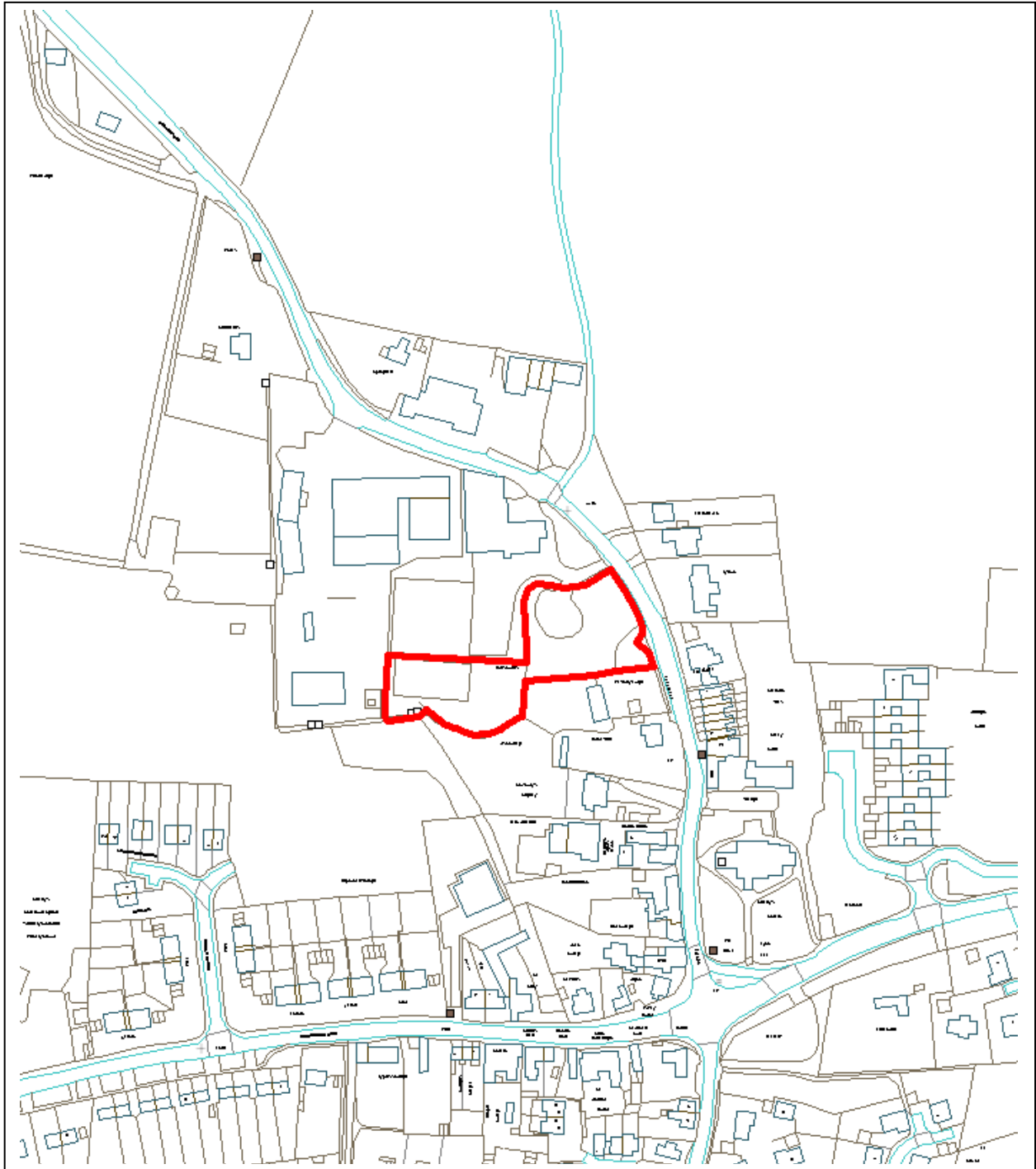


**PLANNING COMMITTEE**

**3 JANUARY 2013**

**REPORT OF THE HEAD OF PLANNING**

**A.3 PLANNING APPLICATION - 12/00949/FUL - LAND ADJACENT TO ARDLEIGH HALL SQUASH CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7LD**



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<b>Application:</b>	12/00949/FUL	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Vaughan & Blyth (Construction) Ltd - Mr Ross Bain	
<b>Address:</b>	Land Adjacent to Ardleigh Hall Squash Club, Dedham Road, Ardleigh, CO7 7LD	
<b>Development:</b>	Proposed construction of 3 no. 4 bedroom and 1 no. 3 bedroom detached houses and associated garages.	

## 1. Executive Summary

- 1.1 This planning application was deferred from the meeting of the Planning Committee on 30 October 2012 to establish the existing demand for the tennis courts on the site and the demand for such facilities across the District, and to verify the position regarding highway issues (particularly the level of onsite car parking).
- 1.2 The application was further deferred from the meeting of the Planning Committee on 4 December 2012 to allow Officers an opportunity to obtain further information on drainage and highway issues and with a view to seeking from Essex County Council an assessment of integrated water drainage, and from Essex County Council (Highways) formal detailed comments on parking provision in relation to highway safety and convenience along The Street, Ardleigh.
- 1.3 The application site has been designated within the Proposals Map of the Local Plan as protected existing recreational open space, linked to the Ardleigh Hall Leisure Club, and therefore protected by policies COM7 and COM7a of the Local Plan. As a result, this application is presented to committee as a departure from the Local Plan.
- 1.4 The application site amounts to approx 0.42 hectares and comprises two linked parcels of land, one having a frontage onto The Street and the other set back and accessed from a private drive. The site contains a number of trees, including some which have recently been protected. The application site lies within the Ardleigh Conservation Area and is set within the defined settlement boundary of the village.
- 1.5 The application proposes 4 no. dwellings and garages. Three of the four properties are provided with 4 bedrooms and one has 3 bedrooms; all the properties are of two-stories and detached. The density of the development equates to 9.5 dwellings per hectare.
- 1.6 The application site falls within the development boundary for the village of Ardleigh. Development in Tendring is focussed towards the larger urban settlements of Clacton and Harwich and the smaller towns and villages including Ardleigh. As the site falls within the settlement boundary, its development would be acceptable in principle, subject to other policies in the Local Plan.
- 1.7 Policies COM7 and COM7a seek to protect land from development which leads to their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function. The proposals involve land that was last used as a tennis court and an area of land occasionally used for overflow car parking. The tennis court is in a poor condition and has not been used by club members for more than three years. The club has two further courts, which are in better condition and members tend to use these courts from time to time. These are to remain and do not form part of the application site.

- 1.8 It is considered the tennis court is surplus to current requirements and provides no recreational value to the community at present. However, in light of the policy, it is appropriate to mitigate the loss of the tennis court, to the point where it is commensurate with the impact on the community. It is understood that the applicant has offered a financial contribution to be provided via a unilateral undertaking, which can be used to assist in the provision of play and or recreation within the Ardleigh parish. As a result the loss of the tennis court is considered by Officers to be acceptable.
- 1.9 Furthermore, Officers consider that the development, if granted, would not have an adverse impact on the character and appearance of the conservation area, would not be detrimental to protected trees, and is acceptable in terms of highway safety and residential amenity.
- 1.10 Matters of drainage and of parking within the site, and the effect of the development on the local highway network have also been further investigated since the previous meeting. The Council's Building Control department have confirmed the acceptability of the scheme based upon percolation tests results provided by the applicant. Furthermore the highway authority raises no objections to the proposed parking provision or in relation to the effect of the scheme on the existing highway network. Therefore these matters which led to the application being deferred from the previous Planning Committee meeting are now fully resolved and the application is found to be acceptable.
- 1.11 It is therefore recommended that planning permission is granted subject to conditions and completion of the unilateral undertaking.

**Recommendation: Approve**

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- (a) Within 3 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
- Public Open Space Provision; and
  - Outdoor Sports Facility Projects.
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

**(i) Conditions:**

1. Time Limit for commencement – three years
2. Development in accordance with the plans
3. Permeable surfacing
4. Materials
5. Hard and Soft Landscaping
6. Tree protection measures
7. Boundary treatments
8. Refuse storage area to be provided prior to occupation
9. Site Levels
10. Restricted hours of construction and demolition
11. Land contamination
12. Surface water drainage

13. As per Highway Authority recommendations
14. As per key recommendations in phase 1 habitat survey
15. Parking spaces to existing leisure club car park to be marked out

**(ii) Reason for Approval:**

This application proposes the erection of 4 no. residential dwellings and associated garages. The application site lies within the defined settlement boundary of Ardleigh and within the Ardleigh Conservation Area. In this case the Council considers that having taking into account those policies contained within the Development Plan and other material planning considerations, the proposed development is satisfactory in terms of density and scale to the context of the site, impact upon residential amenity, impact upon the character and appearance of the conservation area and highway safety. Furthermore, it is considered the tennis court is surplus to requirements and provides no recreational value to the community, and a financial contribution is provided to be used to assist in the provision of play and or recreation within the Ardleigh parish to compensate for this loss. Accordingly, the proposal is considered to be in accordance with the provisions of the Tendring District Local Plan 2007 and the National Planning Policy Framework.

- (c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan policy COM6 and the aims and aspirations of policies COM7/7a.

## **2. Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

### Local Plan Policy:

*Tendring District Local Plan (2007)*

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG3	Residential Development within Defined Settlements
HG9	Private Amenity Space
HG13	Backland Residential Development
EN6	Biodiversity
EN17	Conservation Areas
COM6	Provision of Recreational Open Space for New Residential Development

- COM7 Protection of Existing Recreational Open Space including Children’s Play Areas and Pitch and Non-Pitch Sports Facilities
- COM7a Protection of Existing Playing Fields, including School Playing Fields
- TR1a Development Affecting Highways
- TR7 Vehicle Parking at New Development
- RA4 Housing Development within Defined Villages

*Tendring District Local Plan Proposed Submission Draft (Nov 2012)*

- SD9 Design of New Development
- SD7 Securing Facilities and Infrastructure
- SD4 Smaller Rural Settlements
- SD8 Transport and Accessibility
- PEO4 Standards for New Housing
- PEO6 Backland Residential Development
- PEO20 Playing Pitches and Outdoor Sports Facilities
- PEO22 Green Infrastructure in New Residential Development
- PLA4 Nature Conservation and Geo-Diversity
- PLA7 Conservation Areas

Other guidance:

Essex County Council Car Parking Standards – Design and Good Practice (2009)

Ardleigh Village Design Statement (2011)

**3. Relevant Planning History**

- 83/01196/FUL Retention of 2 hard surface tennis courts and related fencing. Approved 15 November 1983
- 83/01199/FUL Retention of surfaced car park and related access road. Approved 15 November 1983
- 83/01446/FUL Six dwellings and garages on part of site. Refused 7 March 1984
- 91/0110/OUT Erection of two detached houses. Refused 26 November 1991
- 01/00664/FUL Tennis court with 2.75m green chain-link fencing. Approved 20 June 2001
- 12/00003/TPO T1 - Horse Chestnut T2 - Lime T3 - Lime T4 - Ash T5 – Oak. Order confirmed 26 September 2012

## **4. Consultations**

### **Ardleigh Parish Council:**

4.1 The Council neither supports nor objects to this application, but raises the following points for consideration:

- The development is neither in the Local Plan nor the Emerging Local Plan
- It is noted that policy PEO19 of the Draft Local Plan indicates that the land, highlighted in this planning application, is an area of Green Infrastructure and as such not available for development
- Part of the proposed development, the overflow car park, covers an area that was originally a pond. Although the pond has been filled in, this area still floods. The nearby ditch fills up, backs up and adds to the flooding of the area
- Deep bore pile driving was required when an adjacent property required an extension, causing cracking to other properties
- Building on the tennis court will result in a loss sporting/social amenity for the community
- Serious concern over increased traffic problems with parking in The Street. There are already problems with inconsiderate parking in this narrow village street, particularly outside the Post Office and the Doctor's Surgery. Users of Ardleigh Hall Squash Club currently park in the overflow car park. By developing the area it will reduce the amount of parking available at the Squash Club and users will have to park elsewhere, presumably on The Street

### **Ardleigh Parish Council:**

4.2 Further comments received strongly objecting to the application. The following summarised points are made:

- Application deferred from 30 October meeting to enable, amongst other things, proper investigation into the impact of losing the lower car park;
- Car parking issues require proper investigation by the Highways Authority, not the applicant;
- Why have Highways not been asked to investigate and professionally assess the impact of additional cars parking on The Street;
- Residents have provided photographs of current situation;
- Officer claims that without the lower car park, the squash club still has adequate parking, this is not so;
- Many members of club are parents with small children so spaces need to be over-large, thus reducing spaces;
- Application should be deferred until Highways have analyzed both the current problems and likely impacts;
- Application is not acceptable in terms of highway safety;
- Site is protected open space;
- Application is contrary to policy;
- Lower car park is well known to flood;
- If permission is refused, its well known that the owners will let the club fall into disrepair, and
- Club is extremely well used by local people.

### **Essex County Council (Highway Authority):**

4.3 Raises no objection subject to standard conditions requiring:

- Private drive width constructed to 5.5m
- Pedestrian visibility splays
- Vehicular visibility splays
- No unbound materials within 6m of highway boundary
- Vehicular turning facility
- All off-road parking facilities to be provided in accordance with current standards
- Details for on-site parking facility for construction workers and turning facility
- Details of wheel and underbody cleaning facility

**Natural England:**

4.4 A protected species survey has identified that bats, a European protected species may be affected by this application. The site is not a protected site. The proposal falls to be considered in accordance with standing advice.

**Environment Agency:**

4.5 This proposal falls outside the scope of matters, under The Town and Country Planning (Development Management Procedure) (England) Order 2010, on which the Environment Agency is a statutory consultee. Therefore we have no comments.

**Sport England:**

4.6 If the tennis court is genuinely redundant and that there is no demand for replacing the facility, the principle of developing the tennis court would be considered acceptable. However, Sport England would only be supportive if some form of mitigation is attained, and a financial contribution is ring fenced towards outdoor sports facility projects. If this is not attained, Sport England objects to the application.

**Essex Wildlife Trust:**

4.7 No comments received.

**Public Experience (Environmental Services):**

4.8 Request standard land contamination condition.

**5. Representations**

5.1 A total of 8 objections have been received, including the submission of photos. The comments received are summarised below:

- Area designated for recreational use
- Loss of parking spaces
- Land contaminated
- Site subject to surface water flooding
- Ditch adj. site overflows
- Biodiversity concerns
- Loss of recreational facility not to be encouraged
- Concern over pile-driving if planning permission granted
- Previous applications on this land refused planning permission
- Further development will increase traffic and parking problems
- New draft Local Plan includes land as protected green space

- If planning permission given would be followed by further applications for housing
- Lack of use of tennis court is a reflection on current management, doesn't mean it is no longer a valuable asset to the village
- Two of the proposed houses overlook existing rear garden
- Extending the village envelope fly's in the face of previous refusals for residential development on the site
- Application appears as a piecemeal development with no respect of the character of the Conservation Area
- Loss of trees on site would harm the conservation area
- Grave reservations about the impact of even more traffic in The Street

5.2 A letter which is signed by 26 members of the sports and leisure club has also been received. The main concerns are summarised as follows:

- The club has provided a leisure facility for around 40 years and has been successful in producing a number of national and international sports men and women.
- The development of a significant part of the site may result in the closure of the club and the loss of a sports facility.
- Loss of parking.
- Loss of tennis court.
- Reduction of membership.
- Loss of an internationally acclaimed coach.
- Lack of investment.
- On-street parking and congestion.
- Tennis court not used due to lack of maintenance.
- Too few tennis facilities in Tendring.
- Potential increase in use of tennis courts as a result of the success of tennis players this summer.
- Reduction in membership will result in a further decline in facilities.
- A consortium is interested in acquiring the club which will invest and make improvements to the facilities.

## 6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Policy Context;
- Loss of Recreational Facility;
- Design and Layout of Proposal, including Impact on Conservation Area;
- Impact on Biodiversity;
- Impact upon Amenity;
- Impact on Highways/Parking Provision; and,
- Other Issues.

### **Context and Background**

6.2 The application site amounts to approx 0.42 hectares and lies to the west of The Street, and just south of Ardleigh Hall Leisure and Squash Club. The site comprises two linked parcels of land, one having a frontage onto The Street and the other set back and accessed from a private drive. The site contains a number of trees, including some which have recently been protected by a Tree Preservation Order (TPO).



- 6.3 The rear part of the site presently includes a disused tennis court associated with the adjacent Leisure Club. The remaining part of the application site provides occasional overflow car parking for the Leisure Club.
- 6.4 The application site lies within the Ardleigh Conservation Area and is set within the defined settlement boundary of the village.

### **Proposal**

- 6.5 The application proposes 4 no. dwellings and garages. Three of the four properties are provided with 4 bedrooms and one has 3 bedrooms; all the properties are of two-stories and detached. All but one of the garages is detached; two are double garages and the other two are single. The density of the development equates to 9.5 dwellings per hectare.
- 6.6 The dwellings are provided with private gardens which meet the size standards required under policy HG9 of the Local Plan.
- 6.7 The design of each dwelling is bespoke and no two are identical in appearance. The design is traditional, as is the choice of external materials, which are to be taken from the local palette, including smooth render, clay tiles, facing brickwork and featheredged weather boarding.
- 6.8 A landscaping scheme has also been submitted with the application with the majority of trees to be retained including those that have a TPO. The scheme proposes the removal of three small trees and some low level scrub, but it is proposed they these will be replaced by fourteen new trees within the site.

### **Policy Context**

- 6.9 National planning policy is provided within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development and seeks to significantly boost housing supply, particularly in sustainable locations. Such proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 6.10 The application site falls within the development boundary for the village of Ardleigh. Development in Tendring is focussed towards the larger urban settlements of Clacton and Harwich and the smaller towns and villages including Ardleigh. As the site falls within the settlement boundary, its development would be acceptable in principle, subject to other policies in the Local Plan.
- 6.11 Two such policies are Policies COM7 and COM7a, which seek to protect such land from development, which leads to their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function. These policies will be considered below.
- 6.12 Other policies of note include EN17, which requires new development in conservation areas to preserve or enhance the character or appearance of the conservation area. This policy will be considered below.

### **Loss of Recreational Facility**

- 6.13 The application site has been designated within the Proposals Map of the Local Plan as protected existing recreational open space, linked to the Ardleigh Hall Leisure Club, and

therefore protected by policies COM7 and COM7a of the Local Plan. As a result, this application is presented to committee as a departure from the Local Plan.

- 6.14 Policies COM7 and COM7a seek to protect land from development which leads to their loss, either fully or in part, particularly where the land concerned fulfils an ongoing recreational or open space function. The proposals involve land that was last used as a tennis court and an area of land occasionally used for overflow car parking. The tennis court is in a poor condition and has not been used by club members for more than three years. The club has two further courts, which are in better condition and members tend to use these courts from time to time. These are to remain and do not form part of the application site.
- 6.15 Comments received from Sport England as part of the consultation response advise that if the tennis court is genuinely redundant and that there is no demand for replacing the facility, the principle of developing the tennis court would be considered acceptable. However, Sport England would only be supportive if some form of mitigation is attained, and a financial contribution is ring fenced towards outdoor sports facility projects.
- 6.16 The Ardleigh Hall Leisure Club has confirmed in a letter that there is insufficient demand for the tennis court to be lost. They state the club now offers a wide range of facilities, including a swimming pool, gym and aerobic studio and along with the squash courts these are the areas that since they have taken over the facility in November 2008 they have focused their attention and investment on. Furthermore, although the club has three tennis courts, they do not have any regular playing members and do not offer any form of tennis programme or membership. The court in question does not meet Lawn Tennis Association (LTA) standards in terms of its playing surface and would cost several thousand pounds to make safe to play on, an investment they simply can not justify in terms of the demand. The two courts, which will remain are playable and in reasonable condition, even though demand for them remains very limited.
- 6.17 Furthermore, they state that investment in the facilities of the club has had to be limited due to the narrow margins that are possible from a business of this nature, and as there has never been demand for tennis their investment has therefore matched demand. Members join the club primarily for its squash, gym and aerobic facilities and their membership fee is directed towards these facilities. It is anticipated that serious or regular tennis players choose to join a local tennis club such as Langham or Dedham where they have a full coaching programme and play in local tennis leagues.
- 6.18 With regards to demand for such facilities across the District, the Council's Leisure Services dept do not hold such information. However, it is noted that both Langham Tennis Club (2 outdoor courts) and Dedham Tennis Club (3 outdoor courts) both offer coaching and are members of the Colchester and District Tennis League, and are only located approx. 2.1 miles and 1.8 miles respectively from the application site. Furthermore, within the District other tennis courts are located at Manningtree Sports Centre (4 courts), Little Clacton (Whitegates) Tennis Club (5 courts), Kirby Tennis Club (6 courts), Dovercourt Tennis Club (3 courts), Clacton Leisure Centre (4 courts), Frinton Tennis Club (24 courts), as well as sites at Lawford Playing Field (2 courts) and Frinton Park Playing Field (1 court), and in the borough of Colchester which has Colchester Tennis Centre (4 courts) and Wivenhoe Tennis Club (4 courts).
- 6.19 As a consequence, it is considered the tennis court is therefore surplus to current requirements and provides no real recreational value to the community at present. However, in light of the policy, it is appropriate to mitigate the loss of the tennis court, to the point where it is commensurate with the impact on the community. It is understood that the applicant has offered a financial contribution to be provided via a unilateral undertaking,

which can be used to assist in the provision of play and or recreation within the Ardleigh parish.

- 6.20 Comments received at pre-application stage from Leisure Services indicated the erection of a tennis court including fencing equates to a price in the region of £20,000-£25,000 pounds. On that basis, a financial contribution towards a community facility of £20,000 has been sought from the applicant to compensation for the loss of the tennis court. A unilateral undertaking has been drafted and at the time of writing is waiting to be sent out to the applicant.
- 6.21 It is noted this stance is undertaken in line with advice received from Sport England. On this basis it is considered that the development is acceptable in principle, and overcomes the loss of existing recreational open space. Furthermore, it is considered that as the existing tennis court is available only to club members of Ardleigh Hall Leisure Club, the provision of additional community recreational facilities within the village of Ardleigh is arguably better for the community as a whole.

### **Design and Layout of Proposal, including Impact on Conservation Area**

- 6.22 As previously explained, the site is located within the Ardleigh Conservation Area. In terms of its character, The Street at its southern end is characterised by smaller scale residential development, which is predominantly two storey and set close to the back of the footway. This character terminates just before the application site and the land opens up on the west side, and becomes the remnants of the parkland associated with Ardleigh Hall. At this point, trees line the edge of The Street (west) and soften views. The proposed dwellings are set behind these trees to maintain their contribution to the street scene. It is considered the trees will equally soften the proposed housing in the views and provide a mature setting, within which new planting is proposed and will assist further in settling the new development into this important location within the conservation area.
- 6.23 In terms of the house types, these are considered to be acceptable, and provide a mixture of traditional materials which preserve the character of the conservation area.
- 6.24 New metal railings are proposed to The Street frontage, with a new hedgerow set behind, to match existing railing in front of Westbury Lodge to the south of the application site. This boundary treatment is considered to be acceptable.
- 6.25 Following the submission of an earlier planning application this year (12/00552/FUL) also for development of 4 dwellings, which was subsequently withdrawn, a TPO has been served to protect a number of trees within the frontage of the application site, which include one Horse Chestnut, one Ash, one Oak, and two Lime trees (12/00003/TPO). This current application has amended the housing layout to take account of these newly protected trees. The Council's Tree and Landscape Officer has confirmed the proposed development can be implemented without harm being caused to the protected trees on the land, provided the works on the site are undertaken in the manner described in the submitted Tree Report, and tree protection measures are carried during the construction phase. As a result, an appropriate condition can be attached to a planning permission.
- 6.26 It is considered that the development, if granted, would not have an adverse impact on the character and appearance of the conservation area, and would comply with policy EN17 of the Local Plan.
- 6.27 Furthermore, the proposed development is considered to accord with the Ardleigh Village Design Guide. This states that all new development will be encouraged provided the development is well designed and in keeping with the existing character of the Parish. Moreover, the Ardleigh VDS encourages good design and seek to protect or enhance the

existing character of the parish, discourages uniformity of design and materials for new housing, and places trees as an important contribution to the character of the village.

### **Impact on Biodiversity**

- 6.28 An extended phase 1 habitat survey has been undertaken and submitted as part of the application, which found suitable nesting and foraging habitat for birds; with ivy covered trees which presented a negligible to very low potential to support roosting bats. The majority of the site is of low ecological value, comprising a large area of species poor amenity grassland, existing hard standing, small groups of trees and an area of ruderal vegetation; however some of the boundary trees and shrubs are of moderate to high ecological value.
- 6.29 Following the submission of this survey, Natural England has advised that permission can be granted, and conditions are to be attached to ensure any works to the existing trees are not undertaken during the period October to February to avoid the bird nesting season, and ivy-covered trees are not removed or subject to tree works during the period September to May to avoid the hottest summer months where there is very low potential for occasional individual bats to roost amongst the dense ivy stems.
- 6.30 Given that the key recommendations of the phase 1 habitat survey are carried out (as above), it is concluded that the proposed development will not have an adverse impact on the nature conservation interests of the area.

### **Impact upon Amenity**

- 6.31 The application site is in proximity to residential properties. However, only two residential properties share a boundary with the application site to the south, those being Westbury Lodge and Crossways.
- 6.32 However, it is considered that the proposed development would not have an adverse impact on the amenities of neighbouring residential dwellings. Westbury Lodge is the closest of the two dwellings to this proposed development. Plot 2 provides a southern aspect gable and flank wall which looks towards Westbury Lodge. However, as the only first-floor windows in this elevation are a bathroom and en-suite, overlooking issues are not considered to be relevant. Furthermore, plot 3 (east elevation) provides a flank wall which looks towards Westbury Lodge. However, as the only first-floor window in this elevation is an en-suite, overlooking issues are not considered to be relevant.
- 6.33 An objection has been received from Crossways with regards to overlooking their rear garden from plots 3 and 4. First floor windows from plots 3 (bedroom x 2 and landing) and 4 (bedroom x 3) will overlook the rear garden of Crossways, however this is not considered to amount to a significant overlooking issue to warrant a refusal of planning permission, especially as mature trees are to be retained on this boundary with Crossways.
- 6.34 It is concluded that the proposed development will not have an adverse impact on the residential amenities of neighbouring residential properties.

### **Impact on Highways/Parking Provision**

- 6.35 Concern has been raised with regards to the loss of an existing overflow car park at the Leisure Club, and as a result the impact this will have on the adjacent highway by increased amounts of roadside parking.
- 6.36 Although it is noted the overflow car park provides occasional parking, it is also noted that the remaining vehicle parking at the club, which can number 48 spaces, would continue to

comply with current parking standards for a D2 'leisure' use, as the size of this club would require a maximum of 36 spaces. It can therefore be seen that the club would exceed the number of parking spaces required, even with the loss of the overflow car-park.

- 6.37 Furthermore, since the application was deferred from the planning committee on 30 October, the applicant has undertaken a car parking survey carried out by the tenant, which indicates at 2 hourly intervals the amount of cars using the existing car park, which at no point, even at peak times, exceeded the spaces available on the site even if the planning application were approved (see background paper). The applicant also points out that at the time of the committee site visit on 30 October, there were still car parking spaces available within the car park (near where the bus parked) even though at the time of the visit a popular dance class was in session (the visit was conducted during school half-term). It is also noted that it appears cars are parked in the overflow car park as it is more convenient to park here than within the parking area to the rear as the main entrance is closer from the overflow car park. Finally, to help ensure parking provision is appropriate, a planning condition would be attached to any planning permission requiring the remaining parking spaces to be marked out accordingly.
- 6.38 The proposed dwellings also comply with current parking standards, in that each dwelling is provided with at least two parking spaces.
- 6.39 The Highway Authority has raised no objection subject to standard conditions.
- 6.40 As a result, the proposed development complies with adopted parking standards and the resultant parking provision in association with the Leisure Club remains within adopted standards.

#### **Other Issues**

- 6.41 Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. Arleigh is identified within the Supplementary Planning Document for Policy COM6 (February 2011) as an area with a current deficiency in equipped play/open space. A unilateral undertaking has been drafted and at the time of writing is waiting to be sent out to the applicant.
- 6.42 An assessment of the site to discover the potential for sources of contamination has been undertaken, and the survey submitted as part of the application revealed that the site is unlikely to contain harmful substances. The Council's Public Experience dept have been consulted in relation to this matter. They have advised that historical records indicate that this land had a potentially former contaminative land use, as an unknown infill. Gas protection will also need to be considered due to possible unauthorized infill of pits etc. As a result, the standard land contamination condition is considered to be appropriate to attach to any planning permission granted to address these concerns.
- 6.43 Concerns have been raised with regards to surface water drainage. The development proposes to dispose of surface water to soakaways. The ground conditions are understood to be compatible for good permeable ground soakaways, and such matters will be dealt with at the building regulations stage, however it is also considered appropriate to attach a condition to any planning permission requiring details of the surface water disposal measures to be agreed in writing before commencement of any development.

### Previous Deferral

- 6.44 At the meeting of the Planning Committee meeting on 4 December 2012, Members resolved to defer the application in order for officers to investigate the following matters:
- An assessment of integrated water drainage (to be assessed by ECC), and
  - Formal detailed comments from ECC Highways in relation to the proposed parking provision and highway safety and convenience along The Street, Ardleigh.
- 6.45 With regards to drainage issues, as the site is below the 1 hectare threshold for any involvement by ECC, they have advised that all relevant details and calculations for soakaways to be used should be dealt with by TDC Building Control Services. Accordingly ECC do not offer an opinion on the acceptability of the scheme or otherwise. Notwithstanding, a copy of the applicants Surface Water Drainage Strategy prepared by their civil engineer consultant, and following the carrying out of on site percolation tests, has been considered by the Council's Senior Building Control Officer who has confirmed that the submitted surface water drainage proposals are acceptable based upon the percolation test results provided. Whilst it is acknowledged that Members hold significant concerns in relation to the general building of new development in areas that are at risk of surface water drainage issues i.e. sites of former ponds etc, each application must be considered on its own merits. In this instance the concerns of Members have been fully explored but the scheme has been fully assessed and found to be acceptable by the Council's Building Control section. Therefore a reason for refusal on the grounds of surface water drainage could not be sustained.
- 6.46 In relation to parking and Highway matters, Essex County Council have re-examined the proposal and confirm the following:
- The off street parking provision for the proposed development is in accord with current Parking Standards. (Ardleigh Squash Club occupies approximately 518m<sup>2</sup> Gross Floor Area (GFA). The off street parking requirements for a facility of this dimension is 26 parking spaces. There are 5 squash courts for which 10 parking spaces are provided for).
  - Drawing Number 550/1/ Rev B shows the provision of an additional 9 parking spaces totalling 45 parking spaces for the squash club and associated uses.
  - The planning agent has provided the Highway Authority with a parking survey which indicates that at no time during the period of survey that the parking demand of the site exceeded the provision.
  - It should be noted that the off street parking provision for the Ardleigh squash club together with the proposed residential development was assessed prior to the submission of the Highway Authority's formal recommendation. Furthermore, the amount of off street parking required to be provided by the proposed development falls to the Local Planning Authority to determine and not the Highway Authority.
  - Regarding the parking of motor vehicles on Dedham Road; few of the adjacent cottages in the vicinity of either facility have any off street parking facilities, the on street parking assists in keeping vehicle speeds low.
  - Between Colchester Road and Dedham Road junction and Fen Lane and Dedham Road there have been only two recorded collisions. The one at the junction of Colchester Road and Dedham Road on 26 May 2012 which was recorded as slight and the other just beyond the squash club towards Fen Lane on 14 February 2010 was also recorded as slight, as such the Highway Authority has no significant concerns regarding the on street parking on Dedham Road.
- 6.47 Accordingly, and having regard to all other related matters detailed above, the scheme is considered to be acceptable in terms of parking provision and highway safety and convenience.

Background Papers

Car Park Survey

**Car Parking Survey**  
**Ardleigh Hall Leisure Club**

<b>November</b>		<b>10am</b>	<b>12 noon</b>	<b>2pm</b>	<b>4pm</b>	<b>6pm</b>	<b>8pm</b>
Monday	5 <sup>th</sup>	44	25	7	15	48	22
Tuesday	6 <sup>th</sup>	33	28	12	13	20	16
Wednesday	7 <sup>th</sup>	34	19	9	11	25	12
Thursday	8 <sup>th</sup>	27	8	10	22	32	9
Friday	9 <sup>th</sup>	38	30	12	15	21	19
Saturday	10 <sup>th</sup>	30	25	8	11	12	Shut
Sunday	11 <sup>th</sup>	13	3	Shut			
Monday	12 <sup>th</sup>	46	20	11			
Tuesday	13 <sup>th</sup>						
Wednesday	14 <sup>th</sup>						
Thursday	15 <sup>th</sup>						
Friday	16 <sup>th</sup>						
Saturday	17 <sup>th</sup>						
Sunday	18 <sup>th</sup>						
Monday	19 <sup>th</sup>						
Tuesday	20 <sup>th</sup>						
Wednesday	21 <sup>st</sup>						
Thursday	22 <sup>nd</sup>						
Friday	23 <sup>rd</sup>						
Saturday	24 <sup>th</sup>						
Sunday	25 <sup>th</sup>						