

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	03/10/2018
Planning Development Manager authorisation:	AN	4/10/18
Admin checks / despatch completed	[Signature]	05/10/18

**Application:** 18/01259/DETAIL **Town / Parish:** Weeley Parish Council

**Applicant:** Mr John Lynch - South East Developments Limited

**Address:** Land off Connaught Road Weeley

**Development:** Reserved matters application following planning approval 16/01391/OUT - Erection of eight detached bungalows.

### 1. Town / Parish Council

Weeley Parish Council has no objection to this application

### 2. Consultation Responses

ECC Highways Dept

The Highway Authority observes that Connaught Road is classified as a Private Road and therefore does not object to the proposals as submitted.

Informative1: The proposed layout (drawing numbered 2486-1 Rev A) appears to conform to current standards; however the connection to the existing carriageway and the individual vehicular access should be to the requirements and standards of the Street Manager(s).

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

Tree & Landscape Officer  
**ORIGINAL COMMENTS**

The information provided in relation to the impact of the development proposal on the established trees on the eastern and north eastern boundaries of the application site appears to be sufficient to demonstrate that the development can be implemented without causing harm to those trees

The level of information is basic but it shows the extent of the Root Protection Areas (RPAs) of the trees; and that there will be no development within the RPAs.

From the information shown on the site layout plan it cannot be demonstrated that the RPAs are in accordance with BS5837 2012 Trees in relation to design, demolition and construction:



Recommendations. Notwithstanding this there is good separation between the trees and the new dwellings.

It would be desirable for the developer to provide details of the type of protective fencing that will be erected to avoid an incursion into RPA's.

In terms of soft landscaping proposals the applicant will need to provide details of the tree species and specification for the new trees shown either side of the proposed new access road. An additional 5-7 trees should be incorporated in the proposed planting on the northern side of the new access road. Acceptable species would be Alder (*Alnus glutinosa*) or Mountain Ash (*Sorbus aucuparia*). Trees should have a minimum girth of 8-10cm at time of planting

Tree & Landscape Officer  
**AMENDED PLANS**

The layout is satisfactory in terms of the juxtaposition of the retained trees with the proposed dwelling and garages.

Building Control and  
Access Officer

No adverse comments at this time.

Waste Management

Connaught road currently utilised by refuse and recycling vehicles, waste and recycling from all properties continue to be collected from boundary of individual households.

### 3. Planning History

16/01391/OUT	Residential development of 0.5 ha of land to create up to eight detached bungalows.	Approved	01.12.2016
18/00010/OUT	Outline planning application for seven detached bungalows and new access road to serve proposed and approved developments.	Refused	27.02.2018

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation



EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any



fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The site measures approximately 0.5 hectares in size and is situated at the northern end of Connaught Road, a small unmade private road to the eastern side of Clacton Road/Weeley Road serving 6 dwellings (2 houses and 4 bungalows). The application site currently forms the corner of an agricultural field which extends to the north-west across the opposite side of Connaught Road to the front of the existing dwellings.

The application site adjoins the side boundary of number 7 Connaught Road. To the rear of the site is a large plot serving The Paddocks to which access is obtained direct from Weeley Road via a private drive. Adjoining this property and to the rear of the application site is The Venture Centre which is accessed from Harwich Road via Plough Corner Recreation Ground.

The site is bordered to the south-east and north-east by a row of mature trees marking the overall field boundaries. The front of site to the north-west is open to the remainder of the field. To the southern end of the site, adjacent to number 7 Connaught Road there is a small cluster of trees and hedgerow which continues across the opposite side of Connaught Road defining the boundary with the remainder of the open field opposite.

The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of any development boundary but is directly adjacent to the defined Settlement Development Boundary of Little Clacton as set out in both the Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In terms of relationship to any settlement, the proposed dwellings are considered to relate to the facilities within the village of Little Clacton.

### Description of Proposal

The application seeks permission for the reserved matters pursuant to outline approval 16/01391/OUT for the development of the site for up to 8 detached bungalows.

The application includes a blue lined area in which a temporary access will be constructed through the existing field forming part of the methods of the construction phases.

### Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Landscaping and Tree Protection Measures;
- Residential Amenities;
- Highway Considerations and Parking Provision;
- Requirements of Outline Conditions; and,
- Representations.

### Principle of Development

Outline consent was approved under reference 16/01391/OUT subject to the following conditions;



- 1 - 3. Standard Time Limit Conditions
4. Materials details
5. Boundary treatment details
- 6 - 7. Landscaping
8. No unbound materials for first 6 metres
9. All hardsurfacing to be permeable
10. 2m footways
11. Parking in accordance with standards
12. Garages set back by 6m
13. Details of communal refuse store

Outline consent was given with all matters reserved for subsequent approval. The principle of residential development on this site has therefore been established through the granting of 16/01391/OUT. The reserved matters application must therefore consider scale, layout, appearance, landscaping and access together with details required by the conditions.

#### Scale, Layout and Appearance

The site is located to the north of consolidated residential development that runs along Weeley Road, Harwich Road and The Street with further dwellings to the other side of the agricultural field to the west of the site along Clacton Road and Victoria Road. In addition to Connaught Road, there are examples of other spur roads such as Springfield Meadows and Barnfields in close proximity. To the rear of the site are existing dwellings accessed from Weeley Road and fronting The Street and the Plough Corner Recreational Ground and The Venture Centre.

Whilst there is a mixture of single and two-storey dwellings in this location however, bungalows dominate and inform the overall character of this part of Weeley Road.

The continuation of Connaught Road to provide 8 no. bungalows in a linear arrangement therefore represents an appropriate response to the pattern of built development in the vicinity. The development would not adversely impact upon the character of this part of Weeley Heath or Little Clacton.

The application is for bungalows served by single storey garages located in a setback position almost in line with the existing dwelling. This is considered the most appropriate approach alongside the existing bungalows numbers' 1, 3, 5 and 7 Connaught Road and reduces their prominence in the landscape being single storey in scale.

The development would be served by an extension to Connaught Road, be set behind an internal access road with new planting on the opposite side. This new planting along the front boundary of the site enclosing the remainder of the agricultural field would respect the semi-rural character of the locality. The new planting also helps to blend the development into its surroundings and screen views on the approach to Little Clacton from the north-west along Clacton Road. Any oblique views of the dwellings would be seen against a backdrop of the existing built form to the rear.

The 8 dwellings are of the same design but vary due to the attached and detached garages and the mixture of facing and roofing materials. The variation in the garage arrangements and materials consisting of red bricks, buff bricks, slate tiles, red pantiles and some weatherboarded elements to the front projecting gables and rear elevations. This approach uses a palette of materials that not only combines materials used in the locality but also adds interest to the street of the development. The setback garages ensure that the dwellings appear well spaced and not cramped within their plots.

Following concerns with depth of the dwelling closest to the neighbouring bungalow and relationship of the properties with their rear boundaries, the application has been amended. Plot 1 has been amended to so that the garage is attached and sited closest to the neighbouring property and its depth reduced by 1.5 metres. Plot 8 has been moved forward in its plot allowing a more spacious relationship with its rear boundary.

The boundary treatments consist of post and rail fencing with landscaping to the rear and side boundaries adjacent to the open fields and standard close boarded fencing between the dwellings.



This ensures an appropriate visual impact in the locality whilst ensuring privacy between the properties.

Overall, the scale, layout, appearance, materials and boundary treatments of the revised proposal are considered acceptable.

#### Landscaping and Tree Protection Measures

The application is accompanied by a full hard and soft landscaping scheme which includes new tree planting and confirmation of how the trees will be protected during the construction phase.

#### Residential Amenities

The development achieves an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Having regard to the single storey scale of the proposed development together with the north-west facing orientation of the existing dwellings, the development will not result in a material loss of light and sunlight to number 7 Connaught Road. Number 7 Connaught Road directly adjoins the application site and the development will therefore have some impact in that it will introduce built form to this side of their property. However, number 7 is not isolated and already has neighbouring dwellings to the south-east and south-west. Any impact on their amenities cannot be considered materially harmful. The revised scheme results in the single garage with fully hipped roof being located directly adjacent to number 7. This will result in a spacious relationship and no material loss of outlook or overshadowing.

Ample distance is retained to the remainder of nearby dwellings that will ensure no material loss of light will result from the development.

Connaught Road runs along the frontages of the existing dwellings. The proposed development will be served by a continuation of Connaught Road. Traffic movements to serve the new dwellings will not be excessive for up to eight dwellings only. Access to these dwellings will run along the frontages of the existing dwellings and will not cause noise and disturbance to their private amenity spaces. Furthermore, the nature of the road means that traffic will be moving slowly further minimising any impact. For these reasons, any harm cannot be considered significantly harmful.

#### Highway Considerations and Parking Provision

Essex County Council as the Highway Authority has been consulted on the application (see above for details) and do not wish to make a formal recommendation on the application as the dwellings will be served by a Private Road. As Connaught Road is served by sufficient visibility splays the development cannot be considered materially harmful to Highway Safety. As the road is private, any issues relating to the upkeep and use of the road would be a legal matter between the relevant parties and not a material planning consideration. The road type is not a planning reason for refusal.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed plan shows garages and spaces in excess of these standards and the development is therefore acceptable in terms of access and parking.

#### Requirements of Outline Conditions

Full materials and boundary treatment details have been included meeting conditions 4 and 5.

A hard and soft landscaping scheme including permeable surfacing and no unbound materials has been included satisfying conditions 6, 7, 8 and 9.

Foot ways are not being proposed. Condition 10 is not applicable.

The garages are set back in excess of 6 metres and the development provides parking in excess of parking standards satisfying conditions 11 and 12.



Condition 13 requires details of communal refuse store to be provided. The Council's Environmental Health Team has confirmed that the road is serviced by a refuse vehicle and collection from the frontages of the new dwellings will be acceptable. The road surfacing and turning head being provided will improve the situation in terms of access and egress.

### Representations

Weeley Parish Council raise no objection.

A petition of 6 signatories has been received raising objections on 3 grounds which can be summarised and addressed as follows;

- Harm to protected species  
*To allow the continuation of Connaught Road to facilitate the development, a small area of vegetation will require removal. This existing planting to be removed is minimal and not matured. The application site is devoid of any species rich habitat being a farmed agricultural field. Officers considered that a Phase 1 Habitat Survey was not necessary in this instance having regard to Natural England Standing Advice guidance. As such the proposed development is not considered to adversely affect any ecological designations, or protected species. The development provides new landscaping and new tree planting around the perimeter of the site which would make a positive contribution to the biodiversity of the site.*
- Fencing off of ditches and flooding  
*The site is not within a defined flood zone. The development incorporates permeable surfacing. The fencing will comprise post and rail fencing in the most part. The development cannot be considered as contributing to or exacerbating the existing flooding problems from the adjacent ditch.*
- Connaught Road is a private road  
*As the road is private, any issues relating to the upkeep and use of the road would be a legal matter between the existing and future occupants of the dwellings and not a material planning consideration. The road type is not a planning reason for refusal.*

### Conclusion

In the absence of any material harm resulting from the amended development, the application is recommended for approval subject to conditions.

## **6. Recommendation**

Approval - Reserved Matters/Detailed

## **7. Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 1 revision D, drawing no. 6 revision B, drawing no. A-1, drawing no. A-2, drawing no. B-1, drawing no. B-2, drawing no. B-3, drawing no. B-4, drawing no. C-1, drawing no. C-2, drawing no. 8 revision A, drawing no. 9, construction drawing no. 10 revision B and landscaping drawing no. 11 revision A.

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

- 2 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to any of the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.



Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location and to ensure that no harm to neighbouring amenities will occur.

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwellings hereby approved or along the north eastern side boundary or south eastern rear boundary of the site.

Reason - In the interests of visual amenity and the character and appearance of the edge of settlement location.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on drawing no. 11 revision A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

- 5 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 6 The protective fencing detailed on approved drawing no. 11 revision A shall be retained throughout the construction phase of the development.

Reason - In the interests of safeguarding the protected trees in the interests of the character of the area.

- 7 The development hereby approved shall be carried out in accordance with the construction stage details shown on drawing no. 10 revision B and the accompanying construction method statement.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and to protect the local amenity and reduce the likelihood of complaints of statutory nuisance as the site is within close proximity to existing dwellings.

- 8 Prior to the occupation of the dwellings hereby approved, the temporary construction road shown within the blue lined area on drawing no. 6 revision B and forming part of the construction method statement shown on drawing no. 10 revision B shall be permanently closed off and the surface of the land and boundary treatments reinstated.

Reason - In the interests of highway safety and the character of the locality.

- 9 The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.



## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Conditions Precedent

The applicant is reminded that the detailed planning consent is subject to conditions attached to the outline permission for this development ref 16/01391/OUT. Please refer to the outline planning permission to ensure full compliance with all conditions.