



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Will Vote - Rose Builders (Barleyfields) Ltd Riverside House Riverside Avenue East Manningtree Essex CO11 1US	APPLICANT:	Mr Lumber & Mr Weeley C/o Agent
---------------	--	-------------------	------------------------------------

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 17/02162/OUT **DATE REGISTERED:** 15th December 2017

Proposed Development and Location of Land:

**Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.
Land to The South of Thorpe Road Weeley Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2018) is a material planning consideration in the determination of planning applications and paragraph 15 states that the planning system should be genuinely 'plan-led'.

The development plan for this area is the Tendring District Local Plan 2007 (the 'adopted Local Plan') which is 'saved' beyond its intended timescale of 2011 under a direction from the Secretary of State. The application site lies outside of the settlement development boundary as depicted on the Local Plan's proposals maps. Policy QL1 in the adopted Local Plan states that development will be concentrated with the settlement development boundaries and that outside of the defined boundary and other specific land allocations in the plan, only development which is consistent with countryside policies will be permitted. Whilst the adopted Local Plan was only intended to cover the period to 2011, the NPPF in paragraph 213 allows Councils to give weight to existing policies according to their degree of consistency with the NPPF. As confirmed in recent appeal decisions, Policy QL1 whilst dated is broadly consistent with the NPPF and can reasonably be afforded a moderate level of weight in determining planning applications.

The application site is however the subject of a specific allocation for housing and mixed use development through Policy SAMU5 in the Tendring District Local Plan 2013-2033 and Beyond - Publication Draft 2017 (the 'emerging Local Plan') and is

shown within a proposed revision to the settlement development boundary. Paragraph 48 in the NPPF allows Councils to give weight to emerging plans according to their stage of preparation, the extent of unresolved objections and the degree of consistency with the NPPF. As confirmed in recent appeal decisions, the examination of the emerging Local Plan is yet to be concluded and relevant policies within it can only be afforded limited weight. The weight that can reasonably be applied to Policy SAMU5 is further reduced by the fact that there are a large number of public objections to the allocation which are yet to be resolved through the examination process. This allocation is by far the most publicly contentious proposal in the emerging Local Plan and many of the unresolved objections relate to the principle of the development and its scale in relation to the existing settlement of Weeley.

In the time that has passed since the emerging Local Plan was submitted to the Secretary of State to begin the examination process, a significant number of sites have obtained planning permission for residential development and the Council can now comfortably demonstrate both a five-year supply of deliverable housing sites and a notable surplus of land to deliver housing requirements over the full plan period to 2033. Housing delivery within the next five years and over the plan period is no longer dependent on the 280 dwellings proposed for the application site and therefore any argument that the development should be granted planning permission on housing supply grounds in advance of the conclusion of the Local Plan examination and the Inspector's consideration of the unresolved objections can only be given limited weight.

In this case, the policies in the adopted Local Plan should prevail and the application site is outside of the settlement development boundary for Weeley and therefore contrary to Policy QL1 in the Council's adopted Local Plan and in a location where countryside policies apply, such as Policy EN1 'Landscape Character', which aims to protect and where possible enhance the district's landscape and its distinctive local character.

- 2 A number of public objections to this application, and to the corresponding housing and mixed use allocation in Policy SAMU5 of the Tendring District Local Plan 2013-2033 and Beyond - Publication Draft 2017 (the 'emerging Local Plan'), raise concern about the scale of the development being disproportionate to the size and character of the existing settlement of Weeley - representing in excess of a 60% increase in the village's dwelling stock. Weeley is categorised as a 'Rural Service Centre' in Policy SPL1 of the emerging Local Plan where housing development is envisaged to be at a level that is fair, achievable and sustainable. The other settlements that fall into the Rural Service Centre category are Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth and Thorpe-le-Soken where the percentage increase in dwellings range between 20% and 40%.

Since the emerging Local Plan was submitted to the Secretary of State to begin the examination process, the Council can now comfortably demonstrate both a five-year supply of deliverable housing sites and a notable surplus of land to deliver housing requirements over the full plan period to 2033. Housing delivery within the next five years and over the plan period is no longer dependent on the 280 dwellings proposed for the application site and therefore in advance of the conclusion of the Local Plan examination and the Inspector's consideration of the unresolved objections Policy SAMU5 of the Emerging Plan can only be given limited weight.

In light of the above, it is considered that the proposed development represents a disproportionate scale of growth in relation to the size and character of the existing settlement of Weeley. The development is contrary to policies in the Tendring District Local Plan 2007 (the 'adopted Local Plan'); Policy QL9 which requires new development to maintain or enhance local character and distinctiveness, and Policy QL11 which requires the scale and nature of development to be appropriate to the locality.

DATED: 19th November 2018

SIGNED:

Catherine Bicknell

Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL8 Mixed-Uses

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

ER3 Protection of Employment Land

ER7 Business, Industrial and Warehouse Proposals

ER10 Small Scale Employment Sites in Villages

ER11 Conversion and Reuse of Rural Buildings

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

- COM2 Community Safety
- COM4 New Community Facilities (Including Built Sports and Recreation Facilities)
- COM6 Provision of Recreational Open Space for New Residential Development
- COM21 Light Pollution
- COM22 Noise Pollution
- COM23 General Pollution
- COM24 Health Care Provision
- COM26 Contributions to Education Provision
- COM29 Utilities
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN4 Protection of the Best and Most Versatile Agricultural Land
- EN6 Biodiversity
- EN6A Protected Species
- EN6B Habitat Creation
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- EN23 Development Within the Proximity of a Listed Building
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR1 Transport Assessment
- TR2 Travel Plans
- TR3A Provision for Walking
- TR4 Safeguarding and Improving Public Rights of Way
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development
- TR8 Public Car Parking
- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Strategy for North Essex

- SP3 Meeting Housing Needs
- SP4 Providing for Employment & Retail
- SP5 Infrastructure & Connectivity
- SP6 Place Shaping Principles
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP3 Green Infrastructure
- LP3 Housing Density and Standards
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PP7 Employment Allocations
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network
- SAMU5 Development South of Thorpe Road, Weeley

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.