

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	26/01/2022
Planning Development Manager authorisation:	JJ	26/01/2022
Admin checks / despatch completed	ER	26/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.01.2022

Application: 21/01940/VOC **Town / Parish:** Weeley Parish Council

Applicant: South East Developments

Address: Former Land off Connaught Road Weeley

Development: Variation of conditions 2, (Approved plans and materials) 3, (Landscaping scheme) and 8 (Fences, walls or other enclosures) of application 20/00668/FUL

1. Town / Parish Council

Weeley Parish Council No comments received.

Little Clacton Parish Council No comments received.

2. Consultation Responses

ECC Highways Dept No comments received.

3. Planning History

16/01391/OUT	Residential development of 0.5 ha of land to create up to eight detached bungalows.	Approved	01.12.2016
18/00010/OUT	Outline planning application for seven detached bungalows and new access road to serve proposed and approved developments.	Refused	27.02.2018
18/01259/DETAIL	Reserved matters application following planning approval 16/01391/OUT - Erection of eight detached bungalows.	Approved	05.10.2018
19/00785/OUT	Proposed seven detached bungalows and the upgrading of the existing private road (outline application considering access only with all other matters reserved).	Approved	04.10.2019
20/00277/OUT	Proposed variation to condition 5 (design of access road) of permission 19/00785/OUT.	Approved	20.04.2020
20/00667/DETAIL	Approval of reserved matters for outline approval 20/00277/OUT for the erection of 7 dwellings.	Approved	21.08.2020

20/00668/FUL	Proposed erection of 1 bungalow.	Approved	20.10.2020
21/00458/FUL	Proposed one bungalow. (Variation of scheme as approved under planning permission 20/00668/FUL - handed version of dwelling to allow for drainage)	Approved	19.11.2021
21/01956/VOC	Variation of conditions 4 and 8 imposed upon outline planning permission 20/00277/OUT and conditions 1, 2 and 3 imposed on reserved matters approval 20/00667/DETAIL to make a number of minor variations to the design of the dwellings (originally approved under 19/00785/OUT).	Current	

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). Therefore, the 'development plan' for Tendring now comprises the adopted Section 1 and Section 2 of the Tendring District Council 2013-33 and Beyond Local Plan, together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

4. Relevant Policies / Government Guidance

National Planning Policy Framework July 2021 (the Framework)

National Planning Practice Guidance (the NPPG)

Tendring District Local Plan 2013-2033 and Beyond Section 1

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Essex County Council Parking Standards 2009 (Parking SPD)

Tendring Provision of Recreational Open Space for New Development SPD 2008

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site forms part of the original red lined site area subject of application 19/00785/OUT for the development of the site for 7 dwellings situated on the north-western side of Connaught Road within the Parish of Weeley. The land formed part of an agricultural field, which extends to the northwest. While the postal address of Connaught Road is Little Clacton, the site is just within the parish of Weeley. Opposite, a row of eight bungalows have recently been constructed (approved under reference 16/01391/OUT and 18/01259/DETAIL) served by an extension to Connaught Road.

The development is an additional plot to the 7 bungalows under construction approved under reference 19/00785/OUT, revised under 20/00277/OUT and finalised under 20/00667/DETAIL (subject of the variation application under reference 21/01956/VOC). The remainder of Connaught Road contains a mixture of bungalows and chalet style properties dating from the 1950's onwards.

The site falls within the Parish of Weeley but is adjacent to Little Clacton to the south-east. In terms of relationship to any settlement, the proposed dwellings are considered to relate to the facilities within the village of Little Clacton.

Description of Proposal

This application seeks to vary conditions 2 (Approved plans and materials), 3 (Landscaping scheme) and 8 (Fences, walls or other enclosures) of application 20/00668/FUL for the erection of 1 bungalow.

The scheme remains essentially the same as the approved development, but now features an amended design as well as further landscaping and fencing details, together with details of a Construction Method Statement. These details thereby complete all outstanding issues for the development of the site.

Assessment

- Principle of Development;
- Scale, Layout and Impact;
- Trees and Landscaping;
- Residential Amenities;
- Highway Considerations and Parking Provision;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Representations.

Principle of Development

The planning and appeal history for the site establishes the principle of residential development on this site. The SDB was enlarged to account for the planning and appeal decisions of the adjacent sites made at a time when the Council were unable to demonstrate a 5 year housing land supply and when the tilted balance applied.

The site therefore lies within the Settlement Development Boundary of Little Clacton as defined within the 2013-2033 Local Plan (adopted on 26th January 2022). The principle of residential development on the site is therefore acceptable subject to the relevant detailed considerations set out below.

Scale, Layout and Impact

The applicant wishes to introduce a number of minor changes to the design of the dwelling to follow the development recently completed on the opposite side of the road. Thus, the development now proposed will achieve a more complementary and consistent appearance to the development of Connaught Road (directly adjacent development subject of a similar design variation under 21/01956/VOC).

The layout follows that envisaged within the full permission to reflect the line of bungalows opposite and scheme for a further 7 dwellings submitted concurrently with this application (reference 21/01956/VOC). It would comprise a detached dwelling with an attached garage positioned slightly further back in the street scene to the dwellings on Plots 2-8 of the neighbouring scheme.

The dwelling would have a very similar form to the bungalows recently constructed opposite. A front gable projection would complement this appearance. Details of the materials to be used are shown on the application drawings.

For the reasons set out above, the revised proposal is considered acceptable and will not result in harm to visual amenity or the character of Connaught Road.

Trees and Landscaping

The details relating to soft landscaping, submitted in support of the application, shows an adequate level of new planting, including trees. In this regard the soft landscaping proposals are acceptable.

The proposed landscaping plan also provides details of the boundary treatments comprising of 1.2 metre high post and rail fencing with interspersed tree planting on the most visually sensitive side and rear boundaries. This is considered an appropriate response to the semi-rural setting of the site, which can be further controlled by appropriately worded conditions.

Residential Amenities

The revised dwelling to the end of the row of bungalows also subject of a similar revision application, will not result in any material harm to existing or future occupants. The dwelling has no immediate neighbouring dwellings to its southern side or to the rear with only one adjoining neighbouring property to the north-east (part of the approved development under reference 20/00277/OUT and 20/00667/DETAIL subject of variation application 21/01956/VOC). The spacing around the property, distance to the shared boundary and single storey height will ensure a good standard of amenity. Furthermore, the dwelling is served by a private amenity space of a size and configuration that will appropriately meet the needs and expectations of the future occupants and which is commensurate to the size of dwelling and the character of the area, in accordance with Policy LP4 of the 2013-2033 Local Plan.

Highway Considerations and Parking Provision

Access to the development is taken via the existing Connaught Road served by appropriately pedestrian and vehicular visibility splays. The planning history for the site establishes the acceptability of the development in terms of highway safety and accessibility. Consultation with Essex County Council Highway Authority has been undertaken but no comments have been received. However, a response is not considered essential in this instance as the access has already been approved under 20/00668/FUL. The variations proposed do not alter the access arrangements already agreed with The Highway Authority as part of the previous approval. The accompanying Construction Method Statement has been checked by the Council's Environmental Protection Team and following an amendment to the statement is now considered acceptable.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The proposed plan shows a garage and parking bays. Although the garage is marginally undersized it remains a usable area with enough space provided to the front of the garage for a further 2 parking spaces. The development is therefore acceptable in terms of access and parking.

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The legal obligation was secured as part of the previously approved application 20/00668/FUL and the contribution has been paid in compliance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the 2013-2033 Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution - Open Space and Play Space

The Council's Open Spaces Strategy (2017) identifies the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of the 2013-

2033 Local Plan. Specifically, Policy HP 5 states that, where new development would be better served by existing open space within an accessible distance, a financial contribution in lieu of on-site provision will be sought towards any necessary improvement or expansion of existing facilities.

This legal obligation was secured as part of the previously approved application 20/00668/FUL and the contribution has been paid in compliance with the above policies.

Representations

Little Clacton Parish Council and Weeley Parish Council have not commented on the application.

No individual letters of representation have been received.

Conclusion

In the absence of any material harm resulting from the development, the varied application is recommended for approval subject to conditions.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from 20 October 2020.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and materials:

S - 1 Proposed Site Layout Plan
S - 2 Proposed Block Plan
S - 3 Street Scene Views
D - 1 A Amended Plot 1 - Floor Plans and Elevations

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

- 3 The approved landscaping scheme shown on approved drawing S - 4 Hard and Soft Landscaping Plan shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the local planning authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In order to soften and mitigate the visual impact of the development on the remaining open fields beyond having regard to the semi-rural setting of the site.

- 4 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 5 The development shall not be occupied until such time as the road, turning, driveway and garage have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 6 There shall be no discharge of surface water onto the highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the 1.2m high post and rail fencing shown on the approved S - 4 Hard and Soft Landscaping Plan, no provision of fences, walls or other enclosures shall be erected along the south-western side or northern rear boundary of the site, nor forward of the front elevation of the dwelling hereby approved, except in accordance with details that shall previously be approved in writing by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location and to ensure that no harm to neighbouring amenities will occur.

- 9 The approved amended Construction Method Statement received on 14 December 2021 shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the carriageway to ensure that appropriate loading / unloading facilities are available to ensure that the carriageway is not obstructed during the construction period in the interest of highway safety.

2. The single garage should have a minimum internal measurement of 7m x 3m to encourage the use of garages for their intended purpose and to discourage on-street parking.

3. Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO