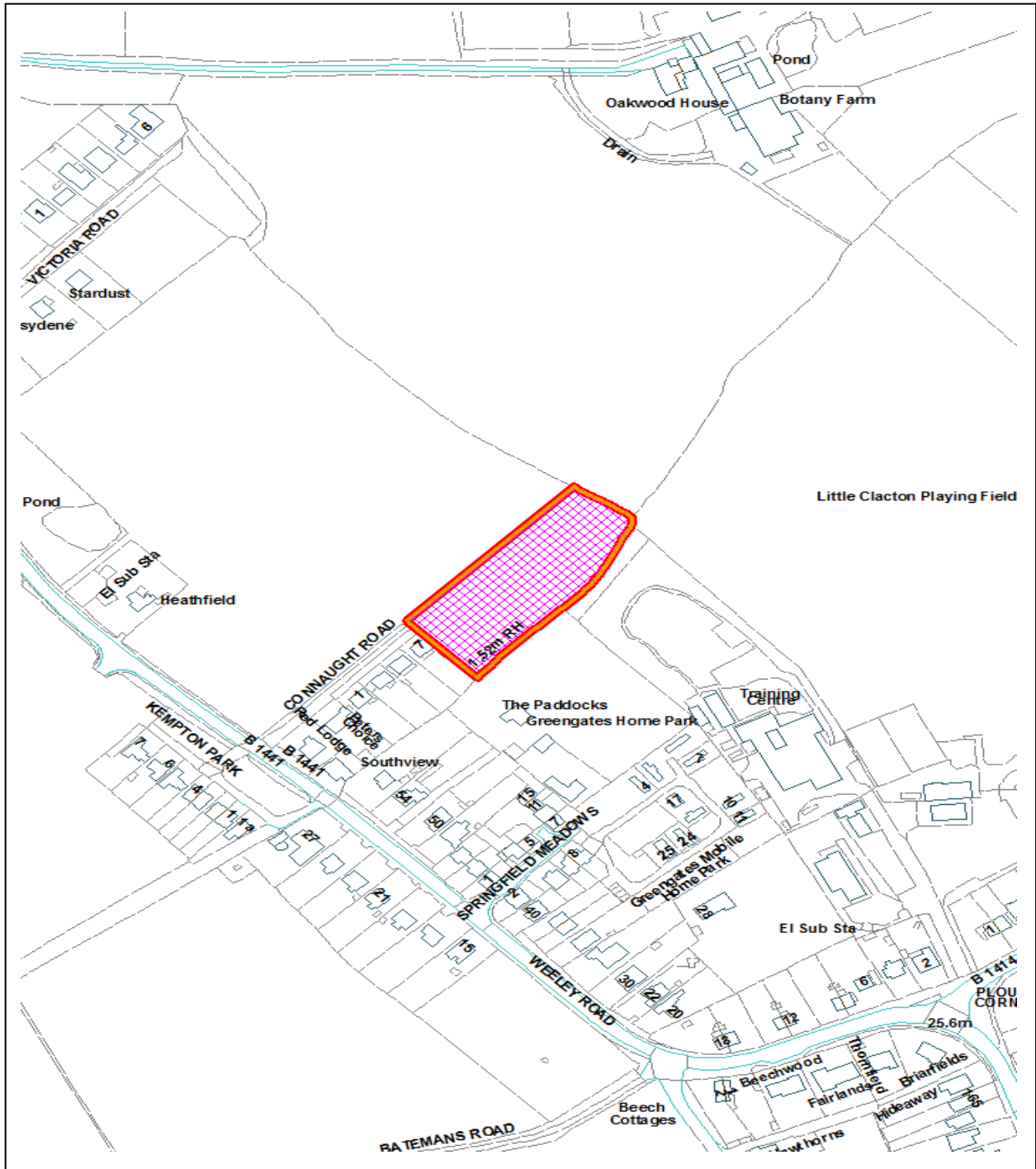


PLANNING COMMITTEE

30<sup>TH</sup> NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

**A.8 PLANNING APPLICATIONS - 16/01391/OUT - LAND OFF CONNAUGHT ROAD, WEELEY, CO16 9EL**



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<b>Application:</b>	16/01391/OUT	<b>Town / Parish:</b> Weeley Parish Council
<b>Applicant:</b>	Robinson & Hall LLP	
<b>Address:</b>	Land off Connaught Road Weeley CO16 9EL	
<b>Development:</b>	Residential development of 0.5 ha of land to create up to eight detached bungalows.	

## 1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Councillor Bray.
- 1.2 This application seeks outline planning permission with all matters reserved for the residential development of 0.5 ha of land to create up to eight detached bungalows.
- 1.3 The site is situated at the northern end of Connaught Road a small unmade private road to the eastern side of Clacton Road/Weeley Road serving 6 dwellings. The application site currently forms the corner of an agricultural field which extends to the north-west across the opposite side of Connaught Road.
- 1.4 The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of any development boundary but is directly adjacent to the defined Settlement Development Boundary of Little Clacton as set out in both the Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 1.5 The National Planning Policy Framework sets out that applications for housing development should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.6 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.7 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.8 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 and highway safety considerations.

**Recommendation: Approve**

**Conditions:**

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters
- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Submission of hard/soft landscaping scheme
- 7) Implementation of landscaping scheme
- 8) No unbound materials in first 6m of access
- 9) Any hardsurfacing shall be porous/permeable.
- 10) Footways being minimum of 2m in width
- 11) Off-street parking in accordance with current parking standards
- 12) Garages being set back 6m from highway
- 13) Details of communal refuse store provided

## 2. **Planning Policy**

### National Policy

National Planning Policy Framework (2012)  
National Planning Practice Guidance (2014)

### Local Plan Policy

#### *Tendring District Local Plan 2007*

QL1 Spatial Strategy  
QL9 Design of New Development  
QL10 Designing New Development to Meet Functional Needs  
QL11 Environmental Impacts and Compatibility of Uses  
HG1 Housing Provision  
HG6 Dwelling Size and Type  
HG9 Private Amenity Space  
HG14 Side Isolation  
EN1 Landscape Character  
TR1A Development Affecting Highways  
TR7 Vehicle Parking at New Development

#### *Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)*

SP1 Presumption in Favour of Sustainable Development  
SPL1 Managing Growth  
SPL3 Sustainable Design  
LP1 Housing Supply  
LP4 Housing Layout  
PPL3 The Rural Landscape  
CP2 Improving the Transport Network

#### *Local Planning Guidance*

Essex County Council Car Parking Standards - Design and Good Practice

## 3. **Relevant Planning History**

None.

#### **4. Consultations**

Essex County Council  
Highways

Connaught Road is a private road and as such The Highway Authority would not necessarily get involved with the actual site.

However, we would be concerned with whether the additional traffic would be a hindrance to safety or efficiency where the additional traffic accessed the highway; i.e. the nearest junction the site where highway rights start.

This junction does appear to provide visibility splays, and there are bus stops nearby.

On this basis, The Highway Authority does not wish to make a formal recommendation.

Principle Tree and  
Landscaping Officer

The application currently is in agricultural use and there are no trees or other significant vegetation on the main body of the land.

The boundary of the application site with the existing private road is planted with an established Goat Willow, Beech and Flowering Cherry. Whilst these trees are attractive features in their setting their condition and the contribution that they make to the appearance of the area are not so significant that they merit retention or protection by means of tree preservation order.

The south eastern boundary of the application site is demarcated by an established hedgerow containing medium sized trees. The northern boundary of the land appears to contain a few established hedgerow Oaks.

Given that the planning application is in outline form and that the proposal is for 'up to 8' dwellings it is not considered necessary for the applicant to provide a tree survey prior to the determination of the application.

However if planning permission is likely to be granted then a condition should be attached to secure the provision of a detailed tree survey and report to be provided by the applicant. The report should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations. The report will show the extent to which the boundary trees are a constraint on the development potential of the land and will inform the measures that may need to be put in place to physically protect them during any approved development.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the site layout plan and referred to in the Planning Statement submitted in support of the application.

#### **5. Representations**

5.1 Weeley Parish Council objects;

- Connaught Road is a private road with a small number of houses leading to farmland. The site is outside the village envelope and the development would lead to an unacceptable level of traffic accessing Clacton Road at this junction.

5.2 3 letters of objection have been received together with a petition containing 8 signatories.

The points raised are summarised below:

- Site is not viable for development.
- Unmade track unsuitable for more dwellings.
- Part of road privately owned with remainder being too narrow to accommodate the development access.
- Too narrow for 2 cars to pass.
- Low electric supply cables would impede higher vehicles entering the site.
- The sewer pipe serving the existing dwellings was paid for the owners and any connection to this by any other property would be opposed.
- Connaught Road is prone to flooding from the adjacent ditch overflowing.
- Local amenities are not close by being at least 20 minutes walk.
- Buses only run every hour.
- Little Clacton already developed and the school is oversubscribed.
- Noise and disturbance to existing dwellings from increased traffic movements.
- Private Road – needs permission from existing residents.
- Object to removal of hedgerow and trees at end of lane.
- Disturbance to wildlife from loss of vegetation.
- Loss of light and privacy to adjacent dwellings.
- Land is still being farmed successfully.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Biodiversity; and,
- Trees and Landscaping.

### **Site Context**

- 6.2 The site measures approximately 0.5 hectares in size and is situated at the northern end of Connaught Road, a small unmade private road to the eastern side of Clacton Road/Weeley Road serving 6 dwellings (2 houses and 4 bungalows). The application site currently forms the corner of an agricultural field which extends to the north-west across the opposite side of Connaught Road to the front of the existing dwellings.
- 6.3 The application site adjoins the side boundary of number 7 Connaught Road. To the rear of the site is a large plot serving The Paddocks to which access is obtained direct from Weeley Road via a private drive. Adjoining this property and to the rear of the application site is The Venture Centre which is accessed from Harwich Road via Plough Corner Recreation Ground.
- 6.4 The site is bordered to the south-east and north-east by a row of mature trees marking the overall field boundaries. The front of site to the north-west is open to the remainder of the

field. To the southern end of the site, adjacent to number 7 Connaught Road there is a small cluster of trees and hedgerow which continues across the opposite side of Connaught Road defining the boundary with the remainder of the open field opposite.

- 6.5 The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. The site lies outside of any development boundary but is directly adjacent to the defined Settlement Development Boundary of Little Clacton as set out in both the Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 6.6 In terms of relationship to any settlement, the proposed dwellings are considered to relate to the facilities within the village of Little Clacton.

### **Proposal**

- 6.7 The current application seeks outline consent with all matters reserved for the residential development of 0.5 ha of land to create up to eight detached bungalows with associated off street parking and garages.
- 6.8 Whilst all matters are reserved for later consideration, the indicative layout drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows a continuation of Connaught Road with the 8 bungalows in a linear pattern.
- 6.9 These properties are indicated as accommodating a minimum of 100 square metres of private amenity space per dwelling.
- 6.10 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.

### **Principle of Development**

- 6.11 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan (2007) which aims to direct new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.12 Little Clacton is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. 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.
- 6.13 Draft Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) identifies Little Clacton as a Rural Service Centre having opportunity for smaller-scale growth.
- 6.14 Given the limited weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.15 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of

housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.16 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.17 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.18 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
  - social and
  - environmental roles.
- 6.19 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### Economic

- 6.20 Officers consider 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.

#### Social

- 6.21 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.
- 6.22 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.
- 6.23 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability

#### Environmental

- 6.24 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is located immediately adjacent to the Settlement Development Boundary of Little Clacton as set out in both the Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016) with a number of existing dwellings sited to the south-east and south-west of the site.

- 6.25 The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under the heading Character and Appearance.

### **Character and Appearance**

- 6.26 The site is located to the north of consolidated residential development that runs along Weeley Road, Harwich Road and The Street with further dwellings to the other side of the agricultural field to the west of the site along Clacton Road and Victoria Road. In addition to Connaught Road, there are examples of other spur roads such as Springfield Meadows and Barnfields in close proximity. To the rear of the site are existing dwellings accessed from Weeley Road and fronting The Street and the Plough Corner Recreational Ground and The Venture Centre.
- 6.27 Whilst there is a mixture of single and two-storey dwellings in this location however, bungalows dominate and inform the overall character of this part of Weeley Road.
- 6.28 The continuation of Connaught Road to provide 8 no. bungalows in a linear arrangement therefore represents an appropriate response to the pattern of built development in the vicinity. The development would not adversely impact upon the character of this part of Weeley Heath or Little Clacton.
- 6.29 Whilst scale is a reserved matter, the application description states that the dwellings would be bungalows served by single storey garages located in a set back position. This is considered the most appropriate approach alongside the existing bungalows numbers' 1, 3, 5 and 7 Connaught Road and reduces their prominence in the landscape.
- 6.30 The indicative layout provided shows that the dwellings would be served by an extension to Connaught Road, be set behind an internal access road with scope for new planting on the opposite side. This new planting along the front boundary of the site enclosing the remainder of the agricultural field would respect the semi-rural character of the locality. The new planting would also screen views of the development on the approach to Little Clacton from the north-west along Clacton Road. Any oblique views of the dwellings would be seen against a backdrop of the existing built form to the rear. The development would read as an extension to the existing Connaught Road dwellings and would not appear intrusive into the open countryside beyond.
- 6.31 Therefore taking into consideration the residential character of the surrounding area and opportunity for new planting, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

### **Neighbouring Amenity**

- 6.32 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. 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'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.33 The application is in outline form with all matters reserved and officers consider that sufficient space is available on site to provide a development that, through the submission



of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings as set out below.

#### Light and Privacy

- 6.34 Having regard to the single storey scale of the proposed development together with the north-west facing orientation of the existing dwellings, officers consider that a satisfactory scheme could be achieved that would not result in a material loss of light and sunlight to number 7 Connaught Road. Ample distance is retained to the remainder of nearby dwellings that will ensure no material loss of light will result from the development.
- 6.35 Again, the distance retained to neighbouring dwellings and the single storey scale of the development minimises any impact on privacy. Number 7 Connaught Road directly adjoins the application site and the development will therefore have some impact in that it will introduce built form to this side of their property. However, number 7 is not isolated and already has neighbouring dwellings to the south-east and south-west. Any impact on their amenities cannot be considered materially harmful.

#### Noise and Disturbance from Traffic Movements

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

#### Flooding

- 6.37 The site is not within a defined flood zone. The development will be required to include permeable or porous hard surfacing which will 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.

#### Local Amenities

- 6.38 This is a smaller scale development where contributions towards healthcare and school provisions are not required.

#### Other Issues

- 6.39 Issues have been raised regarding the low electric supply cables impeding higher vehicles entering the site and any connection to the sewer pipe serving the existing dwellings being opposed by the occupiers. These are not material planning considerations.

#### Highway Considerations

- 6.40 The National Planning Policy Framework (2012) in paragraph 35 states that development should create safe and secure layouts which minimise conflict between traffic and cyclists or pedestrians. The adopted Tendring District Local Plan (2007) Saved Policy TR1a states that development affecting highways should seek to reduce and prevent hazards and inconvenience to traffic. Furthermore, Saved Policy QL10 of the Saved Plan states that planning permission will only be granted where access to the site is practicable and the

highway network will be able to safely accommodate the additional traffic the proposal will generate.

- 6.41 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.
- 6.42 As the road is private, any issues relating to the upkeep and use of the road would be a legal matter and not a material planning consideration. The road type is not a planning reason for refusal.
- 6.43 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.
- 6.44 It is noted that objections have been received with regards to highway safety concerns, however as stated the Highway Authority have not raised any concerns from a highway safety aspect, and therefore officers consider a refusal on this issue could not be substantiated.

### **Biodiversity**

- 6.45 To allow the continuation of Connaught Road to facilitate the development, a small area of vegetation will require removal. This existing planting to be removed is minimal and not matured.
- 6.46 The application site is devoid of any species rich habitat being a farmed agricultural field. Officers considered that a Phase 1 Habitat Survey was not necessary in this instance having regard to Natural England Standing Advice guidance.
- 6.47 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**

- 6.48 The Council's Principle Tree and Landscaping Officer has been consulted on the application and raises no objection subject to the submission of a satisfactory landscaping scheme in accordance with BS 5837 2012 Trees in relation to design demolition and construction, in order to show the trees on the land and to identify those that could be retained and those that would need to be removed to facilitate the development.
- 6.49 At the present time it is not considered expedient to formally protect any of the trees on the land by way of a Tree Preservation Order as they only make a moderate contribution to the visual amenities of the locality and the benefit that they provide could be easily replicated and improved by new planting and landscaping.

### **Background Papers**

None.