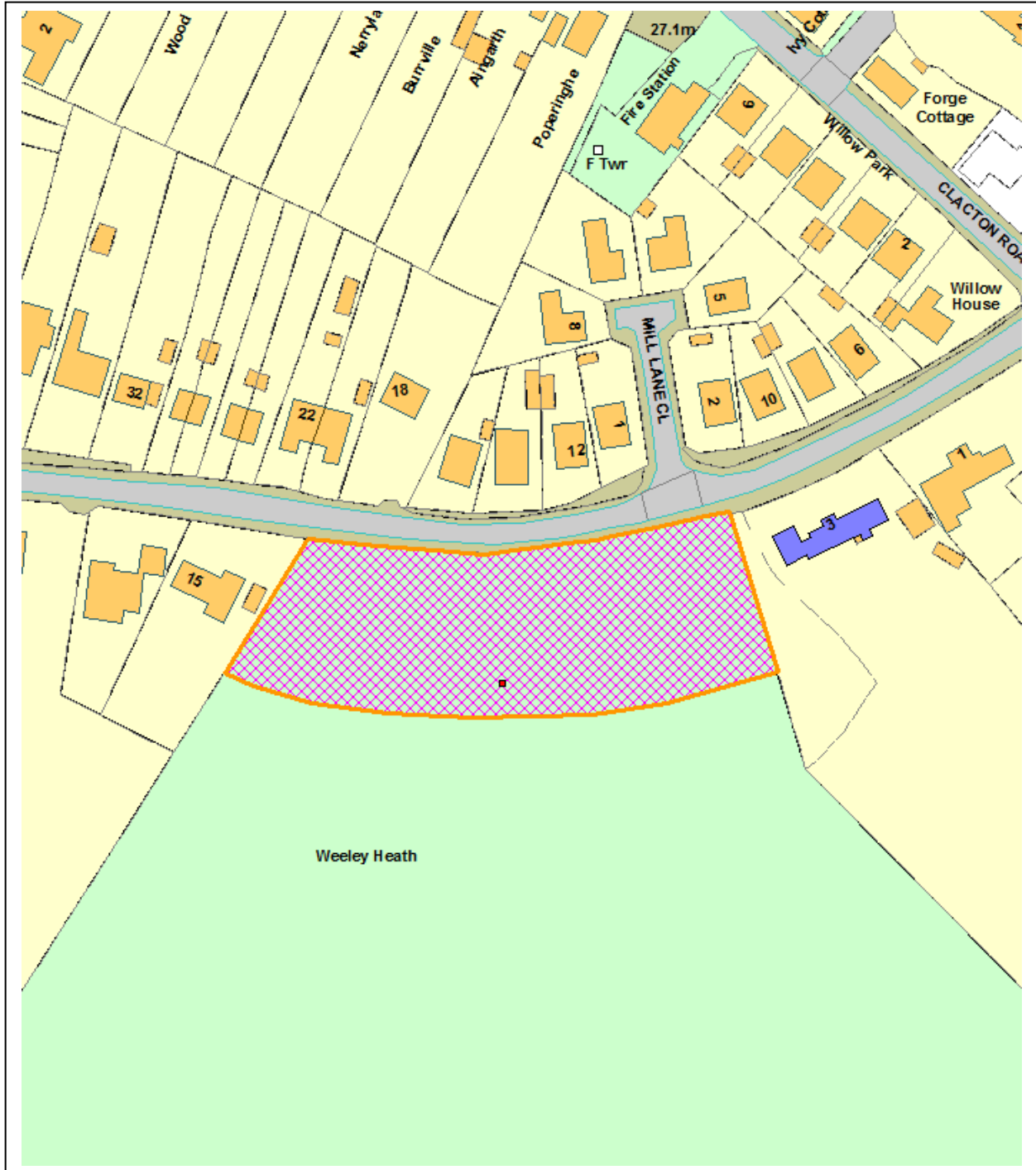


PLANNING COMMITTEE

28 February 2017

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 16/01925/FUL - LAND SOUTH OF MILL LANE
WEELEY HEATH CO16 9BG**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

| | | |
|---------------------|--|---|
| Application: | 16/01925/FUL | Town / Parish: Weeley Parish Council |
| Applicant: | Rusden Ltd | |
| Address: | Land South of Mill Lane Weeley Heath CO16 9BG | |
| Development: | Proposed development of 6 no. 3 bedroom detached bungalows all with single detached garages. | |

1. Executive Summary

- 1.1 Outline application 16/00185/OUT for residential development of up to 6 dwellings on this site was approved at Planning Committee on 18th May 2016 at which time it was requested that the reserved matters be brought back to the committee for determination. This application follows on from the previous outline but seeks full planning permission. Officers' consider it appropriate that this application be determined by the Planning Committee.
- 1.2 This application seeks full planning permission for the erection of 6 no. 3 bedroom detached bungalows each with a single detached garage with two access points from Mill Lane serving 3 properties each.
- 1.3 The application site is situated on the southern side of Mill Lane outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) and the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.
- 1.4 As established through the granting of outline application 16/00185/OUT, the principle of residential development for up to 6 dwellings on this site is accepted.
- 1.5 This full application satisfies design and appearance (including the impact on the adjacent heritage asset), highways, trees and landscaping, biodiversity and residential amenity considerations and is recommended for approval.

Recommendation: Approve

Conditions:

- 1) Time Limit
- 2) Approved Plans
- 3) Submission and agreement of external facing and roofing materials
- 4) Hard and Soft Landscaping Scheme
- 5) Implementation of landscaping scheme
- 6) Visibility splays prior to accesses being brought into use
- 7) Parking and turning facilities made available prior to occupation and retained
- 8) No unbound materials in first 6m of access
- 9) Timing of vegetation clearance
- 10) Lighting details
- 11) Biodiversity mitigation and enhancement provision
- 12) Accordance with tree/hedge protection plan
- 13) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site
- 14) Hours of working

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN23 Development within the Proximity of Listed Building

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

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, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 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.

3. Relevant Planning History

| | | | |
|--------------|---|----------|------------|
| 16/00185/OUT | Residential development comprising up to 6 dwellings. | Approved | 20.05.2016 |
|--------------|---|----------|------------|

4. Consultations

Building Control and Access Officer No adverse comments at this time.

Tree & Landscape Officer In order to show the extent to which the trees and hedgerows on the application site, and on land adjacent to the application site, are a constraint on the development of the land, and to identify the way that retained trees would be physically protected should planning permission for development be granted the applicant has provided a Tree Survey and Report. The report has been completed in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations and accurately describes the health and condition of trees and hedgerows on the land.

The planning application will not result in the removal of any trees and would result in new tree and hedgerow planting ' albeit set against the urbanising impact of the development proposal on the existing landscape character ' some sections of scrubby hedgerow have been identified for removal.

Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping and boundary treatment.

The indicative site layout shows new tree planting and provision for a new hedgerow and tree planting on the southern boundary and on the boundary with Mill Lane. However the plan does not provide sufficient details relating to the species and specification of the trees, shrubs and hedgerows to be incorporated into the soft landscaping scheme.

The applicant will need to provide details of the plant species as well as number of plants to be planted as well as their size (at time of planting). Trees should be 10-12cm girth, shrubs and hedgerow species should be provided as 'bare rooted plants' or in containers of

at least 2 litres.

The trees and hedgerow should comprise of indigenous species and the boundaries should be marked by a simple post and rail fences to minimise the adverse impact of the development proposal when viewed from the open countryside.

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

1. Prior to occupation of the development, the accesses at their centre lines shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 33 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the accesses and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Any single garages should have a minimum internal measurement of 7m x 3m
Any double garages should have a minimum internal

measurement of 7m x 6m

Any tandem garages should have minimum internal measurements of 12m x 3m

All garages shall be retained for the purposes of vehicle parking in perpetuity

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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

6. No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - 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.

Natural England

No comments to make on this application.

5. Representations

- 5.1 Weeley Parish Council does not object to this application but would request that the ditch is piped along the whole frontage of the development in order to make maintenance of the boundary easier.
- 5.2 No other letters of representation have been received.

6. Assessment

- 6.1 The main planning considerations are:
 - Site Context;
 - Proposal;
 - Principle of Development;
 - Character, Appearance and Landscaping;
 - Neighbouring Amenity;
 - Highway Considerations, and;
 - Biodiversity.

Site Context

- 6.2 The site is located within the southern part of the village of Weeley Heath and is broadly rectangular in shape, with access from Mill Lane. The site currently forms a gap between property numbers 3 and 15. The site is approximately 0.67 hectares in size and is relatively flat. It is currently in agricultural use. The property immediately to the east, no. 3 Mill Lane, is a Grade II Listed Cottage.
- 6.3 The northern frontage of the site onto Mill Lane is marked by a sporadic hedgerow and drainage ditch with a large mature Oak tree along the eastern boundary. The site is bounded to the north, east and west by residential dwellings of mainly detached bungalows and houses which front Mill Lane. The southern boundary is open in character and forms part of the agricultural field.
- 6.4 The application site is situated on the southern side of Mill Lane outside of, but opposite to, the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan (2007) and the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016.

Proposal

- 6.5 The current application seeks full planning permission for the erection of 6 no. 3 bedroom detached bungalows with a single detached garage serving each dwelling.
- 6.6 The development will be served by 2 new vehicular accesses from Mill Lane each serving 3 dwellings via a small internal access road.
- 6.7 All 6 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).
- 6.8 All 6 properties will be served by 2 parking spaces in the form of a single detached garage and parking space in front in line with the current Parking Standards.

- 6.9 The proposed site layout plan shows that there would be scope to provide substantial landscape planting around the perimeter of the site, including new tree planting, which would make a positive contribution to the bio-diversity of the site.

Principle of Development

- 6.10 As established through the granting of outline application 16/00185/OUT, the principle of residential development for up to 6 dwellings on this site is accepted. As this application now seeks full planning permission, the sustainability credentials and principle of residential development on the site must be re-considered.
- 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 Weeley 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 Weeley is identified within draft Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 as an Expanded Settlement. The supporting text for this policy states that Weeley will be the focus for a strategic residential-led development because of its strategic location at the heart of the District with good transport connections and relatively unconstrained land.
- 6.14 Chapter 6 of the 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.
- 6.15 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. Therefore, 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.
- 6.16 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.
- 6.17 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 demonstrate 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 strand of sustainable development.

Social

6.21 In terms of the social role, the site is within reasonable proximity of the local amenities within Weeley village such as a village convenience store, post office and bakery within walking distance of the site. The site is also within walking and cycling distance of the local primary school and recreational area. Weeley/Weeley Heath is also on a bus route and there is a bus stop located approximately 350m away on Clacton Road to the north-east of the site with services to Clacton, Frinton and Colchester.

6.22 In addition it is noted that Weeley Railway Station is within walking distance of the site, which connects Weeley to Frinton/Walton and Clacton (via Thorpe-le-Soken), and further afield into Colchester and London. These facilities go some way to illustrate the sustainability credentials for the village. Whilst there is not a footpath present on Mill Lane Rectory Road directly to the east of the site is served by a pedestrian footpath that leads into Weeley to the north-west.

6.23 As stated above, Weeley is identified within draft Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 as an Expanded Settlement because of its strategic location at the heart of the District with good transport connections and relatively unconstrained land. Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the village and the site.

6.24 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

Environmental

6.25 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact as the site is located immediately opposite the settlement development boundary as defined in both the saved Tendring District Local Plan (2007) and draft Local Plan (2016), with a number of residential dwellings sited to the east, west and north of the site.

6.26 The environmental role is about contributing to protecting and enhancing the natural built and historic environment (including the Grade II listed building to the east of the site) which is considered below under the heading Character and Appearance.

Character, Appearance and Landscaping

- 6.27 The site is surrounded by existing residential development; on the opposite side of the road to the north and to both the east and west of the site all fronting Mill Lane. The development would be between numbers 3 and 15 Mill Lane representing the infill of the existing linear residential development present.
- 6.28 The development proposes 6 no. detached bungalows fronting onto Mill Lane in a linear arrangement therefore representing an appropriate response to the pattern of built development in the vicinity. The presence of residential development at either end of the site and on the opposite side of Mill Lane ensures that the infill of this site would not adversely impact upon the character of this part of Weeley Heath. The retention of the majority of the frontage hedgerow, together with additional tree and hedgerow planting along all boundaries of the site ensures that the development would be sympathetic to the semi-rural character of the locality.
- 6.29 The area comprises of a mixture of bungalows, chalet style dwellings and two-storey properties. Therefore, the siting of 6 no. bungalows on the site would not appear out of character or unduly prominent. The single storey approach responds to the preferred dwelling height set out by officers within the committee report for application 16/00185/OUT and the informatives agreed by members included within the approval decision notice.
- 6.30 The dwellings will be served by 2 access points off Mill Lane set behind an internal access road serving 3 dwellings each (outline application indicated a single access serving all 6). Whilst this would result in the removal of two areas of hedgerow this is not considered excessive or harmful to the semi-rural character of the area due to the additional tree and hedgerow planting secured by the development.
- 6.31 The front boundary fencing is to be a post and rail design also respecting the semi-rural character of the area. The close boarded fencing enclosing the rear private gardens for each dwelling are well set back and will not be prominent within the street scene and are also screened by additional proposed planting.
- 6.32 The garages serving the properties are set back and to the side of the bungalows and will not visually dominate the development.
- 6.33 The bungalows are sited in a curved formation following the curved highway and sited no further forward than the existing residential properties either side of the site. The set back from the highway and spacing between the dwellings and their plots ensure that the development does not appear cramped or out of keeping within the street scene.
- 6.34 The external facing and roofing materials have not been specified and a condition will be imposed for their subsequent approval.
- 6.35 Therefore taking into consideration the current use of the site, the residential character of the surrounding area and the vegetation present on and around the site, 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. A condition requiring a hard and soft landscaping scheme will be imposed in order to secure the additional tree and hedgerow planting softening the impact of the development.

Impact on Heritage Asset

- 6.36 One of the core planning principles of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 134 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

proposal, including securing its optimum viable use. Policy EN23 of the adopted Tendring District Local Plan (2007) states that proposal for development that would adversely affect the setting of a Listed Building, including group value or long distance views will not be permitted. Draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives.

- 6.37 There are no designated heritage assets on the site. However, there are a range of assets around the wider area. The Church of St Andrew, Church Lane is Grade II* listed building and there are an additional twenty Grade II listed buildings within the local area.
- 6.38 The closest of these designated heritage assets to the site is the Grade II listed 'Ferncroft' 3 Mill Lane, a seventeenth/eighteenth century weatherboard cottage with thatched roof, located to the east of the site. The impact of the development on the setting of 'Ferncroft' is therefore a consideration in this instance. 'Ferncroft' has been extended to the side, closest to the proposed development. The extension is higher than the original thatched cottage element of the building with a conflicting roof form and materials somewhat diminishing the original character and architectural value of the cottage. This extension divides the listed building from the development site and is well-screened by the existing hedgerow planting along the eastern boundary including the mature Oak tree. For these reasons the proposed development is not considered to be significantly harmful to the setting of the listed building. Any affects on the setting of the listed building would be significantly outweighed by the benefits.

Neighbouring Amenity

- 6.39 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'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives supports these objectives.
- 6.40 The single storey nature of the proposed dwellings together with the spacing retained between the existing residential properties to the east and west of the site ensure that there will be no material loss of light, outlook or privacy as a result of the development.

Highway Considerations

- 6.41 Essex County Council as the Highway Authority has been consulted on the application (see above for details). They raise no objection to the development and the creation of 2 access points from Mill Lane subject to a number of conditions as set out above which will be imposed as necessary.
- 6.42 The Council's Adopted Parking Standards require that for dwellings with 3 bedrooms, a minimum of 2 parking spaces are 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. Each property is served by a garage with a parking space in front in line with these requirements. 2 visitor parking spaces are also provided.

Biodiversity

- 6.43 The site consists predominantly of arable farmland with boundary hedgerows, and some small areas of improved grassland. As a result a phase 1 habitat survey has been submitted that encompassed the site area and the remainder of the field.

- 6.44 The survey concluded that the majority of the habitats are likely to be of low biodiversity value, but most of the field boundary hedgerow has the potential to be of value to several protected species as well as being of general biodiversity value themselves. However, as the proposed development is within the small northern section of the whole area surveyed, with the appropriate mitigation methods, no significant impacts upon protected species/habitats are predicted.
- 6.45 Therefore the inclusion of conditions relating to the timing of vegetation clearance and the use of sensitive lighting will help to ensure any impact upon nesting birds and foraging bats is minimal. Furthermore, there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes.
- 6.46 As such the proposed development is not considered to adversely affect any nearby ecological designations, or protected species.

Background Papers

None.