

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	03/10/2019
Planning Development Manager authorisation:	AN	3/10/19
Admin checks / despatch completed	SB	04/10/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	GR	04/10/19

Application: 19/00785/OUT **Town / Parish:** Weeley Parish Council

Applicant: Endeavour

Address: Land off Connaught Road Weeley

Development: Proposed seven detached bungalows and the upgrading of the existing private road (outline application considering access only with all other matters reserved).

1. Town / Parish Council

Little Clacton Parish Council

The previous application which was dismissed by The Planning Inspectorate at appeal on 10th December 2018 dealt with the following Main Issues:

The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the area; and (ii) whether the appeal site in an appropriate location for housing with particular reference to countryside policies.

These issues still stand and are both very relevant to this application therefore Little Clacton Parish Council also highly recommend refusal.

Weeley Parish Council

Weeley Parish Council continues to object to additional development along Connaught Road. This development will have an unacceptable impact on the character of the area and will encroach on the surrounding countryside. The site is outside the development boundary and does not comply with the emerging local plan.

2. Consultation Responses

ECC Highways Dept
ORIGINAL COMMENTS

It is noted that this proposal is a revised scheme permitted under application 18/00010/OUT. As such this new road will serve as an access to 15 units.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway/verge and a flanking footway on the southern side 1.5m.in width which shall connect into the existing 1.5m footway on Weeley Road.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass

clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to the first occupation of the development, the proposed private drive shall be constructed as a shared use route to a width of 5.5 metres and provided with an appropriate dropped kerb crossing of the highway verge to the satisfaction of the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

5. There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

6. All new dwellings shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. Any double garages should have a minimum internal measurement of 7m x 6m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer

will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3: 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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Highways Dept
AMENDED COMMENTS

The below conditions have been amended to reflect the submitted plans as access forms part of the application.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.8 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway/verge and a flanking footway on the southern side which shall connect into the existing 1.5m footway on Weeley Road.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

(Continued.....)

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(Continued...)

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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
18/01259/DETAIL	Reserved matters application following planning approval 16/01391/OUT - Erection of eight detached bungalows.	Approved	05.10.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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
 - EN6 Biodiversity
 - EN11A Protection of International Sites European Sites and RAMSAR Sites
 - COM6 Provision of Recreational Open Space for New Residential Development
 - 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
 - PPL4 Biodiversity and Geodiversity
 - HP5 Open Space, Sports & Recreation Facilities
 - 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 (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site measures approximately 0.49 hectares in size and is situated in the north-western corner of Connaught Road, a small unmade private road to the eastern side of Clacton Road/Weeley Road. Connaught Road currently serves 6 dwellings (2 houses and 4 bungalows) and the development of 8 detached bungalows currently under construction approved under 16/01391/OUT and 18/01259/DETAIL all fronting onto the adjacent open field in a north westerly direction.

The application site for this current application lies opposite the application site of 16/01391/OUT and 18/01259/DETAIL being part of the existing large open agricultural field with the extent of the site area extending no further than the approved development opposite. Access to the development will be via Connaught Road which will be upgraded as part of the proposal.

The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of the development boundary for either Weeley or Little Clacton but is adjacent to the defined Settlement Development Boundary of Little Clacton as set out in the Tendring District Local Plan (2007) and abuts the extended boundary as set out within Tendring District Local Plan 2013-

2033 and Beyond Publication Draft (2017) (which has been extended to include the approved development).

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 outline approval with some matters reserved for the erection of seven detached bungalows and the upgrading of the existing private road.

Access is being considered as part of this application with all other matters reserved for subsequent approval (layout, scale, appearance and landscaping).

Whilst layout is reserved for later consideration, an indicative drawing has been submitted to demonstrate how the development for 7 detached dwellings could be achieved within the application site. The indicative drawing shows 7 south east facing detached dwellings with detached (shared) double garages in a linear pattern facing onto those approved opposite with their rear boundaries (and side boundary of the southern plot) being adjacent to the remainder of the open field to the north and west.

This application follows a previous refusal under planning application reference 18/00010/OUT for 'Outline planning application for seven detached bungalows and new access road to serve proposed and approved developments' which was dismissed on appeal.

Assessment

The main planning considerations are:

- Planning and Appeal History;
- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenity;
- Flooding;
- Highways and Parking;
- Biodiversity;
- Trees and Landscaping;
- Representations; and,
- Other issues.

Planning and Appeal History

Of particular relevance in this instance is the appeal decision following the refusal of the previous application on this site under planning reference 18/00010/OUT and appeal reference APP/P1560/W/18/3204507. Application 18/00010/OUT was refused at a time when the Council could demonstrate 5 year housing land supply.

With regard to the previously proposed parallel access road, the inspector concluded;

- The proposal would introduce a new road directly parallel to Connaught Road, with a central reservation created by the retention of planting between the roads. The parallel road layout would result in a large area of hardstanding, with excessive overall width and would dominate the appearance of its surroundings. It would fail to respect the hierarchy and pattern of street layouts in the village, and would undermine the existing legibility. As a short road, giving access to only a small cluster of homes, its layout and overly urbanised appearance would strongly conflict with the established layout and character of its surroundings.
- The retention of soft planting between the new road and Connaught Road would not mitigate the overall harm to the character and appearance of the village and its surrounding landscape, as the road's appearance would still be highly discernible.

- Furthermore, the exposed position and visual prominence of the proposed new parallel road layout on the edge of the village, especially when viewed looking south east along Clacton Road, would emphasise its visual impact. Consequently I consider the harm caused to be significant, and have placed a significant amount of weight on it.

Although the appeal was dismissed, the inspector concluded that the occupants of the dwellings would not be overly dependent on their car and the site is therefore socially sustainable; and the development would not be harmful to the character of the landscape or area and is therefore environmentally sustainable. The main issue was the second access which the current application has now removed.

The conclusions of the Inspector in relation to the sustainability of residential development of the site is referred to where relevant in the assessment below.

Principle of Development

The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 (as recognised by the Inspector) and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

- Assessment of Sustainable Development

Development should be plan led unless material considerations indicate otherwise. The above-mentioned appeal decision forms a material consideration in this instance of significant weight.

However, in line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. For completeness, these are assessed below.

- economic;

- social, and;
- environmental roles.

- Economic

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

The inspector concluded;

- The new dwellings would result in some limited economic benefits in terms of construction jobs and spending in the local economy.

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Both Weeley and Little Clacton are categorised as Rural Service Centres. It is accepted that each of these settlements can achieve small-scale growth over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages. With this in mind, the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 settlement development boundary has been marginally extended and now includes the opposite site approved under 16/01391/OUT and 18/01259/DETAIL.

In terms of the social role, the site is within walking distance of the convenience store on Harwich Road approximately 600 metres away with further shops, a post office and public house in the centre of Little Clacton. The site is also within walking and cycling distance of Little Clacton Primary School and recreational area. Weeley Road is also on a bus route and there is a bus stop located opposite Connaught Road with services to Mistley, Tendring and Colchester. These facilities go some way to illustrate the sustainability credentials for the village.

The inspector concluded;

- 'The development would not be wholly car dependent...'

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

The inspector concluded;

- The development would encroach into the countryside and reduce the amount of space between the edge of the village and the houses to the north west. However, there would still be sufficient separation between the development and the loose group of dwellings to the north west to maintain a sense of spaciousness and the character of both the landscape and the village would not be significantly harmed by the proposed dwellings themselves.
- Notwithstanding the harm caused by the access road, the proposed bungalows themselves would, subject to appropriate appearance and landscaping, (which would be reserved matters), reflect the scale of development on the edge of Little Clacton.

Finally, paragraph 13 of the appeal decision states that;

- Subject to the reserved matters, the scale of the proposed housing would respond to local character and reinforce local distinctiveness. However, the proposed layout and access arrangement would result in unacceptable visual harm, and the proposal would be contrary to Policies QL9 and EN1 of the Tendring District Local Plan 2007 ("the Local Plan"), which require new development to protect or enhance local character, maintain local distinctiveness, relate well to its surroundings, and seeks to protect landscape character. These requirements are consistent with paragraphs 110, 127 and 130 of the National Planning Policy Framework ("the Framework").

Neighbouring Amenity

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

The application is in outline form considering access only. Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve internal layout and separation distances that would not significantly detract from the amenities of nearby properties or the future occupiers of the proposed dwellings; and could provide sufficient garden space in accordance with Saved Policy HG9 of the adopted Tendring District Local Plan (2007).

Connaught Road runs along the frontages of the existing dwellings and provides access to the 8 bungalows currently under construction. The approval of this application will result in Connaught Road serving a total of 21 dwellings. The additional traffic movements generated by a further 7 dwellings will result in some additional noise and disturbance to existing and future occupants. However, the existing dwellings are not located within an isolated location being in close proximity to the main Clacton Road/Weeley Road and built development to the rear meaning that there is existing road and background noise. Furthermore, 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. In addition, the character and layout of the road means that traffic will be moving slowly on the approach to the junction in both directions further minimising any impact from engine noise. Any harm cannot be considered harmful enough to warrant refusal of planning permission on this ground alone.

Flooding

The site is not within a defined flood zone. Any development will be required to include permeable or porous hard surfacing which would be dealt with at the reserved matters stages of the development. The proposed development cannot be considered as contributing to or exacerbating the existing flooding problems from the adjacent ditch.

Highway and Parking

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users.

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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 application is in outline form with all matters reserved. However, it is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

The junction of Connaught Road with Weeley Road is within the 30mph speed limit. A visibility splay of 2.4m x 90m is available in both directions in accordance with Policy TR1a of the adopted local plan.

The surface treatment, turning areas and visitor parking can be controlled by condition or during the consideration and approval of the layout at the reserved matters stages.

Essex County Council as the Highway Authority has been consulted on the application (see above for details) and raise no objection to the development subject to conditions which will be imposed or added as informatives as required.

Biodiversity

The proposed development does not include the removal of any protected trees or significant vegetation on or adjacent to the application site that would raise any biodiversity issues.

The application site is devoid of any species rich habitat being a farmed agricultural field with some of the site being used as a temporary access and storage area for adjacent development currently under construction. 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 indicative plan shows that there would be sufficient scope to provide ample landscape planting around the perimeter of the site which would make a positive contribution to the biodiversity of the site.

Trees and Landscaping

At the time of the officer's site visits there were no trees on the application site and the only other significant vegetation is the two short sections of hedge adjacent to Connaught Road. The sections of hedge do not merit retention and do not fall within the scope of legislation under which they could be afforded formal legal protection.

Any trimming, felling or clearance prior to, or after the officer's visit would not have required the Council's prior consent as the trees were not required to be retained by an existing planning condition, were not covered by a Tendring District Council Tree Preservation Order and were not situated within a conservation area. Whilst it is disappointing that the trees have been removed the person that carried out the work did not need the prior consent of the Council before they commenced work.

Details of hard and soft landscaping and boundary treatments will be secured at the reserved matters stages to ensure new planting can help assimilate the development into its surroundings and contribute positively to biodiversity.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) being approximately 5020 metres from the Colne Estuary Ramsar and SPA and 4800 metres from Hamford Water SPA and SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary and Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy

PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open space and Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

There is currently a deficit of -2.18 hectares of equipped play and formal open space in Weeley.

Although there is a deficit of equipped play in Weeley, it is not thought that this development will have an impact on the existing play areas. Therefore no contribution is required on this occasion.

Representations

Both Weeley Parish Council and Little Clacton Town Council raise an objection to the application.

Little Clacton raise the following points;

- Development already dismissed at appeal.
- Issues within appeal still stands.

Weeley Parish Council raise the following concerns;

- Continue to object to additional development along Connaught Road.
- Unacceptable impact on the character of the area.
- Will encroach on the surrounding countryside.
- Outside the development boundary.
- Does not comply with the emerging local plan.

4 letters of objection have been received (one with 5 signatories). The concerns raised can be summarised as follows;

- Will not enhance the local character or maintain local distinctiveness.
- Will not relate to its surroundings nor protect the landscape.
- Loss of agricultural land for housing
- Sets a harmful precedent
- Housing supply accounted for - luxury bungalows not suitable for the area.
- Harmful to semi-rural character
- Encroaches into the countryside
- Contrary to policy
- Development already dismissed at appeal.
- Issues within appeal still stands.
- Loss of trees and vegetation.
- Flood risk.

These issues have been addressed in the main report above.

- Private road with no access rights or rights to widen the road or introduce a footpath.
- Loss in property value.

These are not material planning considerations.

The issues raised by local residents regarding the ownership of the land is a civil matter between those parties claiming to own the land. Furthermore, disturbance of nesting birds is a matter for the local police as the Council do not have the power to deal with such matters. Officers cannot comment on the actions or manners of the developer or the relationship between local residents and the developer as the Council has no influence over either party.

Conclusion

Due to the conclusions set out within The Planning Inspectorate's appeal decision, the application is recommended for approval.

6. Recommendation

Approval – Outline

7. Conditions

- 1 Application for the approval of Reserved Matters must be submitted before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development shall be commenced until plans and particulars of "the Reserved Matters" referred to in the above conditions relating to the Appearance, Landscaping, Layout and Scale have been submitted to and agreed in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 5 The access serving the development hereby approved shall be carried out in accordance with the following approved plan: Drawing 121 10.

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

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 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 along the northern, western and southern boundaries of the site or forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form unless otherwise agreed 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.

- 9 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.

- 10 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 4.8 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing of the footway/verge and a flanking footway to the specifications of the Highway Authority on the southern side which shall connect into the existing 1.5m footway on Weeley Road.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highway Informatives

1. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.
2. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.
3. 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 or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

Reserved Matters Informatives

All new dwellings shall be provided with 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres to ensure adequate space for parking off the highway is provided in the interest of highway safety.

Any double garages should have a minimum internal measurement of 7m x 6m to encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

The development results in the loss of the 2 allocated visitor parking spaces approved under application 18/01259/DETAIL. Any reserved matters application should make provision for visitor parking spaces or a further space per dwelling in addition to the above standards (total of 3 spaces per dwelling). Accordingly, a new reserved matters application will be required to amend the approved plans associated with the layout approved under 18/01259/DETAIL.

Any reserved matters application should make provision for a size 3 turning head within the layout of the development to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.