

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	20/08/2020
Planning Development Manager authorisation:	SCE	21/08/2020
Admin checks / despatch completed	CC	21/08/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	21/08/2020

**Application:** 20/00667/DETAIL **Town / Parish:** Weeley Parish Council

**Applicant:** Endeavour

**Address:** Land off Connaught Road Little Clacton

**Development:** Approval of reserved matters for outline approval 20/00277/OUT for the erection of 7 dwellings.

### 1. Town / Parish Council

Mrs Nicola Baker  
21.07.2020

Weeley Parish Council does not object to this application but would like to see the additional hedging suggested by the Tree and Landscape Officer included.

### 2. Consultation Responses

ECC Highways Dept  
25.06.2020

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

Informative 1: It is noted from the Planning Statement that under Planning Application 20/00277/OUT the design of access road has been amended as submitted and contained in revised block plan drawing no. 100 Rev. A.

Informative 2: 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

Informative 3: 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**

16/01391/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
19/00785/OUT	Proposed seven detached bungalows and the upgrading of the existing private road (outline application considering access only with all other matters reserved).	Approved	04.10.2019
20/00277/OUT	Proposed variation to condition 5 (design of access road) of permission 19/00785/OUT.	Approved	20.04.2020
20/00668/FUL	Proposed erection of 1 bungalow.	Current	

### **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

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

HG9 Private Amenity Space

HG14 Side Isolation

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

## **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 nearing completion 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

Application 19/00785/OUT was approved for seven detached bungalows and the upgrading of the existing private road in outline form considering access only with all other matters reserved.

This was then subject of an amendment under planning application 20/00277/OUT which allowed a minor amendment to the road access and layout.

This application therefore seeks permission for the reserved matters pursuant to outline approval 20/00277/OUT for the erection of 7 detached dwellings, namely scale, layout, appearance and landscaping (access already approved at outline stage).

### Assessment

The main considerations are;

- Principle of Development;
- Scale, Layout and Appearance;
- Trees and Landscaping;
- Residential Amenities;
- Highway Considerations and Parking Provision;
- Other Matters; and,
- Representations.

### Principle of Development

Outline consent was approved under reference 20/00277/OUT (amendment to 19/00785/OUT) subject to the following conditions;

- 1 - 3. Standard Time Limit Conditions
4. Submission and approval of Construction Method Statement
5. Approved access details
6. No unbound materials
7. No surface water discharge
8. Boundary treatments/removal of fence PD
9. Removal of householder PD
10. Width of access

The principle of residential development on this site has therefore been established through the granting of 20/00277/OUT (amendment to 19/00785/OUT). The reserved matters application must therefore consider scale, layout, appearance and landscaping.

### 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 will be open fields enclosed by soft landscaping screening the development.

Whilst there is a mixture of single and two-storey dwellings in this location, bungalows dominate and inform the overall character of this part of Weeley Road. The extension of Connaught Road to provide 7 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 garages located in a setback position. This single storey scale is considered the most appropriate approach

taking into account the existing and newly built bungalows opposite and reduces their prominence in the landscape.

The development would be served by the existing access road serving the existing dwellings and new bungalows opposite with new planting around the rear boundary respecting the semi-rural character of the locality. The new planting also helps to blend the development into its surroundings and screen views from the main road on the approach. Any oblique views of the dwellings would be seen against a backdrop of the existing built form opposite.

The 7 dwellings are of the same design but vary due to the attached and detached garages handed nature of alternate plots. The variation in the garage arrangements, use of multi blend bricks and elements of weather boarded finishes to the front projecting gables creates a visually pleasing street scene. The setback garages ensure that the dwellings appear well spaced and not cramped within their plots.

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.

#### Trees and Landscaping

In terms of tree planting the information provided by the applicant showing a single Sessile Oak in the rear garden of each individual property is acceptable. However in order to soften and screen the development further a new hedge should be planted on the north western (rear) boundary of the development and on the south western boundary (side boundary of Plot 1).

An amended soft landscaping plan has been received showing a new hedge on the north western (rear) boundary of the development although not on the south western boundary (side boundary of Plot 1).

The site immediately to the south-west is the subject of a current planning application for an additional plot. The landscaping fails to address this end boundary in anticipation of an approval of application 20/00668/FUL. However, should this application be refused, it is considered necessary to see the continuation of the proposed hedgerow. As such a condition will be added to secure this in the event that application 20/00668/FUL is refused.

In this regard the soft landscaping proposals are acceptable subject to the additional condition.

#### Residential Amenities

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 proposed scale, density and layout allows for a development that achieves an internal layout and separation distances that would not significantly detract from the amenities of nearby properties or the future occupiers of the proposed dwellings. Each dwelling is served by a private amenity space in excess of the minimum standards set out within 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.

#### 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.

#### Other Matters

Comments have been received from the Council's Environmental Protection Team in relation to contaminated land concerns requesting a Phase 1 - Contaminated Land Desktop Study to be submitted. However, this was not raised as part of the outline planning application and it would be unreasonable to impose a condition on this reserved matters approval. Nonetheless, the site is currently cultivated agricultural land and therefore unlikely to raise any contamination issues during construction.

#### Representations

Weeley Parish Council does not object to this application but would like to see the additional hedging suggested by the Tree and Landscape Officer include.

***This has been addressed in the main report above.***

No individual letters of objection have been received.

#### Conclusion

In the absence of any material harm resulting from the 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 and accompanying materials details:

DWG. NO. P01 Plot 1 Floor Plan and Elevations  
DWG. NO. P02 Plot 2 Floor Plan and Elevations  
DWG. NO. P03 Plot 3 Floor Plan and Elevations  
DWG. NO. P04 Plots 4 and 6 Floor Plan and Elevations  
DWG. NO. P05 Plots 5 and 7 Floor Plan and Elevations  
DWG. NO. P07b Amended Landscaping Scheme  
DWG. NO. P08 Garage Floor Plans and Elevations  
DWG. NO. P09 Street Scene

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping scheme DWG. NO. P07b 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 and adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development and semi-rural setting.

- 3 Notwithstanding the details shown on approved DWG. NO. P07b in the event that application 20/00668/FUL is refused (and any related appeal dismissed) the hedgerow planting shown on the rear boundary of the approved landscaping scheme shall be extended along the south-western boundary of the site (side boundary of plot 1). The continuation of the hedgerow planting shall be carried out in the first planting and seeding season (October - March inclusive) following the refusal of application 20/00668/FUL (and any subsequent related appeal) 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 - In order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting.

- 4 The removal of any 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.

- 5 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.

### Planning Obligations

The applicant is reminded that this detailed planning consent is subject to a legal agreement securing financial contributions toward Recreational Disturbance. Please refer to the outline planning permission to ensure full compliance with all planning obligations.

### Conditions Precedent

The applicant is reminded that this detailed planning consent is subject to conditions attached to the outline permission for this development reference 20/00277/OUT (amendment to 19/00785/OUT). Please refer to the outline planning permission to ensure full compliance with all conditions.

### Highway Informatives

Informative 1: It is noted from the Planning Statement that under Planning Application 20/00277/OUT the design of access road has been amended as submitted and contained in revised block plan drawing no. 100 Rev. A.

Informative 2: 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.

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