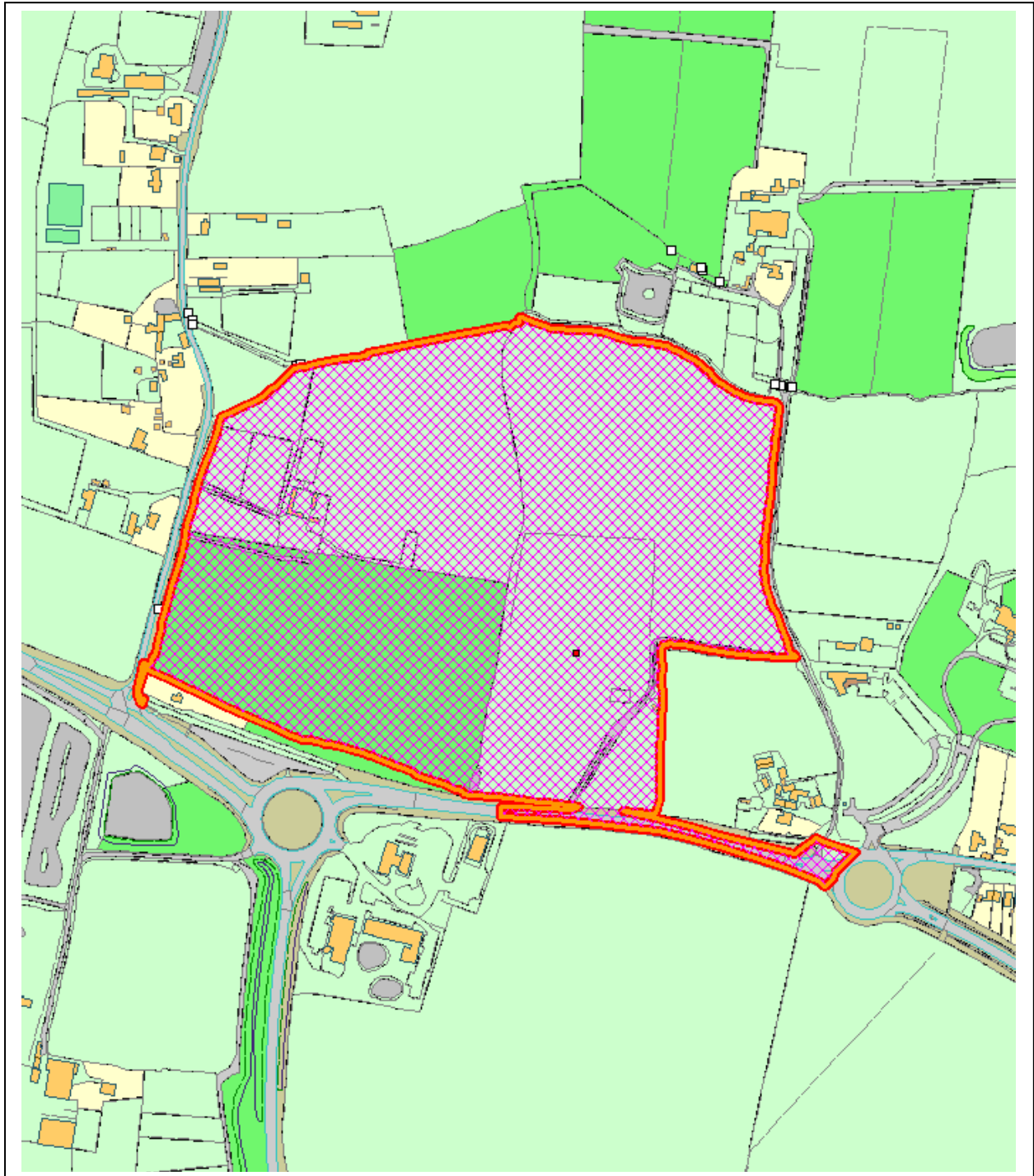


PLANNING COMMITTEE

19 APRIL 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 16/01847/OUT – LAND NORTH OF COLCHESTER ROAD, WEELEY, CO16 9AG



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Application:	16/01847/OUT	Town / Parish: Weeley/Tendring
Applicant:	Taylor Wimpey UK Ltd	
Address:	Land North of Colchester Road, Weeley, CO16 9AG	
Development:	Outline planning application for up to 380 dwellings, approximately 2.8ha of B1 employment land (including a local centre (A1 and D1/D2 use), land for a primary school together with associated amenity and open space provision, landscaping and access.	

1. Executive Summary

- 1.1 This is an outline planning application seeking approval for the principle of a major mixed-use development on land to the north west of Weeley village, straddling the parish boundaries of Weeley and Tendring. The development proposes up to 380 dwellings; land for business, retail and community uses; land for a new primary school along with open space, landscaping and access from Colchester Road.
- 1.2 In the emerging Local Plan as currently published, Weeley is identified as an 'expanded settlement' with the potential to accommodate between 304 and 1,411 new dwellings, depending on whether the 'objectively assessed housing need' for Tendring is confirmed at 550 or 600 dwellings per annum. The sites earmarked for potential development include land south of Colchester Road (rear of Tendring Park Services), land east of the village (south of Thorpe Road) and land north of the village off Crow Lane. However, the Local Plan Committee has now agreed the lower figure of 550 dwellings per annum and, as a consequence, the submission version of the Local Plan is to be amended to reduce the housing allocation for Weeley to the lower level of around 304 dwellings, all to be built on land east of the village.
- 1.3 This application site north of Colchester Road does not feature as an allocation in the emerging Local Plan and is only shown, in part, as a notional location for future employment uses – a designation also set to be removed from the plan. The proposed reduction in the housing numbers proposed for Weeley will result in the deletion, rather than addition of housing sites and notwithstanding the current (but rapidly reducing) shortfall against five-year housing supply requirements and the need to judge applications on their merits against the government's 'presumption in favour of sustainable development', Officers are recommending refusal of this application.
- 1.4 With Weeley no longer being promoted as a location for growth on such a strategic scale, this development would be isolated from the main built up area of the village, would have a poor physical relationship with Weeley and would bring about a considerable and unnecessary change in the character of the area. There are also genuine concerns about such a development proposal being considered ahead of the completion of the new Local Plan without a clear understanding of the likely cumulative impacts on education, health and highways and the measures that would need to be put in place to address these matters.

- 1.5 The proposals for major growth around Weeley are the most controversial in the draft Local Plan and have attracted a considerable level of objection from residents. This particular planning application has attracted a small number of individual objections but there are mixed views within the community. Weeley Parish Council objects to the proposal, but Weeley Residents Association has suggested that if the village has to grow, this site would be the preferred location. They do not object to the proposal in principle but would want to see the dwelling numbers reduced and land south of Thorpe Road deleted from the Local Plan.
- 1.6 The highway authority is not satisfied with the applicants' Transport Assessment and has issued a holding objection and the educational authority has requested the provision of a two-form entry primary school as opposed to the one-form entry school proposed by the applicant. The application is therefore also recommended for refusal on highways and education grounds as well as the lack of a s106 legal agreement, but there is a possibility that these issues could be addressed as part of the appeal process, if the developer were to go down than route.
- 1.7 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Weeley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. This development would, in isolation, be physically separate from the established built up area, would be poorly related to the settlement pattern of the village and would represent an illogical intrusion into the countryside that would have an unnecessary adverse impact upon the character of the area. The development also prejudices the effective and coordinated delivery of infrastructure through the plan-making process because ahead of the completion of the Local Plan, the cumulative impact of potentially multiple developments on highways, schools and health provision is uncertain and the measures needed to mitigate such impacts, and which bodies will be responsibility for their delivery, cannot be clearly established at this time. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the proposal does not constitute sustainable development.

- Essex County Council in its capacity as the highway authority has not accepted the findings of the submitted transport assessment. It has not yet been demonstrated that the development, when considered in combination with other potential developments in the area, would not bring about a residual cumulative impact on the capacity and safety of the highway network.
- Essex County Council in its capacity as the local education authority has advised that existing primary schools in the Weeley and wider area have limited available capacity and that a two-form entry primary school would be required to meet the needs arising from this development and potentially others in the area. The applicants are only making provision for a one-form entry primary school, contrary to the local education authority's advice so it is uncertain whether or not the impact of this development upon school places will be adequately addressed.
- No s106 agreement to secure affordable housing, education facilities/contributions, health facilities/contributions and open space has been completed.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 The NPPF, in Section 1, seeks to foster the conditions for a strong, competitive economy. It encourages local authorities to plan proactively to meet the development needs of business and seek to address potential barriers to investment, including a poor environment or any

ack of infrastructure, services of infrastructure. It requires that Local Plan policies should be flexible enough to accommodate business needs not anticipated in the plan period and to allow a rapid response to changes in economic circumstances.

- 2.5 Section 4 of the NPPF deals with sustainable transport and requires all developments that will generate significant amounts of movement to be supported by a Transport Assessment. Opportunities for sustainable transport modes must be taken up; safe and suitable access for all people must be achieved; and improvements to the highway network that address the impacts of the development must be undertaken. A key tool to facilitate sustainable transport modes will be in the form of a Travel Plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts are 'severe'.
- 2.6 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It 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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.7 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan

Local Plan Policy:

- 2.8 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL8: Mixed-Use: Promotes mixed-use developments – but particularly within settlement development boundaries, town centres and urban regeneration areas.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

ER7: Business, Industrial and Warehouse Proposals: Sets out criteria for the consideration of proposals for business, industrial and warehouse developments.

ER10: Small Scale Employment Sites in Villages: States that small scale employment development including small enterprise centres will be permitted in villages provided they can meet the criteria set out in Policy ER7.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities: Supports the development of appropriate community facilities depending on their accessibility to local people, impact on local character and amenities, parking and traffic impacts and infrastructure constraints. Outside of settlement development boundaries, there needs to be a proven local need for the facility and no other suitable site available within the settlement itself.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building: Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Weeley as a 'expanded settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations. Weeley is currently identified as a location for major expansion but is set to be re-classified as a rural service centre in the final submission version of the Local Plan with a significant reduction in proposed housing.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities, where appropriate, by providing on site or contributing towards new or enhanced facilities to meet needs arising from the proposed development or growth.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP3: Village and Neighbourhood Centres: Proposes a new neighbourhood centre for Weeley Garden Village, although the garden village or 'expanded settlement' proposal for Weeley is set for deletion from the final submission draft.

PP7: Employment Allocations: Identifies 40 hectares of land for new employment use including 5 hectares broadly in the location of the application site.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: States that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest and its character, appearance and fabric. Developments have to be explained and justified through an informed assessment of the significance of the heritage asset and its setting and need to be of a scale and design and use materials and finishes that respect the listed building and its setting.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

3.1 The site has the following planning history:

96/01487/FUL	Car boot sales on 28 days. Temporary consent for 1 year	Refused	21.01.1997
97/01297/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years	Approved	02.12.1997

99/01691/FUL	Car boot sales on 28 days each year - renewal of temporary consent TEN/97/1297 for five years	Approved	10.01.2000
04/02276/FUL	Car boot sales on 28 days each year. Temporary consent for 5 years (Renewal of TEN/99/01691)	Approved	25.01.2005
10/00047/FUL	Use of land for car boot sales on 28 days each year (variation to temporary planning permission TEN/04/02276/FUL).	Approved	28.04.2010
14/00103/FUL	Continued use of previously approved car boot sale site and additional area for a maximum of 66 car boot sales each year (in accordance with drawing no. WBS 2C) and use of the site for a maximum of 25 outdoor events each year including farmers markets; shows and exhibitions (in accordance with drawing no. WBS 2B). Replacement of existing portable toilet cabin with utility building to house new toilet facilities.	Approved	28.04.2014
15/00826/FUL	Proposed small petting farm.	Approved	

4. Consultations

**TDC
Regeneration**

We do not support this planning application. The site is identified for employment use in the Council's emerging Local Plan and as a major employment site in the Council's Employment Land Review. This report also identifies a shortfall in the district-wide availability of employment land and we therefore believe it is essential that this site is not lost to alternative uses and that its proposed status as a key employment location is protected.

**TDC
Environmental
Health**

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. A number of conditions are suggested if the development is to be approved.

**TDC
Principal Tree
& Landscape
Officer**

Broadly speaking the application site can be divided into two distinctly separate areas of land. The eastern section is set to grass and is used as a seasonal car boot sale. There are no trees or other significant vegetation in the main body of this part of the application site. The western section of the land is well populated with trees and other low vegetation such as sections of hedgerow and patches of bramble.

The site is divided by a strong landscape feature comprised of a line of hybrid Poplars, almost certainly planted as a windbreak associated with a previous use of the land as orchard. Otherwise the most visually important trees and hedgerows are situated on the perimeter of the land.

The application site is affected by Tree Preservation Order TPO/91/19 Broomfield Orchard, Crown Lane & Hawk Fruit Farm. The TPO affords formal legal protection to 2 oaks situated on the northern boundary on the application site. The trees are situated close to the footbridge on the Public Right of Way (PROW) on the northern boundary of the application site at the point the PROW turns northwards.

In order to show the impact of the development proposal on the trees on the land the applicant has provided a tree survey and report. This information in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations. The report shows the impact of the development proposal on the trees on the land. It identifies those that would need to be removed in order to develop the land and those that can be retained.

The report shows that the largest trees on the perimeter of the land will be retained but that most of the centrally situated trees and other vegetation would need to be removed. Simply in terms of the impact of the development on the trees and the contribution that they make to the local landscape character the development proposal makes provision for the best and most prominent trees that are situated on the perimeter of the site. The harm caused by the removal of the centrally situated vegetation could be mitigated by securing new soft landscaping.

The indicative site layout makes provision for the retention of the row of hybrid Poplar running from north to south. Whilst this currently an important landscape feature careful consideration should be given to its retention or removal and replacement with more appropriate species taking into account the possible future use of the land. This tree species was planted for a specific purpose and has a propensity to shed large limbs if their size is not controlled.

The applicant has also submitted a Landscape and Visual Impact Assessment (LVIA) to show the impact of the development on both the character of the landscape and the way that it is perceived and enjoyed by the public.

The LVIA accurately describes the effect of the proposed development on the character of the local landscape and recognises that harm would be caused if the development were to proceed.

The assessment concludes that the harm would not be significant and that the identified harm could be mitigated by measures including new tree, hedgerow and shrub planting combined with the retention of the existing strong landscape features. The LVIA contains a Landscape Strategy that, if adhered to, would allow the development to be reasonably well assimilated into the landscape.

Should consent be likely to be granted it will be important to secure the physical protection of the retained trees and details of soft landscaping. It is not considered necessary to make a new tree preservation order in respect of any of the trees on the boundary of the application site as the development proposal does not threaten their removal.

TDC Open Space and Play

There is currently a deficit of 2.18 hectares of equipped play and formal open space in Weeley. There are two play areas in Weeley; one located at Hilltop Crescent and one along Clacton Road, both of which are classified as Local Equipped Areas for Play. Due to the limited provision in Weeley, in terms of both play and formal open space the onsite provision proposed in this application would go towards reducing the deficit. It is noted that open space and play space will be incorporated within the development. Should the developer wish to transfer the open space and play facilities to the Council upon completion, a commuted sum will be required towards the cost of future maintenance.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application as the information provided with this application does not allow for a full assessment of the proposed impact on the highway infrastructure. The concerns relate to:

- Trip generation for different uses on the site;
- Trip distribution for the new residents;
- Traffic flows and the timing of the peak period;
- Projections of traffic growth;
- Detailed assessment of impacts on junctions;
- Assessing the impact on the A120link/A133 Frating roundabout;
- Taking into account sites that have already gained planning permission that might also affect the road network in this area, as well as other proposals under consideration in Weeley; and
- Sensitivity testing.

The proposal therefore currently appears to be contrary to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

ECC Schools

This development can be expected to generate a demand for up to 114 primary school and 76 secondary school places. The development will also generate a significant need for Early Years and Childcare (EY&C) places but an accurate estimate of demand cannot be provided until the mix of non-residential uses is known.

The level of financial contribution to build the required education and childcare infrastructure should be based on the pro-rata cost of a notional two form entry (2fe) primary school with a 56 place EY&C provision, costing £7,290,000. The land required for a 2fe primary school with childcare facility would need to be 2.1 hectares and the land would need to be rendered fit for purpose, in line with ECC's Developer Guide. Based on this figure, each early years and childcare place is estimated to cost

£18,424.82 and each additional primary place £14,900.50. The developer should ensure that safe and direct walking/cycling routes are available to the nearest school.

The actual establishment of any new school is subject to the outcome of statutory consultation. Any s106 agreement should thereby grant ECC or their nominee an option to take transfer of the land, at nominal cost (usually £1). The option period should open no later than occupation of 50 homes on the development and close 10 years thereafter or, if later, on completion of the development.

A number of standard planning obligations will be necessary to ensure the education land is rendered fit for purpose and acceptable to ECC. The development will need to submit a Land Compliance Study, and likewise with the final mix of unit types and non-residential land uses yet to be decided, the contributions towards the facilities identified above should be formula based to ensure CIL regulation 122 compliance. Essex Legal Service's standard s106 template should be used as the basis for drafting, to avoid any unnecessary delay or expense in agreeing terms.

With regard to secondary provision, the proposed development is located within the Clacton secondary forecast group which has an overall capacity of 5,065 places and which is forecast to have a deficit of 476 places by the school year 2020-21. A contribution for additional school places is therefore requested. The estimated cost of the project is £1,410,636 which equates to £18,561 per place. Based on demand generated by this proposal, a developer contribution of £1,410,636 is sought to mitigate the impact on local secondary school provision.

ECC's Youth Service has asked that larger developments deliver commensurate social opportunities for older children and two pieces of infrastructure are suggested to address this need. Firstly a 'youth shelter' should be provided in a location in the public eye, but away from conflicting/noise sensitive occupants. Secondly skate board facilities would be a welcome amenity for children that have outgrown traditional play area facilities. .

If the Council is minded to turn down the application, the anticipated lack of education and childcare provision can be noted as an additional reason for refusal.

Anglian Water

Assets Affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment: The foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre that will have available capacity for these flows. Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will require a condition requiring compliance with the agreed drainage strategy.

Surface Water Disposal: From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable

to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operate assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Trade Effluent: The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that an informative to explain this be included within your notice should permission be granted.

NHS England

This development is likely to have an impact on the services of one GP practice in the locality (Great Bentley Surgery – The Hollies). This practice does not have capacity for the additional growth resulting from this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

The development would give rise to a need for improvements to capacity. This could be by way of developer provision of suitable land for a new health facility or an appropriate capital contribution towards the relocation of Great Bentley Surgery, subject to negotiation and agreement between the relevant parties.

Provision of suitable land for a new health facility or a developer contribution of £131,859 is required to mitigate the impacts of this development proposal.

Natural England

There is currently insufficient information on soils and land quality to enable Natural England to provide a substantive response to this consultation.

Essex County Council Flood Authority

Having reviewed the Flood Risk Assessment and further information submitted by the applicant in December 2016, we do not object to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

Essex County Council Archaeology

A Desk Based Assessment has been submitted with the application which provides background on the known archaeological remains in the wider area and highlights the lack of archaeological investigation that has been carried out within the area. It concludes that the site contains known undesignated heritage assets of local to regional importance. Further unknown assets of local to regional importance and further unknown

Heritage assets of similar importance could potentially be present. The site is crossed by water courses and lies along a historic main route, Roman and Iron Age finds have been recovered from the surrounding area which would indicate settlement and/or activity nearby. Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits;
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

5. Representations

5.1 There is a very high level of local objection to the Local Plan in respect of major growth in Weeley. For this particular planning application the Council has received 6 individual public objections which highlight the following matters of concern:

- The Local Plan Committee has voted to re-categorise Weeley as a rural service centre with only 304 houses proposed;
- It would make more sense for new housing to be built onto the back of the existing housing estate in Weeley;
- Infrastructure in the village cannot cope with a development of this size;
- 380 homes could lead to 1,500 additional residents;
- Increase in traffic, congestions and risk to pedestrian safety;
- The new school will also bring about more school-run traffic;
- Concern that some of the trees would be lost to make way for the development;
- Risk of surface water flooding and flooding from the boundary ditches;
- The number of dwellings exceeds, significantly, the 304 to be kept in the revised Local Plan;
- The majority of residents in Weeley do not wish to see major development in the village;
- Increases in noise and light pollution;
- Loss of greenfield land;
- The site is only allocated for commercial use in the draft Local Plan, not housing;
- The site is poorly related to services and facilities in the village;
- The new community would not be well integrated with the village;
- Significant investment in infrastructure would be needed;
- Negative impact on the rural character of Crown Lane and increased rat-running;
- The Council's regeneration team does not support this application;
- Bus and train services in Weeley are poor;
- Assumptions in the applicants' transport assessment are not realistic;
- The busy main road would need to be negotiated by cyclist and pedestrians, including young children;
- It would be a detached and essentially self-contained community over 800 metres from the existing heart of Weeley;
- The settlement pattern would not be either logical or cohesive;
- The development would create a rival centre instead of strengthening the existing one;

- Both Essex County Council and Anglian Water have raised concerns about foul drainage and surface water drainage; and
- The proposed two new bus stops will also create traffic problems.

5.2 One representation of outright support has been received from a resident who says we need more houses, existing schools in the area are getting overcrowded and Weeley is a beautiful location. They say that the development would be fantastic for the community and would not affect many people because of its location.

5.3 Another resident offers provisional support for the proposal on the basis that the proposed use of the land for employment in the draft Local Plan would be inappropriate, unfair and disproportionate for the village but this site is a far more suitable location for mixed-use development than the Council's preferred site south of Thorpe Road which has greater historical and archaeological significance and greater agricultural value. They feel that the access would be no more dangerous than for the Thorpe Road site and the smaller employment area would be more in keeping with the size and character of the village. They would be prepared to support the application if the number of properties was reduced and the Thorpe Road site was deleted from the Local Plan.

5.4 Weeley Residents Association have said the following: We feel that the number of dwellings in this application far exceeds the Local Plan proposals for 304 dwellings, which we already object to as severe over-development of the existing village. However, a snap survey of 108 residents has shown that whilst the majority do not wish for any development at all for Weeley, their next preference – if there has to be development, is for the Car Boot site, the subject of this planning application. We object therefore to the number of dwellings, but do not object in principle to this application if the numbers are amended down and also if the Local Plan site shown for the land off Thorpe Road is removed.

5.5 Weeley Parish Council however objects to the proposal for the following reasons:

- It is outside the defined settlement boundary;
- It is surplus to requirements as TDC has almost reached the 5 year supply number of deliverable housing;
- Public transport links to the site are poor with a limited train and bus service;
- This site is distanced from the centre of the village, leading to fragmentation of local services;
- The access to the site is on a busy piece of highway midway between two roundabouts; and
- The development is out of proportion to the population of Weeley.

5.6 The owners of the neighbouring Saxon Lodge boarding kennels have objected to the proposal raising the following concerns:

- The noise from the existing kennels might reach the new houses;
- Prospective buyers might not be aware of the neighbouring kennels;
- It could lead to noise complaints and the risk of the kennels having to be shut down; and
- The application site boundary extends across the front of main gate in Hawk Lane – an area that we maintain.

- 5.7 They have suggested that if the development is to go ahead, consideration should be given to the use of sound barrier fencing around the border, the inclusion of purpose-built bridleways in the scheme and a reduction in the speed limit along that section of the B1033.

6. Assessment

The Site

- 6.1 The application site comprises 20.2 hectares of undeveloped greenfield land to the north of Colchester Road (B1033/A133), east of Crown Lane and west of Hawk Lane and straddles the parish boundary of Weeley and Tendring. The site is situated to the north and east of Saxon Lodge boarding kennels and north of the residential property Elisabeth Cottage in Crown Lane. There are horticultural, agricultural and residential properties on the opposite site of Crown Lane (including a listed building), land and buildings associated with Hawk Farm to the north east off Hawk Lane with more open countryside to the north east. South of the site, lies the main A133/B1033 roundabout and Tendring Park Services with pedestrian footpath/cycleway bypass between the site and the roundabout. There is a public right of way along part of the northern edge of the site.
- 6.2 The land is generally flat and is in two distinctly separate areas with the eastern section set to grass and used as a seasonal car boot sale. This section of the site contains no trees or other significant vegetation within its main body. The western section of the site however does contain a significant number of trees, sections of hedgerow and patches of bramble. There is a significant line of Poplar trees separating the two sections of the site and there are significant trees and hedges around the perimeter of the site.

The Proposal

- 6.3 This outline planning application with all matters reserved, except for access, seeks approval for the principle of erecting up to 380 dwellings, providing approximately 2.8 hectares of B1 employment land including a local centre containing retail and community uses, land for primary school as well as open space and landscaping. Vehicular access would be taken direct from Colchester Road, broadly in the same position that the current boot sale site is accessed.
- 6.4 An indicative development framework plan has been submitted to set out, in broad terms, how the applicant would envisage the site being developed. The framework plan shows a 2.8 hectare employment site at the eastern end of the site, accessed via a new access road from Colchester Road. The employment site would include 2.3 hectares for business use including offices, light industrial and general industrial development as well as 0.5 hectares, closest to the main road for a local centre which could contain shops and community uses such as medical or communal facilities. The new employment area would lie immediate west and north of Saxon Lodge kennels.
- 6.5 The majority of the land would contain residential development to be accessed separately from the employment from the new access road. The scheme shows substantial areas of planting and open space around the perimeter of the site, the retention of the corridor of Poplar trees through the centre, with just a couple of points where the access road and footpath breaks through. 1.09 hectares of land is shown, in the very centre of the site, for a

new primary school which, at this size, would be for a one form entry (1fe) facility. The proposal makes provision for a network of sustainable drainage features.

- 6.6 The applicants have also provided an illustrative masterplan which shows, in more detail, how the development could potentially be laid out. Although this level of detail would be reserved for approval at a later stage, it is helpful to see how the type and level of development proposed could potentially fit onto the 23.3 hectare site.
- 6.7 Detailed drawings have submitted for the proposed junction onto Colchester Road which show the creation of a dedicated right turn lane for access into the site along with footways and a pedestrian/cycle crossing point further east. Drawings have also been provided showing a foot/cycle link at the Crown Lane end of the development as well as a proposed emergency, pedestrian and cycle access.

Architectural Drawings

- CSA/2632/102 Rev. B Location Plan
- CSA/2632/103 Rev. E Development Framework Plan
- CSA/2632/112 Rev. C Landscape Strategy
- CSA/2632/113 Rev. A Illustrative Masterplan
- ITL11228-SK-006 Rev. B Proposed Access on B1033
- ITL11228-SK-010 Proposed Emergency/Pedestrian/Cycle Access on Crown Lane

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Arboricultural Report
- Ecological Impact Assessment
- Ecological Impact Assessment
- Flood Risk Assessment
- Heritage Statement
- Landscape and Visual Impact Assessment
- Noise and Air Quality Assessment
- Noise and Air Quality Assessment
- Preliminary Services Appraisal
- Statement of Community Involvement
- Transport Assessment
- Travel Plans (Commercial, Residential and School)

Main Planning Considerations

- 6.8 The main planning considerations are:
- Local Plan and Housing Supply Position;
 - The principle of development;
 - Highways, transport and accessibility;
 - Education provision;
 - Healthcare provision;
 - Landscape, visual impact and trees;
 - Flood risk and drainage;
 - Ecology;

- Heritage;
- Council Housing/Affordable Housing;
- Open space;
- Layout and density; and
- Overall planning balance.

Local Plan and Housing Supply Position

- 6.9 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.10 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 planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.11 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.12 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides. The sites proposed to be deleted from the Local Plan are land off Crow Lane to the north of the village and land south of Colchester Road/to the rear of Tendring Park Services.

- 6.13 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.14 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.15 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.16 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that, in general terms, the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of Development

- 6.17 The application site is located to the north west of the village of Weeley and is outside of and physically separate from the settlement development boundary and the established built up area defined in the adopted Local Plan. In the emerging Local Plan, the site is outside of the proposed settlement development boundary but adjoins it by virtue of the land south of Colchester Road being allocated for mixed-use development and, as a consequence, being included within the revised boundary. However, as explained above, this allocation is proposed for deletion in the final submission draft. Land north of

Colchester Road is however shown as a notional location for employment-related development in the emerging Local Plan.

- 6.18 Settlement development boundaries are designed to restrict new development to the most sustainable sites and outside of the boundaries the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Because the site lies outside of the settlement development boundaries and is not allocated for residential development in either the adopted or emerging Local Plan, this proposal is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.19 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Weeley is currently categorised in emerging Policy SPL1 as the only 'expanded settlement' in the district, making it the focus for a strategic-led development, comprising a number of individual mixed use and residential sites to deliver expanded community facilities, retail and employment space, education and other facilities along with other necessary infrastructure. However, Weeley is set to be re-classified as a 'rural service centre' for the purposes of the final submission draft now that the lower housing figures have been confirmed. It should be noted that the proposals for major growth around Weeley were the most contentious issue in the Local Plan amongst local residents, attracting the most objections during last year's consultation stage.
- 6.20 In being re-classified as a rural service centre, Weeley will join Alresford, Elmstead Market, Great Bentley, Little Clacton, St. Osyth and Thorpe-le-Soken in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres will be the next most sustainable category of settlement following 'strategic urban settlements' and 'smaller urban settlements'. Therefore, a level of housing development for Weeley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed. As currently drafted, the emerging Local Plan envisages rural service centres will accommodate a level of housing that is fair, achievable and sustainable and that will make a meaningful contribution towards addressing housing needs, supporting the village economy and assisting with the overall housing growth proposed for the district.
- 6.21 However, this development would be a significant departure from what is envisaged for a rural service centre both in its size in terms of dwelling numbers and its location being physically separate and poorly related to the existing built up area of Weeley. If considered in the context of an expanded settlement where land immediately south is to accommodate major development, this might have not been such an issue; but with the proposed deletion of the land south of Colchester Road from the Local Plan, this application site is isolated with a very weak relationship with the village.

- 6.22 The employment element of the development would be broadly in line with what is envisaged, in the current version of the emerging plan, for the land north of Colchester Road. Policy PP7 provides for 10 hectares of employment land at Weeley with approximately 5ha of this to be provided on the land north of Colchester Road. The application provides for 2.8 hectares of employment land of which 0.5 would include retail and community uses. Whilst the Council is generally supportive of delivering new employment opportunities, this proposal in pure employment terms falls substantially short of the 5ha envisaged for this location and, as such, has attracted an objection from the Council's Regeneration team. That said, with the proposed re-classification of Weeley from an expanded settlement to a rural service centre and the deletion of significant housing allocations from the next version of the new Local Plan, it is also expected that the justification for a major employment site in this location will fall away and that the notional employment allocation will also be deleted from the plan.
- 6.23 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate, illogical and potentially unlimited levels of new housing.
- 6.24 Officers therefore recommend the refusal of planning permission – principally on the grounds that the proposal is contrary to the Local Plan, is unnecessary and would represent an illogical intrusion of development into the countryside that is isolated from, and poorly related to, the village of Weeley.

Highways, Transport and Accessibility

- 6.25 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.26 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the site is physically separate from the established built up area of Weeley village, it is proposed that employment opportunities and community facilities would form part of the development and footpath and cycleway connections could be extended to existing facilities in and around the village, with the provision of safe crossing points in the right locations. In terms of existing facilities, the site is located a short distance from Tendring Park Services which contains a petrol filling

station and convenience shop, a McDonalds restaurant, pub/restaurant, hotel and a vehicle hire company. The site is approximately 1.2 kilometres from Weeley railway station, 800 metres from the Black Boy Pub and 1 kilometre from the Post Office/Shop and bakery in The Street.

- 6.27 Whilst Weeley enjoys a level of accessibility that partly justified its categorisation originally as an expanded settlement and its proposed re-categorisation as a rural service centre in the emerging Local Plan, a development containing a large amount of housing, employment opportunities and community facilities including a primary school is still likely to generate a significant amount of travel, by car, in and out of the village – particular given the site's proximity to the A133 and A120, the main routes in and out of the district. The impact of development on the capacity and safety of the A133 therefore requires special consideration and the both this Council and Essex County Council already recognise that the stretch of the A133 between Weeley and Frating is a problem in terms of capacity, particularly in peak times.
- 6.28 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.29 The applicants have produced a full Transport Assessment which includes their consideration of the transport implications of this development and Essex County Council as the highway authority have been consulted on this. Following careful consideration, ECC Highways have highlighted a number of areas where they consider the Transport Assessment to be deficient. Whilst the applicants' transport consultant is considering a response to ECC's concerns which might or might not lead to the withdrawal of their objection before a future appeal, there is a general problem with considering the transport implications of a development like this, in advance of the finalisation of the Local Plan, without an accurate idea of what the cumulative impacts of other developments might be.
- 6.30 Knowing that there is an issue with capacity on the A133 and this development is likely to exacerbate this issue, it is likely that some form of mitigation in the form of off-site highway improvements to the carriageway and/or junctions will be needed. Without a clearer idea of how much development will happen in the Weeley area, it is difficult to establish what level of improvement would be needed, what it would cost and who would be responsible for meeting this cost. The situation for Weeley is very complicated with two large sites being the subject of planning applications, two sites proposed for deletion from the Local Plan and an entirely different site to the east of the village that is to be kept in the plan. The Local Plan is the best vehicle for ensuring that the cumulative impacts of various developments are properly identified and properly mitigated.
- 6.31 Officers therefore recommend that the ECC Highways objection be upheld as a reason for refusal and that this application should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative highway impacts.

Education Provision

- 6.32 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that the existing primary school at Weeley would not be able to accommodate the expected number of additional pupils likely to come about as a result of the 380 new dwellings proposed on the site and that options for expanding the existing school are very limited.
- 6.33 In anticipation of major growth around Weeley, it was envisaged that a brand new primary school would be delivered through proposals in the emerging Local Plan, most likely as part of the development on land south of Colchester Road, to the rear of Tendring Park Services. However, as it is now proposed that the wider development will be deleted from the new Local Plan, the developers for the application site have made provision for a primary school as part of their scheme on a site measuring approximately 1.1 hectares – so that they are not reliant on a facility being provided by another landowner or developer.
- 6.34 Essex County Council has advised that a two-form entry (2fe) primary school with space for 420 pupils along with commensurate early years and childcare facilities on a minimum 2.1 hectare site would be required – this being the most efficient form of facility most likely to attract funding from central government. Indicatively, the developer for this proposal has only made provision for 1.1 hectares of land to accommodate a maximum 1fe entry school (210 pupils) and has declined to revise the proposal to make provision for a larger site.
- 6.35 As with highways, where it is known that a major development will necessitate a new piece of infrastructure such as off-site highway works or a new school, it is very difficult to consider individual development proposals in advance of the Local Plan where the cumulative impacts of development are uncertain. It is ECC's clear view that any new primary school should be 2fe with the potential to accommodate a larger number of pupils, in anticipation of further residential development taking place in the future. However, until the Local Plan is finalised, the Council does not know for sure how much development will take place in Weeley and how the additional pupils arising from the development will be best served through the provision of new educational facilities.
- 6.36 As well as land for a 2fe school and commensurate early years and childcare facilities at a cost of £7.3million, ECC would expect a land compliance study which, if the Council was minded to approve, would be secured through planning conditions or through a s106 legal agreement. A financial contribution of £1.4million towards secondary education has also been requested and it is asked that consideration be given to the provision of a youth shelter and skate board facilities within the scheme.
- 6.37 The applicants have not revised their indicative proposal or housing numbers to make provision for a 2.1ha site and are proceeding contrary to ECC's requirements. Officers therefore recommend refusal on education grounds, upholding ECC's position. This is another area where the application should also be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative education impacts.

Health Provision

- 6.38 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision. Again through Policy QL12 in the adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision. As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.
- 6.39 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors. As with highways and education though, it is difficult to properly consider the health requirements arising from this development without a firmer idea of what other developments are likely to come forward in the Weeley area and what cumulative impacts will need to be addressed.
- 6.40 NHS England has undertaken a Health Impact Assessment of this development proposal and has identified that the greatest impact on health services would be felt at Great Bentley surgery. The mitigation suggested by the NHS would be either the provision of suitable land for a new health facility or an appropriate capital contribution towards the relocation of Great Bentley Surgery, subject to negotiation and agreement between the relevant parties. Provision of suitable land for a new health facility or a developer contribution of £131,859 are requested.
- 6.41 The Committee will recall from its consideration of the development in Heckfords Road in Great Bentley, that the Hollies Surgery in Great Bentley is keen to expand, but ideally remain in the village. The relocation of Great Bentley surgery to Weeley is not something that the Council will want to consider outside of the Local Plan process and represents another area where this development proposal is premature. The development does however make provision for a local centre and employment area that could potentially accommodate a new surgery if needed. The alternative of a financial contribution could be secured through a s106 legal agreement if the Council was minded to approve.
- 6.42 One of the recommended reasons for refusal relates to the lack of an agreed s106 legal agreement to secure the contribution requested by NHS England but the general uncertainty over development in Weeley combined with the uncertainty over health provision again supports Officers' view that this proposal should be rejected for being premature in advance of the completion of the Local Plan and the proper consideration of cumulative health impacts.

Landscape, Visual Impact and Trees

- 6.43 The site is physically separate from the established built up area and whilst the substantial trees and hedges around the boundary provide a degree of containment, it is in a prominent location at the entry of the village where development would be highly visible and would bring about a significant change in the character of the locality. Under circumstances where Weeley is earmarked for significant expansion as part of the Local Plan with major development proposed for the large area of land immediately to the south, concerns about the visual impact of development would be considered in the context of growth in the village. However, as it is now established that the emerging Local Plan will be amended to delete much of the wider development, the impacts of the development also need to be considered in isolation.
- 6.44 The Council's Principal Trees and Landscape Officer has considered the proposal and the content of the applicants' Landscape and Visual Impact Assessment (LVIA). He concludes that the LVIA accurately describes the effect of the development on the character of the local landscape and recognises that harm would be caused if the development were to proceed. However, the harm could be mitigated through new tree, hedgerow and shrub planting and the retention of existing strong landscape features. The submitted Landscape Strategy, if followed, would allow the development to be reasonably well assimilated into the landscape.
- 6.45 Turning specifically to Trees, our Tree Officer identifies TPOs on two oak trees at the northern end of the site, close to the public right of way. The majority of trees do not have formal protection. The applicants' tree survey and report is accepted as being a robust assessment and it identifies some trees that would need to be removed to develop the land, as well as those that can be retained. The report shows that the largest trees on the perimeter of the land will be retained but that most of the centrally situated trees and other vegetation would need to be removed. The Tree Officer advises that in terms of the impact of the development on the trees and the contribution that they make to the local landscape character, the development proposal makes provision for the best and most prominent trees that are situated on the perimeter of the site. The harm caused by the removal of the centrally situated vegetation could be mitigated by securing new soft landscaping.
- 6.46 The indicative site layout makes provision for the retention of the row of hybrid Poplar running from north to south. The Tree Officer advises that whilst this is currently an important landscape feature, careful consideration should be given to its retention or removal and replacement with more appropriate species taking into account the possible future use of the land. This tree species was planted for a specific purpose and has a propensity to shed large limbs if their size is not controlled. It is not considered necessary to make a new tree preservation order in respect of any of the trees on the boundary of the application site as the development proposal does not threaten their removal.
- 6.47 If development were considered acceptable in principle, the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. As is always the case with the loss of greenfield land, there will be a degree of harm to landscape character which would be a slight adverse impact to be weighed against the benefits of development.

Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, any local concerns about the visual impact of the development and the loss of undeveloped land can be averted. Officers are more concerned that this proposal represents an isolated and illogical intrusion into the countryside and is poorly related to the existing village.

Flood Risk and Drainage

- 6.48 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.49 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.50 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

Ecology

- 6.51 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.52 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations.

- 6.53 The applicant has undertaken a phase 1 habitat assessment which has been followed by further survey work for bats, badgers, water vole, otter, dormouse, breeding birds, reptiles and great crested newts. The findings of these assessments are summarised as follows:
- 6.54 Habitats and Flora: The site and wider search area has records of 12 notable plant species and contains a mixture of 'poor' semi-improved grassland of limited ecological importance, 'good' semi-improved grassland that do provide a habitat for a variety of species, dense scrub of limited ecological significance, hedgerows and treelines of significant ecological importance at the local level, trees of local importance, ponds of significant ecological importance at the local level, ditches of limited importance and bare ground of negligible ecological importance.
- 6.55 Bats: The hedgerows, trees, ponds and grassland provide foraging and commuting opportunities for bats and woodland to the north provides potential roosting opportunities. Bat activity surveys detected a low level of common bats commuting and foraging. No bat roosts were identified on the site but some of the trees, to be retained, have low and moderate roosting suitability potential. The development of the site will necessitate the removal of grassland and scrub habitat however key commuting routes would be retained (except for those lost for vehicular access). Mitigation measures include retention of trees and commuting corridors wherever possible along with the creation of new woodland, thicket wetland and aquatic habitat across the site. Also a sensitive external lighting scheme is recommended.
- 6.56 Badgers: Whilst the boundary, scrub and grassland habitats on site provide foraging and sett-digging opportunities for badgers, no evidence of badgers was recorded on the site.
- 6.57 Dormouse: A small number of dormouse were recorded in a hedgerow along the eastern boundary of the site and it is likely that the dormice on the site make use of the nearby woodland to the north and other woodland beyond. The loss of hedgerows and treeline to vehicular access along Colchester Road would reduce potential foraging, breeding and hibernation opportunities for dormice. To mitigate against the potential significant adverse impacts, it is recommended that new woodland and thicket planting be established around the boundaries of the site and dormouse nest boxes be erected throughout the dense boundary habitats around the site. It is likely that a license from Natural England will be required for any vegetation clearance.
- 6.58 Water Vole: No evidence of water vole was recorded on the site. The ditches have shallow profiles, restricted shore-line vegetation and are seasonally dry. As such this species is considered likely absent from the site.
- 6.59 Otter: No evidence of the presence of otters was recorded and otters are deemed absent from the site with watercourse being seasonally dry.
- 6.60 Brown Hare: Whilst the surrounding area provides suitable habitat for Brown Hare, the site itself lacks any habitat of significance for this species.
- 6.61 Hedgehog: The site provides foraging and hibernation opportunities for hedgehogs within the hedgerows, scrub and within the grassland. To mitigate significant adverse impacts,

retaining and creating habitats including thicket, woodland and grassland is recommended along with leaving occasional gaps within the base of new garden fences and walls.

- 6.62 Harvest Mouse: No evidence of harvest mouse was recorded during the survey and the site largely lacks suitable habitat for this species.
- 6.63 Birds: The general survey recorded the presence of common buzzard, green woodpecker, carrion crow, great tit and magpie. The breeding bird survey identified rook nesting on the southern boundary, along with mistle thrush, song thrush, wren, woodpigeon, robin, blackbird, blue tit, goldfinch, chiffchaff, greenfinch, lesser whitethroat, chaffinch and great tit. Development of the site will require the removal of dense scrub, hedgerows and grassland habitats, primarily to the west of the site. To mitigate against a significant adverse impacts, retaining the maximum amount of hedgerow, treelines and grasslands with the provision of new thicket and woodland to be planted along with open spaces are recommended. Any clearance should take place outside of the bird nesting period unless a qualified ecologist has confirmed that no nesting birds are present.
- 6.64 Reptiles: The on-site habitats provide a range of opportunities for reptiles, but only one common lizard was recorded on the site. Clearance of dense scrub, grassland and hedgerows would need to be avoided during the hibernation period. Any reptiles discovered would need to be relocated.
- 6.65 Amphibians: Ponds on the site were not found to contain any great crested newts, but smooth newts were recorded as well as common toads. These populations are not considered sufficient in size to be of ecological importance but would benefit from wider mitigation measures.
- 6.66 Invertebrates: The western half of the site is likely to support a wide range of invertebrate species of significant local importance. The loss of grassland, dense scrub, scattered trees and ponds in the western part of the site will result in the loss of some of this habitat so to mitigate against a significant adverse impact, retaining much of the habitat whilst creating new habitat within the scheme is proposed which include pond and wetland features, new thicket and woodland planting and wildflower grassland.
- 6.67 Officers note the findings of the report and the potential to mitigate any adverse ecological impacts. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development. However, as the proposal is recommended for refusal for the reasons set out elsewhere in this report, adverse impacts can be avoided altogether.
- 6.68 Officers also note that Natural England have requested further information about soil quality which has since been provided by the applicant.

Heritage

- 6.69 Rose Farmhouse in Crown Lane is a Grade II listed timber farmhouse located to the north west of the application site. The Planning (Listed Buildings and Conservation Areas) Act

1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:

(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.70 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 132 states that as heritage assets are irreplaceable, any harm or loss (which can include harm to its setting) should require clear and convincing justification.
- 6.71 Paragraph 133 guards against substantial harm other than in very exceptional circumstances, but paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset, this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PPL9 in the emerging Local Plan broadly reflects the requirements of current national planning policy.
- 6.72 The applicant has provided a full Heritage Statement that assesses the significance of listed buildings in the area, including Rose Farmhouse, and the likely impact upon their setting. It considers that views to and from the listed building are blocked by the vegetation around the site and around the farmhouse itself and the retention and reinforcement of the hedgerows along the eastern and northern boundaries of the site, as proposed, would ensure no impact upon the significant or setting of the listed buildings. Officers concur with this assessment.
- 6.73 The Heritage Statement includes a desk-based assessment of the archaeological value of the site. The archaeologist at Essex County Council has considered this statement and has recommended that further investigation will be required if the development is to go ahead. If the Council was minded to approve the application, a condition would be applied to ensure trial trenching and recording is undertaken prior to any development to ascertain, in more detail, what archaeological remains might be present.

Council Housing/Affordable Housing

- 6.74 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. If minded to approve

this application, up to 114 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. The lack of such an agreement is included as a recommended reason for refusal.

Open Space

- 6.75 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas and formal open space in Weeley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.76 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.77 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Potential Layout and Density

- 6.78 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 380 dwellings, 2.8ha of employment land and a primary school with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.79 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show the employment land on the eastern part of the site at 2.8ha including indicative buildings and parking areas which, in reality would reflect the size and nature of businesses looking to take up residence on the land. The local centre of 0.5 ha located at the very entrance to the site on Colchester Road is shown as a single building with associated car parking that might be broken up into a parade of units if necessary.
- 6.80 The primary school site is just shy of 1.1 hectares which is the size of site suitable for a one-form entry (1fe) primary school with commensurate early years and childcare facilities and associated playing field area. Essex County Council has suggested that only a 2fe school is likely to be supported which would require a minimum 2.1ha site. ECC would also require a more detailed land compliance study to ensure the site meets with its requirements.

- 6.81 Approximately 16 hectares would be left over for housing and associated open space and infrastructure. The residential area is shown on most of the western parts of the site and surrounds the school site. The layout shows a traditional 'perimeter block' form of development with the main areas of open space around the periphery of the site and in the southern, ecologically sensitive areas.
- 6.82 If we assume that the residential area will include, as a minimum, 10% open space reducing the net developable area to around 14.4ha, the net density of 380 dwellings would be around 26 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can achieve the Council's minimum garden standards. Being a rather isolated site with no strong connection to the established village of Weeley, there is no nearby development that the residential density ought to specifically reflect.
- 6.83 If Essex County Council's request for a 2.1 hectare school site was accepted by the applicant, the gross residential area would reduce to around 15ha and the net area would be 13.5ha. The resultant density of 380 dwellings would be 28 dwellings per hectare. If 26 dwellings per hectare were applied to the reduced residential area, the total number would also reduce close to 350 dwellings. Officers note that Weeley Residents Association have indicated that the community might have supported the development if the dwelling numbers were lower.
- 6.84 Officers consider that all of the development proposed could be accommodated on the site in a reasonable manner, even with a larger site for a larger school. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

Overall Planning Balance

- 6.85 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.86 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.87 In April 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the

confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.

- 6.88 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.89 Economic: As a mixed used development providing for a significant commercial area, a primary school and a potential local centre, the potential economic benefits of the development, if delivered as proposed, would be significant. The new housing would also generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the scheme is under construction. The overall economic effect is therefore positive – as long as the development does not lead to severe cumulative transport impacts which, based on the transport assessment provided to date, the highway authority has been unable to determine.
- 6.90 Social: The provision of an additional 380 dwellings toward meeting projected housing need is clearly a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery.
- 6.91 A new primary school is primarily needed to mitigate the impact of the additional dwellings, but at one form entry (1fe) or two form entry (2fe) would provide capacity to serve a much larger number of homes than being proposed in the scheme. There are however concerns that the applicant only seeks to provide a 1fe site whereas Essex County Council only believe a 2fe school will be supported. Because this proposal is being considered outside of the Local Plan process without a clear idea of what other developments might be contributing towards housing supply and impacting upon infrastructure in the area, it is very uncertain what the best solution in terms of school provision will be. Officers are therefore concerned that this development could prejudice an effective and coordinated approach to infrastructure provision. Similar concerns are raised about the cumulative impact on the highway network (particularly the A133) and the provision of health with the NHS unsure at present as to whether a new surgery or expanding existing surgeries would be the best way to proceed.
- 6.92 There is a mixture of local objection and support for this proposal but Officers suspect that some of the support is driven by a desire to have Weeley's housing growth located further away from existing residents than would be the case for the Council's preferred site to the east of the village. The application site is however physically separate from the established

built up area of the village and is poorly related to the centre of the existing community and, in social terms, this counts against the development.

- 6.93 Environmental: The environmental impacts of the proposal have required very careful consideration. The ecological impacts are expected to be significant with the site containing habitats for a range of wildlife including some protected species, but with the appropriate measures, this impact can be mitigated with the potential for enhancement. The impact on archaeology and the setting of the nearby listed building in Crown Lane are expected to be low and appropriate conditions could be put in place to ensure appropriate investigation and mitigation.
- 6.94 The impact on the landscape and the visual character of the area would be significant. Although the site enjoys a fair degree of containment and a suitable landscaping strategy could keep impacts to a minimum, this is a greenfield site located outside of the village on a prominently used road and a mixed development of residential and commercial buildings would bring about a significant change to the character of this prominent location. In the circumstances where Weeley is designated as a location for major growth, such an impact would be viewed in the context of meeting housing and employment needs in a planned way. However, Weeley is to be re-classified as a rural service centre and a major development to the north west of the village and the resultant impact on the intrinsic character and beauty of the countryside is not considered necessary, at least up to 2033.
- 6.95 Concerns over the impact of traffic and associated environmental pollution are noted but the highway authority is yet to be convinced that the impacts of this development on the highway network have been properly assessed and there remain questions over the potential impact on traffic and congestion on the A133.
- 6.96 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it. .
- 6.97 The strategy for growth at Weeley is set to change from a large scale comprehensive and coordinated settlement expansion across a number of sites, to a single large development to the east of the village. The application site has never formed part of the Local Plan's housing allocation and, if developed, would represent an isolated and illogical development that is poorly related to the established village. It will also have a significant impact on the provision of schooling, health provision and the highway network – yet the measures that would effectively mitigate such impacts are difficult to determine without a clear idea of what other developments are likely to happen in the area. Only through a Local Plan can such cumulative impacts be properly assessed and a coordinated solution be planned; otherwise individual developments could prejudice infrastructure provision.
- 6.98 The development is contrary to the Local Plan, is not necessary, complicates and prejudices the effective and coordinated provision of infrastructure and is poorly related to the existing village of Weeley. The adverse impacts of the development are not significantly and demonstrably outweighed by the benefits and the application is recommended for

refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against an appeal.

Background Papers

None.