish Council, spoke against the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following 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 with such Reserved Matters to come before the Committee;
- 4) Materials;
- 5) Boundary treatments;
- 6) Visibility splays of site maximum by 2.4m by 17m;
- 7) Type 3 turning head shall be provided;
- 8) Details of communal refuse store provided;
- 9) Off-street parking in accordance with current parking standards;
- 10) Timing of vegetation clearance;
- 11) Lighting details;
- 12) Biodiversity mitigation and enhancement provision;
- 13) Removal of PD rights for fencing, walls and means of enclosure on the perimeter of the site boundary; and
- 14) Surface and floor water strategy.

The Committee requested that the reserved matters application be brought back to the Committee for determination.

131. A.10 - PLANNING APPLICATION - 17/00028/FUL - MISTLEY CHURCH HALL, NEW ROAD, MISTLEY, CO11 1ER

The Chairman informed the Committee that this application had been withdrawn by the applicant.

132. A.11 - PLANNING APPLICATION - 17/00190/FUL - PUBLIC CONVENIENCES, THE QUAY, HARWICH

It was reported that this application had been referred to the Committee as Tendring District Council owned the building and was the applicant.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of the consultation response received from Harwich Town Council who supported the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

- 1) Time limit for commencement – 3 years; and
- 2) Development in accordance with submitted plans.

The meeting was declared closed at 11.00 p.m.

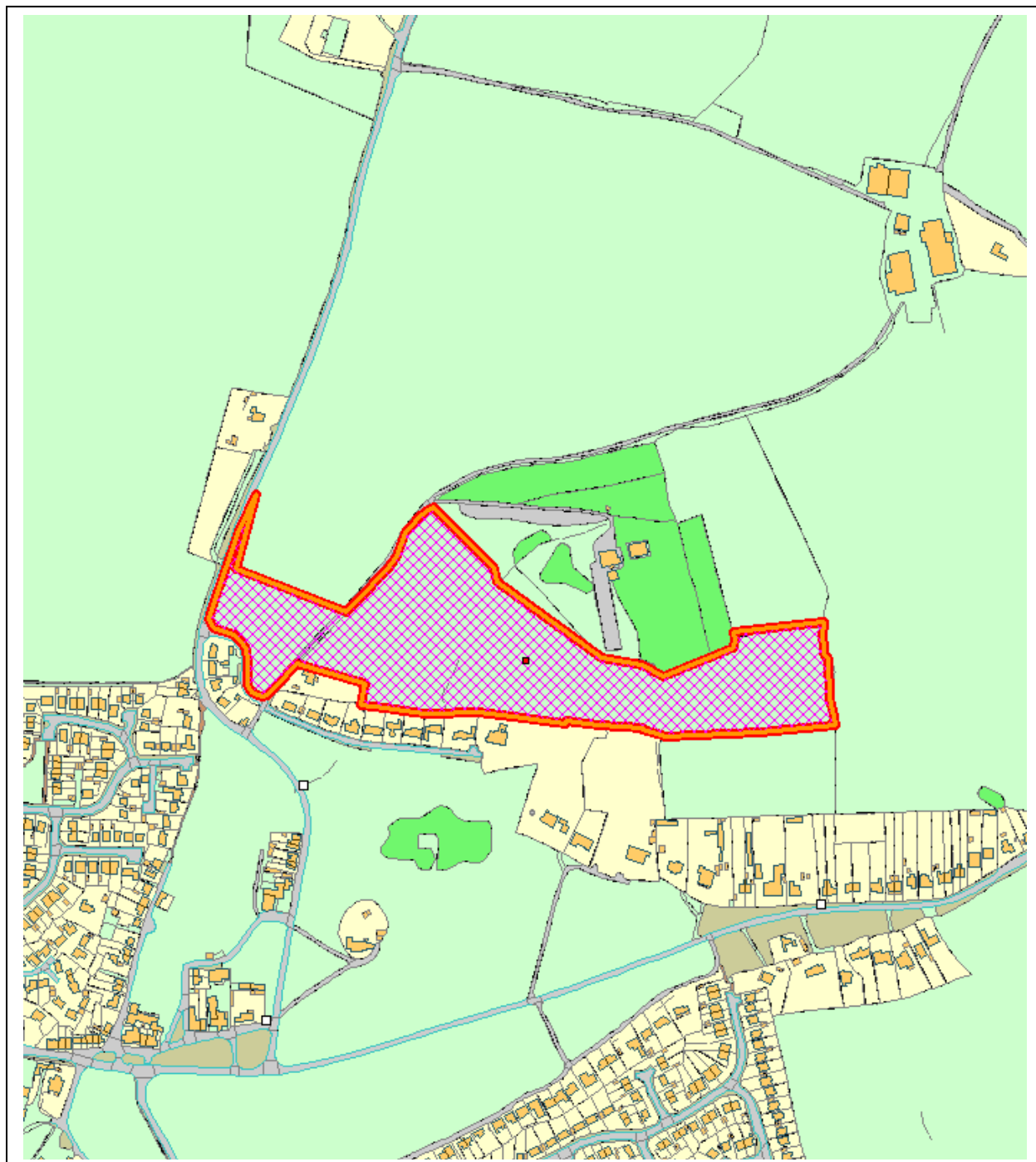
Chairman

PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 16/01912/DETAIL – LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, ESSEX CO7 8RS



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	1601912/DETAIL	Town / Parish: Great Bentley
Applicant:	Hills Building Group	
Address:	Land at Admirals Farm, Heckfords Road, Great Bentley, Essex CO7 8RS	
Development:	Proposed erection of 50 dwellings, garages and associated works.	

This reserved matters application was first considered by the Planning Committee on 31st March 2017. Following discussion by the Committee, it was resolved that consideration of this application be deferred to enable negotiations to take place with the applicant for:

1. Plots 17, 18 and 19 to have larger dwellings and gardens; and
2. Larger Green Gap for views through woodland.

Officers have discussed these matters with the applicant and revised plans have been submitted which:

- Increase the internal floor area of the plots 17, 18 and 19 (affordable gifted houses) from 62-75sqm up to 79-93sqm and increased the gardens to all be excess of 100sqm;
- Improved the appearance of these affordable homes with revised decorative features;
- Increase the gardens for plots 27-31 (the almshouse style terrace houses) to be policy compliant at 75-77sqm; and
- Altered the layout to increase the size of the green gap.

Officers have asked the applicants for further detailed amendments to the design of the affordable homes and further revised drawings are expected ready for the Committee's consideration.

The Officers' report of 31st March 2017 is replicated below with relevant updates highlighted in bold text.

1. Executive Summary

- 1.1 This is a reserved matters application seeking approval of detailed plans for 50 dwellings on land at Admirals Farm off Heckfords Road, on the northern edge of Great Bentley. This follows on from the approval of outline planning permission 16/00133/OUT on 28th September 2016 in line with the Committee's resolution of 19th April 2016. Outline planning permission was granted subject to a s106 legal agreement and 17 planning conditions.
- 1.2 15 objections have been received from residents, mainly raising matters of principle that were already considered at outline stage. However, some of the objections raise detailed concerns about the development's conformity with the indicative plans approved at outline stage, the visual impact on the Conservation Area, the potential connections into adjoining undeveloped land and the use of Moors Lane as a pedestrian footpath.
- 1.3 The applicants have made revisions to their proposed layout, at the request of Officers, in order to bring them more in line with the indicative outline drawings and to retain a better

visual gap between the village green and the open countryside beyond and thus minimise impacts on the Conservation Area. Following the revisions, the design and layout of the development is considered by Officers to be acceptable. **The properties all meet and exceed the Council's standards for quality, garden sizes and parking.** Accordingly, the application is recommended for approval.

Recommendation: Approval

Conditions:

1. Accordance with approved plans.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 7 of the NPPF relates to design. Paragraph 56 states that government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should*

work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.

Local Plan

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

HG14: Side Isolation: Requires a minimum distance between detached properties.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan: 2013-2033 and Beyond Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP4: Open Space, Sports and Recreation Facilities: Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density and Standards: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities

for crime and anti-social behaviour;, ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

CP1: Sustainable Transport and Accessibility: Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

3.1 The site has the following planning history:

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01999/OUT	A doctors surgery and twenty five dwellings, associated infrastructure and landscaping.	Current	

4. Consultations

**TDC
Principal Tree &
Landscape
Officer**

The main body of the application site is in agricultural use and has been planted with a winter cereal crop. There are no trees or other significant vegetation in the main body of the land with the exception of a short row of mature trees extending into the land at the western end of the southern boundary. The applicant has submitted a detailed soft landscaping plan that shows a sufficient level of new planting that will both soften and enhance the character and appearance of the development and the wider area.

[The Tree Officer also required more arboricultural details to be provided, which were subsequently submitted].

Natural England Natural England has no comments to make on the reserved matters.

Essex County Council Flood Authority In the absence of an updated surface water drainage strategy, we object to this application and recommend refusal of planning permission until a satisfactory one has been submitted.

ECC Schools Financial contributions of £62,685 for early years and childcare provision, £183,270 for primary school provision, £185,610 for secondary school provision and £42,180 for school transport are requested to mitigate the impact of the development on education provision.

5. Representations

5.1 19 representations have been received in response to this application, of which 17 are objections. The majority of these objections still relate to the principle of the development as opposed to the detail, despite the grant of outline planning permission. These matters of concern in principle include:

- The development will not help the local community
- Houses will be bought by people from outside the village
- The houses will not be affordable for local people
- Only one house is shown to be affordable
- The development will only provide a large profit for the landowner and developer
- Increase in already heavy traffic
- Pedestrian safety here and elsewhere in the village will worsen
- The junction of Heckfords Road and the A133 is dangerous
- Views from the conservation area will be adversely affected
- Not enough parking in the village
- Negative impact on sense of community
- Lack of public transport, particularly bus services
- Disproportionate levels of development going to Great Bentley
- No school places
- No capacity at the doctors surgery
- Chemist is constantly busy
- Other approved developments in other villages will address the housing shortage
- Parish Council members should not be allowed to profit from building work
- Disruption to bats and other wildlife
- Light pollution on the night sky
- No safe passage to the proposed foot path on the west of Heckfords Road
- Developers should be made to use brownfield sites first

5.2 A number of the objections, observations and suggestions do however relate specifically to the detail of the proposal that is under consideration as part of this application. These include:

- The scheme is not in general conformity with the indicative plan submitted at outline stage;
- Some plots would impeded views from the village green to the north – contrary to the green gap incorporated into the indicative plan;
- Concern about the impact on the tree line in the absence of a full tree survey/report;

- Concern about the access roads extending to the boundary of adjoining land, indicating an intention for further phases of development;
- Not clear what the intentions are for Moors Lane as there are no hard landscaping proposals included with the application;
- Pedestrian access via Moors Lane has been retained, contrary to the condition imposed at outline stage and the advice of the Highway Authority;
- The gateway on Moors Lane should be replaced with hedging and reinforced with fencing to prevent pedestrians straying towards a dangerous crossing point;
- The gateway slightly to the West and South of the playground which has direct access to Moors Close should be similarly hedged and fenced; and
- Careful consideration needs to be given to the fact that a playground is planned in the south front section.

5.3 Great Bentley Parish Council supports the application subject to the following:

- a) The reinstatement of the gap shown in the outline permission providing a view from the Green between plots 41 & 42 to open countryside. Much was made of this gap by the developers at the time.
- b) The removal of the multiple vehicle access points from the site to other potential developments with no planning permission.
- c) The closure of the pedestrian access from the development down Moors Lane via Moors Close onto The Village Green which potentially leads to children trying to cross the main road into the village at a blind bend rather than walk across wet grass.

6. Assessment

The Site

6.1 The application site comprises just under 6.8 hectares of agricultural land located at the northern edge of the village of Great Bentley, east of Heckford's Road and north of Moors Close. The site is flat and the western part of the site is visible from Heckford's Road, whilst the rest of the site is relatively well contained within the landscape, barely visible from most medium-long distance public view-points, mainly due to the strong line of trees and hedges along the northern boundary. The site is irregular in shape and lies adjacent to the settlement development boundary and Great Bentley Conservation Area. A water pumping station with woodland within its grounds lies to the north of the site.

The Proposal

6.2 The proposal is the development of 50 dwellings on land at Admirals Farm comprising the following dwelling mix:

- 9 x 2-bed bungalow
- 9 x 2-bed house
- 8 x 2-bed house
- 21 x 4-bed house
- 3 x 2-3 bed affordable

- 6.3 The scheme provides for mix of dwellings sizes and types in line with the Council's adopted and emerging planning policies. The scheme includes areas of open space, a play area and sustainable drainage features.

Architectural Drawings

- 3522-0001 P01 Site Location Plan
- 3522-0010 P01 Existing Block Plan
- 3522-0011 P06 Proposed Site Block Plan

- 3522-0101 P01 House Type 1 – 2 Bed Bungalow – Proposed Floor Plans and Elevations
- 3522-0201 P01 House Type 2 – 2 Bed House Almshouse Style – Proposed Floor Plans and Elevations
- 3522-0301 P01 House Type 3 – 2 Bed House – Proposed Floor Plans and Elevations
- 3522-0401 P01 House Type 4 – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0401A P01 House Type 4A – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0501 P01 House Type 5 – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0601 P01 House Type 6 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0601A P01 House Type 6A – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0701 P01 House Type 7 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0801 P01 House Type 8 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0901 P01 House Type 9 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-1001 P01 House Type 10 – 1 No 3 Bed & 2 No 2 Ned Houses – Proposed Floor Plans and Elevations

- 3522-0103 P01 Garage Type 1 – Single Garage
- 3522-0104 P01 Garage Type 2 – Double Garage

- 16.2030.01 Rev A Soft Landscape Proposals (1of 6)
- 16.2030.02 Rev A Soft Landscape Proposals (2of 6)
- 16.2030.03 Rev A Soft Landscape Proposals (3of 6)
- 16.2030.04 Rev A Soft Landscape Proposals (4of 6)
- 16.2030.05 Rev A Soft Landscape Proposals (5of 6)
- 16.2030.06 Rev A Soft Landscape Proposals (6of 6)

Matters under consideration

- 6.4 The principle of development has already been established through the grant of outline planning permission (application 15/00133/OUT). The report to Planning Committee on 19th April 2016 considered the following matters:

- Principle of development;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Infrastructure impact
- Landscape, visual impact and trees;
- Open space;
- Ecology;
- Impact upon neighbours;
- Council Housing / Affordable Housing;
- Indicative design and layout upon the Conservation Area; and
- Other issues (including loss of agricultural land).

6.5 The reserved matters under consideration as part of this application are:

- Layout;
- Landscape;
- Scale; and
- Appearance.

Layout

6.6 The proposed layout of the scheme involves 50 dwellings accessed via a new access road off Heckfords Road which passes through an area of land to remain undeveloped and crosses Moors Lane before the development starts. The irregular and, in parts, narrow shape of the site dictates that a large part of the site is in the form of two rows of dwellings orientated in a front-to-front layout overlooking the new highway and areas of open space.

6.7 The main spine road passing through the centre of the site extends almost all the way to the very eastern edges of the site and provision is made for extending into adjoining land in the future. Officers note that the land north of the site is subject of a separate outline planning application for a doctors surgery and an additional 25 dwellings. **[This application has now been refused.]**

Retaining an undeveloped gap

6.8 Condition 5 of the outline planning permission required that the reserved matters shall be in general conformity with the submitted Illustrative Masterplan dated 7th March 2016 but with the exclusion of any dedicated pedestrian access route via Moors Lane, as shown on that drawing. That master plan drawing was submitted to the Council by the applicants to address local concerns (raised in relation to the earlier refused application) about the potential impact of development on views in and out of the Conservation Area, particularly as seen through gaps between properties looking out onto the green. The reason for the Council specifically seeking to avoid a dedicated pedestrian access route via Moors Lane was also in response to local concerns.

6.9 The illustrative Masterplan included a notable undeveloped section in the centre of the site which had been included to facilitate a visual link between the village green and the wooded area to the north. However, in the proposed reserved matters layout, as originally submitted, only a very small gap had been included and this attracted some objections from local residents. Initially the applicants suggested that the grant of planning permission 13/00648/FUL, in 2013, for a block of three apartments on land adjacent The Moors negated the need for an undeveloped gap because the new building would block out views between the village green and the woodland in any event. It is understood that a physical start has been made on that development.

6.10 However, even if this were the case, the condition clearly requires general conformity with the Masterplan and the absence of an undeveloped gap would be a breach of that condition. In response to Officers' concerns, the layout was amended to change the location of one of the dwellings and therefore create a more substantial undeveloped gap. Whilst the gap is still not as big as that shown in the Masterplan, it is more in the spirit of

what the Masterplan is trying to achieve and Officers consider that general conformity is achieved. **[Further revisions have now been made to widen the gap].**

Pedestrian access along Moors Lane

- 6.11 Condition 5 of the outline planning permission required general conformity with the Masterplan but with the exclusion of any dedicated pedestrian access route via Moors Lane, as shown on that drawing. The submitted Masterplan had shown Moors Lane as the principal pedestrian access route which was unacceptable to the Highway Authority and raised concerns amongst local residents. The technical highway drawings therefore required a new footway to be created along Heckfords Road, which must be put in place prior to the occupation of the development.
- 6.12 Some residents have suggested that the reserved matters application fails to comply with the general conformity condition because Moors Lane and its connection to Moors Close is still shown on the plans and is incorporated into the development. There are suggestions that any right of way along Moors Lane should be extinguished and that the gateway should either be fenced off or hedged over. However, the proposed layout does not seek to encourage pedestrian movements along Moors Lane and the footpaths all connect to the proposed footway onto Heckfords Road. Therefore Moors Lane is not shown as a dedicated pedestrian access and Officers are comfortable that the intention of the planning condition has been met.

Connections to adjoining land

- 6.13 The layout includes sections to the north of the site, to the east and in the north-east corner where the roads extend almost to the very edge of the site boundaries thus allowing the potential for access to adjoining land in the future. This has attracted objections from the Parish Council and some residents, concerned about future phases of development. Indeed, application 16/01999/OUT proposes a further 25 dwellings on adjoining land to the north east. **[This application has now been refused.]**
- 6.14 However, this approach is not uncommon in new developments and there is no planning policy reason why a scheme should be refused or amended for including such potential connection points. Any future developments on adjoining land would require planning permission and would be assessed on their merits against relevant policies at the appropriate time. Including access points does not make it a foregone conclusion that further development will be permitted, but on the same token, it keeps the option open if or when further development is required.
- 6.15 Officers do not propose any amendments to remove these potential connection points from the layout.

General principles

- 6.16 Officers consider that the proposed layout is acceptable for this location, that the development includes open spaces at logical locations that will minimise visual impacts on the wider area and provide for sustainable drainage features. The layout seeks to follow

well established 'secured-by-design' principles by having properties laid out front to front and back to back.

Garden and dwelling sizes

- 6.17 Policy HG9 in the adopted Local Plan sets minimum private amenity standards for new dwellings which require a minimum of 100 square metres for any house of 3 or more bedrooms, 75 square metres for any 2 bed house and 50 square metres for any 1 bed house.
- 6.18 The majority of the plots on this development achieve these minimum requirements and generally exceed the requirements comfortably. The only exception are the five properties on plots 27 to 31 which are specifically designed in an 'almshouse style'. Officers have explored this with the developers who have explained that they are trying to retain some smaller, more affordable market units within the scheme by deliberately trying to discourage extensions being built in the future, and making the houses bigger with additional bedrooms. These homes are being provided with first time buyers in mind. The smaller gardens have been offset with an over provision of public open space for people to be able to enjoy on a communal basis. Officers are satisfied that the shortfall represents only affects a small number of dwellings and that generally across the site the standards are met and exceeded very comfortably. **[These gardens have now been increased in size to be policy compliant].**
- 6.19 For dwelling sizes, neither the adopted Local Plan nor the emerging plan contains specific standards as these are to be required at a national level through the building regulations. However, the properties proposed have gross internal floor areas (GIA) are generally in excess of the minimum requirements that were being promoted by the Council, in line with the London Design Guide, in the earlier iteration of the draft Local Plan. The 2-bed properties on the site have GIAs of between 62 and 110 sqm; the 3-bed properties range from 127 to 134 sqm; and the 4-bed properties range from 162 to 228 sqm. **[The affordable gifted units have now been increased in size from 62-75sqm up to 79-93sqm].**

Landscape

- 6.20 The applicants have submitted landscaping proposals for the development. This shows the provision of trees and hedges for individual properties as well as trees and planting associated with the open space and the site boundaries. The landscaping scheme for the development proposes. The landscaping proposal is required as a condition of the original outline planning permission and the Council's Principal Tree and Landscape Officer has considered the proposal in detail and is satisfied that it represents an acceptable approach.

Scale

- 6.21 The proposed height of properties throughout the site is acceptable for the area with particular care taken to ensuring that the bungalows are located in central parts of the site where visual gaps between the village green and the woodland might exist. The properties adjoining those in Moors Close are set back well in excess of minimum back to back standards and are at a plot density that is in keeping with the existing established pattern of

development. Concerns over private amenity, overlooking or loss of light are therefore kept to a minimum.

Appearance

- 6.22 The key consideration for in relation to the appearance of this development is its impact upon the setting and appearance of the Great Bentley Conservation Area. Whilst the site does not itself form part of the designated Conservation Area, there are key gaps in the built frontage of development around the green. These afford some glimpse views out to the site and the woodland beyond and, as a result, there is potential for new development to be visible and have a visual impact upon what can be seen from the village green. As explained above, the applicants have revised the proposed layout to include a more substantial undeveloped gap within the centre of the site and the properties will be set well away from Heckfords Road itself.
- 6.23 Turning to the individual design of properties, being a site that backs onto existing established development and that will not be readily visible from main public viewpoints within the Conservation Area, there is no set theme of design or architecture that development should be expected to follow. Also, the architecture throughout Great Bentley is fairly mixed and there is no obvious prevailing style to follow or reflect. The range of traditional designs within the scheme are considered acceptable to Officers for this location.
- 6.24 House Type 1 is a 3-bedroom bungalow of simple traditional design. There are nine of these bungalows mixed within the development. The almshouses comprise a terrace of five smaller 1 ½ storey 2-bed terraced houses arranged around an area of open space with smaller rear gardens and parking spaces to the rear.
- 6.25 House Type 3 is a 2bedroom house of traditional design with a simple porch and symmetrical window layout, of which there will be four within the development. House Type 4A is 4-bed gable fronted house with an integral garage – again there will four of these within the development. House Type 5 is a 3-bed house, gable fronted with a bay window of which there will be five. House Types 6 and 6A represent 5 x 4-bed houses – one type with a attached garage and the other variation with a room above the attached garage and a design that includes a symmetrical window layout and bay window features on one side.
- 6.26 House Type 7 is a more substantial 4-bed house type with a double garage and more decorative features around the front door, of which there will be 7 on site. House Type 8 follows a neo-Georgian grand design with sash windows and lighter materials of which there will be five. House Type 9 is another large 4-bed unit with more substantial decorative features around doors and windows of which there will be three.
- 6.27 The three affordable units to be transferred to the Council are in a terrace, in simple but traditional form with the larger 3-bed property forming a gable end to the scheme. **[Revisions to the design have been made to include more attractive decorative features, bringing the affordable units more in line with appearance of some of the private houses].**

Flood Authority Objection

6.28 Officers note the objection from Essex County Council in its capacity as the local Flood Authority, requiring a detailed drainage scheme. However, as one of the pre-commencement conditions on the outline application is to secure a drainage plan, Officers do not see it necessary to withhold reserved matters approval. The details will need to be provided and agreed by the Council in consultation with ECC before any development can commence.

Discharge of planning obligations

6.29 Outline planning permission was granted following the completion of a s106 legal agreement dated 5th September 2016 entered into by the Council, Essex County Council, the landowners and the developers. The s106 agreement contains for schedules of obligations as summarised below.

Schedule 1 – Education Contribution and Secondary School Transport Contribution

6.30 Schedule 1 requires the owner/developer to make financial contributions of towards early years and childcare, primary education and secondary school transport based on Essex County Council’s standard formula. Half of the money has to be paid to Essex County Council before development commences and the other half of the money must be paid before 26 of the dwellings can be occupied. After ten years, the owner/developer can request that any unspent money be returned.

Schedule 2 – Affordable Housing

6.31 Schedule 2 requires three of the dwellings to be built and transferred to the Council for £1 each before 60% of the market dwellings, I.e. 28 of the dwellings can be occupied. The three affordable dwellings are identified in the submitted plans.

Schedule 3 –Open Space

6.32 Schedule 3 requires the owners to submit an open space specification and management plan for the Council’s approval before any of the new dwellings can be occupied and that the open space itself be laid our ready for use before 80% (i.e. 40) of the dwellings can be occupied.

Schedule 4 – Health Contribution

6.33 Schedule 4 requires a sum of just over £15,000 to be paid to the Council before 26 of the dwellings can be occupied, This will them be transferred to the NHS for providing healthcare facilities at the Hollies GP practice. The money has to be paid pack to the developer if it has not been spent within 5 years of receipt.

Schedule of accommodation

Plot	Size/Type	Gross internal area (sqm)	Garden size (sqm) approx.	Parking	Policy compliant ?
Plot 1	4 bed house	172	570	3	Yes

	(HT-8)				
Plot 2	4 bed house (HT-7)	183	360	4	Yes
Plot 3	2 bed bungalow (HT-1)	110	156	3	Yes
Plot 4	3 bed house (HT-5)	128	300	3	Yes
Plot 5	4 bed house (HT-6A)	190 sqm	288	3	Yes
Plot 6	4 bed house (HT-8)	172 sqm	400	6	Yes
Plot 7	3 bed house (HT-5)	128 sqm	280	2	Yes
Plot 8	2 bed house (HT-3)	100 sqm	280	2	Yes
Plot 9	3-bed house (HT-4A)	134	132	2	Yes
Plot 10	4 bed house (HT-8)	172 sqm	310	6	Yes
Plot 11	4 bed house (HT-7)	183 sqm	320	4	Yes
Plot 12	4 bed house (HT-9)	228 sqm	200	4	Yes
Plot 13	4 bed house (HT-6)	163 sqm	200	2	Yes
Plot 14	2 bed house (HT-3)	100 sqm	140	2	Yes
Plot 15	3 bed house (HT-5)	128 sqm	120	2	Yes
Plot 16	2 bed house (HT-3)	100 sqm	130	2	Yes
Plot 17	2 bed affordable house (HT-10)	79 sqm	108	2	Yes
Plot 18	2 bed affordable house (HT-10)	79 sqm	120	2	Yes
Plot 19	3 bed affordable house (HT-10)	93 sqm	117	2	Yes
Plot 20	3-bed house (HT-4A)	134 sqm	450	2	Yes
Plot 21	2 bed bungalow (HT-1)	110 sqm	450	2	Yes
Plot 22	2 bed bungalow (HT-1)	110 sqm	240	3	Yes
Plot 23	2 bed house (HT-3)	100 sqm	190	2	Yes
Plot 24	3 bed house (HT-5)	128 sqm	250	3	Yes
Plot	2 bed bungalow	110 sqm	280	3	Yes

25	(HT-1)				
Plot 26	4 bed house (HT-6A)	190 sqm	300	3	Yes
Plot 27	2 bed house (HT-2)	98 sqm	77	2	Yes
Plot 28	2 bed house (HT-2)	98 sqm	75	2	Yes
Plot 29	2 bed house (HT-2)	98 sqm	75	2	Yes
Plot 30	2 bed house (HT-2)	98 sqm	75	2	Yes
Plot 31	2 bed house (HT-2)	98 sqm	77	2	Yes
Plot 32	2 bed bungalow (HT-1)	110 sqm	150	3	Yes
Plot 33	2 bed bungalow (HT-1)	110 sqm	220	3	Yes
Plot 34	4 bed house (HT-7)	183 sqm	320	4	Yes
Plot 35	3-bed house (HT-4A)	134 sqm	100	3	Yes
Plot 36	3 bed house (HT-5)	128 sqm	140	2	Yes
Plot 37	4 bed house (HT-7)	183 sqm	200	4	Yes
Plot 38	3-bed house (HT-4A)	134 sqm	100	2	Yes
Plot 39	4 bed house (HT-7)	183 sqm	200	4	Yes
Plot 40	2 bed bungalow (HT-1)	110 sqm	170	2	Yes
Plot 41	2 bed bungalow (HT-1)	110 sqm	200	2	Yes
Plot 42	2 bed bungalow (HT-1)	110 sqm	160	2	Yes
Plot 43	4 bed house (HT-8)	172 sqm	440	4	Yes
Plot 44	4 bed house (HT-7)	183 sqm	340	4	Yes
Plot 45	4 bed house (HT-6A)	190 sqm	300	2	Yes
Plot 46	4 bed house (HT-9)33	228 sqm	680	4	Yes
Plot 47	4 bed house (HT-8)	172 sqm	300	4	Yes
Plot 48	4 bed house (HT-9)	228 sqm	800	4	Yes
Plot	4 bed house	183 sqm	290	4	Yes

49	(HT-7)				
Plot 50	4 bed house (HT-6)	163 sqm	170	2	Yes

Conclusions

6.34 The principle of development has already been established through the grant of outline planning permission and the reserved matters proposal **[with the applicant's revisions]** is considered by Officers to be acceptable. The recommendation is therefore approval.

Background Papers

None.

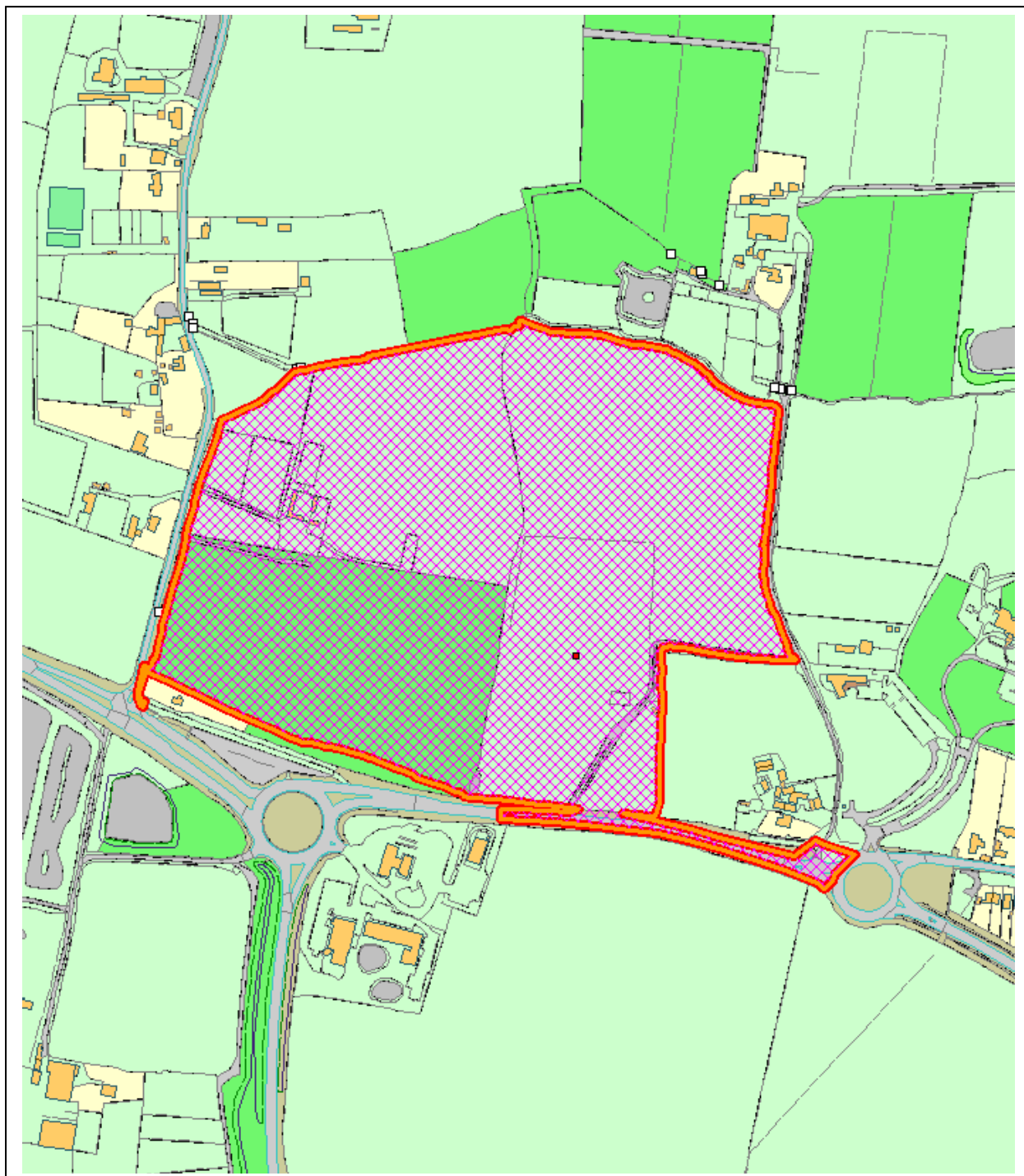
This page is intentionally left blank

PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 16/01847/OUT – LAND NORTH OF COLCHESTER ROAD, WEELEY, CO16 9AG



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/01847/OUT	Town / Parish: Weeley/Tendring
Applicant:	Taylor Wimpey UK Ltd	
Address:	Land North of Colchester Road, Weeley, CO16 9AG	
Development:	Outline planning application for up to 380 dwellings, approximately 2.8ha of B1 employment land (including a local centre (A1 and D1/D2 use), land for a primary school together with associated amenity and open space provision, landscaping and access.	

1. Executive Summary

- 1.1 This is an outline planning application seeking approval for the principle of a major mixed-use development on land to the north west of Weeley village, straddling the parish boundaries of Weeley and Tendring. The development proposes up to 380 dwellings; land for business, retail and community uses; land for a new primary school along with open space, landscaping and access from Colchester Road.
- 1.2 In the emerging Local Plan as currently published, Weeley is identified as an 'expanded settlement' with the potential to accommodate between 304 and 1,411 new dwellings, depending on whether the 'objectively assessed housing need' for Tendring is confirmed at 550 or 600 dwellings per annum. The sites earmarked for potential development include land south of Colchester Road (rear of Tendring Park Services), land east of the village (south of Thorpe Road) and land north of the village off Crow Lane. However, the Local Plan Committee has now agreed the lower figure of 550 dwellings per annum and, as a consequence, the submission version of the Local Plan is to be amended to reduce the housing allocation for Weeley to the lower level of around 304 dwellings, all to be built on land east of the village.
- 1.3 This application site north of Colchester Road does not feature as an allocation in the emerging Local Plan and is only shown, in part, as a notional location for future employment uses – a designation also set to be removed from the plan. The proposed reduction in the housing numbers proposed for Weeley will result in the deletion, rather than addition of housing sites and notwithstanding the current (but rapidly reducing) shortfall against five-year housing supply requirements and the need to judge applications on their merits against the government's 'presumption in favour of sustainable development', Officers are recommending refusal of this application.
- 1.4 With Weeley no longer being promoted as a location for growth on such a strategic scale, this development would be isolated from the main built up area of the village, would have a poor physical relationship with Weeley and would bring about a considerable and unnecessary change in the character of the area. There are also genuine concerns about such a development proposal being considered ahead of the completion of the new Local Plan without a clear understanding of the likely cumulative impacts on education, health and highways and the measures that would need to be put in place to address these matters.

- 1.5 The proposals for major growth around Weeley are the most controversial in the draft Local Plan and have attracted a considerable level of objection from residents. This particular planning application has attracted a small number of individual objections but there are mixed views within the community. Weeley Parish Council objects to the proposal, but Weeley Residents Association has suggested that if the village has to grow, this site would be the preferred location. They do not object to the proposal in principle but would want to see the dwelling numbers reduced and land south of Thorpe Road deleted from the Local Plan.
- 1.6 The highway authority is not satisfied with the applicants' Transport Assessment and has issued a holding objection and the educational authority has requested the provision of a two-form entry primary school as opposed to the one-form entry school proposed by the applicant. The application is therefore also recommended for refusal on highways and education grounds as well as the lack of a s106 legal agreement, but there is a possibility that these issues could be addressed as part of the appeal process, if the developer were to go down than route.
- 1.7 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Weeley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would, in isolation, be physically separate from the established built up area, would be poorly related to the settlement pattern of the village and would represent an illogical intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.

- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- Essex County Council in its capacity as the local education authority has advised that existing primary schools in the Weeley and wider area have limited available capacity and that a two-form entry primary school would be required to meet the needs arising from this development and potentially others in the area. The applicants are only making provision for a one-form entry primary school, contrary to the local education authority's advice so it is uncertain whether or not the impact of this development upon school places will be adequately addressed.
- No s106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 The NPPF, in Section 1, seeks to foster the conditions for a strong, competitive economy. It encourages local authorities to plan proactively to meet the development needs of business and seek to address potential barriers to investment, including a poor environment or any

ack of infrastructure, services of infrastructure. It requires that Local Plan policies should be flexible enough to accommodate business needs not anticipated in the plan period and to allow a rapid response to changes in economic circumstances.

- 2.5 Section 4 of the NPPF deals with sustainable transport and requires all developments that will generate significant amounts of movement to be supported by a Transport Assessment. Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken. A key tool to facilitate sustainable transport modes will be in the form of a Travel Plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are 'severe'.
- 2.6 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.7 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan

Local Plan Policy:

- 2.8 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL8: Mixed-Use: Promotes mixed-use developments – but particularly within settlement development boundaries, town centres and urban regeneration areas.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

ER7: Business, Industrial and Warehouse Proposals: Sets out criteria for the consideration of proposals for business, industrial and warehouse developments.

ER10: Small Scale Employment Sites in Villages: States that small scale employment development including small enterprise centres will be permitted in villages provided they can meet the criteria set out in Policy ER7.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities: Supports the development of appropriate community facilities depending on their accessibility to local people, impact on local character and amenities, parking and traffic impacts and infrastructure constraints. Outside of settlement development boundaries, there needs to be a proven local need for the facility and no other suitable site available within the settlement itself.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building: Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Weeley as a 'expanded settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations. Weeley is currently identified as a location for major expansion but is set to be re-classified as a rural service centre in the final submission version of the Local Plan with a significant reduction in proposed housing.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities, where appropriate, by providing on site or contributing towards new or enhanced facilities to meet needs arising from the proposed development or growth.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP3: Village and Neighbourhood Centres: Proposes a new neighbourhood centre for Weeley Garden Village, although the garden village or 'expanded settlement' proposal for Weeley is set for deletion from the final submission draft.

PP7: Employment Allocations: Identifies 40 hectares of land for new employment use including 5 hectares broadly in the location of the application site.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: States that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest and its character, appearance and fabric. Developments have to be explained and justified through an informed assessment of the significance of the heritage asset and its setting and need to be of a scale and design and use materials and finishes that respect the listed building and its setting.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

3.1 The site has the following planning history:

96/01487/FUL	Car boot sales on 28 days. Temporary consent for 1 year	Refused	21.01.1997
97/01297/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years	Approved	02.12.1997

99/01691/FUL	Car boot sales on 28 days each year - renewal of temporary consent TEN/97/1297 for five years	Approved	10.01.2000
04/02276/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years (Renewal of TEN/99/01691)	Approved	25.01.2005
10/00047/FUL	Use of land for car boot sales on 28 days each year (variation to temporary planning permission TEN/04/02276/FUL).	Approved	28.04.2010
14/00103/FUL	Continued use of previously approved car boot sale site and additional area for a maximum of 66 car boot sales each year (in accordance with drawing no. WBS 2C) and use of the site for a maximum of 25 outdoor events each year including farmers markets; shows and exhibitions (in accordance with drawing no. WBS 2B). Replacement of existing portable toilet cabin with utility building to house new toilet facilities.	Approved	28.04.2014
15/00826/FUL	Proposed small petting farm.	Approved	

4. Consultations

**TDC
Regeneration**

We do not support this planning application. The site is identified for employment use in the Council's emerging Local Plan and as a major employment site in the Council's Employment Land Review. This report also identifies a shortfall in the district-wide availability of employment land and we therefore believe it is essential that this site is not lost to alternative uses and that its proposed status as a key employment location is protected.

**TDC
Environmental
Health**

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. A number of conditions are suggested if the development is to be approved.

**TDC
Principal Tree
& Landscape
Officer**

Broadly speaking the application site can be divided into two distinctly separate areas of land. The eastern section is set to grass and is used as a seasonal car boot sale. There are no trees or other significant vegetation in the main body of this part of the application site. The western section of the land is well populated with trees and other low vegetation such as sections of hedgerow and patches of bramble.

The site is divided by a strong landscape feature comprised of a line of hybrid Poplars, almost certainly planted as a windbreak associated with a previous use of the land as orchard. Otherwise the most visually important trees and hedgerows are situated on the perimeter of the land.

The application site is affected by Tree Preservation Order TPO/91/19 Broomfield Orchard, Crown Lane & Hawk Fruit Farm. The TPO affords formal legal protection to 2 oaks situated on the northern boundary on the application site. The trees are situated close to the footbridge on the Public Right of Way (PROW) on the northern boundary of the application site at the point the PROW turns northwards.

In order to show the impact of the development proposal on the trees on the land the applicant has provided a tree survey and report. This information in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations. The report shows the impact of the development proposal on the trees on the land. It identifies those that would need to be removed in order to develop the land and those that can be retained.

The report shows that the largest trees on the perimeter of the land will be retained but that most of the centrally situated trees and other vegetation would need to be removed. Simply in terms of the impact of the development on the trees and the contribution that they make to the local landscape character the development proposal makes provision for the best and most prominent trees that are situated on the perimeter of the site. The harm caused by the removal of the centrally situated vegetation could be mitigated by securing new soft landscaping.

The indicative site layout makes provision for the retention of the row of hybrid Poplar running from north to south. Whilst this currently an important landscape feature careful consideration should be given to its retention or removal and replacement with more appropriate species taking into account the possible future use of the land. This tree species was planted for a specific purpose and has a propensity to shed large limbs if their size is not controlled.

The applicant has also submitted a Landscape and Visual Impact Assessment (LVIA) to show the impact of the development on both the character of the landscape and the way that it is perceived and enjoyed by the public.

The LVIA accurately describes the effect of the proposed development on the character of the local landscape and recognises that harm would be caused if the development were to proceed.

The assessment concludes that the harm would not be significant and that the identified harm could be mitigated by measures including new tree, hedgerow and shrub planting combined with the retention of the existing strong landscape features. The LVIA contains a Landscape Strategy that, if adhered to, would allow the development to be reasonably well assimilated into the landscape.

Should consent be likely to be granted it will be important to secure the physical protection of the retained trees and details of soft landscaping. It is not considered necessary to make a new tree preservation order in respect of any of the trees on the boundary of the application site as the development proposal does not threaten their removal.

TDC Open Space and Play

There is currently a deficit of 2.18 hectares of equipped play and formal open space in Weeley. There are two play areas in Weeley; one located at Hilltop Crescent and one along Clacton Road, both of which are classified as Local Equipped Areas for Play. Due to the limited provision in Weeley, in terms of both play and formal open space the onsite provision proposed in this application would go towards reducing the deficit. It is noted that open space and play space will be incorporated within the development. Should the developer wish to transfer the open space and play facilities to the Council upon completion, a commuted sum will be required towards the cost of future maintenance.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application as the information provided with this application does not allow for a full assessment of the proposed impact on the highway infrastructure. The concerns relate to:

- Trip generation for different uses on the site;
- Trip distribution for the new residents;
- Traffic flows and the timing of the peak period;
- Projections of traffic growth;
- Detailed assessment of impacts on junctions;
- Assessing the impact on the A120link/A133 Frating roundabout;
- Taking into account sites that have already gained planning permission that might also affect the road network in this area, as well as other proposals under consideration in Weeley; and
- Sensitivity testing.

The proposal therefore currently appears to be contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

ECC Schools

This development can be expected to generate a demand for up to 114 primary school and 76 secondary school places. The development will also generate a significant need for Early Years and Childcare (EY&C) places but an accurate estimate of demand cannot be provided until the mix of non-residential uses is known.

The level of financial contribution to build the required education and childcare infrastructure should be based on the pro-rata cost of a notional two form entry (2fe) primary school with a 56 place EY&C provision, costing £7,290,000. The land required for a 2fe primary school with childcare facility would need to be 2.1 hectares and the land would need to be rendered fit for purpose, in line with ECC's Developer Guide. Based on this figure, each early years and childcare place is estimated to cost

£18,424.82 and each additional primary place £14,900.50. The developer should ensure that safe and direct walking/cycling routes are available to the nearest school.

The actual establishment of any new school is subject to the outcome of statutory consultation. Any s106 agreement should thereby grant ECC or their nominee an option to take transfer of the land, at nominal cost (usually £1). The option period should open no later than occupation of 50 homes on the development and close 10 years thereafter or, if later, on completion of the development.

A number of standard planning obligations will be necessary to ensure the education land is rendered fit for purpose and acceptable to ECC. The development will need to submit a Land Compliance Study, and likewise with the final mix of unit types and non-residential land uses yet to be decided, the contributions towards the facilities identified above should be formula based to ensure CIL regulation 122 compliance. Essex Legal Service's standard s106 template should be used as the basis for drafting, to avoid any unnecessary delay or expense in agreeing terms.

With regard to secondary provision, the proposed development is located within the Clacton secondary forecast group which has an overall capacity of 5,065 places and which is forecast to have a deficit of 476 places by the school year 2020-21. A contribution for additional school places is therefore requested. The estimated cost of the project is £1,410,636 which equates to £18,561 per place. Based on demand generated by this proposal, a developer contribution of £1,410,636 is sought to mitigate the impact on local secondary school provision.

ECC's Youth Service has asked that larger developments deliver commensurate social opportunities for older children and two pieces of infrastructure are suggested to address this need. Firstly a 'youth shelter' should be provided in a location in the public eye, but away from conflicting/noise sensitive occupants. Secondly skate board facilities would be a welcome amenity for children that have outgrown traditional play area facilities. .

If the Council is minded to turn down the application, the anticipated lack of education and childcare provision can be noted as an additional reason for refusal.

Anglian Water

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 Treatment: The foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre that will have available capacity for these flows. Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will require a condition requiring compliance with the agreed drainage strategy.

Surface Water Disposal: 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 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 operate assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Trade Effluent: The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that an informative to explain this be included within your notice should permission be granted.

NHS England

This development is likely to have an impact on the services of one GP practice in the locality (Great Bentley Surgery – The Hollies). This practice does not have capacity for the additional growth resulting from this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

The development would give rise to a need for improvements to capacity. This could be by way of developer provision of suitable land for a new health facility or an appropriate capital contribution towards the relocation of Great Bentley Surgery, subject to negotiation and agreement between the relevant parties.

Provision of suitable land for a new health facility or a developer contribution of £131,859 is required to mitigate the impacts of this development proposal.

Natural England

There is currently insufficient information on soils and land quality to enable Natural England to provide a substantive response to this consultation.

Essex County Council Flood Authority

Having reviewed the Flood Risk Assessment and further information submitted by the applicant in December 2016, we do not object to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

Essex County Council Archaeology

A Desk Based Assessment has been submitted with the application which provides background on the known archaeological remains in the wider area and highlights the lack of archaeological investigation that has been carried out within the area. It concludes that the site contains known undesignated heritage assets of local to regional importance. Further unknown assets of local to regional importance and further unknown

Heritage assets of similar importance could potentially be present. The site is crossed by water courses and lies along a historic main route, Roman and Iron Age finds have been recovered from the surrounding area which would indicate settlement and/or activity nearby. Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits;
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

5. Representations

5.1 There is a very high level of local objection to the Local Plan in respect of major growth in Weeley. For this particular planning application the Council has received 6 individual public objections which highlight the following matters of concern:

- The Local Plan Committee has voted to re-categorise Weeley as a rural service centre with only 304 houses proposed;
- It would make more sense for new housing to be built onto the back of the existing housing estate in Weeley;
- Infrastructure in the village cannot cope with a development of this size;
- 380 homes could lead to 1,500 additional residents;
- Increase in traffic, congestions and risk to pedestrian safety;
- The new school will also bring about more school-run traffic;
- Concern that some of the trees would be lost to make way for the development;
- Risk of surface water flooding and flooding from the boundary ditches;
- The number of dwellings exceeds, significantly, the 304 to be kept in the revised Local Plan;
- The majority of residents in Weeley do not wish to see major development in the village;
- Increases in noise and light pollution;
- Loss of greenfield land;
- The site is only allocated for commercial use in the draft Local Plan, not housing;
- The site is poorly related to services and facilities in the village;
- The new community would not be well integrated with the village;
- Significant investment in infrastructure would be needed;
- Negative impact on the rural character of Crown Lane and increased rat-running;
- The Council's regeneration team does not support this application;
- Bus and train services in Weeley are poor;
- Assumptions in the applicants' transport assessment are not realistic;
- The busy main road would need to be negotiated by cyclist and pedestrians, including young children;
- It would be a detached and essentially self-contained community over 800 metres from the existing heart of Weeley;
- The settlement pattern would not be either logical or cohesive;
- The development would create a rival centre instead of strengthening the existing one;

- Both Essex County Council and Anglian Water have raised concerns about foul drainage and surface water drainage; and
 - The proposed two new bus stops will also create traffic problems.
- 5.2 One representation of outright support has been received from a resident who says we need more houses, existing schools in the area are getting overcrowded and Weeley is a beautiful location. They say that the development would be fantastic for the community and would not affect many people because of its location.
- 5.3 Another resident offers provisional support for the proposal on the basis that the proposed use of the land for employment in the draft Local Plan would be inappropriate, unfair and disproportionate for the village but this site is a far more suitable location for mixed-use development than the Council's preferred site south of Thorpe Road which has greater historical and archaeological significance and greater agricultural value. They feel that the access would be no more dangerous than for the Thorpe Road site and the smaller employment area would be more in keeping with the size and character of the village. They would be prepared to support the application if the number of properties was reduced and the Thorpe Road site was deleted from the Local Plan.
- 5.4 Weeley Residents Association have said the following: We feel that the number of dwellings in this application far exceeds the Local Plan proposals for 304 dwellings, which we already object to as severe over-development of the existing village. However, a snap survey of 108 residents has shown that whilst the majority do not wish for any development at all for Weeley, their next preference – if there has to be development, is for the Car Boot site, the subject of this planning application. We object therefore to the number of dwellings, but do not object in principle to this application if the numbers are amended down and also if the Local Plan site shown for the land off Thorpe Road is removed.
- 5.5 Weeley Parish Council however objects to the proposal for the following reasons:
- It is outside the defined settlement boundary;
 - It is surplus to requirements as TDC has almost reached the 5 year supply number of deliverable housing;
 - Public transport links to the site are poor with a limited train and bus service;
 - This site is distanced from the centre of the village, leading to fragmentation of local services;
 - The access to the site is on a busy piece of highway midway between two roundabouts; and
 - The development is out of proportion to the population of Weeley.
- 5.6 The owners of the neighbouring Saxon Lodge boarding kennels have objected to the proposal raising the following concerns:
- The noise from the existing kennels might reach the new houses;
 - Prospective buyers might not be aware of the neighbouring kennels;
 - It could lead to noise complaints and the risk of the kennels having to be shut down; and
 - The application site boundary extends across the front of main gate in Hawk Lane – an area that we maintain.

- 5.7 They have suggested that if the development is to go ahead, consideration should be given to the use of sound barrier fencing around the border, the inclusion of purpose-built bridleways in the scheme and a reduction in the speed limit along that section of the B1033.

6. Assessment

The Site

- 6.1 The application site comprises 20.2 hectares of undeveloped greenfield land to the north of Colchester Road (B1033/A133), east of Crown Lane and west of Hawk Lane and straddles the parish boundary of Weeley and Tendring. The site is situated to the north and east of Saxon Lodge boarding kennels and north of the residential property Elisabeth Cottage in Crown Lane. There are horticultural, agricultural and residential properties on the opposite site of Crown Lane (including a listed building), land and buildings associated with Hawk Farm to the north east off Hawk Lane with more open countryside to the north east. South of the site, lies the main A133/B1033 roundabout and Tendring Park Services with pedestrian footpath/cycleway bypass between the site and the roundabout. There is a public right of way along part of the northern edge of the site.
- 6.2 The land is generally flat and is in two distinctly separate areas with the eastern section set to grass and used as a seasonal car boot sale. This section of the site contains no trees or other significant vegetation within its main body. The western section of the site however does contain a significant number of trees, sections of hedgerow and patches of bramble. There is a significant line of Poplar trees separating the two sections of the site and there are significant trees and hedges around the perimeter of the site.

The Proposal

- 6.3 This outline planning application with all matters reserved, except for access, seeks approval for the principle of erecting up to 380 dwellings, providing approximately 2.8 hectares of B1 employment land including a local centre containing retail and community uses, land for primary school as well as open space and landscaping. Vehicular access would be taken direct from Colchester Road, broadly in the same position that the current boot sale site is accessed.
- 6.4 An indicative development framework plan has been submitted to set out, in broad terms, how the applicant would envisage the site being developed. The framework plan shows a 2.8 hectare employment site at the eastern end of the site, accessed via a new access road from Colchester Road. The employment site would include 2.3 hectares for business use including offices, light industrial and general industrial development as well as 0.5 hectares, closest to the main road for a local centre which could contain shops and community uses such as medical or communal facilities. The new employment area would lie immediate west and north of Saxon Lodge kennels.
- 6.5 The majority of the land would contain residential development to be accessed separately from the employment from the new access road. The scheme shows substantial areas of planting and open space around the perimeter of the site, the retention of the corridor of Poplar trees through the centre, with just a couple of points where the access road and footpath breaks through. 1.09 hectares of land is shown, in the very centre of the site, for a

new primary school which, at this size, would be for a one form entry (1fe) facility. The proposal makes provision for a network of sustainable drainage features.

- 6.6 The applicants have also provided an illustrative masterplan which shows, in more detail, how the development could potentially be laid out. Although this level of detail would be reserved for approval at a later stage, it is helpful to see how the type and level of development proposed could potentially fit onto the 23.3 hectare site.
- 6.7 Detailed drawings have submitted for the proposed junction onto Colchester Road which show the creation of a dedicated right turn lane for access into the site along with footways and a pedestrian/cycle crossing point further east. Drawings have also been provided showing a foot/cycle link at the Crown Lane end of the development as well as a proposed emergency, pedestrian and cycle access.

Architectural Drawings

- CSA/2632/102 Rev. B Location Plan
- CSA/2632/103 Rev. E Development Framework Plan
- CSA/2632/112 Rev. C Landscape Strategy
- CSA/2632/113 Rev. A Illustrative Masterplan
- ITL11228-SK-006 Rev. B Proposed Access on B1033
- ITL11228-SK-010 Proposed Emergency/Pedestrian/Cycle Access on Crown Lane

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Arboricultural Report
- Ecological Impact Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Landscape and Visual Impact Assessment
- Noise and Air Quality Assessment
- Noise and Air Quality Assessment
- Preliminary Services Appraisal
- Statement of Community Involvement
- Transport Assessment
- Travel Plans (Commercial, Residential and School)

Main Planning Considerations

- 6.8 The main planning considerations are:
- Local Plan and Housing Supply Position;
 - The principle of development;
 - Highways, transport and accessibility;
 - Education provision;
 - Healthcare provision;
 - Landscape, visual impact and trees;
 - Flood risk and drainage;
 - Ecology;

- Heritage;
- Council Housing/Affordable Housing;
- Open space;
- Layout and density; and
- Overall planning balance.

Local Plan and Housing Supply Position

- 6.9 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.10 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.11 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.12 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides. The sites proposed to be deleted from the Local Plan are land off Crow Lane to the north of the village and land south of Colchester Road/to the rear of Tendring Park Services.

- 6.13 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.14 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.15 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.16 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that, in general terms, the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of Development

- 6.17 The application site is located to the north west of the village of Weeley and is outside of and physically separate from the settlement development boundary and the established built up area defined in the adopted Local Plan. In the emerging Local Plan, the site is outside of the proposed settlement development boundary but adjoins it by virtue of the land south of Colchester Road being allocated for mixed-use development and, as a consequence, being included within the revised boundary. However, as explained above, this allocation is proposed for deletion in the final submission draft. Land north of

Colchester Road is however shown as a notional location for employment-related development in the emerging Local Plan.

- 6.18 Settlement development boundaries are designed to restrict new development to the most sustainable sites and outside of the boundaries the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Because the site lies outside of the settlement development boundaries and is not allocated for residential development in either the adopted or emerging Local Plan, this proposal is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.19 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Weeley is currently categorised in emerging Policy SPL1 as the only 'expanded settlement' in the district, making it the focus for a strategic-led development, comprising a number of individual mixed use and residential sites to deliver expanded community facilities, retail and employment space, education and other facilities along with other necessary infrastructure. However, Weeley is set to be re-classified as a 'rural service centre' for the purposes of the final submission draft now that the lower housing figures have been confirmed. It should be noted that the proposals for major growth around Weeley were the most contentious issue in the Local Plan amongst local residents, attracting the most objections during last year's consultation stage.
- 6.20 In being re-classified as a rural service centre, Weeley will join Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth and Thorpe-le-Soken in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres will be the next most sustainable category of settlement following 'strategic urban settlements' and 'smaller urban settlements'. Therefore, a level of housing development for Weeley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed. As currently drafted, the emerging Local Plan envisages rural service centres will accommodate a level of housing that is fair, achievable and sustainable and that will make a meaningful contribution towards addressing housing needs, supporting the village economy and assisting with the overall housing growth proposed for the district.
- 6.21 However, this development would be a significant departure from what is envisaged for a rural service centre both in its size in terms of dwelling numbers and its location being physically separate and poorly related to the existing built up area of Weeley. If considered in the context of an expanded settlement where land immediately south is to accommodate major development, this might have not been such an issue; but with the proposed deletion of the land south of Colchester Road from the Local Plan, this application site is isolated with a very weak relationship with the village.

- 6.22 The employment element of the development would be broadly in line with what is envisaged, in the current version of the emerging plan, for the land north of Colchester Road. Policy PP7 provides for 10 hectares of employment land at Weeley with approximately 5ha of this to be provided on the land north of Colchester Road. The application provides for 2.8 hectares of employment land of which 0.5 would include retail and community uses. Whilst the Council is generally supportive of delivering new employment opportunities, this proposal in pure employment terms falls substantially short of the 5ha envisaged for this location and, as such, has attracted an objection from the Council's Regeneration team. That said, with the proposed re-classification of Weeley from an expanded settlement to a rural service centre and the deletion of significant housing allocations from the next version of the new Local Plan, it is also expected that the justification for a major employment site in this location will fall away and that the notional employment allocation will also be deleted from the plan.
- 6.23 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate, illogical and potentially unlimited levels of new housing.
- 6.24 Officers therefore recommend the refusal of planning permission – principally on the grounds that the proposal is contrary to the Local Plan, is unnecessary and would represent an illogical intrusion of development into the countryside that is isolated from, and poorly related to, the village of Weeley.

Highways, Transport and Accessibility

- 6.25 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the site is physically separate from the established built up area of Weeley village, it is proposed that employment opportunities and community facilities would form part of the development and footpath and cycleway connections could be extended to existing facilities in and around the village, with the provision of safe crossing points in the right locations. In terms of existing facilities, the site is located a short distance from Tendring Park Services which contains a petrol filling

station and convenience shop, a McDonalds restaurant, pub/restaurant, hotel and a vehicle hire company. The site is approximately 1.2 kilometres from Weeley railway station, 800 metres from the Black Boy Pub and 1 kilometre from the Post Office/Shop and bakery in The Street.

- 6.27 Whilst Weeley enjoys a level of accessibility that partly justified its categorisation originally as an expanded settlement and its proposed re-categorisation as a rural service centre in the emerging Local Plan, a development containing a large amount of housing, employment opportunities and community facilities including a primary school is still likely to generate a significant amount of travel, by car, in and out of the village – particular given the site's proximity to the A133 and A120, the main routes in and out of the district. The impact of development on the capacity and safety of the A133 therefore requires special consideration and the both this Council and Essex County Council already recognise that the stretch of the A133 between Weeley and Frating is a problem in terms of capacity, particularly in peak times.
- 6.28 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.29 The applicants have produced a full Transport Assessment which includes their consideration of the transport implications of this development and Essex County Council as the highway authority have been consulted on this. Following careful consideration, ECC Highways have highlighted a number of areas where they consider the Transport Assessment to be deficient. Whilst the applicants' transport consultant is considering a response to ECC's concerns which might or might not lead to the withdrawal of their objection before a future appeal, there is a general problem with considering the transport implications of a development like this, in advance of the finalisation of the Local Plan, without an accurate idea of what the cumulative impacts of other developments might be.
- 6.30 Knowing that there is an issue with capacity on the A133 and this development is likely to exacerbate this issue, it is likely that some form of mitigation in the form of off-site highway improvements to the carriageway and/or junctions will be needed. Without a clearer idea of how much development will happen in the Weeley area, it is difficult to establish what level of improvement would be needed, what it would cost and who would be responsible for meeting this cost. The situation for Weeley is very complicated with two large sites being the subject of planning applications, two sites proposed for deletion from the Local Plan and an entirely different site to the east of the village that is to be kept in the plan. The Local Plan is the best vehicle for ensuring that the cumulative impacts of various developments are properly identified and properly mitigated.
- 6.31 Officers therefore recommend that the ECC Highways objection be upheld as a reason for refusal and that this application should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative highway impacts.

Education Provision

- 6.32 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that the existing primary school at Weeley would not be able to accommodate the expected number of additional pupils likely to come about as a result of the 380 new dwellings proposed on the site and that options for expanding the existing school are very limited.
- 6.33 In anticipation of major growth around Weeley, it was envisaged that a brand new primary school would be delivered through proposals in the emerging Local Plan, most likely as part of the development on land south of Colchester Road, to the rear of Tendring Park Services. However, as it is now proposed that the wider development will be deleted from the new Local Plan, the developers for the application site have made provision for a primary school as part of their scheme on a site measuring approximately 1.1 hectares – so that they are not reliant on a facility being provided by another landowner or developer.
- 6.34 Essex County Council has advised that a two-form entry (2fe) primary school with space for 420 pupils along with commensurate early years and childcare facilities on a minimum 2.1 hectare site would be required – this being the most efficient form of facility most likely to attract funding from central government. Indicatively, the developer for this proposal has only made provision for 1.1 hectares of land to accommodate a maximum 1fe entry school (210 pupils) and has declined to revise the proposal to make provision for a larger site.
- 6.35 As with highways, where it is known that a major development will necessitate a new piece of infrastructure such as off-site highway works or a new school, it is very difficult to consider individual development proposals in advance of the Local Plan where the cumulative impacts of development are uncertain. It is ECC's clear view that any new primary school should be 2fe with the potential to accommodate a larger number of pupils, in anticipation of further residential development taking place in the future. However, until the Local Plan is finalised, the Council does not know for sure how much development will take place in Weeley and how the additional pupils arising from the development will be best served through the provision of new educational facilities.
- 6.36 As well as land for a 2fe school and commensurate early years and childcare facilities at a cost of £7.3million, ECC would expect a land compliance study which, if the Council was minded to approve, would be secured through planning conditions or through a s106 legal agreement. A financial contribution of £1.4million towards secondary education has also been requested and it is asked that consideration be given to the provision of a youth shelter and skate board facilities within the scheme.
- 6.37 The applicants have not revised their indicative proposal or housing numbers to make provision for a 2.1ha site and are proceeding contrary to ECC's requirements. Officers therefore recommend refusal on education grounds, upholding ECC's position. This is another area where the application should also be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative education impacts.

Health Provision

- 6.38 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision. Again through Policy QL12 in the adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision. As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.
- 6.39 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors. As with highways and education though, it is difficult to properly consider the health requirements arising from this development without a firmer idea of what other developments are likely to come forward in the Weeley area and what cumulative impacts will need to be addressed.
- 6.40 NHS England has undertaken a Health Impact Assessment of this development proposal and has identified that the greatest impact on health services would be felt at Great Bentley surgery. The mitigation suggested by the NHS would be either the provision of suitable land for a new health facility or an appropriate capital contribution towards the relocation of Great Bentley Surgery, subject to negotiation and agreement between the relevant parties. Provision of suitable land for a new health facility or a developer contribution of £131,859 are requested.
- 6.41 The Committee will recall from its consideration of the development in Heckfords Road in Great Bentley, that the Hollies Surgery in Great Bentley is keen to expand, but ideally remain in the village. The relocation of Great Bentley surgery to Weeley is not something that the Council will want to consider outside of the Local Plan process and represents another area where this development proposal is premature. The development does however make provision for a local centre and employment area that could potentially accommodate a new surgery if needed. The alternative of a financial contribution could be secured through a s106 legal agreement if the Council was minded to approve.
- 6.42 One of the recommended reasons for refusal relates to the lack of an agreed s106 legal agreement to secure the contribution requested by NHS England but the general uncertainty over development in Weeley combined with the uncertainty over health provision again supports Officers' view that this proposal should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative health impacts.

Landscape, Visual Impact and Trees

- 6.43 The site is physically separate from the established built up area and whilst the substantial trees and hedges around the boundary provide a degree of containment, it is in a prominent location at the entry of the village where development would be highly visible and would bring about a significant change in the character of the locality. Under circumstances where Weeley is earmarked for significant expansion as part of the Local Plan with major development proposed for the large area of land immediately to the south, concerns about the visual impact of development would be considered in the context of growth in the village. However, as it is now established that the emerging Local Plan will be amended to delete much of the wider development, the impacts of the development also need to be considered in isolation.
- 6.44 The Council's Principal Trees and Landscape Officer has considered the proposal and the content of the applicants' Landscape and Visual Impact Assessment (LVIA). He concludes that the LVIA accurately describes the effect of the development on the character of the local landscape and recognises that harm would be caused if the development were to proceed. However, the harm could be mitigated through new tree, hedgerow and shrub planting and the retention of existing strong landscape features. The submitted Landscape Strategy, if followed, would allow the development to be reasonably well assimilated into the landscape.
- 6.45 Turning specifically to Trees, our Tree Officer identifies TPOs on two oak trees at the northern end of the site, close to the public right of way. The majority of trees do not have formal protection. The applicants' tree survey and report is accepted as being a robust assessment and it identifies some trees that would need to be removed to develop the land, as well as those that can be retained. The report shows that the largest trees on the perimeter of the land will be retained but that most of the centrally situated trees and other vegetation would need to be removed. The Tree Officer advises that in terms of the impact of the development on the trees and the contribution that they make to the local landscape character, the development proposal makes provision for the best and most prominent trees that are situated on the perimeter of the site. The harm caused by the removal of the centrally situated vegetation could be mitigated by securing new soft landscaping.
- 6.46 The indicative site layout makes provision for the retention of the row of hybrid Poplar running from north to south. The Tree Officer advises that whilst this is currently an important landscape feature, careful consideration should be given to its retention or removal and replacement with more appropriate species taking into account the possible future use of the land. This tree species was planted for a specific purpose and has a propensity to shed large limbs if their size is not controlled. It is not considered necessary to make a new tree preservation order in respect of any of the trees on the boundary of the application site as the development proposal does not threaten their removal.
- 6.47 If development were considered acceptable in principle, the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. As is always the case with the loss of greenfield land, there will be a degree of harm to landscape character which would be a slight adverse impact to be weighed against the benefits of development.

Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, any local concerns about the visual impact of the development and the loss of undeveloped land can be averted. Officers are more concerned that this proposal represents an isolated and illogical intrusion into the countryside and is poorly related to the existing village.

Flood Risk and Drainage

- 6.48 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.49 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.50 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

Ecology

- 6.51 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.52 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations.

- 6.53 The applicant has undertaken a phase 1 habitat assessment which has been followed by further survey work for bats, badgers, water vole, otter, dormouse, breeding birds, reptiles and great crested newts. The findings of these assessments are summarised as follows:
- 6.54 Habitats and Flora: The site and wider search area has records of 12 notable plant species and contains a mixture of 'poor' semi-improved grassland of limited ecological importance, 'good' semi-improved grassland that do provide a habitat for a variety of species, dense scrub of limited ecological significance, hedgerows and treelines of significant ecological importance at the local level, trees of local importance, ponds of significant ecological importance at the local level, ditches of limited importance and bare ground of negligible ecological importance.
- 6.55 Bats: The hedgerows, trees, ponds and grassland provide foraging and commuting opportunities for bats and woodland to the north provides potential roosting opportunities. Bat activity surveys detected a low level of common bats commuting and foraging. No bat roosts were identified on the site but some of the trees, to be retained, have low and moderate roosting suitability potential. The development of the site will necessitate the removal of grassland and scrub habitat however key commuting routes would be retained (except for those lost for vehicular access). Mitigation measures include retention of trees and commuting corridors wherever possible along with the creation of new woodland, thicket wetland and aquatic habitat across the site. Also a sensitive external lighting scheme is recommended.
- 6.56 Badgers: Whilst the boundary, scrub and grassland habitats on site provide foraging and sett-digging opportunities for badgers, no evidence of badgers was recorded on the site.
- 6.57 Dormouse: A small number of dormouse were recorded in a hedgerow along the eastern boundary of the site and it is likely that the dormice on the site make use of the nearby woodland to the north and other woodland beyond. The loss of hedgerows and treeline to vehicular access along Colchester Road would reduce potential foraging, breeding and hibernation opportunities for dormice. To mitigate against the potential significant adverse impacts, it is recommended that new woodland and thicket planting be established around the boundaries of the site and dormouse nest boxes be erected throughout the dense boundary habitats around the site. It is likely that a license from Natural England will be required for any vegetation clearance.
- 6.58 Water Vole: No evidence of water vole was recorded on the site. The ditches have shallow profiles, restricted shore-line vegetation and are seasonally dry. As such this species is considered likely absent from the site.
- 6.59 Otter: No evidence of the presence of otters was recorded and otters are deemed absent from the site with watercourse being seasonally dry.
- 6.60 Brown Hare: Whilst the surrounding area provides suitable habitat for Brown Hare, the site itself lacks any habitat of significance for this species.
- 6.61 Hedgehog: The site provides foraging and hibernation opportunities for hedgehogs within the hedgerows, scrub and within the grassland. To mitigate significant adverse impacts,

retaining and creating habitats including thicket, woodland and grassland is recommended along with leaving occasional gaps within the base of new garden fences and walls.

- 6.62 Harvest Mouse: No evidence of harvest mouse was recorded during the survey and the site largely lacks suitable habitat for this species.
- 6.63 Birds: The general survey recorded the presence of common buzzard, green woodpecker, carrion crow, great tit and magpie. The breeding bird survey identified rook nesting on the southern boundary, along with mistle thrush, song thrush, wren, woodpigeon, robin, blackbird, blue tit, goldfinch, chiffchaff, greenfinch, lesser whitethroat, chaffinch and great tit. Development of the site will require the removal of dense scrub, hedgerows and grassland habitats, primarily to the west of the site. To mitigate against a significant adverse impacts, retaining the maximum amount of hedgerow, treelines and grasslands with the provision of new thicket and woodland to be planted along with open spaces are recommended. Any clearance should take place outside of the bird nesting period unless a qualified ecologist has confirmed that no nesting birds are present.
- 6.64 Reptiles: The on-site habitats provide a range of opportunities for reptiles, but only one common lizard was recorded on the site. Clearance of dense scrub, grassland and hedgerows would need to be avoided during the hibernation period. Any reptiles discovered would need to be relocated.
- 6.65 Amphibians: Ponds on the site were not found to contain any great crested newts, but smooth newts were recorded as well as common toads. These populations are not considered sufficient in size to be of ecological importance but would benefit from wider mitigation measures.
- 6.66 Invertebrates: The western half of the site is likely to support a wide range of invertebrate species of significant local importance. The loss of grassland, dense scrub, scattered trees and ponds in the western part of the site will result in the loss of some of this habitat so to mitigate against a significant adverse impact, retaining much of the habitat whilst creating new habitat within the scheme is proposed which include pond and wetland features, new thicket and woodland planting and wildflower grassland.
- 6.67 Officers note the findings of the report and the potential to mitigate any adverse ecological impacts. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development. However, as the proposal is recommended for refusal for the reasons set out elsewhere in this report, adverse impacts can be avoided altogether.
- 6.68 Officers also note that Natural England have requested further information about soil quality which has since been provided by the applicant.

Heritage

- 6.69 Rose Farmhouse in Crown Lane is a Grade II listed timber farmhouse located to the north west of the application site. The Planning (Listed Buildings and Conservation Areas) Act

1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.70 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 132 states that as heritage assets are irreplaceable, any harm or loss (which can include harm to its setting) should require clear and convincing justification.
- 6.71 Paragraph 133 guards against substantial harm other than in very exceptional circumstances, but paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset, this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PPL9 in the emerging Local Plan broadly reflects the requirements of current national planning policy.
- 6.72 The applicant has provided a full Heritage Statement that assesses the significance of listed buildings in the area, including Rose Farmhouse, and the likely impact upon their setting. It considers that views to and from the listed building are blocked by the vegetation around the site and around the farmhouse itself and the retention and reinforcement of the hedgerows along the eastern and northern boundaries of the site, as proposed, would ensure no impact upon the significant or setting of the listed buildings. Officers concur with this assessment.
- 6.73 The Heritage Statement includes a desk-based assessment of the archaeological value of the site. The archaeologist at Essex County Council has considered this statement and has recommended that further investigation will be required if the development is to go ahead. If the Council was minded to approve the application, a condition would be applied to ensure trial trenching and recording is undertaken prior to any development to ascertain, in more detail, what archaeological remains might be present.

Council Housing/Affordable Housing

- 6.74 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with 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 30% requirement. If minded to approve

this application, up to 114 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. The lack of such an agreement is included as a recommended reason for refusal.

Open Space

- 6.75 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas and formal open space in Weeley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.76 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.77 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Potential Layout and Density

- 6.78 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 380 dwellings, 2.8ha of employment land and a primary school with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.79 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show the employment land on the eastern part of the site at 2.8ha including indicative buildings and parking areas which, in reality would reflect the size and nature of businesses looking to take up residence on the land. The local centre of 0.5 ha located at the very entrance to the site on Colchester Road is shown as a single building with associated car parking that might be broken up into a parade of units if necessary.
- 6.80 The primary school site is just shy of 1.1 hectares which is the size of site suitable for a one-form entry (1fe) primary school with commensurate early years and childcare facilities and associated playing field area. Essex County Council has suggested that only a 2fe school is likely to be supported which would require a minimum 2.1ha site. ECC would also require a more detailed land compliance study to ensure the site meets with its requirements.

- 6.81 Approximately 16 hectares would be left over for housing and associated open space and infrastructure. The residential area is shown on most of the western parts of the site and surrounds the school site. The layout shows a traditional 'perimeter block' form of development with the main areas of open space around the periphery of the site and in the southern, ecologically sensitive areas.
- 6.82 If we assume that the residential area will include, as a minimum, 10% open space reducing the net developable area to around 14.4ha, the net density of 380 dwellings would be around 26 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can achieve the Council's minimum garden standards. Being a rather isolated site with no strong connection to the established village of Weeley, there is no nearby development that the residential density ought to specifically reflect.
- 6.83 If Essex County Council's request for a 2.1 hectare school site was accepted by the applicant, the gross residential area would reduce to around 15ha and the net area would be 13.5ha. The resultant density of 380 dwellings would be 28 dwellings per hectare. If 26 dwellings per hectare were applied to the reduced residential area, the total number would also reduce close to 350 dwellings. Officers note that Weeley Residents Association have indicated that the community might have supported the development if the dwelling numbers were lower.
- 6.84 Officers consider that all of the development proposed could be accommodated on the site in a reasonable manner, even with a larger site for a larger school. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

Overall Planning Balance

- 6.85 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.86 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.87 In April 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the

confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.

- 6.88 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.89 Economic: As a mixed used development providing for a significant commercial area, a primary school and a potential local centre, the potential economic benefits of the development, if delivered as proposed, would be significant. The new housing would also generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the scheme is under construction. The overall economic effect is therefore positive – as long as the development does not lead to severe cumulative transport impacts which, based on the transport assessment provided to date, the highway authority has been unable to determine.
- 6.90 Social: The provision of an additional 380 dwellings toward meeting projected housing need is clearly a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery.
- 6.91 A new primary school is primarily needed to mitigate the impact of the additional dwellings, but at one form entry (1fe) or two form entry (2fe) would provide capacity to serve a much larger number of homes than being proposed in the scheme. There are however concerns that the applicant only seeks to provide a 1fe site whereas Essex County Council only believe a 2fe school will be supported. Because this proposal is being considered outside of the Local Plan process without a clear idea of what other developments might be contributing towards housing supply and impacting upon infrastructure in the area, it is very uncertain what the best solution in terms of school provision will be. Officers are therefore concerned that this development could prejudice an effective and coordinated approach to infrastructure provision. Similar concerns are raised about the cumulative impact on the highway network (particularly the A133) and the provision of health with the NHS unsure at present as to whether a new surgery or expanding existing surgeries would be the best way to proceed.
- 6.92 There is a mixture of local objection and support for this proposal but Officers suspect that some of the support is driven by a desire to have Weeley's housing growth located further away from existing residents than would be the case for the Council's preferred site to the east of the village. The application site is however physically separate from the established

built up area of the village and is poorly related to the centre of the existing community and, in social terms, this counts against the development.

- 6.93 Environmental: The environmental impacts of the proposal have required very careful consideration. The ecological impacts are expected to be significant with the site containing habitats for a range of wildlife including some protected species, but with the appropriate measures, this impact can be mitigated with the potential for enhancement. The impact on archaeology and the setting of the nearby listed building in Crown Lane are expected to be low and appropriate conditions could be put in place to ensure appropriate investigation and mitigation.
- 6.94 The impact on the landscape and the visual character of the area would be significant. Although the site enjoys a fair degree of containment and a suitable landscaping strategy could keep impacts to a minimum, this is a greenfield site located outside of the village on a prominently used road and a mixed development of residential and commercial buildings would bring about a significant change to the character of this prominent location. In the circumstances where Weeley is designated as a location for major growth, such an impact would be viewed in the context of meeting housing and employment needs in a planned way. However, Weeley is to be re-classified as a rural service centre and a major development to the north west of the village and the resultant impact on the intrinsic character and beauty of the countryside is not considered necessary, at least up to 2033.
- 6.95 Concerns over the impact of traffic and associated environmental pollution are noted but the highway authority is yet to be convinced that the impacts of this development on the highway network have been properly assessed and there remain questions over the potential impact on traffic and congestion on the A133.
- 6.96 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. .
- 6.97 The strategy for growth at Weeley is set to change from a large scale comprehensive and coordinated settlement expansion across a number of sites, to a single large development to the east of the village. The application site has never formed part of the Local Plan's housing allocation and, if developed, would represent an isolated and illogical development that is poorly related to the established village. It will also have a significant impact on the provision of schooling, health provision and the highway network – yet the measures that would effectively mitigate such impacts are difficult to determine without a clear idea of what other developments are likely to happen in the area. Only through a Local Plan can such cumulative impacts be properly assessed and a coordinated solution be planned; otherwise individual developments could prejudice infrastructure provision.
- 6.98 The development is contrary to the Local Plan, is not necessary, complicates and prejudices the effective and coordinated provision of infrastructure and is poorly related to the existing village of Weeley. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the application is recommended for

refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against an appeal.

Background Papers

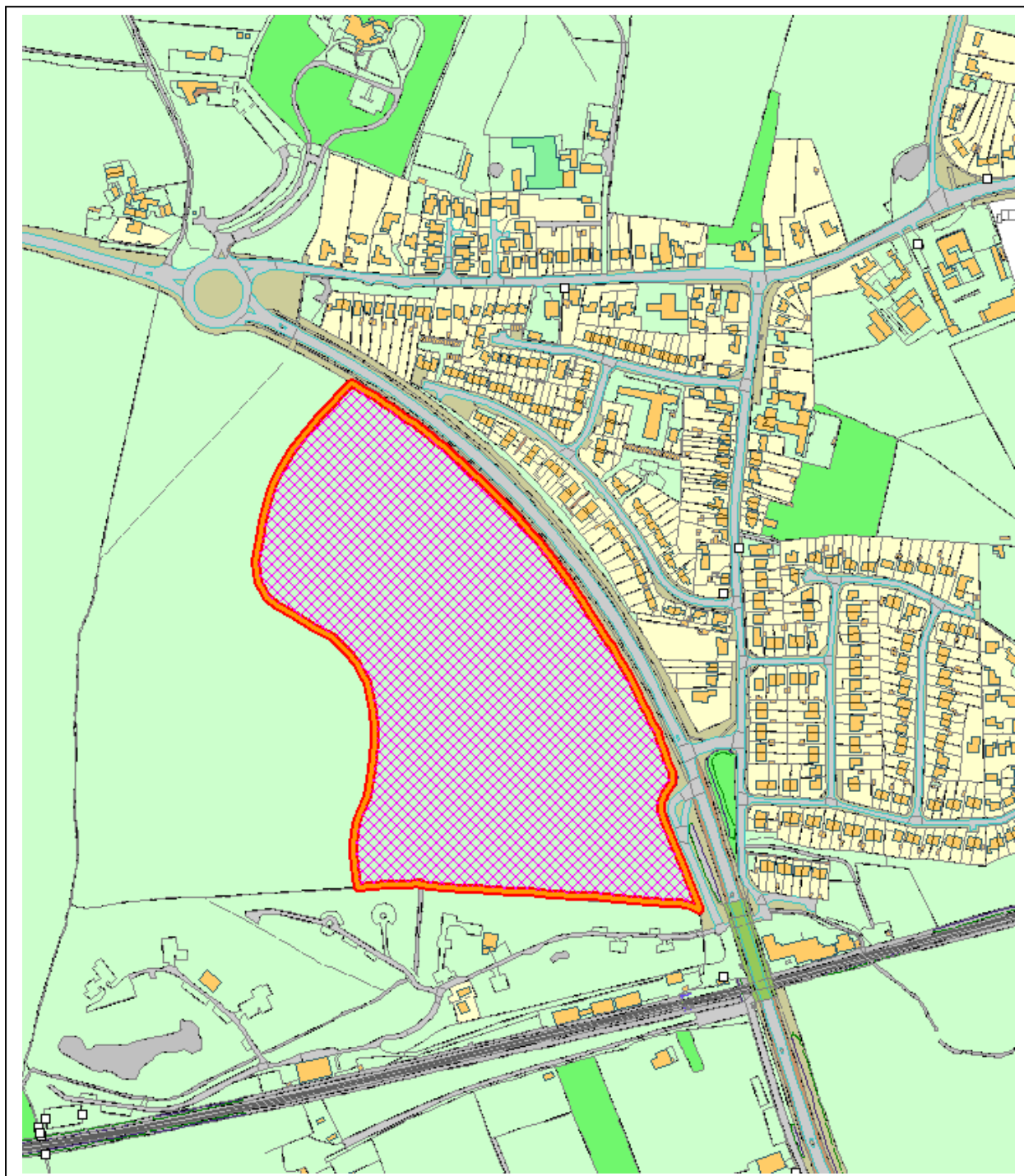
None.

PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION – 16/02131/OUT – LAND SOUTH OF COLCHESTER ROAD, WEELEY, CO16 9AG



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/02131/OUT	Town / Parish: Weeley
Applicant:	Mr. Bacon	
Address:	Land South of Colchester Road, Weeley, CO16 9AG	
Development:	Outline planning application with some matters reserved for a residential development of 228 dwellings, primary school, nursery and car park.	

1. Executive Summary

- 1.1 This is an outline planning application seeking approval for the principle of a major mixed-use development on land to the west of Weeley village. The development proposes 228 dwellings with a primary school, nursery and a car park. The site forms a part of the wider area of land rear of Tendring Park Services currently shown in the draft Local Plan as a site for mixed-use development as part of the 'expanded settlement' proposal for Weeley. This application was originally submitted as a scheme for 295 dwellings, but it was reduced to 228 dwellings to make room for a two-form entry primary school, to meet with the preferred approach of Essex County Council.
- 1.2 The emerging Local Plan is being revised following last year's public consultation. The Local Plan Committee has already agreed that this site will be deleted from the plan and will not be needed to meet objectively assessed housing needs up to 2033. The landowner had however invested considerable funds in professional advice and technical reports to support the inclusion of his land in the Local Plan and has submitted this application, for development on a portion of the site, as an alternative to the more extensive development proposal in the emerging plan – in the hope that it might still find favour with the Council whilst there remains a shortfall against our five-year housing requirements.
- 1.3 Notwithstanding the current (but rapidly reducing) housing shortfall and the need to judge applications on their merits against the government's 'presumption in favour of sustainable development', Officers are recommending refusal of this application.
- 1.4 With Weeley no longer being promoted as a location for growth on such a strategic scale, this development would bring about an unnecessary change in the character of the area. There are also genuine concerns about such a development proposal being considered ahead of the completion of the new Local Plan without a clear understanding of the likely cumulative impacts on education, health and highways and the measures that would need to be put in place to address these matters.
- 1.5 The proposals for major growth around Weeley are the most controversial in the draft Local Plan and have attracted a considerable level of objection from residents. This particular planning application has only attracted a small number of individual objections but Weeley Parish Council and Weeley Residents Association have submitted very strong objections on behalf of the community highlighting a range of concerns.
- 1.6 The highway authority is not satisfied with the applicants' Transport Assessment and has issued a holding objection and the drainage authority has requested additional information

which has been produced but is still in the process of being considered. The application is therefore also recommended for refusal on highways and flood risk grounds as well as the lack of a s106 legal agreement, but there is a possibility that these issues could be addressed as part of the appeal process, if the applicant were to go down that route. Officers also suggest a reason for refusal in relation to ecology and the need for updated species-specific survey work but again, this could be addressed by the applicant in advance of any future appeal.

- 1.7 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Weeley as defined in the adopted Local Plan and whilst it forms part of a larger site specifically allocated for mixed-use development in the emerging Local Plan, that allocation is proposed for deletion. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would introduce built development into an undeveloped and visually exposed agricultural field that is currently separated from the main built up area of Weeley village by the bypass road, which acts a strong and defensible boundary to the settlement edge. The development would represent a piecemeal intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.
- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.

- Both the Environment Agency and Essex County Council in its capacity as the local lead flood authority have issued holding objections to the proposal on flooding risk and drainage grounds that are yet to be resolved.
- The applicant's Phase 1 Ecological Assessment from 2014 recommends further surveys to assess the potential impacts on nearby statutory wildlife sites, reptiles, great crested newts, nesting birds, bats, dormouse and badger which, in line with Natural England guidelines should be undertaken before a planning decision is made.
- No s106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 The NPPF, in Section 1, seeks to foster the conditions for a strong, competitive economy. It encourages local authorities to plan proactively to meet the development needs of business and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services of infrastructure. It requires that Local Plan policies should be flexible enough to accommodate business needs not anticipated in the plan period and to allow a rapid response to changes in economic circumstances.
- 2.5 Section 4 of the NPPF deals with sustainable transport and requires all developments that will generate significant amounts of movement to be supported by a Transport Assessment.

Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken. A key tool to facilitate sustainable transport modes will be in the form of a Travel Plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are 'severe'.

- 2.6 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.7 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Local Plan

Local Plan Policy:

- 2.8 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL8: Mixed-Use: Promotes mixed-use developments – but particularly within settlement development boundaries, town centres and urban regeneration areas.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities: Supports the development of appropriate community facilities depending on their accessibility to local people, impact on local character and amenities, parking and traffic impacts and infrastructure constraints. Outside of settlement development boundaries, there needs to be a proven local need for the facility and no other suitable site available within the settlement itself.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Weeley as a 'expanded settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations. Weeley is currently identified as a location for major expansion but is set to be re-classified as a rural service centre in the final submission version of the Local Plan with a significant reduction in proposed housing.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities, where appropriate, by providing on site or contributing towards new or enhanced facilities to meet needs arising from the proposed development or growth.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site

forms part of one of the sites allocated for housing and mixed-use development – but one that is proposed for deletion in the final submission draft.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP3: Village and Neighbourhood Centres: Proposes a new neighbourhood centre for Weeley Garden Village, although the garden village or 'expanded settlement' proposal for Weeley is set for deletion from the final submission draft.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

3.1 The site has the following planning history:

91/00187/OUT - Site South West of Weeley Village, adjacent to Weeley By-Pass and North of Weeley Bridge Caravan Park, Weeley, Essex, CO16 9AD

Business / Leisure Park comprising B1 and B2 uses and small area of retail and leisure (C1) uses together with a 40 acre park.

Outline Application – Refused – 06/08/1991.

4. Consultations

TDC Building Control No adverse comments at this time.

TDC Principal Tree & Landscape Officer The main body of the application site is being used for agricultural purposes. The trees and other vegetation on the boundary of the application site and immediately adjacent land provide a good level of screening. Any gaps could be filled by new planting.

In order to show the impact of the development proposal on the trees and other vegetation on the land the applicant has provided a tree report and survey that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations

It is important to note that the Tree Report is not site specific as it relates to an area far greater than the application site and was completed in June 2014. Whilst the contents of the report can be considered a reasonable reflection of the extent that the trees, on the application site itself, are a constraint of the development potential of the land, it is not up to date, and therefore cannot be relied on as an accurate description of the health of the trees.

Nevertheless it appears that the development of the land could take place without harm being caused to the majority of trees and vegetation on the perimeter of the application site. It is not considered expedient to protect any of the trees by way of a Tree Preservation Order at the present time.

Trees close to the proposed new access from the highway may be lost as a result of the construction of the new highway however the site has considerable potential for new planting and any tree losses in this could be compensated for by new planting.

In terms of the potential impact of the development on the landscape and visual qualities of the land the applicant has submitted a Landscape and Visual Impact Assessment however this too was carried out in 2014 and relates to a larger area than that covered by the current application. It is difficult to relate the contents of this document to the application site as again, it is not site specific. Nevertheless it reasonably accurately describes the existing baseline situation for topography, vegetation cover and land uses. However in order to assess the impacts of the development on the landscape character the applicant will need to provide additional information to quantify the degree of change that would result from the implementation of the development.

The indicative site layout shows the provision of a new open space and planting on the boundary of the application site. Further details of soft landscaping should be secured by a condition attached to any planning permission that may be granted as soft landscaping will be a key element of the successful integration of the development into the surrounding landscape.

TDC Open Space and Play

There is currently a deficit of 2.18 hectares of equipped play and formal open space in Weeley. There are two play areas in Weeley; one located at Hilltop Crescent and one along Clacton Road, both of which are classified as Local Equipped Areas for Play. Due to the limited provision in Weeley, in terms of both play and formal open space the onsite provision proposed in this application would go towards reducing the deficit. It is noted that open space and play space will be incorporated within the development. Should the developer wish to transfer the open space and play facilities to the Council upon completion, a commuted sum will be required towards the cost of future maintenance.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application as the information provided with this application does not allow for a full and meaningful assessment of the proposed impact on the highway infrastructure. We would require the following information:

- Full junction assessments of a number of junctions on the B1033, A133 and A120.
- A full Transport Assessment of the highway network, taking into account sites that have already gained planning permission in the Kirby Cross, Frinton, Walton, Thorpe-le-Soken and Great Bentley areas; and
- Sensitivity testing to allow for other possible developments under consideration in the Weeley area. .

On receipt of this information, further assessment can be made.

Anglian Water 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 Treatment: The foul drainage from this development is in the catchment of Thorpe le Soken Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: Development would lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. The site should form part of the strategy for the wider development and we will request a condition requiring compliance with the agreed drainage strategy.

Surface Water Disposal: The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

NHS England This development is likely to have an impact on the services of one GP practice operating within the vicinity of the application site (Great Bentley Survery – The Hollies). This practice does not have capacity for the additional growth resulting from this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

There is a capacity deficit in the catchment practice and a developer contribution of £79,166 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. NHS England requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

Environment Agency Comments on the original proposal: The application site lies within fluvial Flood Zones, 1, 2 and 3a, the low, medium and high probability zones respectively. The proposal is for residential development, a school nursery and car park which is classified as a 'more vulnerable' development. The application is therefore required to pass the Sequential and Exception Test and be supported by a site specific Flood Risk Assessment (FRA) which meets the requirements set out in the National Planning Policy Framework (NPPF).

We note that the Sequential Approach has been followed and, whilst part of the southern boundary of the site is within flood zones 2 and 3, all the development is within flood zone 1. We have the following comments on the submitted FRA:

- Drawing 002 Revision A shows all proposed development lies within Flood Zone 1.
- The access and egress route travels through Flood Zone 1 so there is a safe route of access to and from the site.
- Definitive flood depths to the South of the site, which is proposed to be open space, remain unknown because the Flood Zones are

derived from JFlow modelling. If this part of the site is required for access / egress then you may wish to request more detailed modelling for your emergency flood plan.

- Flood Storage Compensation is not required.
- A Flood Evacuation Plan has not yet been proposed.

Additional comments on the revised proposal: We did not raise an application to the original application as the proposed buildings were to be located wholly within Flood Zone 1, but we understand that the layout has changed and the school and nursery will now be located adjacent to the watercourse and the number of dwellings reduced to 228. The Flood Risk Assessment needs to be revised as the July 2014 FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, it fails to demonstrate the location of the proposed buildings in comparison to Flood Zones 2 and 3.

Essex County Council Flood Authority

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Essex County Council Archaeology

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest. The historic settlement of Weeley lies just to the north and east and surrounding the settlement is evidence for historical industrial activity such as brick and tile works. Part of the proposed site is shown as containing a brickworks on the 1st edition and the remainder of the site skirts the back of the historic properties along The Street. There is further potential for survival of features relating to industrial or agricultural activities associated with the historic settlement at Weeley. In addition prehistoric flint tools have been recovered from the vicinity which may suggest a possible prehistoric occupation of the area. Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits
- a post excavation assessment with the full site archive and report to be deposited at the local museum

Network Rail

We would advise the council and developers to liaise with Greater Anglia concerning the travel plan for Weeley (in terms of access to the station, traffic, etc).

The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land;
- affect the safety, operation or integrity of the company's railway and its infrastructure;

- undermine its support zone;
- damage the company's infrastructure;
- place additional load on cuttings;
- adversely affect any railway land or structure;
- over-sail or encroach upon the air-space of any Network Rail land;
or
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Network Rail would also require the developer to comply with comments requirements for the safe operation of the railway and protection of Network Rail's adjoining land (as set out in detail within its representation).

As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts us prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works.

5. Representations

5.1 There is a very high level of local objection to the Local Plan in respect of major growth in Weeley. For this particular planning application the Council has received 3 individual public objections which highlight the following matters of concern:

- The Local Plan Committee has voted to re-categorise Weeley as a rural service;
- A development of this size is not wanted or needed;
- The site is outside of the settlement development boundary;
- It is contrary to the NPPF as it would not contribute towards conserving and enhancing the natural environment;
- This is unnecessary overdevelopment and the reduction in numbers does not alter that fact;
- Percentages of types of dwellings are unknown, making it difficult to make an informed planning decision;
- People will be discouraged from taking holidays in the area if urban creep continues at the rate proposed in this application;
- The increase in population would be disproportionate for the village;
- Although the application is for 228 dwellings, the supporting information clearly relates to the larger proposal for 1,000 homes;
- Increase in traffic, congestions and risk to pedestrian safety;
- The existing primary school is full to capacity;
- The nearest education and health services are stretched to the limit, there are no plans for future investment and there are recruitment problems;
- Bus and train services in Weeley are poor;
- Journey times suggested within the application documentation are inaccurate;
- There are no doctors surgery, chemist, dental services, bank or financial services in Weeley;
- Archaeological reports should be undertaken now; and
- Highways figures are based on out-of-date survey data.

- 5.2 One representation of support has been received from a resident who says we need more houses, existing schools in the area are getting overcrowded and Weeley is a great location.
- 5.3 Weeley Parish Council objects to this application for the following reasons: this represents overdevelopment for the size of the village; it is of concern that the number of dwellings is 'illustrative' giving rise to concerns about an increase in numbers; Weeley is still designated as a RURAL Service Centre; the site is outside the village envelope; public transport is poor; the access road is busy and fast; this is prime agricultural land. We are also concerned that there is no indication of the type of housing which is planned, either in actual numbers or in percentage terms.
- 5.4 The Weeley Residents Association has submitted a strong and lengthy objection raising concerns in respect of the following (summarised) issues:
- Weeley cannot sustain the current level or pressure of dwellings without extra homes
 - There have been regular power failures in the village;
 - Local roads are unable to cope now;
 - Further traffic and congestion will impact upon the viability of Weeley bridge holiday park;
 - The proposed car park next to the station is unnecessary as the station only provides infrequent branch-line services and poor passenger facilities;
 - The proposal contravenes the spatial portrait in the emerging Local Plan;
 - The A133 and A120 are gridlocked at most peak times;
 - Increased risk of accidents on the A133;
 - The development would not make a positive contribution to the quality of the local environment, nor would it protect or enhance local character;
 - A survey of local residents has suggested that they do not want intensively huge developments within their small village;
 - The development is not viable nor reasonable;
 - The development will contravene residents right fir improved health and wellbeing;
 - The NHS will not be funding any new schemes and there is no doctors surgery or pharmacy in the area, with the nearest surgeries full and unable to accept additional patients;
 - Loss of agricultural land;
 - Local school is oversubscribed;
 - The development offers no environmental or quality of life benefits;
 - Site too small to comply with the garden city principles;
 - Would increase the housing density of the village;
 - Would impact adversely on Tendring's tourism offer by increasing traffic;
 - The transport assessment for the application is poorly advised, poorly carried out and omits important data;
 - Would considerably increase the risk of flooding and sewage overflow; and
 - Would change the rural landscape beyond all recognition.

6. Assessment

The Site

- 6.1 The application site comprises 11.3 hectares of a much larger parcel of agricultural land west of Bypass Road (B1441), immediately west of the main built up area of Weeley village and north of Weeley Bridge Holiday Park and Weeley Railway Station. The land is generally flat but slopes gently away from the road towards the west. Beyond the site to the west are the A133 and Tendring Park Services. There are no landscape features within the main body of the site making it fairly exposed and visible (particularly from the A133 and viewpoints to the north), but there is a reasonably strong boundary of trees and hedges along the site's eastern boundary with Bypass Road.

The Proposal

- 6.2 This outline planning application with all matters reserved seeks approval for the principle of erecting up to 228 dwellings, a primary school, nursery and a car park close to the railway station. Vehicular access would be taken directly from the B1441 Bypass Road and the development would include open space and play equipment. The application was originally submitted a scheme for 295 dwellings, but with no land for a primary school but the applicant agreed to make room for a school and, as a consequence reduce the total number of dwellings to 228.
- 6.3 An illustrative masterplan has been submitted to set out, in broad terms, how the applicant would envisage the site being developed. It shows 2.5 hectares of land at the southern end of the site, adjoining the holiday park, as the rough location for a school and nursery facilities and a 50-space car park which could serve both the school and the railway station in the very south eastern corner of the site accessed off the slip road down to the station. An illustrative layout for 228 dwellings is shown for the main body of the site with a wide green buffer running parallel with the main road and large areas of open space located opposite the entrance into Weeley from The Street and around the northern and western perimeter of the site. The applicant has also submitted illustrative street scene drawings to show how development might appear along the length of the bypass.

Architectural Drawings

- 0118 001 Location Plan
- 0118 002 Rev. B Illustrative Masterplan
- 0118 003 Rev. A Illustrative Street Scene

Reports and Technical Information

- Design and Access Statement
 - Development Framework
 - Ecological Assessment
 - Flood Risk Assessment
 - Foul Sewage and Utilities Assessment
 - Arboricultural Site Appraisal
 - Landscape/Visual Appraisal and Strategy
 - Transport and Accessibility Appraisal
- 6.4 Please note that most of these reports were prepared on behalf of the landowner in support of the allocation of his whole site in the emerging Local Plan and not specifically for the purposes of this planning application. The planning consultants that commissioned some of

the studies and prepared the landowner's representations on the Local Plan are no longer involved in this project and do not wish to be associated in any way with this application. Although some of the reports do not correspond directly with the current planning application, Officers have referred to them as far as possible, and as necessary to come to a view on the planning merits of the proposal.

Main Planning Considerations

6.5 The main planning considerations are:

- Local Plan and Housing Supply Position;
- Principle of development;
- Highways, transport and accessibility;
- Education provision;
- Healthcare provision;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Council Housing/Affordable Housing;
- Open space;
- Potential layout and density; and
- Overall planning balance.

Local Plan and Housing Supply Position

6.6 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

6.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

6.8 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional

basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.

- 6.9 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides. The sites proposed to be deleted from the Local Plan include the application site.
- 6.10 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.11 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.12 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.13 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final

submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that, in general terms, the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of development

- 6.14 The application site is located to the west of the village of Weeley and is separated from the established built up area only by the Bypass Road. It is outside of, but effectively adjoins the settlement development boundary for Weeley as defined in the adopted Local Plan. In the emerging Local Plan, the site is part of a larger area of land specifically allocated for residential and mixed use development. However, as explained above, this allocation is proposed for deletion in the final submission draft.
- 6.15 Settlement development boundaries are designed to restrict new development to the most sustainable sites and outside of the boundaries the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Because the site lies outside of the settlement development boundary and is not allocated for residential development in the adopted Local Plan, it is contrary to adopted policy. Although the land is allocated for development in the emerging Local Plan, the proposal is subject to a considerable amount of local objection and is proposed to be deleted from the submission version. Officers have therefore given the provisional allocation of this site limited weight only in line with the guidance contained within paragraph 216 of the NPPF.
- 6.16 In any event, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.17 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Weeley is currently categorised in emerging Policy SPL1 as the only 'expanded settlement' in the district, making it the focus for a strategic-led development, comprising a number of individual mixed use and residential sites to deliver expanded community facilities, retail and employment space, education and other facilities along with other necessary infrastructure. However, Weeley is set to be re-classified as a 'rural service centre' for the purposes of the final submission draft now that the lower housing figures have been confirmed. It should be noted that the proposals for major growth around Weeley were the most contentious issue in the Local Plan amongst local residents, attracting the most objections during last year's consultation stage.
- 6.18 In being re-classified as a rural service centre, Weeley will join Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth and Thorpe-le-Soken in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the

district's smaller rural villages. Rural Service Centres will be the next most sustainable category of settlement following 'strategic urban settlements' and 'smaller urban settlements'. Therefore, a level of housing development for Weeley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed. As currently drafted, the emerging Local Plan envisages rural service centres will accommodate a level of housing that is fair, achievable and sustainable and that will make a meaningful contribution towards addressing housing needs, supporting the village economy and assisting with the overall housing growth proposed for the district.

- 6.19 The growth of Weeley as proposed in the draft Local Plan was designed to be a comprehensive package of development that would deliver new housing alongside employment opportunities, infrastructure and community benefits. The scale of development proposed for the village was designed to be at a level that would support and deliver new facilities in a coordinated way to ensure that the overall development would be sustainable and as beneficial to existing and future residents as possible. Now that the expanded settlement proposal for Weeley is being dropped in favour of a much reduced level of development to be delivered on a single site to the east of the village, the consideration of individual development proposals on multiple sites in advance of the Local Plan, and their cumulative impacts on infrastructure, becomes very complicated.
- 6.20 This application, to develop on only a portion of a site that was envisaged to be a larger comprehensive development, raises concerns about the best and most efficient way to deliver infrastructure improvements. Along with the separate proposal for land north of Colchester Road from Taylor Wimpey, infrastructure providers including the highway authority, the education authority and the NHS have found it difficult to advise on necessary mitigation measures in the absence of a clear idea of which sites are now likely to come forward for development. These matters are dealt with in more detail later in this report.
- 6.21 Furthermore, Bypass Road provides a clear, defensible and logical boundary to the western side of Weeley village and marks a clear separation between the built up area and the open countryside. Under the circumstances where the housing need was such that the expanded settlement proposal was still necessary, a breach of this defensible boundary would have been justified and the land would have incorporated a comprehensive development extending westwards to the A133, contained and clearly defined by the bypass, Colchester Road to the north, the railway to the south and the A133 to the west.
- 6.22 With the lower housing numbers agreed, breaching the defensible boundary provided by the bypass is no longer justified if more logical, integrated and defensible sites (like the land east of the village) can provide for the level of new housing needed. Furthermore, because the application is to develop just a portion of the land in a piecemeal way, an artificial boundary would need to be created along the northern and western edges of the site, the definition of the built up area and the countryside would be weakened, and there will always be a longer term pressure to release further phases of the land for future development. If this land is to be developed, it is best done in a comprehensive manner through the Local Plan where infrastructure can be planned for in an integrated and coordinated manner and where strong defensible and logical boundaries to the development can be set.

- 6.23 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate, illogical and potentially unlimited levels of new housing.
- 6.24 Officers therefore recommend the refusal of planning permission – principally on the grounds that the proposal is contrary to the adopted Local Plan, is unnecessary and would represent a piecemeal intrusion of development into the countryside beyond a logical and defensible boundary to the village that is no longer justified by the level of housing required up to 2033.

Highways, Transport and Accessibility

- 6.25 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the site is physically separated from the established built up area of Weeley village by the bypass, it is relatively well located, distance-wise, in relation to existing services and facilities. It is within 700 metres of Tendring Park Services which contains a petrol filling station and convenience shop, a McDonalds restaurant, pub/restaurant, hotel and a vehicle hire company. The site is within 500 metres of the railway station, the village hall and the existing primary school and within 300 metres of the Post Office/Shop and bakery in The Street. The more comprehensive package of development envisaged in the draft Local Plan would have also delivered additional local services, facilities and employment opportunities, although this application does at least make provision for a new primary school and nursery. It also provides for a car park which could serve users of the railway station. Under a more comprehensive package of development for Weeley, there may have been greater scope for improving the services, facilities and attractiveness at Weeley Station and working with the train operating companies to improve frequency. With a substantially smaller development, the likelihood of securing substantial improvements to the services are more limited.
- 6.27 It is proposed that employment opportunities and community facilities would form part of the development and footpath and cycleway connections could be extended to existing facilities

in and around the village, with the provision of safe crossing points in the right locations. In terms of existing facilities, the site is located a short distance from Tendring Park Services which contains a petrol filling station and convenience shop, a McDonalds restaurant, pub/restaurant, hotel and a vehicle hire company. The site is approximately 1.2 kilometres from Weeley railway station, 800 metres from the Black Boy Pub and 1 kilometre from

- 6.28 Whilst Weeley enjoys a level of accessibility that partly justified its categorisation originally as an expanded settlement and its proposed re-categorisation as a rural service centre in the emerging Local Plan, a development containing a large amount of housing and a primary school is still likely to generate a significant amount of travel, by car, in and out of the village – particular given the site’s proximity to the A133 and A120, the main routes in and out of the district. The impact of development on the capacity and safety of the A133 therefore requires special consideration and the both this Council and Essex County Council already recognise that the stretch of the A133 between Weeley and Frating is a problem in terms of capacity, particularly in peak times.
- 6.29 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.30 The landowner has submitted the Transport Assessment that was produced in 2014 in support of the larger, more comprehensive Local Plan allocation. Following careful consideration, ECC Highways have highlighted a number of areas where they consider the Transport Assessment to be deficient. Whilst the applicant could produce the necessary information which might or might not lead to the withdrawal of this objection before a future appeal, there is a general problem with considering the transport implications of a development like this, in advance of the finalisation of the Local Plan, without an accurate idea of what the cumulative impacts of other developments might be.
- 6.31 Knowing that there is an issue with capacity on the A133 and this development is likely to exacerbate this issue, it is likely that some form of mitigation in the form of off-site highway improvements to the carriageway and/or junctions will be needed. Without a clearer idea of how much development will happen in the Weeley area, it is difficult to establish what level of improvement would be needed, what it would cost and who would be responsible for meeting this cost. The situation for Weeley is very complicated with two large sites being the subject of planning applications, two sites proposed for deletion from the Local Plan and an entirely different site to the east of the village that is to be kept in the plan. The Local Plan is the best vehicle for ensuring that the cumulative impacts of various developments are properly identified and properly mitigated.
- 6.32 Officers therefore recommend that the inadequacy of the transport assessment, as identified by ECC, be upheld as a reason for refusal and that this application should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative highway impacts.

Education Provision

- 6.33 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that the existing primary school at Weeley would not be able to accommodate the expected number of additional pupils likely to come about as a result of any substantial increase in housing and the options for expanding the existing school are very limited.
- 6.34 In anticipation of major growth around Weeley, it was envisaged that a brand new primary school would be delivered through proposals in the emerging Local Plan, most likely as part of the more comprehensive scheme proposed for the land between the bypass and the A133. Even though it is now proposed that this development will be deleted from the new Local Plan, the landowner has taken on board the comments from Essex County Council submitted in response to the Taylor Wimpey application on land north of Colchester Road and has revised their proposal to make provision for 2.1 hectares of land to accommodate a two-form entry (2fe) primary school with commensurate early years and childcare facilities. Based on ECC advice, this is the most efficient form of facility and is most likely to attract funding from central government.
- 6.35 As with highways, where it is known that a major development will necessitate a new piece of infrastructure such as off-site highway works or a new school, it is very difficult to consider individual development proposals in advance of the Local Plan where the cumulative impacts of development are uncertain. It is ECC's clear view that any new primary school should be 2fe with the potential to accommodate a larger number of pupils, in anticipation of further residential development taking place in the future. However, until the Local Plan is finalised, the Council does not know for sure how much development will take place in Weeley and how the additional pupils arising from the development will be best served through the provision of new educational facilities.
- 6.36 At the time of writing, Officers had not received a formal response from the education authority to this planning application but we have been in direct discussion with ECC about this matter. Based on ECC's comments on the Taylor Wimpey application, Officers would expect that as well as a new school at a cost of £7.3million and the need for a land compliance study, a financial contribution in the order of £840,000 for secondary education is likely to be requested. If the formal response arrives before the Committee meeting, Officers will provide the necessary update. For now, the lack of a s106 legal agreement to secure the necessary educational facilities or financial contributions is recommended as an additional reason for refusal – albeit one that could be addressed, if necessary, as part of the appeal process if the landowner decides to lodge an appeal.

Health Provision

- 6.37 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision. Again through Policy QL12 in the adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision. As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major

residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.

- 6.38 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors. As with highways and education though, it is difficult to properly consider the health requirements arising from this development without a firmer idea of what other developments are likely to come forward in the Weeley area and what cumulative impacts will need to be addressed.
- 6.39 NHS England has undertaken a Health Impact Assessment of this development proposal and has identified that the greatest impact on health services would be felt at Great Bentley surgery. A developer contribution of £79,166 has been requested. However, in the NHS' comments on the Taylor Wimpey scheme north of Colchester Road, they raised the possibility of facilitating or contributing towards the relocation of Great Bentley Surgery to Weeley – and this demonstrates that there a great deal of uncertainty over the way in which the health impacts of major development in Weeley will be addressed. The larger expanded settlement proposal in the draft Local Plan would have delivered a critical mass of development and a comprehensive and coordinated approach to delivering new health care facilities. The consideration of a series of piecemeal development proposals in advance of the Local Plan complicates this issue substantially and the position of the NHS is unclear as a result.
- 6.40 One of the recommended reasons for refusal relates to the lack of an agreed s106 legal agreement to secure the contribution requested by NHS England but the general uncertainty over development in Weeley combined with the uncertainty over health provision again supports Officers' view that this proposal should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative health impacts.

Landscape, Visual Impact and Trees

- 6.41 The site is in a prominent location, is large and exposed and contains very limited landscape features, except for the trees and hedges along its boundary with the bypass. A major development in this location would be visible from a number of long-distance views over the site, particularly from the north, east and west and would bring about a significant change in the character of the locality.
- 6.42 Under circumstances where Weeley continues to be earmarked for significant expansion as part of the Local Plan with major development proposed for the whole of the land between the bypass and the A133, concerns about the visual impact of development would be considered in the context of housing need and planned growth for the village. However, as

it is now established that the emerging Local Plan will be amended to delete the development, the impacts of the development also need to be considered in isolation.

- 6.43 The landowner has submitted the Landscape and Visual Appraisal that was prepared in 2014 in support of the allocation of his whole site in the Local Plan. Whilst, the planning application is to only develop part of this larger site, the Council's Principal Trees and Landscape Officer has still assessed the impact of the development, using the information provided in the 2014 assessment as far as is practical. He concludes that the 2014 report is still reasonably accurate in terms of the topography and vegetation cover of the site, but that updated information is necessary to quantify the degree of change that would result from the new development. He does observe that for any planning permission that may be granted, further details of soft landscaping would need to be secured by condition and these would be a key element of the successful integration of the development into the surrounding landscape.
- 6.44 For Trees, again the landowner has submitted a 2014 arboricultural report that was prepared in support of the Local Plan allocation. Whilst the report is nearly three years old and applies to a larger site, our Tree Officer is satisfied that the content of the report can be considered a reasonable reflection of the extent of trees on the application site are a constraint to the development, it is out of date in respect of the description and health of the trees and, if minded to recommend approval, updated information would have been required. The Tree Officer does however conclude that the development of the land could take place without harm being caused to the majority of trees and vegetation on the perimeter of the application site. The illustrative masterplan appears to provide for the retention of the majority of trees on the perimeter of the site along with substantial buffer zones and additional planting throughout the scheme.
- 6.45 If development were considered acceptable in principle, Officers are satisfied that the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. As is always the case with the loss of greenfield land, there will be a degree of harm to landscape character which would be an adverse impact to be weighed against the benefits of development. Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, any local concerns about the visual impact of the development and the loss of undeveloped land can be averted. Officers are more concerned that this proposal represents a breach of a strong and defensible edge to the village that would blur the lines between built form and open countryside in an illogical, unnecessary and piecemeal way.

Flood Risk and Drainage

- 6.46 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.

- 6.47 The landowner had submitted the 2014 Flood Risk Assessment that had been produced in support of the allocation of the larger site in the Local Plan but this has been followed by a more bespoke assessment dated 31st March 2017.
- 6.48 ECC issued a 'holding objection' and required this further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. Given the proximity of the site to Weeley Brook, the Environment Agency have also commented in terms of fluvial flood risk. Whilst they issued no objection to the original scheme of 295 dwellings, they have issued a holding objection to the revised proposal as it shows the location of the new school close to the flood zone around the Brook.
- 6.49 As the new assessment has only just arrived with Officers, it has not been possible to get comments back from ECC and the Environment Agency in time for the meeting of the Planning Committee. For now, it is recommended that one of the reasons for refusal relates to flood risk and, until convinced otherwise, the scheme is contrary to the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively). This reason for refusal could however be addressed before an appeal if ECC and the Environment Agency are happy to withdraw their objections in response to the new assessment.

Ecology

- 6.50 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.51 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations.
- 6.52 The landowner has submitted the 2014 ecological assessment that was prepared in support of the Local Plan allocation for the larger site. Within that assessment, the ecologists concluded that suitable habitat for various legally protected species were found to be present on the site, but were almost entirely limited to the field edges and the central ditch line. They considered it likely that potential impacts upon any protected species present could be easily avoided or mitigated against and that the potential for ecological enhancement as part of the development was substantial. They did however suggest that further surveys would be required to assess potential impacts on statutory wildlife sites within 5km of the site, reptiles, great crested newts, nesting birds, bats, dormouse and badger.

- 6.53 Officers consider that there is a reasonable prospect of the development being accommodated on the site, with appropriate mitigation, without causing significant harm to protected species on and around the site but under Natural England guidelines, all of the necessary survey work ought to be undertaken to allow the decision making body (whether that be the Council or the Planning Inspectorate) to make a properly informed decision.
- 6.54 With this in mind, it is recommended that a reason for refusal relating to ecology and the lack of updated species-specific surveys be included in the Council's decision. However, if the applicant decides to appeal and is able to undertake the relevant updated surveys, there is a reasonable prospect of addressing this reason for refusal for the purposes of the appeal.

Council Housing/Affordable Housing

- 6.55 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with 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 30% requirement. If minded to approve this application, up to 68 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. The lack of such an agreement is included as a recommended reason for refusal.

Open Space

- 6.56 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas and formal open space in Weeley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.57 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.58 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Potential Layout and Density

- 6.59 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 228 dwellings, a primary school, nursery and car park with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.60 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show the 2.1ha school and 0.4ha nursery site and 50-place car park on the southern part of the site with residential and open space on the remainder. If approximately 3ha are taken by non-residential uses, approximately 8 ha would be left over for housing and associated open space and infrastructure (the applicant gives a figure of 8.79ha). The indicative residential layout shows a traditional 'perimeter block' form of development with the main areas of open space around the periphery of the site, including a buffer along the eastern edge. .
- 6.61 If we assume that the residential area will include, as a minimum, 10% open space reducing the net developable area to around 7.2ha, the net density of 228 dwellings would be around 32 dwellings per hectare. This is at the upper end of the range of housing density that is generally considered acceptable by modern standards and that can achieve the Council's minimum garden standards. Being a site separated from the existing village by the bypass, there is no nearby development that the residential density ought to specifically reflect.
- 6.62 Officers consider that all of the development proposed could be accommodated on the site in a reasonable manner. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

Overall Planning Balance

- 6.63 This development proposal is contrary to the Council's adopted Local Plan but it forms part of a larger site that is allocated for mixed-use development in the emerging Local Plan but proposed for deletion in the final submission version. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.64 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.

- 6.65 In April 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.66 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.67 Economic: As a mixed used development providing for 228 homes and a primary school, the potential economic benefits of the development, if delivered as proposed, would be positive. The new housing would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the scheme is under construction. The overall economic effect is therefore positive – as long as the development does not lead to severe cumulative transport impacts which, based on the transport assessment provided to date, the highway authority has been unable to determine.
- 6.68 Social: The provision of an additional 228 dwellings toward meeting projected housing need is clearly a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery.
- 6.69 A new primary school is primarily needed to mitigate the impact of the additional dwellings but would provide capacity to serve a much larger number of homes than being proposed in the scheme. However, because this proposal is being considered outside of the Local Plan process without a clear idea of what other developments might be contributing towards housing supply and impacting upon infrastructure in the area, it is very uncertain what the best solution in terms of school provision will be. Officers are therefore concerned that this development could prejudice an effective and coordinated approach to infrastructure provision. Similar concerns are raised about the cumulative impact on the highway network (particularly the A133) and the provision of health with the NHS unsure at present as to whether a new surgery or expanding existing surgeries would be the best way to proceed.
- 6.70 Environmental: The environmental impacts of the proposal have required very careful consideration. The ecological impacts are expected to be low, but further survey work would be required, in line with Natural England guidance, before this could be confirmed for sure. There is however potential for the scheme to deliver significant ecological enhancements through tree planting and habitat creation.

- 6.71 The impact on flood risk and drainage are still being assessed by Essex County and the Environment Agency following the submission of an updated Flood Risk Assessment and Drainage report following their initial objections. At the time of writing we are yet to receive confirmation that this assessment adequately addresses the initial objections, but there is a possibility that they could.
- 6.72 The impact on the landscape and the visual character of the area would be significant. Although the site is relatively featureless in landscape terms, it is fairly exposed and has a prominent location on the main road so new development would be very visible. New housing and a school would bring about a significant change to the character of this prominent location. In the circumstances where Weeley is designated as a location for major growth and the whole of this site were to be development in a comprehensive manner, such an impact would be viewed in the context of meeting housing and employment needs in a planned way. However, Weeley is to be re-classified as a rural service centre and a major development to the west of the village and the resultant impact on the character of the area is no longer considered necessary, at least up to 2033.
- 6.73 The bypass marks a strong defensible boundary that maintains clear separation between the built up area of the village and the open countryside. This development would breach that boundary in an unnecessary and piecemeal manner and blur the lines between urban form and countryside.
- 6.74 Concerns over the impact of traffic and associated environmental pollution are noted but the highway authority is yet to be convinced that the impacts of this development on the highway network have been properly assessed and there remain questions over the potential impact on traffic and congestion on the A133.
- 6.75 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- 6.76 The strategy for growth at Weeley is set to change from a large scale comprehensive and coordinated settlement expansion across a number of sites (including the application site), to a single large development to the east of the village. The application site is no longer required to meet development needs up to 2033 and would introduce piecemeal built development into an open and exposed field, beyond the strong defensible boundary currently provided by the bypass. The development would also have a significant impact on the provision of schooling, health provision and the highway network – yet the measures that would effectively mitigate such impacts are difficult to determine without a clear idea of what other developments are likely to happen in the area. Only through a Local Plan can such cumulative impacts be properly assessed and a coordinated solution be planned; otherwise individual developments could prejudice infrastructure provision.
- 6.77 The development is contrary to the adopted Local Plan, is no longer considered necessary to meet development needs up to 2033 through the emerging Local Plan, complicates the effective and coordinated provision of infrastructure and would be a piecemeal development

that breaches a strong defensible boundary between the village and the open countryside. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Additional reasons for refusal relating to unresolved flood risk and drainage issues, the need for further ecological surveys and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues could be addressed by the applicant before, or if, there is an appeal.

Background Papers

None.

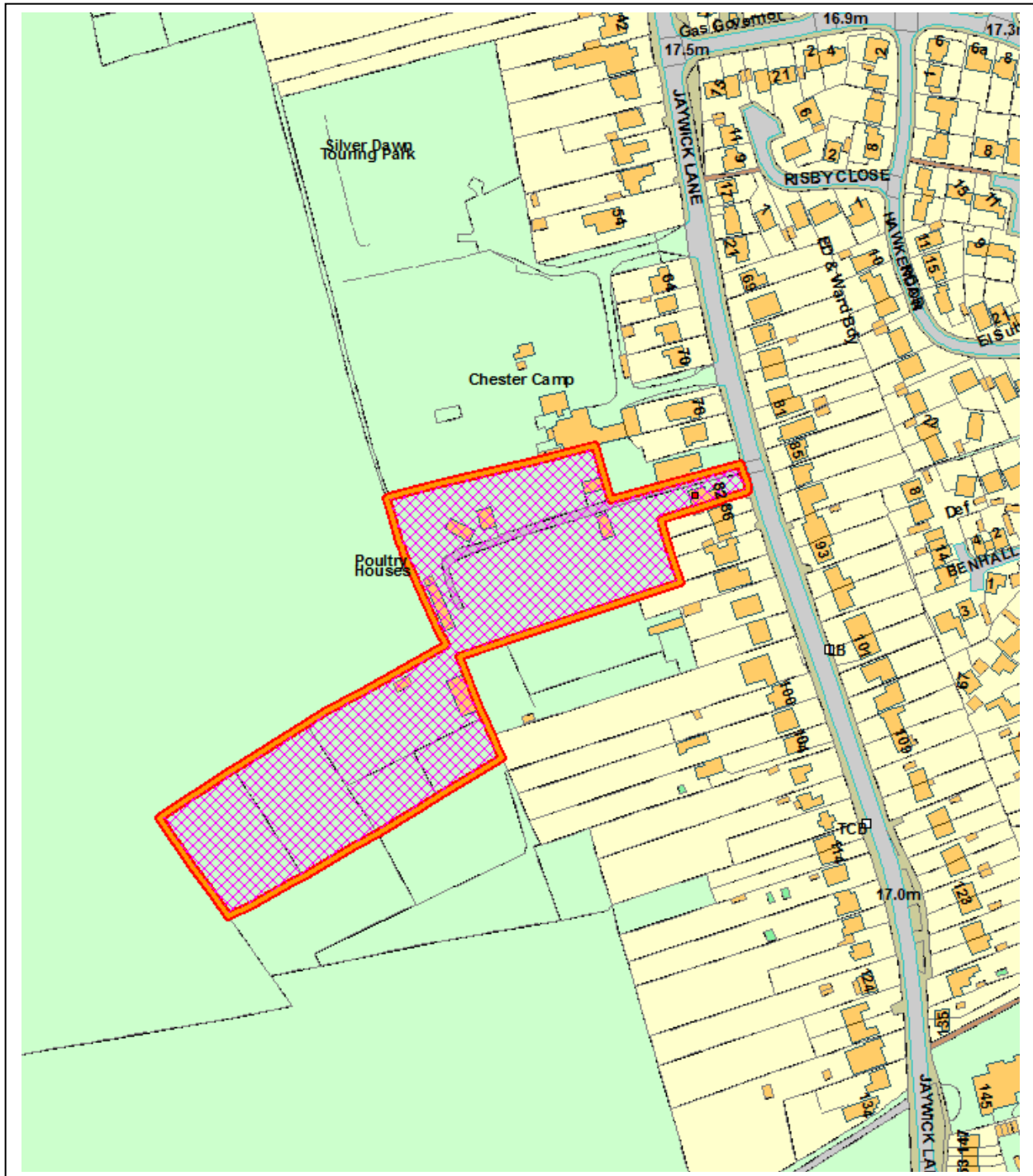
This page is intentionally left blank

PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE, CLACTON ON SEA, CO16 8BB



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/01520/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr David Thompson - Willow Park Group	
Address:	82 Jaywick Lane, Clacton On Sea, CO16 8BB	
Development:	Erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.	

1. Executive Summary

- 1.1 This is a full planning application seeking approval for the erection of 21 bungalows (market housing) and 48 supported living apartments (Use Class C2 – Institutional Use), together with associated access, surface water drainage and associated development. As a departure from the Local Plan, this application is before the Committee for a decision.
- 1.2 The application site measures some 1.78 hectares in area and apart from a small section of the access road into the site, lies outside of the defined settlement development boundary for Clacton in the adopted Local Plan. However it does fall within an area of land to the west of Jaywick Lane identified for an urban extension within the Preferred Options Consultation Document July, 2016. The site adjoins existing residential development which fronts Jaywick Lane. Access to the site requires the demolition of 82 Jaywick Lane and formation of a new adoptable road serving the site.
- 1.3 The urgency to release land outside existing Development Boundaries is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the ‘plan-led’ approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan. However in this case, although outside the adopted Local Plan Development Boundary the site does form part of an allocation for mixed use/urban extension in the emerging Local Plan and therefore some weight can be given in policy terms to development of the site for the proposed use. When weighing the planning balance, Officers are recommending that the scheme can be approved.

Recommendation: Approval

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

- a) 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 her discretion considers appropriate).
- (i) Conditions:
1. Standard 3 year time limit;
 2. Restriction on use of C2 element for the purpose of supported living apartments only.
 3. Highways conditions (as recommended by the Highway Authority);
 4. SUDS and drainage (surface water and foul drainage) conditions.
 5. Hard and soft landscaping plan/implementation;
 6. Ecological mitigation - wildlife/tree protection measures;

- | |
|---|
| <ul style="list-style-type: none"> 7. Construction methods plan; 8. Details of lighting, materials and refuse storage/collection points; and 9. Archaeological investigation and report works; 10. Site lighting strategy, and; 11. Broadband. 12. Noise assessment |
|---|

2. Planning Policy

National Policy

NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government’s planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF’s ‘presumption in favour of sustainable development’. The NPPF defines ‘sustainable development’ as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should*

work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.

Local Plan Policy

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy defines Clacton as a town.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM5: Residential Institutional Uses

Supported outside the control of Residential Institutional Uses Areas subject to being close to or within development boundaries, would not lead to clustering of such uses, would not adversely affect public safety and control over permitted changes of use.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness, including listed parks and gardens.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity

Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles

Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth

Identifies Clacton as a town within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing

Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities

Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site falls within one of the areas proposed for residential and mixed use development.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing

Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

LP10: Care and Assisted Living

C2 uses will be supported in sustainable locations and in particular within 800 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements' (including Clacton).

PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Economic Development Strategy 2013

The overarching objectives of the Economic Development Strategy are to:

- Target growth locations, especially Harwich, Clacton and the West of Tendring;
- Target growth sectors, especially Offshore Energy and Care and Assisted Living;
- Ensure residents have the skills and information to participate;
- Support modernisation, diversification and growth within the business base; and
- Facilitate population growth where this supports economic objectives.

The vision in the Economic Strategy emphasises the need to grow the population to support service sector industries and the town centre economies, maximise the potential leisure and tourism offer, particularly along the seafronts, and support growth in educational facilities, potentially linked to the Care and Assisted Living sector.

3. Relevant Planning History

00/02159/FUL	Replacing existing out-buildings to be used as garage, hay store and cart lodge	Approved	06.02.2001
01/00889/FUL	Resiting of cart lodge and hay store approved under application no. 00/02159/FUL	Approved	25.07.2001
97/00771/FUL	(Land rear of 80/82 Jaywick Lane, Clacton on Sea) Change of use of agricultural land to form part of riding school. Retention of chicken shed, menage and formation of barn	Approved	18.11.1997
99/00735/OUT	Demolition of bungalow and change of use from riding school and stables to form residential development	Refused	29.06.1999

15/30128/PREAPP	Redevelopment of site comprising of: Area A - 20 no. detached 3-bed bungalows Area B - 60 bed two storey care home and 15 no. 2 bedroom assisting living apartments or 60-80 apartments for people with learning disabilities.	Refused	29.09.2015
15/30347/PREAPP	EIA Screening Opinion for approx. 25 dwellings, 60-80 assisted living apartments, landscaping, private amenity space and associated parking.		27.01.2016

4. Consultations

Building Control and Access Officer	Please ensure that satisfactory fire fighting access is provided in accordance with approved Document B.
Anglian Water Services Ltd	Note that the site is served by the Jaywick Water Recycling Centre but note requirement to upgrade capacity should permission be granted. Require foul drainage disposal strategy to be secured by condition. Note surface water strategy/flood risk assessment is considered acceptable.
ECC Highways Dept	No objection raised subject to appropriate conditions.
Policy Section	Consider that the proposed scheme meets the requirements for sustainable development in terms of the economic and social dimensions identified in the NPPF. However as the scheme encroaches into what is currently open countryside careful consideration should be given to the environmental effects of the development.
Natural England	No comments.
ECC Schools Service	Advised that no contributions required for this development.
ECC SuDS Consultee	Following receipt of additional information the ECC Flood and Water team raise no objection subject to conditions.
Tree & Landscape Officer	<p>The main body of the application site is currently being used for the keeping of horses. There are no important trees or other significant vegetation on the application site. None of the trees on the land merit retention or protection by means of a tree preservation order.</p> <p>The application site currently extends into the open countryside to the west of the existing properties in Jaywick Lane and the development has the potential to cause harm to the character of the area. However as the land around the application site is included in the Local Plan Preferred Options document for development the potential harm that may arise from this development will not materialise.</p>

In terms of the appearance of the development it is important to note

that the Design and Access Statement refers to the need to carry out soft landscaping as part of the development of the land. Whilst the layout of the supported housing element of the development appears to provide space for soft landscaping the residential element appears cramped and provides little opportunity to create a pleasant and attractive area of public realm. In essence the proposed dwellings are too close to the highway creating a corridor effect for users of the highway. Simply in terms of soft landscaping and design of the public realm the housing density should be decreased in order to achieve a satisfactory layout

If planning permission is likely to be granted then a condition should be attached to secure details of soft landscaping, including new tree planting.

**Essex County Council
Archaeology**

Requires a programme of trial trenching followed by open area excavation to be secured by condition.

**Open Space
Consultation**

Contribution of £22,530 towards improvement to play area at Rush Green Recreation Ground.

5. Representations

- 5.1 Councillor Whitmore has called the application into Planning Committee raising concern that the development is outside the development boundary, design is out of character with other buildings in locality, in combination with other developments sewage and surface water cannot cope, existing speeding and traffic congestion would be exacerbated.
- 5.2 Nine objections have been received from members of the public raising the following concerns:
- Detrimental increase in traffic and highway safety problems
 - Adverse impact on nearby holiday park
 - Loss of green gap
 - Adverse impact on wildlife
 - Inadequate local services
 - Impact on existing foul drainage system
 - Gas and water services inadequate
 - Surface water issues
 - Out of character with locality
 - Increase in noise
 - Loss of privacy
 - Precedent

6. Assessment

- 6.1 The main planning considerations are:
- Site Context;
 - Proposal;
 - Principle of development;
 - Housing density and Mix;
 - Layout;

- Residential Amenity;
- Traffic, access and highway safety;
- Ecology;
- Arboriculture/landscaping;
- Drainage and flood risk; and
- Other material considerations (including Section 106 obligations).

Site Context

- 6.2 The site lies immediately to the west of Jaywick Lane with access provided immediately to the north of number 86 Jaywick Lane, which includes demolition of an existing bungalow. The site extends to 1.78 hectares in area. The site is predominantly located outside the Settlement Development Boundary and is set to the rear of a number of existing bungalows fronting Jaywick Lane. The site is in an area primarily used for agriculture and tourism although the site itself is in current use as paddocks and stables.
- 6.3 As noted the site is accessed directly from Jaywick Lane with a main feeder road serving minor access roads and a private drive. The main road into the site will be built for adoption by Essex County Council.
- 6.4 Jaywick Lane is characterised by primarily residential development in a mix of styles although mainly bungalows in the locality of the site. A caravan park is located to the north of the site. The landscape beyond the site is open and gently sloping north to south. There is little tree cover in the locality.

Proposal

- 6.5 The application has been submitted as a full planning application. The scheme proposes the erection of 21 bungalows (open market housing) and 48 supported living apartments (C2 – institutional use), together with associated access, surface water drainage and other associated development.

Principle of Development and Five Year Land Supply

- 6.6 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.8 The application site is located outside but immediately to west of the Development Boundary as defined within the adopted Local Plan. However the site is set within land identified for inclusion within the Preferred Options Consultation Document as an urban extension to Clacton, although due to the relatively early stage of the Local Plan process only limited weight can be given to this.
- 6.9 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new ‘garden communities’ and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.10 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the ‘Objectively Assessed Housing Need Study’ November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.
- 6.11 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding ‘UPC’ (Unattributable Population Change), she considered that, in the interim, the Council’s application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.12 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council’s general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was ‘limited’.
- 6.13 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector’s decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

- 6.14 However although the site is outside of the settlement development boundary and is not allocated for development in the adopted Local Plan, as noted above, some weight can be attributed to its inclusion within the Preferred Options document. The emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Clacton is categorised in the emerging Policy SPL1 as a strategic urban settlement in recognition of its size and the wide range of infrastructure and available facilities. The principle of developing in this location is therefore considered acceptable.

Housing Density and Mix

- 6.15 One of the key issues in determining this planning application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy LP3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal is approximately 38 dwellings per hectare, which is considered an acceptable density taking into account that the majority of dwellings will take the form of a single apartment block.
- 6.16 The proposed mix of dwellings includes 17 x 3 bed bungalows, 4 x 2 bed bungalows and a two storey block for supported living comprising 48 x 2 bed apartments. It is suggested that should the application be approved that the following condition is applied in respect of the supported living apartments. This allows the Council to retain some control over the future occupation of the apartments:
- 6.17 *"The supported living apartments hereby permitted shall be occupied only by individuals requiring supported living, education and care. The apartments shall not be occupied for any other purpose including any other purpose in Class C3 or C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory instrument revoking and re-enacting that Order with or without modification), including as a secure hospital or secure care facility, without the express permission of the Local Planning Authority".*

Layout, Scale and Design

- 6.18 In support of the overarching aims and objectives of the NPPF the policies in both the adopted and emerging Local Plans set out the Council's commitment to sustainable development and good quality design. This planning application is submitted as a full application with all design details submitted.
- 6.19 As previously noted the site is accessed by an adoptable road with a new junction formed with Jaywick Lane which partially utilises an existing access track but also requires demolition of 82 Jaywick Lane. The new access road serves two minor access roads and a private drive. Initially the road serves the proposed bungalow development and terminates in the car parking area serving the supported living accommodation. Each bungalow is provided with parking and garage space. The supported living apartments are two storey in height and served by 75 car parking spaces with additional visitor parking space provided. Landscaped gardens are provided to the southern part of the site to serve the supported living apartments. Swales to assist with sustainable surface water drainage are also provided in this location.
- 6.20 In terms of design the proposed bungalows are of traditional design incorporating red and buff facing brick, concrete interlocking tiles with white upvc fenestration. The supported living apartments are built as a single two storey block utilising similar materials. The material pallet is used in a manner which breaks up the extensive front and rear elevations.

A central entrance point is proposed. Boundary details and landscape detail will be secured by condition.

- 6.21 The NPPF requires new development to have good connections with the existing built environment. In this regard the development is well served by existing footpaths leading along Jaywick Lane with local services only a short distance away. The site is served by regular bus services. The site is considered to be in a very sustainable location.

Residential Amenity

- 6.22 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 SPL3 in the emerging Local Plan 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'.

- 6.23 The proposed layout does result in the new road access passing between nos 80 and 86 Jaywick Lane although the actual highway is set at least 3.5 metres from the boundaries with those properties. It may be considered appropriate to provide acoustic boundary fencing in these locations.

- 6.24 It is not considered that the proposed scheme would adversely affect neighbouring dwellings however there will be some impact to neighbours during the construction period, particularly due to noise arising from the construction site, but conditions would be applied to the development to minimise impacts if the Committee is mindful to approve the application.

Traffic, Access and Highway Safety

- 6.26 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe a suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.27 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.

- 6.28 In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Transport Statement in support of the application. This document considers the proposed access point into the site from Jaywick Lane as well as highway safety and capacity in the wider area.

- 6.29 As noted a new access point will be provided from Jaywick Lane providing the main site access. The Highway Authority have stated that the proposal is acceptable subject to necessary conditions.

- 6.30 Officers note the concerns raised by local residents in terms of additional traffic movements but the Highway Authority is satisfied that there is existing highway capacity to serve the proposed scheme.
- 6.31 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Impact on Heritage Assets

- 6.32 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains.
- 6.33 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.34 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the County Council Historic and Built Environment Manager has requested that if members are minded to approve the application then a condition is applied requiring a programme of trial trenching followed by open area excavation.
- 6.35 Based on the above assessment it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Ecology

- 6.36 Policies within Chapter 6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan 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, where the benefits of the development 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.
- 6.37 No part of the development site or any land that it abuts has any type of statutory or non-statutory nature conservation designations and Natural England have not raised any adverse comments.
- 6.38 A Preliminary Ecological Appraisal of the site has been undertaken by the applicant which concluded that taking into account the existing use of the site it is unlikely that Bats, Reptiles or other protected species are present at the site. It is recommended that opportunities to encourage wildlife are provided within any future landscape scheme.

Arboriculture/Landscaping

- 6.39 The proposals have been assessed by the Council's Tree and Landscape Officer who has concluded that although the scheme does extend into what is currently open countryside the emerging Local Plan designation should also be taken into account. It is recommended a condition is attached to secure a soft landscaping and tree planting scheme.

Drainage and Flood Risk

- 6.40 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.41 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Following initial concerns raised by the County Council the applicant has submitted additional material which has overcome the County Council's original holding objection.
- 6.42 It is therefore considered that the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. A detailed surface water drainage scheme will be secured by condition. The scheme is therefore expected to comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.43 In addition, Anglian Water has commented upon the application, and confirms the foul drainage from the development is in the catchment of the Jaywick Water Recycling Centre which although not currently having capacity AWA will take necessary steps to ensure that capacity is provided. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Other Material Considerations (including Section 106 Obligations)

Open Space and Play

- 6.44 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has requested that a contribution of £22,530 is sought for the improvement of the Rush Green Recreation Ground. Following consideration of the viability assessment, taking into account the proposed funding mechanism for 48 care units and that the apartments are effectively being provided at a loss it is concluded that it would be unreasonable to require a contribution for open space provision.

Affordable Housing/Affordable Housing

- 6.45 Normally adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and

on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). 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 between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 are therefore normally applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.

- 6.46 However in this case the applicant has submitted a detailed viability assessment demonstrating that the supported living apartments element of the development is partly funded by the open market bungalow element of the scheme. The rents for the 48 care units will be paid from Housing Services benefits and are capped at a significantly lower level than market rates. In effect the apartments are being provided at a loss. To provide any additional affordable housing either within the site or elsewhere would result in the scheme being non-viable. In this case taking into account that the new apartments are to be operated by the Willow Park Group charity for the care of children and adults it is not considered appropriate to request an affordable housing contribution in this instance.

Education and Health provision

- 6.47 Both Essex County Council as the Local Education Authority and NHS England have been consulted on the planning application and have indicated that no contribution is required in this instance.
- 6.48 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of open space) or are otherwise not considered to be significant or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.
- 6.49 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of public play space provision.

6.50 Overall Planning Balance

- 6.51 As noted above the Council are now satisfied that the five year housing land supply is close to being met and the position has received support in recent planning appeal cases. The adopted Local Plan therefore again carries significant weight when considering this application. Although mainly outside the current Development Boundary for Clacton some weight can also be applied to the fact that the site forms part of a proposed allocation for development within the emerging Local Plan. The proposed use of the apartments for assisted living purposes is a clear social benefit and can also be given some weight.
- 6.52 In the overall planning balance, Officers consider that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a range of planning conditions.

Background Papers

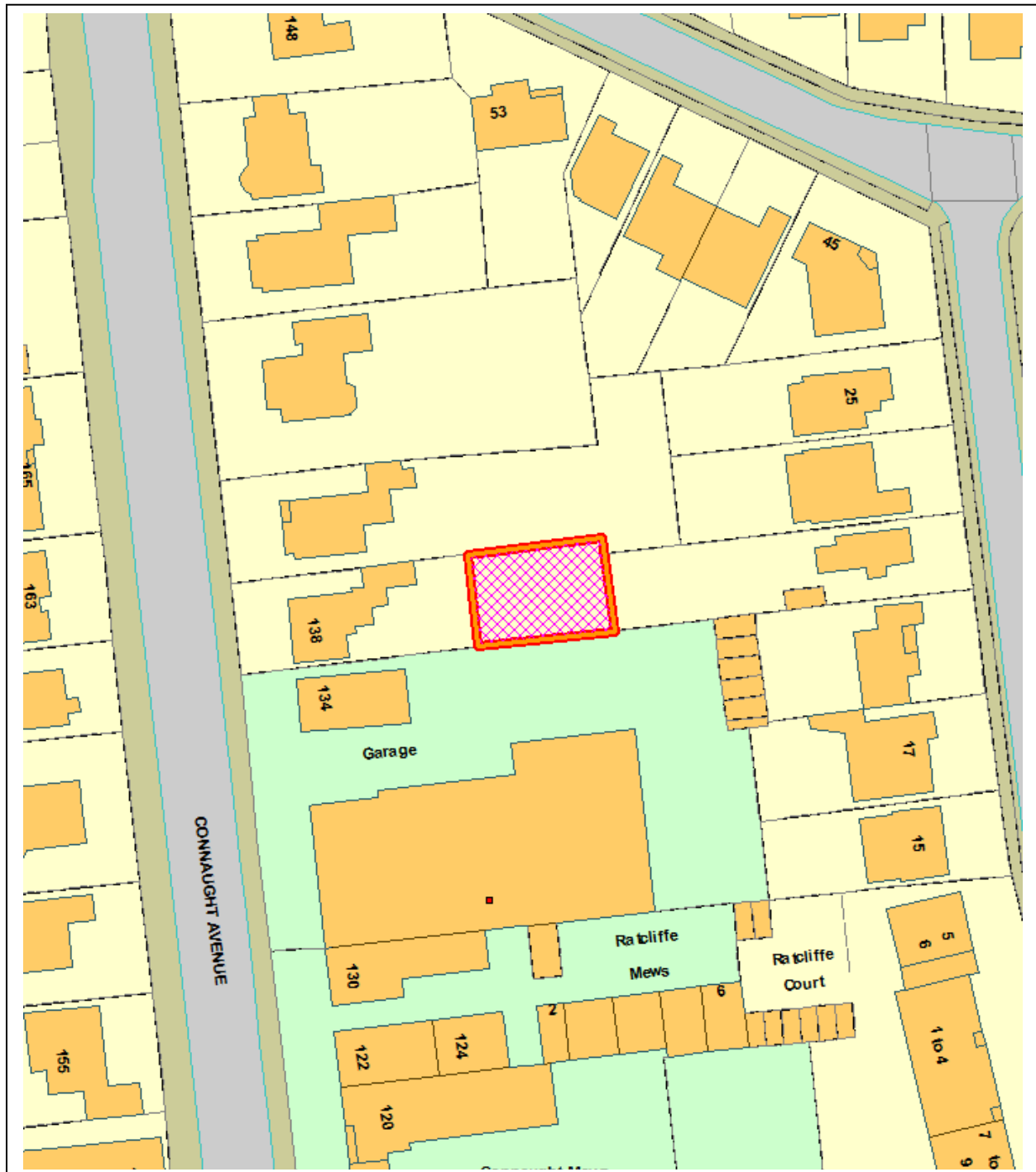
None.

PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION – 16/02031/FUL - LAND REAR OF 138 CONNAUGHT AVENUE, IN ASSOCIATION TO THE BUSINESS CARRIED OUT AT 132 CONNAUGHT AVENUE, FRINTON-ON-SEA, CO13 9AD



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/02031/FUL	Town / Parish: Frinton and Walton Town Council
Applicant:	Mrs Samantha Murray	
Address:	Land Rear Of 138 Connaught Avenue, In Association To The Business Carried Out At 132 Connaught Avenue, Frinton-On-Sea, CO13 9AD	
Development:	Change of use of part of rear garden at adjoining residential property for additional 8 parking spaces	

1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillor Turner on the grounds that the proposal will create a negative impact to the Frinton Conservation Area and harm its character and appearance.
- 1.2 The application is to change the use of part of the rear garden at the adjoining residential property, Number 138 Connaught Avenue, for an additional eight car parking spaces for Pollendines Ford, who reside at Number 132 Connaught Avenue.
- 1.3 The proposal will not result in any material harm to visual or residential amenity, or highway safety and will preserve the character and appearance of the Frinton Conservation Area.

Recommendation: Approval

Conditions:

1. Time Limit
2. Approved plans
3. Use for parking only, no stacking or storage of materials is permitted

2. Planning Policy

National Policy:

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring Local Plan 2007

EN17 Conservation Areas

HG9 Private Amenity Space

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

CP1 Sustainable Transport and Accessibility

PPL8 Conservation Areas

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

92/00212/FUL	Extension to form cleaning bay (part renewal of permission TEN/1466/86)	Refused	12.05.1992
99/00451/ADV	Illuminated totem sign	Refused	09.06.1999
91/00029/FUL	Variation of Condition 3 attached to planning permission TEN/293/88 and Condition 2 attached to planning permission TEN/1704/88.	Refused	12.03.1991
07/02055/ADV	Sign A; Internally illuminated 5m pole; Sign B; Single sided internally illuminated sign; Sign C; Internally illuminated oval Ford sign; Sign D Internally illuminated fascia with dealer name clip; Sign E; Oval Ford sign.	Approved	16.04.2008

4. Consultations

ECC Highways Dept

The Highway Authority has assessed the details of this application and does not wish to submit formal comments

Tree & Landscape Officer

The application proposing the change of use of land currently forming part of the rear garden of 138 Connaught Avenue to a car park associated with the adjacent car sales business would result in the removal of 5 small trees that are situated immediately adjacent to the existing fence separating the car park and the garden.

Four of the trees are Prunus species (Purple Leaved Plums) and have been regularly pruned to control them at a size proportionate to their location. The fifth tree is a Bay that is set back furthest from the highway. At the present time the trees have a collective softening effect on the character of the conservation area. However the contribution that they make to the amenities of the locality is only moderate as they are viewed against a 'back-drop' of another Prunus and Monterey Cypress situated in the rear gardens of adjacent properties. If the trees were to be removed, to facilitate the development proposal the viewer would still be enjoy views of the remaining trees.

In terms of the degree to which the trees can be seen and enjoyed by the general public this is realistically restricted to pedestrians moving northwards along Connaught Avenue for a 50m stretch of the footway where unrestricted views of the trees are available. When travelling southwards the trees are not be in the line of vision of pedestrians and from other point's views of the trees are obstructed by existing buildings.

Whilst it should be recognised that the development proposal will neither conserve or enhance the conservation area the removal of the trees will not have a significant detrimental impact on the local environment or its enjoyment by the public. Therefore the trees do not merit protection by means of a tree preservation order.

5. Representations

5.1 Frinton and Walton Town Council has objected to the application on the grounds that the proposal does not adhere to Policy EN17 of the Tendring Local Plan, will result in a reduction to open garden space and has concerns regarding noise and air pollution in a predominantly residential area.

5.2 There have been four letters of objection received. The points raised are summarised below:

- Concerns that there will be further similar applications;
- Impacts as a result of the loss of trees;
- Flooding issues;
- Concerns the proposal will result in more than eight parking spaces;
- Loss of property value;
- Security concerns;
- Harm the character and appearance of Frinton Conservation Area
- Potential dangers to health from exhaust emissions; and

- Impacts to wildlife, namely hedgehogs.

5.3 There has been one letter of support received.

6. Assessment

6.1 The main planning considerations are:

- Principle of Development
- Visual impact
- Impact to Conservation Area
- Residential amenities
- Highways
- Trees

Principle of Development

6.2 Paragraph 18 of The NPPF states the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

6.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.4 One of the core principles of the NPPF, as highlighted within Paragraph 17, is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

6.5 When taking this into consideration, the existing business is well established within the local area and is seeking to expand, whilst the particular site is not designated for any particular use. Therefore the expansion of the car park is not unacceptable in principle, subject to the detailed consideration below.

Visual Impact

6.6 The proposed works are situated to the rear of 138 Connaught Avenue and as such will not be publically visible, thereby resulting in a neutral impact to the existing street scene.

6.7 Whilst the proposal will result in the part loss of existing garden amenity area, to be replaced by an area of hardstanding, the works are relatively minor whilst the rear garden of Number 138 Connaught Avenue will retain approximately 135 square metres of private amenity space, thereby exceeding the required amount of 100 square metres, as per Saved Policy HG9 of the Tendring Local Plan.

Impact on Frinton Conservation Area

6.8 The section furthest west of the application site, to the rear end of the existing garden, lies within the Frinton Conservation Area, whilst the remaining area falls adjacent to it.

- 6.9 The proposal will not be publically visible due to its location surrounded by the existing garage and neighbouring rear gardens. It will therefore preserve the character and appearance of the Frinton Conservation Area.

Impact to Neighbouring Amenities

- 6.10 The proposal site is adjacent to various residential dwellings, namely Numbers 138 and 140 Connaught Avenue and 21 Old Parsonage Way, and the impact to their existing amenities forms a key consideration of this application.
- 6.11 Given the use proposed as a flat parking area, the visual impact from ground level will be negligible. Views from first floor windows of neighbouring dwellings are likely to be affected, however not to such an extent as to justify refusing planning permission.
- 6.12 With respect to any potential noise as a result of the proposal, it will likely result in some additional levels to that existing, however given the background noise levels from Connaught Avenue, the harm would not be to an extent to justify refusing planning permission.

Highways

- 6.13 Essex County Council Highways Authority have been consulted and have stated that they have assessed the details of the application and do not wish to submit any formal comments.

Trees

- 6.14 The proposal will result in the removal of five small trees situated immediately adjacent to the existing fence separating the car park and the garden which create a collective softening on the character of the Conservation Area.
- 6.15 However, the contribution they make to the amenities of the locality is only moderate as they are viewed against a back drop of another Prunus and Monterey Cypress situated in the rear gardens of adjacent properties, and pedestrian views from Connaught Avenue are restricted to a 50 metre stretch of footway.
- 6.16 The removal of the trees will therefore not result in a significantly detrimental impact on the local environment, and the trees therefore do not merit protection by means of a Tree Preservation Order.

Background Papers

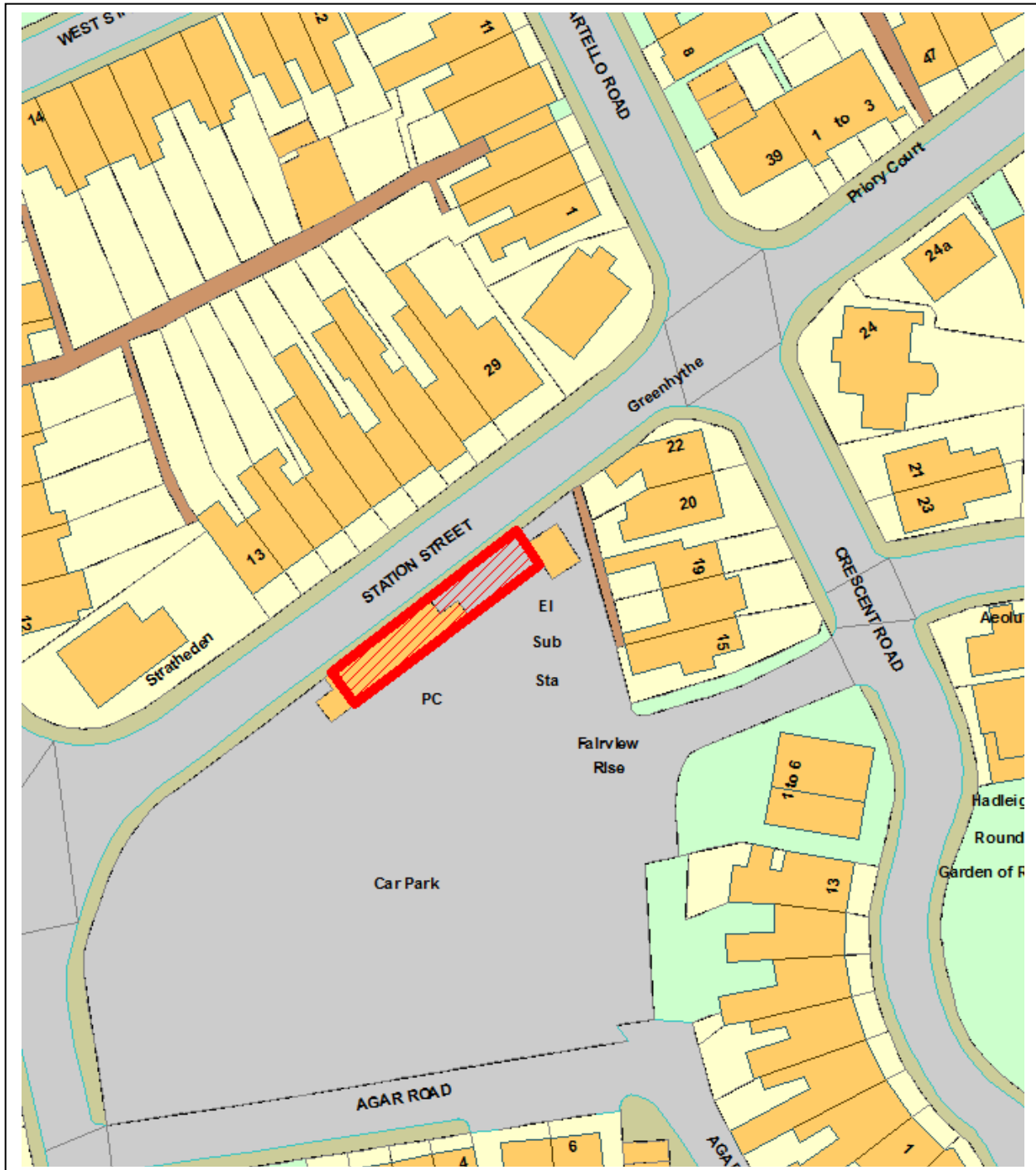
None.

PLANNING COMMITTEE

19 April 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 17/00261/FUL - FORMER PUBLIC TOILETS, STATION STREET, WALTON ON THE NAZE, CO14 8DE



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	17/00261/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr Paul Hepworth	
Address:	Former Public Toilets, Station Street, Walton On The Naze, CO14 8DE	
Development:	Change of use from a former disused public convenience to an audio recording and mixing studio.	

1. Executive Summary

- 1.1 The application is referred to Planning Committee as the land is owned by T.D.C and is to be leased to the applicant.
- 1.2 The building is the former Public Toilet block (W.C's) within the Church Road car-parking area, although the building itself fronts on to Station Street. It has assigned parking directly adjoining the building.
- 1.3 The site lies just outside of the defined town centre and conservation area boundaries of the saved Local Plan and within a predominantly residential area close to the Town Centre.
- 1.4 The car-park provides a useful tourist facility due to the proximity to the sea-front, although the w.c's are no longer functional - having been replaced elsewhere - and the building has been empty since its closure and its dilapidated appearance detracts from the area.
- 1.5 The modest scale of the proposed recording studio is considered acceptable with no material harm to visual or residential amenity, the character/setting of Heritage Assets, or highway safety. The application is therefore recommended for approval.

Recommendation: Approval

Conditions:

1. Commence within 3 years.
2. Dev in Accordance with Approved Plans.
3. Parking to be retained.
4. Opening times 09.00 – 17.00hrs (in any one day) Monday – Saturday and at no time on Sunday or Bank Holidays.
5. Use of Building restricted to Recording Studio only and no other use (including those within Use Class B1/B2/B8).
6. The rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building. The background noise level assessment shall be made in accordance with B.S 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises.
7. The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme approved in writing by the local planning authority.

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER13 Employment Use in Residential Areas

COM3 Protection of Existing Local Services and Facilities

COM22 Noise Pollution

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

HP2 Community Facilities

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the

emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

N/A

4. Consultations

Environmental Health

Having viewed the application and spoken with the applicant, Pollution and Environmental Control ask that the following is conditioned. This work is not required at this stage but will be required once the permission has been granted but prior to the change of use coming into beneficial use:

Site Boundary Noise Levels:

A competent person shall ensure that the rating level of noise emitted from the installed sound equipment shall not exceed the background levels prior to the change of use of the building hereby approved coming into beneficial use. The background noise level assessment, although not intended for music venues, but in the absence of other guidance, shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority for the building hereby approved coming into beneficial use. All subsequent conditions shall comply with this standard.

Sound Insulation:

The use hereby approved shall not commence until the building has been modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and approved in writing by the local planning authority. This shall comply with the initial noise condition.

ECC Highways Dept

The Highway Authority has assessed the details of the application and does not wish to raise any objections

5. Representations

5.1 Frinton and Walton Town Council recommend approval of the application.

5.2 One individual letter of objection has been received from the adjacent resident which states:

- Whilst we would love to see the old toilets re-utilised and refurbished in some positive & useful manner, we are concerned on a few levels:

- Firstly a recording studio will undoubtedly generate significant noise and the location is central to a residential zone, surrounded by a mix of families & elderly occupants. The building is relatively small and wouldn't appear to lend itself to significant sound insulation.
- Secondly there is insufficient parking for existing residents, especially during holiday season and adding a significant number of new visitors to our street will only exacerbate this issue unless the council is interested in issuing residents parking permits in Church Street.
- Also, in my experience, recording studios attract a number of individuals attending at all hours dependent upon their own lifestyles and we would expect a business of this nature to have restricted operating hours reflecting the fact that it is in a residential zone, say 08:00 to 17:00 Monday to Saturday unless of course it was relating to the tourism on which Walton so heavily relies.
- In the avoidance of any doubt we are objecting to this application unless these matters can be addressed.

6. Assessment

6.1 The main planning considerations are:

- The Principle of the Use;
- The Impact on Heritage Assets;
- Highway Safety/Parking; and
- The Impact on Neighbouring Amenities.

Site Location

- 6.2 The application site is the vacant former public w.c's situated on the southern side of Station Street and it is situated within the Church Road public car-park.
- 6.3 The single-storey building is a long thin structure of painted brick, the main element having a pitched roof, and with a flat roof addition at each end.
- 6.4 The surrounding land is a car-park, and the building is accessed from the car-park rather than Station Street.
- 6.5 The site is owned by Tendring District Council, and is to be leased to the applicant.
- 6.6 The site is rectangular in shape and the Council's assets team indicate that - *"the Church Road toilets have been closed since 2003 and the replacement toilets on The Parade were built in 2008/9. The Parade is very close to Church Road, about 180m as the crow flies so only about a 4/5 minute walk"*.

Proposal

- 6.7 The development proposes the re-use of the building as a recording studio and to the N.E of the building, a small area of parking (up to 4 spaces) is to be leased and assigned to the use of the building.
- 6.8 The applicant has indicated as additional information, the following matters:
- It would be a modest activity employing only himself;
 - It would operate from 09.00 – 17.00 Mon to Sat;
 - The activity would involve the recording of (mainly) vocals and low volume instruments, and the mixing of music;
 - No structural changes are proposed other than the removal of the w.c. fittings; and,

- The building would be treated with acoustic insulation – to ceilings, walls and floors, with dual, double glazed windows and a double entry sound-proof door system.

6.9 The application has been accompanied by a detailed scheme of noise insulation, and detailed acoustic ventilation proposals, although Environmental Health require this to be checked against background noise levels.

The Principle of the Use

6.10 The site falls just outside of the central area of Walton, and the W.C and car-park offered a valuable tourist-related facility, and Policy COM3 of the Local Plan seeks to retain such facilities, although in this instance, a more modern facility has already been provided and the former toilets have been vacant for many years.

6.11 As the N.P.P.F is generally supportive of schemes to bring forward employment generating uses that will boost the economy, and the site falls close to the recognised town centre, the modest business proposed raises no other policy concerns.

The Impact on Heritage Assets

6.12 The Local Planning Authority has a statutory duty to consider the potential impact of development on Heritage Assets including the Conservation Area and setting of listed buildings. The site is several streets away from the nearest listed buildings – All Saints Church and some structures within the park - and due to the separation and the fact that the building is already in existence, the proposal would not harm the setting of any listed buildings.

6.13 The use falls close to the conservation area although the modest nature of the development and the lack of any significant external works will ensure that the re-use of the building would not harm the character of the conservation area.

6.14 The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

Highway Safety

6.15 The development is located within the existing car-park and accessed from it, and would have a limited number of assigned parking spaces (4) controlled by lockable bollards and whilst there would be some crossing of the highway by customers, this would not be infrequent, and traffic movements in the locality are slow-moving and it is a lightly trafficked area, and the authorised use is as a public car park.

6.16 Due to the modest scale of the development, its level of parking is considered to be adequate, and no appreciable highway safety issues would arise as a result of the development and no objection is raised by the Highway Authority.

The Impact on Neighbouring Amenities.

6.17 The impact on neighbouring amenity is considered in detail below in order to assess the acceptability of the proposal.

6.18 The creation of a recording studio must – to be effective and avoid extraneous external noises being accidentally recorded – be very highly insulated to ensure the clarity of the sound, and to this effect, the applicant is proposing a high degree of insulation.

- 6.19 It also follows that if no noise can get in to the building and corrupt any recording, then equally, no sound will escape from the building either, and the concerns of the objector would therefore be addressed by the sound insulation scheme and the Environmental Health Officers suggested conditions.
- 6.20 The building is of modest size and would not allow for example a separate 'practice' room that could create noise, and the insulation scheme shown on the plans is applied to the whole building, and it is not considered that any appreciable amenity issues would arise.
- 6.21 The scale of the development and the manner that it would be operated – including the stated hours of operation allied to the acoustic ventilation - is such that no appreciable loss of amenity would result for the occupants of neighbouring property to the extent that a refusal of permission could be justified.
- 6.22 The Environmental Health Officer has raised no objections subject to 2 conditions which are designed to ensure that the sound insulation scheme is effective in relation to the background noise levels at the boundary with residences.

Overall planning balance

- 6.23 The works relate to a building that has stood empty for many years and is in a dilapidated condition, and the area would be enhanced by bringing it back in to a beneficial employment use and it will appear visually acceptable in the historic environment
- 6.24 The development will not cause the loss of a community facility, as the W.C's were replaced by more modern facilities nearby some time ago.
- 6.25 It is sited within an existing car-park and therefore will not impact on highway safety.
- 6.26 The modest development would not cause any demonstrable harm, and it is considered to be a sustainable one. The insulation scheme to the building, additional conditions and the hours of operation proposed, will ensure that no loss of amenity will result for the occupants of neighbouring residential property
- 6.27 The development complies with National and Local policies, and is therefore an appropriate one and recommended for approval.

Background Papers

None.

This page is intentionally left blank

Application:	17/00294/FUL	Town / Parish: Frinton and Walton Town Council
Applicant:	Mr Barry Eldridge - Tendring District Council	
Address:	The Grove Flats, Grove Avenue, Walton-on-the-Naze, CO14 8QY	
Development:	Replace failing existing external balustrades for stainless steel balustrades with glazing panels and replace existing communal entrance with new aluminium doors and windows.	

1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application is to replace the existing external balustrades for stainless steel balustrades with glazing panels, and to replace the existing communal entrance with new aluminium doors and windows.
- 1.3 The proposal will not result in any material harm to visual or residential amenity.

Recommendation: Approve

Conditions:

1. Time Limit
2. Approved plans

2. Planning Policy

National Policy:

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring Local Plan 2007

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

00/02110/FUL	Proposed improvements to the existing environment by the introduction of new tenant stores, refuse collection points, new designated car parking areas, children's play area etc.	Approved	15.02.2001
99/00014/FUL	Erection of 3.0m high security fence adjacent garages	Approved	09.02.1999
99/01747/FUL	Refurbishment of elevations to building by the application of epsicon system of externally applied thermal insulation with rendered and textured finish	Approved	27.01.2000

4. Consultations

Not applicable.

5. Representations

- 5.1 Frinton and Walton Town Council support the application.
- 5.2 There has been no other letters of representation received.

6. Assessment

6.1 The main planning considerations are:

- Visual impact
- Residential amenities

Visual Impact

6.2 The proposed works are situated to the front of the building and as such will be publically visible, thus having the potential to impact upon the existing street scene. However, in light

of the fact the works are relatively minor and will be a visual enhancement to the existing building, there are not considered to be any detrimental visual impacts as a result.

Impact to Neighbouring Amenities

- 6.3 To the north of the proposal are various residential dwellings, namely Numbers 23 and 24 Grove Avenue, who have the potential to be impacted upon as a result of development to this building. However, the proposal is minor with no additional overlooking, with works being predominantly replacement only, and therefore there will be no additional impact to neighbouring amenities that would warrant a reason for refusal, whilst the impact to the amenities of the residents of Grove Flats will be neutral.

Background Papers

None.