

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	24/10/2019
Planning Development Manager authorisation:	TF	25/10/2019
Admin checks / despatch completed	CC	25/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	WNE	25/10/19

Application: 19/01249/DETAIL **Town / Parish:** Weeley Parish Council

Applicant: Mr Partridge

Address: Land adjacent 43 Mill Lane Weeley Heath

Development: Construction of 6no. dwellings with associated garages and parking.

1. Town / Parish Council

Weeley Parish Council Weeley Parish Council has no comment to make on the design of the bungalows but continues to have concerns about the purpose and position of the gate to the field shown on the plans.

2. Consultation Responses

ECC Highways Dept 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 first occupation of the development, the proposed access junction with Mill Lane shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the amended Site Plan, drawing no. 827/09a to a carriageway width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

2. Prior to first occupation of the development the size 5 vehicular turning facility shown in principle in the amended Site Plan, drawing no. 827/09a 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 throughout.

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

4. Prior to first occupation of the development vehicle parking

shall be provided in accordance with the EPOA Parking Standards as shown in principle in the amended Site Plan, drawing no. 827/09a constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

6. As shown in principle and in the amended proposed garage elevations and floor plans, drawing no 827/10a, all double garages should have a minimum internal measurement of 7m x 5.5m.

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.

7. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

8. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and 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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the

area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

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:

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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.

3. Planning History

16/01165/OUT	The construction of 6 No dwellings with associated garages and parking.	Approved	07.12.2016
17/00522/AGRIC	New detached agricultural barn for the secure storage of mainly machinery.	Withdrawn	21.04.2017
17/00986/AGRIC	New detached agricultural barn.	Determination	23.06.2017

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

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN6 Biodiversity

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 application site is a rectangular area of land lying to the south west side of Mill Lane between Bentley Road and Rectory Road within the settlement of Weeley Heath. The site measures approximately 0.55 hectares in size; it is relatively flat and is currently in agricultural use.

The application site lies outside of the Weeley Heath Settlement Development Boundary as defined within the adopted Tendring District Local Plan (2007) and abuts the extended settlement development boundary for Weeley Heath as defined within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Description of Proposal

The application seeks permission for the reserved matters for the construction of 6 no. dwellings with associated garages and parking following the approval at outline stage under planning application 16/01165/OUT.

Application 16/01165/OUT was made with all matters reserved. This application is therefore assessing the access, layout, scale, appearance and landscaping for the proposed development.

Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Highway Considerations and Parking Provision;
- Financial Contribution - RAMS;
- Requirements of Outline Conditions; and,
- Representations.

Principle of Development

The principle of development has been established by the granting of outline planning application 16/01165/OUT.

The site is considered to be located in a socially sustainable location and would meet the economic strand of sustainability. In respect of the environmental impact, subject to the detailed design being acceptable, it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.

The detailed considerations are set out below.

Scale, Layout and Appearance

The layout of the development allows for well-spaced properties retaining for 1 metre or more to their respective boundaries in excess of the standards set out within saved Policy HG14 of the adopted Plan; being well set back from the highway and providing rear gardens in excess of the minimum standards required by saved Policy HG9 of the adopted Local Plan.

There is sufficient variation in the house type, detailed design and materials to result in a visually varied but harmonious street scene (satisfying condition 4 of the outline consent) Plots 1 and 6 are served by a detached double garage contributing to both the spacious appearance of the scheme but also helping to break up to the appearance of the dwellings within the street scene. The field access retained between plots 2 and 3 also contributes to the spacious character of the development.

The single storey scale of the development minimises the visual impact within the immediate locality as well as ensuring that longer distance views of the development from the adjacent open fields would be minimised. This is further softened by the mature hedgerow along the site frontage which is to be retained.

The plans detail the proposed fencing throughout the site satisfying condition 5 of the outline consent. The 1.8m close boarded fencing to the rear boundary is not wholly appropriate on this edge of settlement location, however, the visual impact is mitigated by new hedgerow planting.

Overall the development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the street scene.

Residential Amenities

The separation distances, general juxtaposition, single storey height and fully hipped roof arrangement of the dwellings ensure that no material harm to neighbouring amenities will result.

Each dwelling is served by a private amenity area in excess of policy requirements.

The proposal is considered acceptable in terms of neighbouring impact and residential amenities.

Trees and Landscaping

In order to show the extent to which the trees and hedgerows on the application site, and on land adjacent, are a constraint on the development of the land, and to show how retained trees will be physically protected for the construction phase of the development the applicant has provided a Tree Survey and Report.

The information provided adequately demonstrates that the development proposal can be implemented without causing harm to retained trees and, apart from the creation of the new vehicular access, no harm will be caused to the retained boundary hedge.

The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

In terms of soft landscaping the details provided by the applicant are sufficient to ensure that a good level of screening along with a general enhancement of the site will be achieved by the implementation of the planting proposals. This satisfies condition 6 of the outline consent.

Landscaping is secured by condition 7 of the outline approval.

Highway Considerations and Parking Provision

The dwellings will be served by a central access with driveways leading to their set back garages served by appropriate visibility splays as set out within condition 8 of the outline consent. The garages and driveways provide turning and parking in excess of current policy standards and accord with the highways requirements set out within conditions 8, 9, 10, 12 and 13 on the outline consent.

Essex County Council Highway Authority raise no objection to the development subject to conditions. Some of these conditions duplicate those on the outline permission or are not required for a development of this scale. Any necessary highway conditions will be imposed.

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 development on a site that lies within the Zone of Influence (Zoi) being approximately 4000 metres from Colne Estuary SPA, SAC and Ramsar. New housing development within the Zoi would be likely to increase the number of recreational visitors to the Colne Estuary 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.

Requirements of Outline Conditions

In addition to those referred to throughout the above assessments, the outline application was also subject to the following conditions;

- 14) Details of communal refuse store provided
 - Details have been provided on the plans accompanying this application.
- 15) Timing of vegetation clearance
 - This is a restrictive condition and will be highlighted through an informative attached to this decision.
- 16) Lighting details
 - This is a restrictive condition and will be highlighted through an informative attached to this decision.
- 17) Biodiversity mitigation and enhancement provision
 - This condition ensures that the mitigation measures as set out within the Preliminary Ecological Appraisal Report Reference Number: 1845,EC/PEA/RF,KML/15-07-16/V1, Bat Detector Survey Report Reference Number: 1926,EC/BatAct/ZK,KL/08-09-16/V1 and Reptile Survey And Mitigation Strategy Report Reference Number: 1926,EC/REP/TC,KL/08-09-16/ V1 are adhered to.

Other Considerations

Weeley Parish Council made comments neither objecting to nor supporting the Planning Application. These comments can be summarised as follows;

- No comment to make on the design of the bungalows.
- Continues to have concerns about the purpose and position of the gate to the field.

5 letters or representation have been received. The concerns raised can be summarised as follows;

- Harmful increase in traffic along this 'quiet', protected, narrow country lane.
- Harmful to highway safety.
- Sets a harmful precedent for further development of the remaining field.
- Out of keeping with semi-rural character.
- No more houses needed in Weeley.

The principle of residential development for 6 dwellings has been established through the granting of 16/01165/OUT. The access, turning and parking all meet highway standards and The Highway Authority raise no objection. The design and impact of the development has been addressed above.

Conclusion

In the absence of any material harm resulting from the reserved matters associated with the approved development, the application is recommended for approval subject to the appropriate 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 and materials: Drawing No. 827/09 A, Drawing No. 827/03, Drawing No. 827/04, Drawing No. 827/05, Drawing No. 827/06, Drawing No. 827/07, Drawing No. 827/08 and Drawing No 827/10 A.

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

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.

Highways Informatives

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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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.

Conditions Precedent

As this is a reserved matters application any decision will need to be read in conjunction with the outline consent 16/01165/OUT which may contain conditions that may still be relevant to the development.