



# **Land adjacent Church Lane, Weeley Heath**

**Development of one dwelling**

**Planning Statement**

**Peter Le Grys**

**Stanfords**

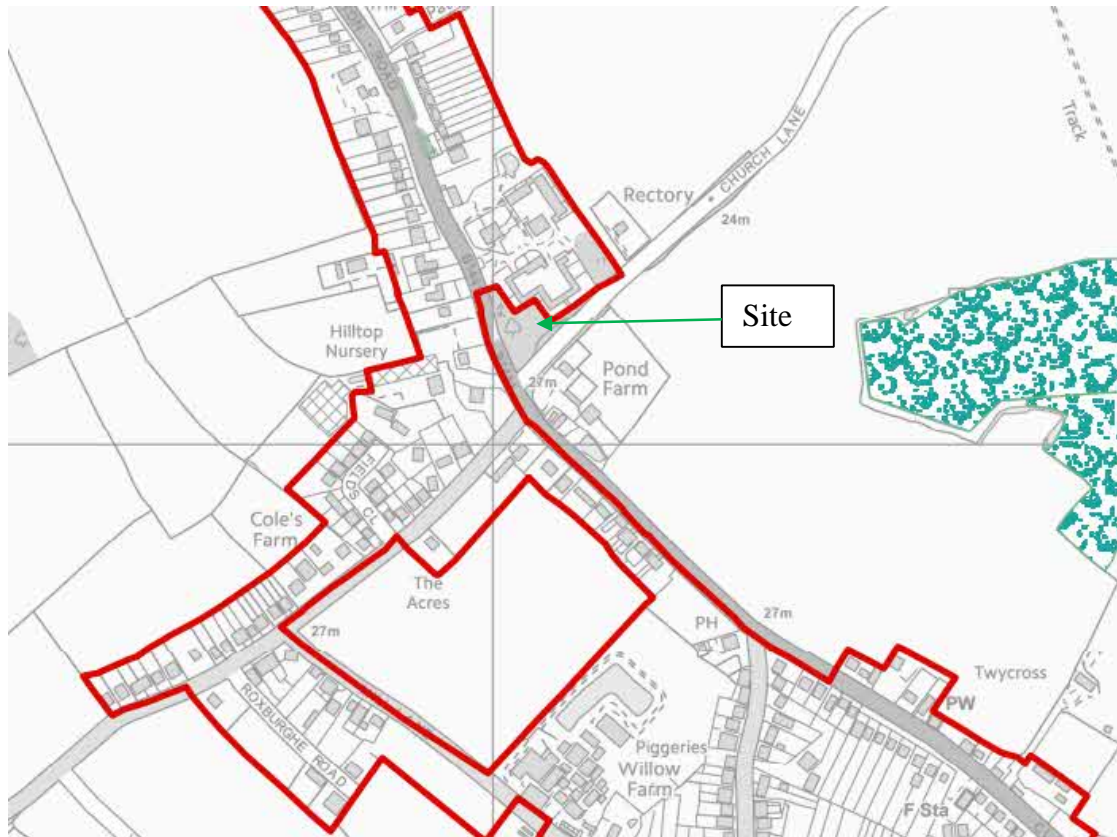
**September 2023**

## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared on behalf of Mr Akers and is submitted in support of an outline planning application with matters reserved with the exception of means of access and siting for the development of approximately 0.1 hectares of land to provide for one dwelling adjoining Church Lane, Weeley Heath.
- 1.2 This statement should be treated as forming part of the application and includes details on the site and its surroundings and to explain the rationale behind the development to assist the Local Planning Authority in making its decision.

## **2.0 Site and Surroundings**

- 2.1 The site measures 0.1 hectares and is situated on the north side of Church Lane, close to its junction with Clacton Road. It formerly contained a dwelling although an outbuilding remains on the land. It lies adjacent to the recent Cravenwood development located to the north and Hilltop Nursey opposite. It contains a significant number of trees which enclose the site from public view.
- 2.2 The site is within the centre of Weeley Heath, located just a very short walk to the village primary school and railway station with its mainline to Colchester, London Liverpool Street and Clacton-on-Sea. A Public House lies even closer to the site to the south, while the aforementioned Nursery contains an extensive restaurant. Although immediately outside the settlement boundary, this wraps around the property on three sides. Weeley contains a further Public House, convenience store and Post Office. Little Clacton, meanwhile, is also a large key rural settlement easily reached by regular bus services. It is therefore considered to be a sustainable location for development.
- 2.3 Weeley Heath has seen a considerable extension to the settlement boundary within the adopted plan, including extensive development of bungalows along Mill Lane and Rectory Road, further demonstrating the Council's view that the village is an appropriate settlement for further housing.



### 3.0 Relevant Planning History

- 3.1 The most relevant planning history is contained within planning application 20/00513/OUT for a new dwelling. This application was refused and subsequent to an appeal dismissed in November 2021.
- 3.2 Since the appeal decision, three applications have been approved for works to various trees on the site. These are:-

1 No. Hazel - Crown contributes to dense foliage screen at low level close to neighbouring properties. Proposed work comprises re-coppicing to increase daylight to neighbouring property and garden. 1 No. Sycamore - Side branch originating at 2m NE, ascends and is competing for apical dominance with leader. If left, growth of the branch will result in significant widening of the crown. Proposed work comprises removal of side branch originating at 2m NE, and removal of 3 no. other branches as depicted in supporting photographs. 1 No. Lime - Previously cut back from overhanging boundary, but branches now in close proximity to neighbouring dwelling. Proposed work comprises crown lifting to 7m, by removal of all side branches and epicormic growth back to main stem. The works are in response to complaints received from neighbours (Reference 22/00405/TPO).

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To fell T23 and T22 as they have broken in half (Reference 22/01307/TPO)

## 4.0 Policy Context

### National Guidance

- 4.1 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should take into account the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier.

### Adopted Local Plan Policies (2022)

- 4.2 Policy SPL2 of the Adopted Local Plan defines Weeley Heath as a Smaller Rural settlement where some new development is considered appropriate and expected to take place having regard to the extent of facilities and amenities available. Both Weeley and Little Clacton are shown as key rural settlements. Adopted policies SPL2 and SPL3 do not preclude further housing beyond the settlement boundaries.

4.3 The Council also stipulate high design standards within Policy SPL3. This Policy seeks to ensure that development will be compatible to the surrounding uses. It should be of a scale appropriate to its setting and protect the privacy daylight and amenity of surrounding occupiers. The proposal should not result in the loss of important buildings of architectural interest or other landscape or ecological value. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents.

## 5.0 Proposed Development

5.1 The application proposes the erection of one dwelling within the centre of the site. Although in Outline form, the application includes a block layout plan which details the siting and means of access for the dwelling. Such matters are not reserved for subsequent approval.

5.2 The most pertinent consideration in this case is the appeal decision issued in November 2021. Although this decision was issued immediately prior to the adoption of the Local Plan, the policies and issues contained therein remain applicable.

5.3 The Inspector considered that the main issues for the appeal were:

- (i) Whether the principle of residential development is acceptable in this location
- (ii) The effect of the development on the character and appearance of the area, including its effect on trees on site which are the subject of a woodland Tree Preservation Order (TPO), and;
- (iii) Whether the proposal would provide adequate living conditions for future occupiers of the proposed dwelling.

5.4 *Principle of Development* – The inspector accepted that the site was in a sustainable location although due to the dwelling being located outside of the settlement boundary, would be in conflict with the spatial strategy for housing. No mention was made of any reason why one dwelling would cause any harm to the spatial strategy. Moreover, the Council will be fully aware that the spatial strategy no longer acts as a cap on further housing. It is a minimum level for new housing. In this instance the site is located not only immediately adjacent to the settlement boundary, it almost entirely encircled by the

development plan area, to the north, east and west. This view is reflected within the Council's recent decision to grant planning permission for a dwelling on land South East of 'Forres' Clacton Road Elmstead (reference 23/00794/FUL). This application was approved at the Council's last Planning Committee meeting held on 31<sup>st</sup> August 2023. The report identifies that the site 'lies approximately 0.22 miles (353 metres) from the edge of the defined settlement and 0.65 miles (1.05km) from the village centre... Officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site. Other than the high-level policy conflict in regard to the location of the site outside the defined settlement development boundary, the development would not result in any material harm in terms of design, impact, residential amenities or highway safety, and is acceptable in all other regards. For these reasons, the application is recommended for approval'.

- 5.5 The report further considers that 'Policy SP3 (sic) provides that existing settlements will be the principal focus for additional growth but does allow consideration for development to be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. It states that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Officers recognise that the site is not 'within' or 'adjoining' the defined settlement of Elmstead. However, as with all development proposals, it must be considered on its own merits and have regard to all relevant material planning considerations...Policy SPL2 of the TDLP indicates that outside of settlement development boundaries, the Council will consider proposals in relation to the pattern and scales of growth promoted through Policy SPL1 and other relevant development plan policies'. In conclusion, paragraph 8.30 of this report states that 'the proposal is considered to represent sustainable development. Officers consider that, the specific merits of the site and case would not set a harmful precedent for further development outside defined settlement boundary and would not prejudice the overall spatial strategy of the District'. Such considerations clearly apply to this site, which rather than being 355m from the settlement boundary and 0.65 miles from the village centre, is encircled on three sides by the settlement boundary and located in the centre of the village.

- 5.6 *Effect on character and appearance including the woodland TPO on the site* - The Inspector was concerned with the loss of a substantial number of trees in order to accommodate the development. As detailed in paragraph 3.2 above, since this decision three applications have been approved for works to these trees including felling. A further Arboricultural Impact Assessment has been included with this application, which updates the circumstances following the approved works being undertaken. As a result, the revised scheme now proposes no removal of any Category A trees and just 4 out of 24 Category B trees. This change in circumstance, with significant felling approved by the Council, clearly represents a material alteration to the material considerations expressed by the Inspector in 2021. As landscaping is a Reserved Matter, the applicant is prepared to undertake a comprehensive tree planting scheme that would ensure the verdant character of the site, particularly at higher level, is maintained and enhanced.
- 5.7 It is noted that aside from the loss of trees, the Inspector raised no concerns with regard to the impact of the development per se on the surrounding area. Thus, if the group value of the trees can be enhanced beyond the current Council approved position, the impact on the wider area cannot be any greater. The issues raised by the Inspector therefore no longer remain.
- 5.8 *Living Conditions* - Following the works approved by the Council, the circumstances identified by the Inspector no longer remain. With the exception of one category B tree (T19) no other category A or B trees are required to be removed to facilitate the erection of the dwelling itself. The approved felling, topping and lopping includes several of the trees considered by the Inspector to cause an overbearing sense of enclosure. The approved Tree Preservation applications have otherwise effectively cleared the area surrounding the proposed dwelling to the extent that the Inspector's comments no longer apply.
- 5.9 Within the previous determination by the Council and appeal decision, the fact that this site is previously developed land has been overlooked. The definition of PDL as contained within the NPPF confirms that this includes 'Land which is or was occupied by a permanent structure'. Not only was the land occupied by a dwelling, a permanent outbuilding remains on the site. As such, the Council should take into account the government's approach to making more effective use of such brownfield land.

5.10 Within the Council's consideration of the previous application and as recognised within the appeal decision, no concerns were raised in respect of the access to the highway, the safety of other road users, contamination, loss of privacy or light for neighbouring dwellings, flooding, surface water, ecology or the need for any financial contributions other than the standard RAMS payment. There were no other matters which were raised by the Council or the Inspector in 2021. With the exception of those matters highlighted above, and as there has been no other change in material circumstance in the past 22 months, no further issues should be raised.

## **6.0 Conclusion**

6.1 The circumstances set out within the recent appeal decision for the proposed site and the significant change in relation to the woodland TPO, must be considered as a material consideration. Given that the development will now only require the removal of just four category B trees, the issues raised by the Inspector no longer apply. The merits of this application justifies a similar approach as employed by the Council just 2 weeks ago, when examining an application for a site in Elmstead Market some distance beyond the adopted settlement boundary. As the development will not now be in conflict with polices SPL2 or SPL3, the authority should determine the application accordingly.