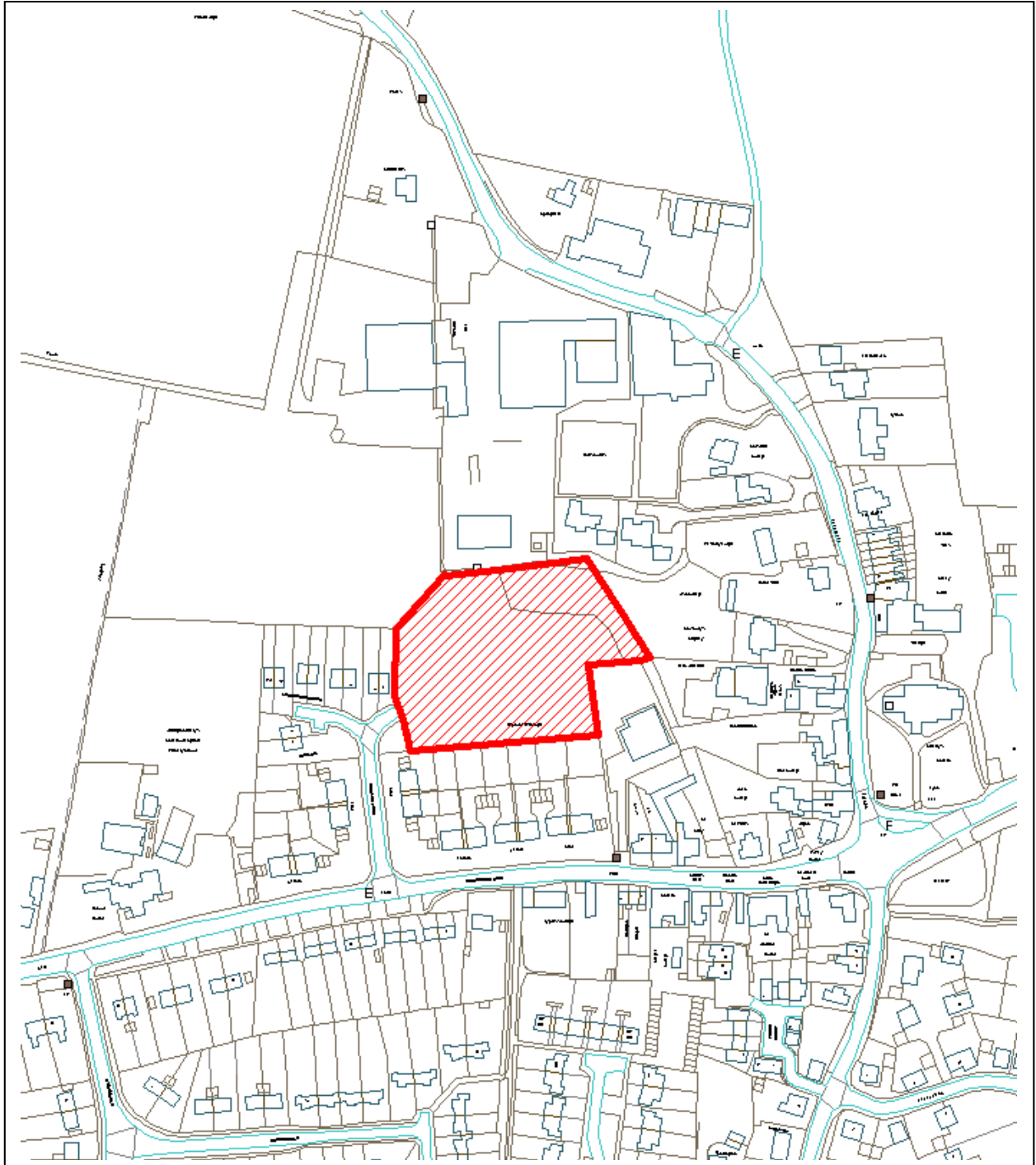


PLANNING COMMITTEE

14 OCTOBER 2014

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 14/00972/OUT - LAND AT INGRAMS PIECE, ARDLEIGH, ESSEX CO7 7PZ



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Application:	14/00972/OUT	Town / Parish: Ardleigh Parish Council
Applicant:	Omnivale Ltd	
Address:	Land at Ingram's Piece, Ardleigh, CO7 7PZ	
Development:	Residential development of up to 16 dwellings, including affordable homes.	

1. **Executive Summary**

- 1.1 The application site lies outside of the defined settlement development boundary of Ardleigh as set out in the Tendring District Local Plan (2007); however the site lies within the extended defined settlement boundary of Ardleigh in the Tendring District Local Plan Proposed Submission Draft (2012). Policies within these plans seek to restrict development to within the settlement development boundaries.
- 1.2 Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) states that permission is to be refused for new residential development subject to specified exceptions.
- 1.3 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.4 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.5 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.7 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' whilst also being able to achieve a development that would comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well as Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012).

Recommendation: Approve

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

- (a) Within 6 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 ;

- Affordable Housing On-Site Provision;
- Education Provision; and
- Public Open Space Contribution Provision.

(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).

(i) Conditions:

1. Details of the appearance, landscaping, layout, access and scale, (hereinafter called "the reserved matters").
2. Application for approval of the reserved matters.
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Samples of the materials.
5. Hard and soft landscaping.
6. All hard and soft landscaping implementation.
7. Landscaping - Five year clause.
8. As requested by the Highway Authority.
9. Boundary treatments.
10. Details of Refuse storage/collection areas.
11. Surface Water Management Strategy.
12. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
13. Archaeology investigative and report works.
14. Biodiversity enhancement provision

(c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies HG4, EN26 and COM6 of the Tendring District Local Plan (2007) and draft policies PEO10, SD7 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

2. **Planning Policy**

National Policy

National Planning Policy Framework (2012)

Local Plan Policy

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL2 Promoting Transport Choice
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM6 Provision of Recreational Open Space for New Residential Development
- EN1 Landscape Character
- EN6 Biodiversity
- EN17 Conservation Areas
- EN26 Contributions to Education Provision
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- SD1 Presumption in Favour of Sustainable Development
- SD4 Smaller Rural Settlements

- SD5 Managing Growth
- SD7 Securing Facilities and Infrastructure
- SD8 Transport and Accessibility
- SD9 Design of New Development
- SD10 Sustainable Construction
- PEO3 Housing Density
- PEO4 Standards for New Housing
- PEO10 Council Housing
- PEO22 Green Infrastructure in New Residential Development
- PLA4 Nature Conservation and Geo-Diversity
- PLA5 The Countryside Landscape
- PLA6 The Historic Environment
- PLA7 Conservation Areas

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

None.

4. Consultations

- 4.1 TDC Public Experience – Request Public Open Space Contributions (see Assessment section below)
- 4.2 ECC Highways Dept – The Highway Authority raises no objection subject to:-
 1. The proposed means of vehicular access shall be a continuation of the existing carriageway and footways of Ingram’s Piece, extended straight for at least the first 12m within the site.
 2. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
 3. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is

completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

4. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.
5. Prior to occupation of the proposed development, the proposed vehicular accesses shall be constructed at right angles to the proposed highway boundary and to a minimum width of 3.0metres and a maximum width of 3.7metres and shall be provided with an appropriately constructed connection to the proposed carriageway to the specifications of the Highway Authority.
6. Prior to the proposed access being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.
7. All off street parking shall be in precise accord with the details contained within the current Parking Standards.
8. Any garage provided with its vehicular door facing the highway, shall be sited a minimum of 6m from the highway boundary.
9. Prior to commencement of the proposed development, details of the provision for storage of bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities
11. Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
 - ECC Education Services – Request s106 contributions (see Assessment section below)
 - ECC Archaeology – Request condition due to potential for below ground archaeology
 - Anglian Water – Request condition regarding surface water management strategy

5. Representations

- 5.1 The Parish Council has supported the application, and request that a Community Infrastructure Levy is applied as appropriate to the application.
- 5.2 2 letters of representation have been received commenting upon the proposal. The comments are summarised below:
- Would like hedge (on the southern boundary) to remain as provides privacy and habitat for birds.
 - Proposed units should show provision for safe, secure, covered cycle storage.

6. Assessment

- 6.1 The main planning considerations are:
- Site Context;
 - Proposal;
 - Principle of Development;
 - Housing and Density;
 - Character and Appearance;
 - Residential Amenity
 - Highways and Parking Issues;
 - Biodiversity;
 - Arboriculture/Landscaping;
 - Impact on Heritage Assets; and,
 - Other Material Considerations (including Section 106 Obligations).

Site Context

- 6.2 The application site measures approximately 0.76 hectares. The site is generally unused and unmanaged open land with a small coppice located within the north-eastern portion of the site.
- 6.3 The site is devoid of any buildings. The site has a single access to Ingram's Piece.
- 6.4 The northern boundary of the site is largely defined by part of the coppice which exists at the site, and a ditch which runs along part of the northern and eastern boundaries. Part of the northern boundary is also defined by a 2.2 metre (approx.) metal palisade fence. Beyond this northern boundary are industrial buildings and open equipment storage in association with P Tuckwell Ltd, and new dwellings erected under reference 12/00949/FUL on a disused tennis court associated with Ardleigh Hall Squash Club.
- 6.5 The eastern boundary of the site is defined in part by a ditch and coppice, with existing residential gardens beyond.
- 6.6 The southern boundary of the site is defined in part by a 1.8 metre post and wire fence which encloses a Telephone Exchange, and established hedgerow approx. 3 metres in height, with existing residential gardens beyond to those flats numbering 2-24 Colchester Road, and 2-8 Ingram's Piece.
- 6.7 The western boundary of the site accommodates the access from Ingram's Piece, and a 1.8 metre (approx.) close-boarded fence which forms the boundary with No.9 Ingram's Piece. Beyond this boundary at two-storey properties forming part of the established development within Ingram's Piece, and Moorhouse Green.

6.8 The topography of the site is relatively level, with a gentle slope running west to east.

Proposal

6.9 The application seeks outline consent with all matters reserved for the construction of up to 16 dwellings, including affordable homes.

6.10 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing indicates the potential for a mixture of 2, 3 and 4 bedroom properties, with 4 of these offered as affordable homes.

6.11 The indicative layout includes new tree planting and part of the existing coppice to be retained, with access achieved via the existing access off Ingram's Piece.

6.12 The housing density for 16 dwellings equates to approx. 21 dwellings per hectare.

Principle of Development

6.13 The main issues for consideration are:

- whether the site would be suitable for housing having regard to the principles of sustainable development.
- the effect of the proposed development on the character and appearance of the surrounding area.

6.14 The application site is located close to the main core of the village of Ardleigh. The site is adjacent to but outside the village development boundary as defined within the Tendring District Local Plan (2007) which aims to restrict new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

6.15 Ardleigh is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

6.16 The application site has been identified within the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) as supporting an urban extension to the village. However, given the limited weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF.

6.17 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.18 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot

be considered up-to-date as set out in paragraph 49 of the NPPF. This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.

6.19 The Council has published the Tendring District Local Plan Proposed Submission Draft (2012), but the document is yet to be submitted to the Secretary of State. Formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.

6.20 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.21 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',

- economic,
- social; and,
- environmental roles.

6.22 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

- **Economic**

6.23 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services such as shops and the public house, and so meets the economic arm of sustainable development.

- **Social**

6.24 In terms of the social role, the site is within close proximity of various community services all within walking distance of the site, such as the local primary school which is approx. 140 metres to the west of the site (measured via the footpath), and post office. Ardleigh is also on a bus route and there are bus stops on Colchester Road to the south of the site, with services to Colchester. These facilities go some way to illustrate the sustainability credentials for the village.

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

- **Environmental**

6.26 It is noted that the site is located outside but immediately adjacent to the development boundary for Ardleigh. On this basis officers are of the view that if this site was inside the development boundary it would, subject to the location of the proposed properties, have resulted in the outline application being approved.

- 6.27 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site immediately adjoins the Settlement Development Boundary in the 2012 Draft Local Plan with a number of residential dwellings to the east, west and south of the site, and a small cluster of residential properties to the north of the site.
- 6.28 As a result, development would effectively mirror existing development in the locality of the site, and development at the scale proposed would require development to enclose the northern boundary of the site (where the palisade fence to the open storage is located) thereby acting as a natural infill to development in this area of the village.
- 6.29 On this basis, and given the inclusion of the site within the defined settlement boundary in the draft Local Plan, Officers consider that a more pragmatic approach is justified in this instance to development, as the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

Housing and Density

- 6.30 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.
- 6.31 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land.
- 6.32 In the absence of a five year supply of deliverable housing sites, the Council is expected to comply with the NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development. The application site has not been allocated for any specific housing allocation, but given that the defined settlement boundary has been extended to include this site, the Council has identified the site for potential residential development in the draft Local Plan.
- 6.33 One of the key issues is whether the site can accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy PEO3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal equates to 21 dwellings per hectare. This is considered to be comparable to the character of the area.
- 6.34 Because the application site is the subject of an extension to the defined settlement boundary in the 2012 Local Plan that has previously been approved by Full Council, there is already an acceptance that development in this location could be supported. The fact that the draft Local Plan has been published for consultation, and following comments received the allocation remains within the draft Local Plan through the Pre-Submission Focused Changes (2014), adds further weight to the argument that this application should be approved to ensure compliance with the NPPF and the presumption in favour of sustainable development.

- 6.35 Policy PEO7 of the draft Local Plan supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites of 10 units or more, with a preferred mix being:
- 30% of aspirational housing with 4 or more bedrooms meeting larger standards of internal floor area and amenity space;
 - 40% of family housing with 3 or more bedrooms;
 - 25% of Council Housing to be delivered in the form of community housing managed by a local trust; and
 - 5% providing a mix of housing to be determined by the developer in addressing market demand.
- 6.36 The application as submitted indicates the potential for 4 x 2-bed units, 9 x 3-bed units, and 3 x 4-bed units. It is therefore clear that the intention is to supply mainly family and larger aspirational housing within this development, in line with the draft Local Plan policy.
- 6.37 Furthermore, Policy PEO10 of the draft Local Plan requires development proposals involving the development of 10 or more dwellings to provide 25% of the new dwellings as affordable units. In this instance 4 affordable homes are being provided within the site, to include potentially 3 x 2-bed homes and 1 x 3-bed home, subject to section 106 obligations (see Other Material Considerations).
- 6.38 Given that the character of the area is mainly family housing, and the limited weight afforded to policy PEO7 of the draft Local Plan, it is considered that the indicative housing choice in this particular location is acceptable.
- 6.39 It is therefore considered that a development of up to 16 dwellings on this site can be integrated into the existing fabric whilst generally complying with other policies.

Character and Appearance

- 6.40 The application is in outline with all matters reserved. However, the indicative drawing submitted with the application suggests that the development would comprise 16 two-storey dwellings (mixture of semi-detached and detached). The Design and Access Statement submitted with the application indicates that the scale of the development is anticipated to be predominately two-storey, although this would not preclude some single-storey, or 2.5 storey dwellings as appropriate. Given that the site measures 0.76 hectares, this equates to 21 dwellings per hectare, which is comparable with the existing settlement pattern and grain of the area.
- 6.41 The indicative layout illustrates that 16 dwellings would comply with the Councils requirements with regard to parking provision and amenity space as set out in Saved Policy HG9 of the 2007 Local Plan could be accommodated.
- 6.42 It is considered that the development as shown on the indicative drawing would broadly follow the character and appearance of existing development in Ingram's Piece/Moorhouse Green. The development would act as a natural infill for development in this area of Ardleigh. The properties at two-storey in height would be seen in context with existing two-storey development that exists in Ingram's Piece/Moorhouse Green, and is not considered to adversely affect the character and appearance of the area.
- 6.43 Although design and appearance do not form part of the consideration of this outline application, it is considered that the site is capable of accommodating 16 dwellings in a way that would not result in any adverse impact on the character and appearance of the surrounding area and therefore, officers conclude that the proposed development can be considered as fulfilling the environmental role of sustainable development and consequently

does comply with the presumption in favour of sustainable development anticipated in paragraph 14 of the NPPF.

- 6.44 Given the edge of settlement location, and the complete lack of any natural boundary features on part of the site's northern boundary, important consideration would need to be given to the boundary treatments of the proposed properties shown indicatively as plots 13-16. Close-boarded or panel fencing would not be appropriate on this boundary. The indicative layout drawing does indicate a new tree lined hedgerow, which would make a positive contribution and ensure the development is assimilated into its wider setting. However as landscaping is reserved for future consideration, the details are not required at this stage.
- 6.45 Based on the land available for development and having regards to localised constraints, it is considered that developing this site for 16 residential units with associated parking and private amenity spaces could be successfully achieved.

Residential Amenity

- 6.46 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.47 The application is in outline form and officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Highway and Parking Issues

- 6.48 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the Draft Plan.
- 6.49 Essex County Council Highways have been consulted on the application (see above for full comments). They raise no objection to the principle of the development and vehicular access from Ingram's Piece.
- 6.50 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garage, if being relied on to provide a parking space should measure 7 metres by 3 metres internally. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. It is considered that the site is capable of accommodating this level of parking.

Biodiversity

- 6.51 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the

development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.

- 6.52 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.53 In support of the application an Ecological Assessment prepared by Adonis Ecology has been submitted. The report recommends various impact avoidance measures and enhancement suggestions, and providing the impact avoidance measures are undertaken, it is possible for the proposed development to proceed with minimal risk of impact on protected or BAP wildlife or local nature conservation. Furthermore, with the suggested enhancement included, it would be possible to increase the value of the site to biodiversity and local wildlife.
- 6.54 It is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Arboriculture/Landscaping

- 6.55 The proposals have been assessed by the Council's Tree and Landscape Officer who offers the following comments:
- 6.56 The main body of the application site set to grass with a few self-sown Silver Birch trees situated centrally. There are several large trees in the north western corner of the application site and the southern boundary is marked by an established hedgerow. The applicant has submitted information in accordance with BS5837: 2012 Trees in relation to design, demolition and construction that shows that the development of the land could take place without harm being caused to the trees or the hedgerow on the southern boundary. Should consent be likely to be granted then a condition should be attached to secure details of the way that retained trees and hedgerows will be physically protected for the duration of the construction phase of any consented works.
- 6.57 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to established existing trees and hedgerows around the site, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Impact on Heritage Assets

- 6.58 A consultation response has been received from the Senior Historic Environment Consultant at Essex County Council. It has been noted that the application site has been identified as having archaeological implications due to its location close to the historic core of Ardleigh and surrounding evidence for below ground archaeological remains in the form of cropmarks recorded on the Essex Historic Environment Record. No previous archaeological work has been undertaken within the proposed development site, but the Historic Environment Record contains information on adjacent areas that highlight the potential for multi-period remains to be present, that will be damaged or destroyed by the proposed development.
- 6.59 On that basis, and in accordance with chapter 12 of the NPPF, saved policy EN29 of the 2007 Local Plan, and policy PLA6 of the draft Local Plan, a condition has been imposed requiring archaeological trial trenching evaluation and a written scheme of investigation, prior to commencement of works.

- 6.60 The application site's east boundary borders the boundary with the Ardleigh Conservation Area. Saved policy EN17 of the 2007 Local Plan states development must preserve or enhance the character or appearance of a conservation area, and planning permission will be refused where (for developments located outside a conservation area) it would prejudice the setting and surroundings of a conservation area or harm the inward or outward views. This sentiment is echoed in policy PLA7 of the draft Local Plan.
- 6.61 In this instance, although the proposed layout submitted of the development is indicative, it indicates that the small coppice to the north-east of the site, which shares a boundary with the conservation area, is to be largely retained, and the built development is located approx. 20 metres from this boundary. It is therefore considered that development could be carried out on the site without adversely affecting the setting of the conservation area.

Other Material Considerations (including Section 106 Obligations)

- 6.62 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. This requirement is also set out in Policy PEO22 of the draft Local Plan.
- 6.63 With regards to public open space contributions, the Public Experience dept has confirmed there is a deficiency of 1.70 hectares of equipped play/open space in Ardleigh, and any further development in Ardleigh will increase demand on already stretched facilities, and increase the deficit further. As a result, a contribution towards equipped play space is justified.
- 6.64 Policy PEO10 of the draft Local Plan requires for developments of 10 or more dwellings, the Council will expect 25% of new dwellings to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing, or as an alternative, the Council will accept a minimum 10% if new dwellings to be made available to the Council alongside 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 25% requirement.
- 6.65 In this instance, the applicant is offering up to 25% affordable units on site, but the bedroom mix and tenure to be secured at a later date. The Council's Housing dept has confirmed that there are 164 households on the housing register who wish to live in Ardleigh, and there is a demand for 1, 2 and 3 bedroom properties. Accordingly, the provision of 4 affordable units on site (25% of the total development) is in accordance with the draft Local Plan policy, and is considered to be appropriate in this instance.
- 6.66 Essex County Council Education Services have confirmed the need for a financial contribution towards education provision. ECC confirm that there are sufficient early years and childcare places to serve the needs of the development. However, ECC forecasts indicate a deficiency in primary school spaces. Forecasts indicate that there is likely to be sufficient places at secondary school level to meet the needs generated by the development.
- 6.67 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development, and the draft Heads of Terms (as indicated above) have been agreed. Members are therefore requested that if there is a resolution to grant outline planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act

1990 dealing with the matters of on-site affordable housing provision; education provision; and off-site public play space provision.

Background Papers

None.