



## PLANNING COMMITTEE

**DATE:** Tuesday 30 January 2018

**TIME:** 6.00 pm

**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor White (Chairman)  
Councillor Heaney (Vice-Chairman)  
Councillor Alexander  
Councillor Baker  
Councillor Bennison  
Councillor M Brown

Councillor Cawthron  
Councillor Everett  
Councillor Fowler  
Councillor Hones  
Councillor McWilliams

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For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585.

DATE OF PUBLICATION: THURSDAY 18 JANUARY 2018

## **AGENDA**

### **1     Apologies for Absence and Substitutions**

The Committee is asked to note any apologies for absence and substitutions received from Members.

### **2     Minutes of the Last Meeting (Pages 1 - 8)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Wednesday 3 January 2018.

### **3     Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

### **4     A.1 - Planning Application - 16/00878/FUL - Ardleigh Squash and Leisure Club, Dedham Road, Ardleigh, CO7 7NH (Pages 9 - 26)**

Demolition of existing building and construction of 7 No. 4 bedroom detached houses and associated garages and diversion of existing footpath public right of way.

### **5     A.2 - Planning Application - 17/01759/DETAIL - Land West of Heckfords Road, Great Bentley, CO7 8RR (Pages 27 - 38)**

Erection of 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.

### **6     A.3 - Planning Application - 17/01925/FUL - Threshers, Colchester Road, Ardleigh, CO7 7PQ (Pages 39 - 48)**

Erection of two dwellings and associated outbuildings.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 27 February 2018.*

## **Information for Visitors**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 3 JANUARY 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker (except item 81), Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors Pemberton and Scott (items 76 – 79 only)
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Susanne Ennos (Planning Team Leader)(items 76 - 80 only), Alison Newland (Planning Team Leader (Major Applications)), Charlotte Parker (Solicitor (Property, Planning and Governance)), Ian Ford (Committee Services Manager) and Nigel Brown (Communications and Public Relations Manager)(except items 83 – 85)

**76. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**77. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 29 November 2017, were approved as a correct record and signed by the Chairman.

**78. DECLARATIONS OF INTEREST**

Councillor Baker declared a non-prejudicial interest in Planning Application 17/01527/DETAIL insofar as he was a local Ward Member. He also declared a prejudicial interest in this application insofar as he was a member of Lawford Parish Council which potentially stood to gain from the development of a community building as part of the application.

Councillor White reminded the Committee that he was a member of St Osyth Parish Council but informed Members that he had not been party to the Parish Council's representations in respect of Planning Application 17/00825/OUT and that therefore he was not pre-determined on this application.

Councillor Scott, present in the public gallery, declared an interest in relation to Planning Application 17/00658/DETAIL by virtue of the fact that he was the local Ward Member.

**79. A.1 - PLANNING APPLICATION - 17/00658/DETAIL - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL**

Councillor Scott, present in the public gallery, had earlier declared an interest in relation to Planning Application 17/00658/DETAIL by virtue of the fact that he was the local Ward Member.

Members recalled that outline planning application 15/01277/OUT had been approved at the meeting of the Committee held on 19 November 2015 at which time it had been requested that any related reserved matters application be submitted to the Committee for its determination.

At its meeting on 29 November 2017 the Committee had resolved that this detailed planning application be deferred in order to enable further discussions to take place with the Developers in an effort to address the Committee's concerns over the non-compliant size of the amenity space for the properties intended to be gifted to the Council and for the Developer to reconsider single storey properties for Plots 23, 24 and 25 to also address the Committee's concerns of overlooking of the school and swimming pool.

Members were informed that amended plans had now been received which had amended the garden sizes. Plots 24 and 25 remained two storey in height but that the first floor bedroom window on the rear elevation had been moved to the side elevation, which had resulted in all windows at first floor level being obscure glazed. The garage of Plot 23 had been amended to a gable roof which obscured views towards the school and the window of bedroom 2 had been moved as far to the right as possible in order to reduce the viewing angle.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of one further letter of objection.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

- 1 In accordance with approved plans;
- 2 Samples of materials to be submitted and agreed;
- 3 Details of soft landscaping – including access arrangements;
- 4 Landscape to be carried out in first planting and seeding season following commencement of development;
- 5 Any landscaping lost within 5 years to be replaced;
- 6 Details of boundary treatments/enclosures to be submitted and agreed;
- 7 Hours of Construction; and
- 8 Windows at first floor on rear elevations of Plots 24 and 25 to be obscure glazed.

**80. A.2 - PLANNING APPLICATION - 17/01318/FUL - LAND AT ROBINSON ROAD, BRIGHTLINGSEA, CO7 0ST**

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of four further letters of objection.

Robert Eburne, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Alexander and unanimously **RESOLVED** that, whilst accepting the principle of the development, consideration of this application be deferred for further discussions and investigations to take place between the Officers and the applicant with regards to:

- (1) the need for an emergence survey for any potential bat roosts on the application site;
- (2) the need for a Phase 2 survey for the potential hibernation of Great Crested Newts on the application site;
- (3) the potential removal of vehicular access from the application site onto Wilfreds Way;
- (4) the proposed removal of the hedgerow along the Robinson Road frontage and the width of that road; and
- (5) the undersized gardens in relation to certain plots within the application site.

**81. A.3 - PLANNING APPLICATION - 17/01527/DETAIL - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS**

Councillor Baker had earlier declared a non-prejudicial interest in Planning Application 17/01527/DETAIL insofar as he was a local Ward Member. He had also declared a prejudicial interest in this application insofar as he was a member of Lawford Parish Council which potentially stood to gain from the development of a community building as part of the application. Councillor Baker thereupon withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Members recalled that outline planning permission (with all matters apart from access reserved) had been granted on 13 April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under planning application 15/00876/OUT.

Members were informed that the current submission related to phase one of the development, and was for the outstanding reserved matters of scale, layout, appearance and landscaping.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of amended plans that had been received on 20 December 2017.

Anthony Merritt, a local resident, spoke against the application.

Steven Rose, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor McWilliams and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

- 1 Development in accordance with approved plans;
- 2 Implementation of landscaping;
- 3-5 Archaeology Conditions re programme of archaeological evaluation;
- 6 Anglian Water condition re drainage strategy; and
- 7 Any conditions as advised by the Highway Authority.

**82. A.4 - PLANNING APPLICATION - 17/00825/OUT - LAND NORTH OF 782 TO 828 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS**

Councillor White had earlier reminded the Committee that he was a member of St Osyth Parish Council but had informed Members that he had not been party to the Parish Council's representations in respect of Planning Application 17/00825/OUT and that therefore he was not pre-determined on this application.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

Ron Cross, planning agent acting on behalf of a local resident, spoke against the application.

Peter LeGrys, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) within 6 (six) 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 (where relevant):
  - an Education contribution of £318,402 for primary school transport, plus primary and secondary school place contributions in accordance with the formula set out in the ECC Developers Guide to Infrastructure Contributions;
  - 30% on-site affordable housing;
  - a NHS financial contribution of £29,187;



- provision of on-site open space and (if they wish to transfer to the Council) a commuted sum for maintenance of public open space for twenty years.
- 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. Reserved matters standard conditions
  2. Accordance with approved plans
  3. Construction method statement
  4. Vehicular visibility splays of 2.4m x 120m
  5. No unbound materials within 6 metres of the highway boundary
  6. Residential Travel Information Packs
  7. Provision of bus stop improvements to the two closest bus stops
  8. Access road and 2 x 2 metre wide footways to be provided prior to occupation
  9. No vehicular access from the application site onto Earls Hall Drive
  10. Archaeological trial trenching
  11. Completion of archaeological fieldwork
  12. Post-excavation archaeological assessment
  13. Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination.
  14. Detailed surface water drainage scheme
  15. scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution
  16. Maintenance Plan for surface water drainage system
  17. Yearly logs of maintenance
  18. Recommendations of Preliminary Ecological Assessment
  19. Approval of any street lighting
- c) that 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 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.
- d) that any future reserved matters application(s) arising from this planning approval be submitted to the Committee for its determination.

**83. A.5 - PLANNING APPLICATION - 17/01811/OUT - MICHAELSTOWE FARM, RAMSEY ROAD, RAMSEY, CO12 5EW**

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of updated comments received from Building Control.

Following discussion by the Committee, it was moved by Councillor Hones and seconded by Councillor Cawthron that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

"The Council can demonstrate a five year housing supply and the application site lies outside the settlement boundary and is therefore contrary to the development plan."

Councillor Hones' motion on being put to the vote was declared LOST.

It was then moved by Councillor Fowler, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) within 6 (six) months of the date of the Committee's resolution to approve, the completion of a Unilateral Undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matter(s) (where relevant):
    - On-site or off-site open space/play equipment.
  - 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. Standard conditions for submission of reserved matters and time limit for commencement.
  - 2. Visibility Splays (2.4m x 90m in both directions).
  - 3. Parking/turning areas provided prior to first occupation of dwellings.
  - 4. No unbound materials in first 6m of access.
  - 5. Carriageway/Estate Road/Footways construction timings.
  - 6. 500mm overhang strip provided adjacent to carriageway.
  - 7. Parking/Garage dimensions in accord with parking standards.
  - 8. Residential Travel Information Packs.
  - 9. Ecological mitigation/enhancement plan.
  - 10. Surface water drainage/foul drainage scheme.
  - 11. Hard and soft landscaping plan/implementation.
  - 12. Details of refuse storage/collection points.
  - 13. Archaeology – Historic Building Recording & Field Evaluation.
- (c) that 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 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

- (d) that any future reserved matters application(s) arising from this planning approval be submitted to the Committee for its determination.

**84. A.6 - PLANNING APPLICATION - 17/01840/OUT - 98 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB**

It was reported that this application had been referred to the Planning Committee at the request of Councillor Whitmore, a local Ward Member and Councillor Pemberton, an adjacent Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Heaney and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Contrary to Policy HG13 (III) (V) and (VII) and Policy LP8 B, D and F.

**85. A.7 - PLANNING APPLICATION - 17/01790/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QX**

It was reported that this application had been referred to the Committee as the applicant was Tendring District Council.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Time Limit;
2. Approved plans;
3. Lighting scheme details;
4. Positioning and shielding of light source from floodlighting;
5. Surfacing of vehicle parking area;

6. Multi-use games area not to be used for any pre-arranged competitive matches;
7. Construction method statement; and
8. Floodlights shall not be used during the hours of 9pm and 8am the following day.

The meeting was declared closed at 9.15 pm

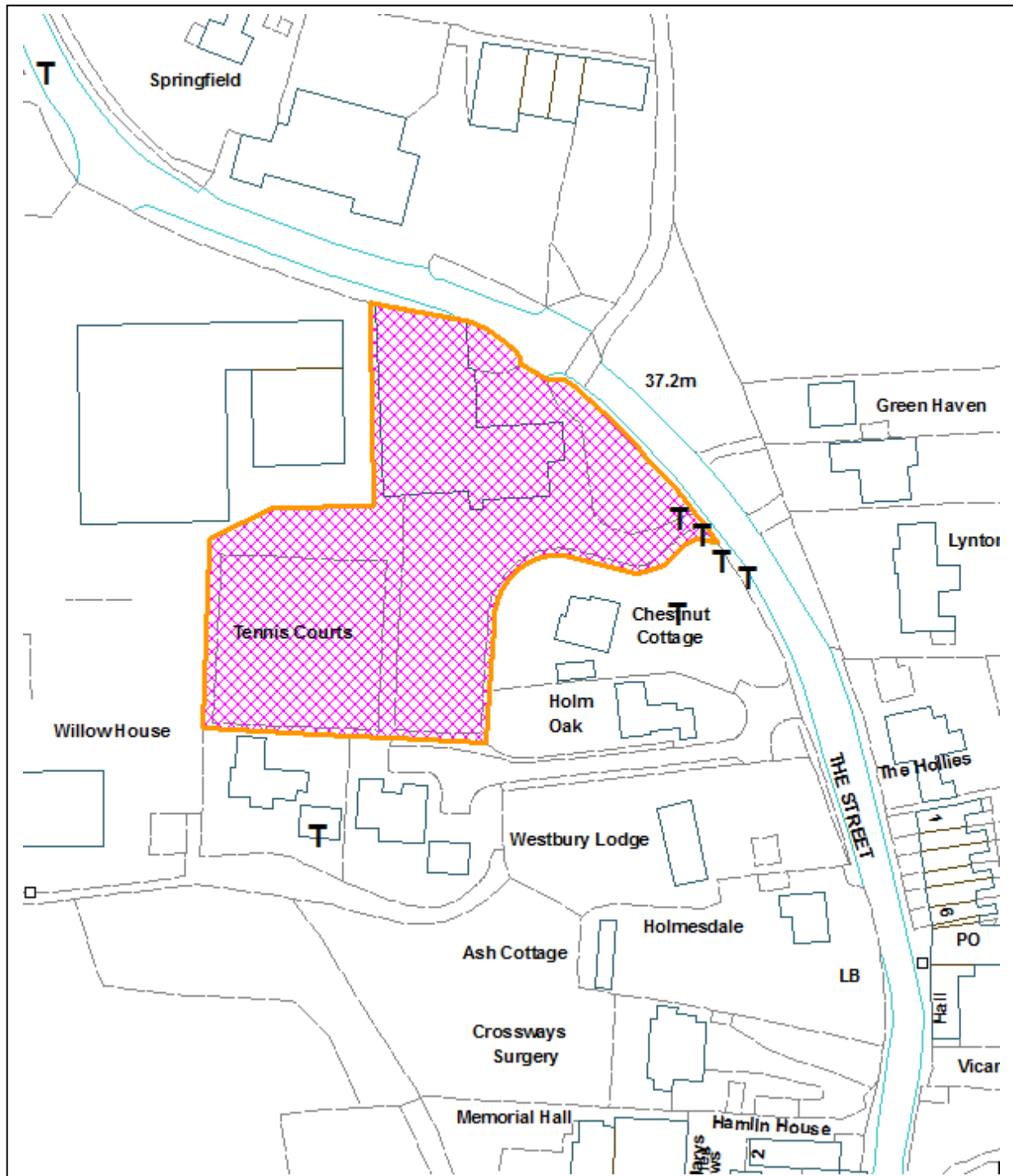
**Chairman**

## PLANNING COMMITTEE

30 January 2018

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATION - 16/00878/FUL - ARDLEIGH SQUASH AND LEISURE CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7NH



DO NOT SCALE

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<b>Application:</b>	16/00878/FUL	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Ardleigh Hall LLP	
<b>Address:</b>	Ardleigh Squash and Leisure Club, Dedham Road, Ardleigh, CO7 7NH	
<b>Development:</b>	Demolition of existing building and construction of 7 No. 4 bedroom detached houses and associated garages and diversion of existing footpath public right of way.	

## 1. Executive Summary

- 1.1 **This planning application was deferred by members of the Planning Committee on the 30<sup>th</sup> November 2016 to enable a further 6 months of marketing to take place for all commercial uses.**
- 1.2 **The additional marketing period resulted in the submission of a business plan from a third party. The plan outlined an intention to utilise the buildings and land for health and fitness, sporting, spa, social and business activities. However, the business plan provided did not suitably demonstrate a viable business model.**
- 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 0.45 hectares. The site is of an irregular shape and contains a number of trees, including some which have been protected by a Tree Preservation Order (TPO). The site currently accommodates a group of buildings which form part of the now vacant leisure club along with associated parking areas and outdoor tennis courts. 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 7 no. dwellings and garages along with the demolition of the majority of the buildings on the site. The properties would comprise of two-stories and accommodate 4 bedrooms.
- 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 consideration against other policies in the Local Plan. The site is also designated as protected recreational land and safeguarded local greenspace in both the saved and emerging local plans.
- 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. Saved Policy COM10 concerns the protection of Built Sport Facilities and states that proposals involving the loss of or change-of-use of built sports facilities will only be permitted provided that one of the following conditions is met:
  - replacement facilities of an equal or enhanced standard are provided, which are readily accessible to current users; or

- an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 1.8 Emerging local plan policy HP4 confirms that development that would result in the loss of the whole or part of areas designated safeguarded local greenspace will not be permitted unless, amongst other criteria, it is demonstrated that there is no longer a demand for the existing site.
- 1.9 From the information provided it is concluded that, on balance, there is no reasonable prospect of a leisure use returning to the site. A sustained and ultimately unsuccessful marketing campaign has been undertaken and clear evidence of the losses accrued by the previous operators has been submitted. This information is considered to be robust and, when having regard to the policy criteria for the loss of recreational facilities and green infrastructure, is considered to adequately demonstrate that there is no longer a local need for a leisure use in this location.
- 1.10 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.
- 1.11 It is therefore recommended that planning permission is granted subject to conditions.

**Recommendation: Approval**

Conditions:

1. Time Limit for commencement – 3 years
2. Development in accordance with the plans
3. Permeable surfacing
4. Materials
5. Hard and Soft Landscaping
6. Landscaping Implementation
7. Tree protection measures
8. Boundary treatments prior to occupation
9. Refuse storage areas to be provided prior to occupation
10. Surface water drainage in accordance with submitted details
11. As per key recommendations in extended phase 1 habitat survey and updated ecological survey completed in January 2018.
12. No development until an Order securing the diversion of the existing definitive right of way to a route has been agreed
13. Estate roads to be provided with kerbing and to a width of 5.5m for at least first 10m served by 2m wide footways.
14. Vehicular visibility splays of 43m by 2.4m by 43m afforded to both accesses
15. Removal/closure of any redundant parts of accesses
16. Details of a vehicular turning facility for large vans and service and delivery vehicles
17. No unbound materials within 6m of the highway boundary or proposed highway
18. Individual accesses constructed to width of 3.7m wide and shared accesses 5.5m wide
19. Details of estate roads and footways to be provided
20. Submission of Construction Method Statement
21. Provision of 2m wide footway and crossing points
- 22.

## Updates to Planning Committee Report

- 1.12 As stated above members of the Planning Committee resolved to defer the planning application in November 2016 to allow for a further period of marketing for 6 months incorporating all commercial uses. The updated marketing campaign comprised of the following:
- updated details to show that the property being suitable for a range of commercial uses subject, of course, to planning consent;
  - the existing advertisement boards on site to state the same;
  - revised details being put onto both the Estate Agents Clearing House and Co-Star web-site, which all major commercial agents have access to and on Tendring's own commercial property register;
  - approaches to Tendring's Leisure Services department and the Parish Council to see if they have any ideas/proposals for the property.
- 1.13 Along with the additional marketing details information has been provided in respect of the quoting rent of £45,000 per year. The information provided states that this equates to £3.30 per sqft (not including the outside tennis courts and car parking area). Information from the Council's assets team suggests that this value is comparable to the Council's charges for sports/recreational facilities within the district.
- 1.14 As a result of the extended marketing campaign the applicants received four new enquires. Three of these backed out early on upon viewing the premises and not being able to commit to a viable business plan. One of the interested parties expressed an intention for utilising the premises and land for health and fitness, sporting, spa, social and business activities. This interest has since led to viewings of the premises and the submission of a business plan outlining his business proposals, products and services, start-up costs, marketing plan and back-up plan. However, it was evident that the business plan contained several errors in respect of the figures provided and failed to take into account landlord rent, salaries above the minimum wage threshold and other critical costs involved in the operation of the business including insurance, repairs, accountancy cost and swimming pool running costs. Consequently, it was concluded that the cash flow information provided would need to be re-written. Since then further information from the interested party has been sparse and two deadlines to commit to taking the lease have been missed. The period of interest has covered over 8 months and during this time no viable proposals from the prospective lease holder have been received.
- 1.15 Due to the period of time that has lapsed since the planning application was first reported to planning committee an updated ecological appraisal has been provided. The updated survey concludes that the findings of the 2015 survey remain valid. No evidence of any bats was found on site but due to the potential roosting features within the buildings to be demolished a precautionary approach to demolition within a restricted time window is again recommended. A condition to cover these requirements is included within the recommendation.

## **2. Planning Policy**

### National Policy:

National Planning Policy Framework  
National Planning Policy Guidance



### 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
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG9	Private Amenity Space
HG13	Backland Residential Development
EN6	Biodiversity
EN6a	Protected Species
EN17	Conservation Areas
COM3	Protection of Existing Local Services and Facilities
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
COM10	Built Sports and Recreational Facilities
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development
RA4	Housing Development within Defined Villages

#### *Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP2	Community Facilities
HP3	Green Infrastructure
HP4	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
LP8	Backland Development
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
CP1	Sustainable Transport and Accessibility

### Supplementary Planning Guidance:

Parking Standards Design and Good Practice Guide (2009)  
Essex Design Guide (2005)  
Ardleigh Village Design Statement (2011)  
Ardleigh Conservation Area Appraisal

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national

policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### 3. Relevant Planning History

15/00516/ACV	Nominated and recorded on the List of Assets of Community Value help and maintained by Tendring District Council.	10.02.2015
16/00878/FUL	Demolition of existing building and construction of 7 No. 4 bedroom detached houses and associated garages and diversion of existing footpath public right of way.	Current

### 4. Consultations

<b>ECC Highways Dept</b>	<p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:</p> <ul style="list-style-type: none"> <li>- No development shall be permitted to commence on site including any ground or demolition works until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed in writing by the Local Planning Authority.</li> <li>- Prior to the first occupation of the development, both of the proposed estate roads, at their bellmouth junction with Dedham Road/Street shall be provided with 6.0m radius kerbs returned to an access road carriageway width of 5.5m for at least the first 10m within the site and flanking footways 2m in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.</li> <li>- Prior to the proposed accesses to Dedham Road being brought into use, vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access</li> <li>- The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed</li> </ul>
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- Prior to commencement of the proposed development, a vehicular turning facility for large vans and service and delivery vehicles 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 in perpetuity.
- No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary or proposed highway.
- Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided.
- Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- 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.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted.
- Prior to the occupation of any of the proposed dwellings, the existing footway from the southern boundary of the site to the southern inner tangent of the northern vehicular access shall be extended to a minimum of 2.0m in width and a new footway continuing at 1.8m in width from the northern inner tangent of that bellmouth junction to the northern site boundary and terminating with a pram crossing being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

**Trees & Landscape  
Officer**

There are a number of trees on the boundary of the application site with the highway and established conifer hedges within the main body of the site and on the perimeter of the land.

All trees on the land with a stem diameter greater than 75mm, measured at a point 1.5m from ground level, are afforded formal legal

protection because they are situated within the Ardleigh Conservation Area.

The indicative site layout shows the retention of some of the trees on the boundary, the removal of some and the reduction of other parts of the coniferous hedges.

On balance the information provided by the applicant demonstrates that the viable trees with the greatest amenity value will be retained and only those with low visual amenity value or significant structural defects will be removed.

At the request of local residents special attention and consideration was given to the inspection of T10 'Holm Oak (as identified in the tree report). Local residents have expressed a desire to see this tree retained for its amenity value and for the screening benefit that it provides.

A condition should be attached to any planning permission that may be granted to ensure that the measures identified in the tree report are complied with and that protective fencing is erected and maintained for the construction phase of the development. As soft landscaping of the site will be a key element in achieving a desirable layout a condition should be attached to secure such details.

#### **Regeneration**

The Regeneration Team acknowledge the additional marketing campaign that has been undertaken by the sole agent over the last 6 months. They would also request that further time is provided to allow one of the interested parties mentioned, who is very keen to run it as a commercial business, is given the opportunity of meeting the landlord and discussing and presenting their 'draft' business plan.

They would still like to see this property retained as a community, leisure or commercial site, which would benefit the village and the wider community as a whole.

#### **Leisure Services**

Sports participation rates in the Tendring District are significantly below the national average and it would be difficult to establish an argument for any reduction in existing facilities. If provision is preserved through a Section 106 contribution towards Squash facilities in the local area, it is unlikely that a newly developed standalone facility would be a realistic proposition, due to high capital costs and the lack of a strong business case for a single use sport facility.

#### **Environmental Health**

Pollution and Environmental Control would also ask that the following is conditioned:

##### **Condition for Construction and Demolition Sites**

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

#### **Natural England**

No comments – refer to standing advice.

<b>Anglian Water Services Ltd</b>	No comments received as development is under 10 dwellings.
<b>The Ramblers Association</b>	No comments received.
<b>Sport England</b>	<p>Sport England considers that the proposal conflicts with our national policy on the loss of sports facilities. Should redevelopment be unavoidable, an equivalent (or better) replacement facility should be provided in a suitable location or a financial contribution made towards the improvement of existing facilities.</p> <p>In light of the above and the lack of evidence of any exceptional circumstances Sport England objects to the application.</p>
<b>England Squash</b>	<p>It is clear that there is a growing demand for squash in Colchester and Tendring, with the potential for further demand from new housing developments. It is a shame for squash that Ardleigh Hall closed in 2014, for many years it had been a very successful squash club and was an important facility for the community. Solely from a squash perspective, replacing it with a like-for-like facility would be preferable however, this appears unlikely and it may be more realistic to look at making improvements to other neighbouring facilities. The Squash needs assessment looked at facilities within a 20 minute travel time and although this is reasonable for experienced adult players and keen juniors looking for high quality coaching, we feel it is likely to be too long a journey for more recreational players and will mean that some new players will be put off trying squash for the first time.</p> <p>A sensible compromise may be to improve facilities at a number of sites around Ardleigh, perhaps concentrating on those in the poorest condition where a renovation could have a significant impact and also improving sites with established participation that also have the potential to grow further with the right investment. This approach would provide a larger catchment and therefore benefit a higher number of current and potential players.</p>

## **5. Representations**

5.1 Ardleigh Parish Council strongly objects to the application for the following reasons:

- Significant local opposition and the Parish Council fully support the opposition.
- Site is designated in the Saved and Emerging Local Plans as 'Safeguarded Local Green Space'.
- Development completely destroys areas of Green Infrastructure and as such should be refused.
- Compromises integrity of overall Green Infrastructure Networks.
- Ardleigh has significant deficit of open space.
- Development represents over-development of a small site.
- Site is not sustainable as no places at local primary school or at the doctor's surgery. Nor are there any employment opportunities in the village.
- Marketing of the club has not been sustained. No details of the sale on the agent's website and no consultation with the Parish Council to assist in finding a purchaser.
- Two interested parties who produced viable business plans were turned down.
- Development proposals do not need meet the requirements of the NPPF in respect of the protection of recreational facilities.

- Development does not comply with the Ardleigh Village Design Statement as it does not protect or enhance the local character or make a positive contribution to the local environment.

5.2 Response of Ardleigh Fall Outs Group following receipt of additional marketing information raising the following points:

- TDC should reject this application outright and that freehold sale of the Ardleigh Hall Leisure site and buildings is placed for commercial sale on the property market at 'leisure' rates. This would permit an experienced team of leisure professionals to purchase the site and redevelop it into a thriving leisure facility for families in Ardleigh, its wider locality, and the Tendring community at large. There are known and named experienced leisure and business people, who would take on a full purchase of the site for that very purpose.
- Leaseholders had little communications skills, did not consult with stakeholders on any key changes or issues within the club and did no real marketing or advertising of the facility. Members also saw the gradual removal the club's key "selling-points" such as the serving of food, family summer clubs/the crèche, removal of the retainer to the squash coach in conjunction with the unwillingness to repair gym and other equipment. On any analysis, this was bound to result in a decline of membership.
- The Ardleigh Fall outs team have gathered evidence of experienced business/leisure leaders who have tried to hire/purchase this site for recreational purposes and been given un-reasonable run around, been ignored, hidden costs and frankly ridiculous expectations. The state of the site tells its own story as it has been left to rack and ruin.
- This housing is not wanted or needed and that has not been proven by the applicant.
- The site is Protected Green Open Space within the local plans (emerging and adopted).
- Recent government appeals, on other local developments, have ruled that Ardleigh does not have the infrastructure to support housing growth i.e. it is non-sustainable.
- As soon as the applicant's agent undertook the "marketing" of the site the rent was increased by 130% from £20K per annum to £45K per annum. Enquiries to ascertain details of the remaining items in the club, their condition, typical running costs, an asset register and running costs were all met with more questions, delays and avoidance tactics on the part of the owners.
- There has been significant and strong objection from Sport England who have advised that the proposal is contrary to paragraphs 70 and 74 of the NPPF in relation to protecting existing community facilities and which require that sports facilities (including those used in the past or which could be used in the future) should be protected.
- No meaningful consultation with the Ardleigh Parish Council has taken place during the 6 month 'marketing' period to June 2017.
- They have failed to pass on expressions of interest to the owners and when it became clear that two parties had prepared viable business plans, which included paying the full asking rent, the owners refused to continue discussions, because clearly having someone run the premises would prevent the proposed development. In our view, there was never any intention to let the premises on a commercial or any other basis.

5.3 A total of 69 objections have been received. The comments received are summarised below:

- Area designated for recreational use/open space.
- Land contaminated.
- Loss of recreational facility not to be encouraged.
- Further development will increase traffic and parking problems.
- New draft Local Plan includes land as protected green space.
- Lack of use of facility is a reflection on current management, doesn't mean it is no longer a valuable asset to the village.

- 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.
- 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.
- A consortium is interested in acquiring the club which will invest and make improvements to the facilities.
- Marketing campaign was not communicated widely and previous club failed due to loss of interest from tenants. Club was poorly run and allowed to deteriorate.
- Should remain as a sports and leisure facility serving the whole community and surrounding area.
- Two firm offers were made and were rejected on unsubstantiated grounds.
- Local school and doctor's surgery are full.
- Health and well-being will be affected.

## **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Policy Context;
- Loss of Recreational Facility;
- Design and Layout of Proposal;
- Impact on Conservation Area;
- Residential Amenities;
- Biodiversity;
- Trees Considerations;
- Impact on Highways/Public Right of Way/Parking Provision; and
- Other Issues.

### **Context and Background**

- 6.2 The application site amounts to approximately 0.45 hectares and lies to the west of The Street, Ardleigh. The site is of an irregular shape and contains a number of trees, including some which have been protected by a Tree Preservation Order (TPO).
- 6.3 The site currently accommodates a group of buildings which form part of the now vacant leisure club along with associated parking areas and outdoor tennis courts. The buildings take the form of a 1970's flat roofed structure, the remnants of what is believed to be a coach house that served Ardleigh Hall and a single storey former agricultural building that sits on the northern frontage of the site. Ardleigh Hall once stood on the site but was destroyed in a fire in the late 1970's.
- 6.4 To the south of the site is a recent housing development of 4 detached properties that were built on land once belonging to the leisure club. To the north and west are commercial uses. To the east as The Street bends round to the south residential properties are located.
- 6.5 The application site lies within the Ardleigh Conservation Area and is set within the defined settlement boundary of the village. A Public Right of Way (no.158) currently passes through the application running east to west.

### **Proposals**

- 6.6 This planning application proposes the demolition of the majority of the buildings on the site and the erection of 7 no. detached 4 bedroom dwellings. The dwellings would comprise of two storeys and each would be served by a single garage and parking bay to the front.
- 6.7 The dwellings would be of traditional design and largely replicate the design of the properties recently constructed to the south. Proposed materials include clay plain tiles, smooth render, facing brick and timber weatherboarding.
- 6.8 The development would utilise the two existing vehicular accesses resulting in a small mews style development comprising of 3 no. dwellings at the northern end of the site and 4 no. dwellings to the south accessed via a kerbed private road.
- 6.9 The application also proposed a slight diversion of the existing Public Right of Way.

### **Policy Context**

- 6.10 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.
- 6.11 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.
- 6.12 Two such policies are Saved 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. Saved Policy COM10 concerns the protection of Built Sport Facilities and states that proposals involving the loss of or change-of-use of built sports facilities will only be permitted provided that one of the following conditions is met:
- replacement facilities of an equal or enhanced standard are provided, which are readily accessible to current users; or
  - an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 6.13 These policies will be considered further below.
- 6.14 Other policies of note include saved policy 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**

- 6.15 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 saved policies COM7 and COM7a of the Tendring District Local Plan (2007) and draft policy HP4 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). These policies 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.

- 6.16 The Ardleigh Squash and Leisure Club has also been placed on the List of Assets of Community Value, which protects the buildings from certain permitted development rights. In respect of the protection of Built Sport Facilities saved policy COM10 is relevant. This policy seeks to ensure that the redevelopment or change of use facilities will only be permitted where a like for like replacement has been provided or an assessment has been undertaken, which clearly shows that the facilities are surplus to requirements.
- 6.17 Paragraphs 70 and 74 of the NPPF support these policies. Paragraph 70 seeks to protect existing community facilities and guard against their loss. Paragraph 74 requires an assessment that shows the facility to be surplus to requirements; or the loss is being replaced; or the development is for an alternative community facility.
- 6.18 The policies and Government Guidance outlined above looks first to secure a replacement of the facility being lost and if that is not possible it has to be proven that the facility is no longer in demand or surplus to requirements. It is important to note at this stage that the matter to assess is the loss of overall leisure facility and not the previous activity or use that took place within the buildings in question. In this case the Squash Club use ceased in August 2014.
- 6.19 In respect of the policy criteria stated above, it is clear that the application proposals do not provide for a replacement of the facilities being lost. The low number of residential units proposed would mean that any like for like replacement of the facilities would render the scheme financially unviable. Consequently, the applicants have looked to provided information to demonstrate that the leisure facility is no longer viable, no longer needed in this location and efforts have been made to find a suitable buyer for the premises.
- 6.20 As stated above the facility closed in August 2014 and has therefore been vacant for over 3 years. Whilst this goes some way to demonstrate a reduction in the need for a leisure facility in this location, further information is required to adequately show that the use is no longer viable. In view of this the applicant has submitted a detailed financial statement and a marketing report prepared by agents Morley, Riches and Ablewhite.
- 6.21 The financial statement provides evidence of the former business's accounts over the last years of its activity. The report shows that the club sustained the following losses;
- 2009 (- £36,613)  
2010 (- £11007)  
2011 (- £6119)  
2012 (- £10447)  
2013 (- £27954)
- 6.22 The report cites a significant fall in membership partly due to the onset of greater competition from leisure facilities in nearby larger settlements and on-going and increasing running costs as reasons for the losses sustained. The information provided also states that the applicants and the owners of the club site assisted the club operators, by reducing rents and for a period took no rent, however for financial reasons this could not continue indefinitely. However, notwithstanding the content of the financial information received it is crucial to point out that each business has to be assessed on a case by case basis. The failure of the previous business does not provide irrefutable evidence that the premises and associated land are not viable or no longer in demand for the current use.
- 6.23 Once the facility closed a marketing campaign commenced to find a new purchaser or operator of the leisure facility. To this end a marketing report was provided by the appointed

agents. The report confirms that the marketing campaign did yield interest (19 enquires and 7 viewings) ranging from former club members, gym businesses and private individuals engaged in other sport provision elsewhere. The report explains that, due to previous concerns, the applicants were purposely seeking operators, who were not only able to meet a market rent, but could demonstrate that they were in possession of a sound and viable business plan.

- 6.24 Serious interest was received and progressed through further viewings. However, for several reasons outlined in the marketing report, including concerns regarding potential operator's business plans, offers below the asking price and lack of follow up interest, a suitable tenant/buyer was not found.
- 6.25 In respect of need, the applicants have commissioned a Squash Needs Survey which does conclude that there remains a demand for such facilities in the locality, although it was found that in the most part, the former Ardleigh Hall Members have found alternative facilities. The survey also suggests that a financial contribution could be sought from the developers to go towards improving squash facilities in the area. However, there is not a policy mechanism in place to request such a contribution. The policy either requires a like for like replacement or proof that the facility is no longer viable.
- 6.26 Therefore from the information provided it is concluded that, on balance, there is no reasonable prospect of a leisure use returning to the site. A sustained and ultimately unsuccessful marketing campaign has been undertaken and clear evidence of the losses accrued by the previous operators has been submitted. This information is considered to be robust and, when having regard to the policy criteria for the loss of recreational facilities and green infrastructure, is considered to adequately demonstrate that there is no longer a local need for a leisure use in this location and therefore attempts to find a new purchaser/operator have been found to be financially unviable.
- 6.27 Therefore on the basis of the information provided it is considered on balance that the re-development of the site for residential purposes would be acceptable in principle. Matters therefore now turn to the detailed design aspects of the development.

### **Design and Layout of Proposal**

- 6.28 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. Directly to the south of the development is a recently constructed two-storey residential development. At this point trees line the edge of The Street 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.
- 6.29 The development would consist of two pockets of development utilising both the existing vehicular accesses. The northern element will comprise of three dwellings set in a mews style arrangement and to the south four dwellings are proposed in a more formal arrangement accessed via a private access served by a pedestrian footpath. The proposed dwellings would sit comfortably within their respective plots and retain sufficient side isolation as to not appear cramped within their setting. Each dwelling would be served by a suitably subservient garage building which would comprise of pitched roofs and vernacular materials.

- 6.30 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. The development largely follows the same design ethos as the recent housing development set to the south.
- 6.31 New metal railings are proposed to The Street frontage, with a new hedgerow set behind, to match existing railings used within the recent development to the south of the application site. This boundary treatment is considered to be acceptable. Careful consideration has been given to the provision of boundary treatment afforded to the boundaries of the most southerly private access. The use of 'Wottle' fencing panels and traditional brick walls supplemented by hedgerows would retain future resident's privacy whilst retaining the traditional appearance of the proposed development.
- 6.32 It is considered that the development, if granted, would preserve the character and appearance of the conservation area, and would comply with saved policy EN17 of the Local Plan.
- 6.33 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 upon the Conservation Area**

- 6.34 Saved Policy EN17 states development will be refused where it would prejudice the setting and surroundings of a conservation area or harm the inward or outward views. Draft Policy PPL8 states permission will not be granted unless the proposed is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces.
- 6.35 In addition, Saved Policy EN20 (Demolition in Conservation Areas) and Draft Policy PPL8 state that demolition within a conservation area will only be permitted where the removal of the structure would result in a material visual improvement to the appearance of the area and if the existing structure is beyond economic repair, incapable of beneficial use or is itself harmful to the character of the conservation area.
- 6.36 Neither of the buildings to be demolished are listed buildings. However, as the site is within a conservation area an assessment as to the impact of the loss of the buildings upon the character and appearance of the conservation area is required.
- 6.37 The applicants have provided a Heritage Statement which assesses the value of the buildings to the conservation area setting and attempts to justify their demolition. The statement confirms that one of the buildings to be demolished (the half-timbered block dated 1883) formed one of the more recent outbuildings that served the historic Ardleigh Hall, which was located to the west of the site and was destroyed in a fire in 1979. The statement asserts that this building was thought to be part of a coach house attached to a more historic single storey store building. Whilst the ground floor element may be original the first floor, due to the regularity of the timber frames and modern windows and cupola, is most likely more recent and possibility renovated during the fire in 1979. As such there is little remaining that is original and evidence has been provided to show that this element is much altered and consists of largely modern materials which have been inserted to accommodate a former health and fitness suite.
- 6.38 The Ardleigh Conservation Area Appraisal is also particularly relevant. The appraisal states;

*'On the west side of the outer end of The Street stands Ardleigh Hall. A health & fitness suite is housed in the outbuildings to the former Hall, the single storey northern extension of which is an important element in the approach to the village from the north. The main entrance is in a half-timbered block dated 1883 with a substantial clay tiled roof and cupola'.*

- 6.39 The appraisal therefore confirms that the single storey store building present on The Street frontage provides an important historic feature as you approach Ardleigh from the north. In view of this, this important historic element is to be retained and incorporated into the development by accommodating a day room and dining area to dwelling proposed to plot 6.
- 6.40 Overall it is concluded that the buildings to be demolished are either of little historic significance (the modern flat roofed building accommodating the Squash Courts) or in the case of the coach house remnants, which have been much altered using modern materials, make a neutral contribution to the conservation area setting. The one positive feature, as identified in the Ardleigh Conservation Area Appraisal, is to be retained as part of the development proposals.
- 6.41 The loss of these buildings would therefore not result in material harm to the significance of the conservation area setting. The proposed housing development would retain a traditional appearance using vernacular materials and the most valuable trees are to be retained. The development would therefore preserve the character and appearance of the Ardleigh Conservation Area.

### **Residential Amenities**

- 6.42 The application site is sited directly to the north of the residential properties recently constructed to the south of site. The dwellings proposed on plots 1-4 within the southern element of the proposed development are sited adjacent to these dwellings and therefore careful consideration in the design to retain existing resident's privacy and outlook.
- 6.43 It is considered that the proposed development would not have an adverse impact on the amenities of neighbouring residential dwellings. The dwellings on plots 2 and 3 have been sited between 9m and 12m away from the front elevations of 'Willow House' and 'Copperfields' to the south suitably retaining existing residents outlook and privacy. Plot 1 has been designed to face north without any first floor windows in its east facing flank, ensuring the privacy of the residents of 'Chestnut Cottage' is retained. The back to back distance of the dwelling on plot 2 to the rear of 'Holm Oak' is 36m which accords with the guidance contained in the Essex Design Guide to protect resident's privacy.
- 6.44 It is concluded that the proposed development would not have an adverse impact on the residential amenities of neighbouring residential properties.

### **Biodiversity**

- 6.45 An extended phase 1 habitat survey and bat survey has been undertaken and submitted as part of the application. The survey found the following:
- the scattered trees were of nesting bird potential;
  - the small area of unkempt amenity grassland was suitable for reptile species, however as the habitat is small and surrounded by hardstanding it is isolated and therefore unlikely to be utilised by reptilian species;
  - the buildings to be demolished were classified as having a high bat roosting potential, however subsequent bat surveys have confirmed that no bats were observed emerging from or re-entering the buildings on site. Also no evidence of roosting bats were found during the internal inspections.

- 6.46 In view of the findings the surveys recommend the following precautionary/mitigation methods:
- the small areas of amenity grassland be studded to 20cm using hand held tools and then to ground level during April to September when the temperature is over 10 degrees;
  - the log and rubble pile within the grassland areas should be dismantled by hand;
  - demolition of the pitched roof buildings should take place during October – April (inclusive);
  - any vegetation removal should take place during October – February (inclusive) to avoid bird nesting season.
- 6.47 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.

### **Tree Considerations**

- 6.48 There are a number of trees on the boundary of the application site with the highway and established conifer hedges within the main body of the site and on the perimeter of the land. All trees on the land with a stem diameter greater than 75mm, measured at a point 1.5m from ground level, are afforded formal legal protection because they are situated within the Ardleigh Conservation Area. The indicative site layout shows the retention of some of the trees on the boundary, the removal of some and the reduction of other parts of the coniferous hedges.
- 6.49 In order to ascertain the extent of the constraint that these trees are on the development potential of the land and the way that retained trees will be protected during the construction phase of any development that may be granted planning permission the applicant has provided a tree survey and report.
- 6.50 On balance the information provided by the applicant demonstrates that the viable trees with the greatest amenity value will be retained and only those with low visual amenity value or significant structural defects will be removed.
- 6.51 At the request of local residents special attention and consideration was given to the inspection of T10 (as identified in the tree report). Local residents have expressed a desire to see this tree retained for its amenity value and for the screening benefit that it provides. As such an amended tree report has been received that shows the retention of this tree.
- 6.52 A condition will be attached to any planning permission to ensure that the measures identified in the tree report are complied with and that protective fencing is erected and maintained for the construction phase of the development. As soft landscaping of the site will be a key element in achieving a desirable layout a condition will also be attached to secure such details.

### **Impact on Highways/Public Right of Way/Parking Provision**

- 6.53 The layout of the proposed development has been arranged to utilise the two existing vehicular accesses. Essex County Council Highways have no objections to this but have requested that certain improvements are made including widening these accesses and providing kerbs, footways and crossing points. All these requirements will be secured through standard highways conditions.
- 6.54 Through the centre of the site runs a Public Right of Way. At present this PROW runs from the northern access southwards past the buildings and off westwards to the north of the tennis courts. The layout of the development would require a short re-routing of the PROW

along the proposed southern private drive. The required re-routing of this right of way would not result in a diminished experience for users of PROW and is the subject of a separate approval process. Again Essex County Council Highways have been involved in this matter and have raised no objections.

- 6.55 In respect of parking provision, all the dwellings would be served by two parking spaces through a single garage with a parking space in front. These spaces would accord with the dimensions specified in the Council's current parking standards.

#### **Other Considerations**

- 6.56 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 a drainage strategy has been provided showing the arrangement of the soakaways and permeable paving, sewer network and exceedance pathways to ensure that the development does not increase the flood risk on or off site.

#### **Background Papers**

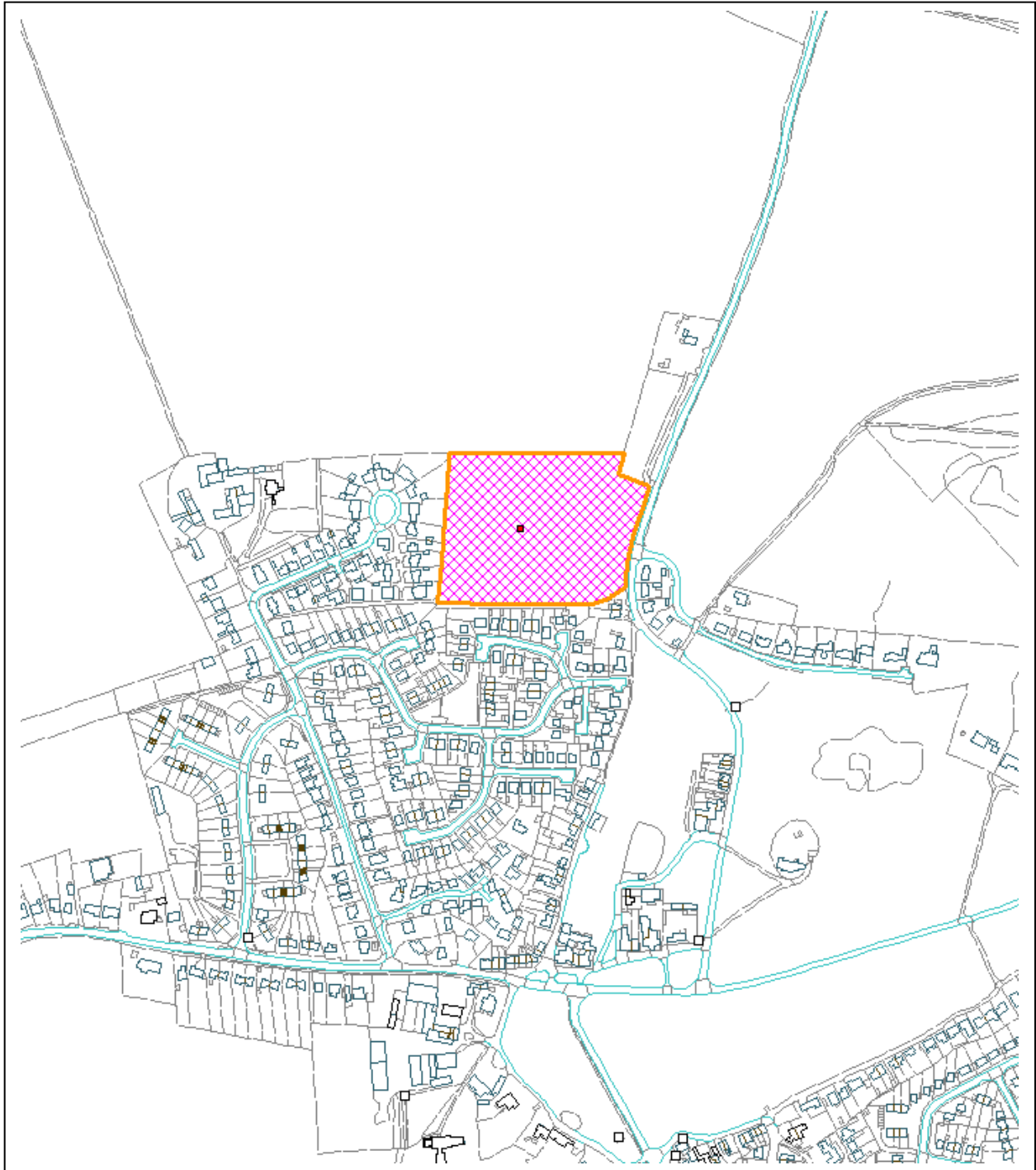
None.

## PLANNING COMMITTEE

30 January 2018

### REPORT OF THE HEAD OF PLANNING

#### A.2 PLANNING APPLICATIONS - 17/01759/DETAIL - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR



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<b>Application:</b>	17/01759/DETAIL	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Mr Oliver Hookway - Go Homes Ltd	
<b>Address:</b>	Land West of Heckfords Road, Great Bentley, CO7 8RR	
<b>Development:</b>	Erection of 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	

## 1. **Executive Summary**

- 1.1 Outline application 15/01820/OUT for up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road was refused by Planning Committee on 16<sup>th</sup> April 2016 but allowed at appeal on 23<sup>rd</sup> December 2016. At the time of the decision of the Planning Committee it was requested that the reserved matters application be brought back to Committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access, including a proposed footpath, were approved as part of the outline application.
- 1.3 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries. The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.
- 1.4 As established through the granting of outline application 15/01820/OUT, at appeal, the principle of residential development for up to 50 dwellings on this site is acceptable.
- 1.5 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

### **Recommendation: Approval**

#### Conditions:

1. Development to be carried out in accordance with the approved plans
2. Details of external lighting to be submitted and agreed in writing by the Local Planning Authority
3. Details of external materials to be submitted and agreed in writing by the Local Planning Authority
4. Details of means of enclosures to be submitted and agreed in writing by the Local



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| <p>Planning Authority</p> <p>5. Removal of Permitted Development Rights for dormer windows</p> |
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## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework  
National Planning Policy Guidance

### Local Plan Policy:

#### *Tendring District Local Plan (2007)*

QL1 Spatial Strategy  
QL2 Promoting Transport Choice  
QL3 Minimising and Managing Flood Risk  
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  
HG3A Mixed Communities  
HG4 Affordable Housing in New Developments  
HG6 Dwelling Size and Type  
HG7 Residential Densities  
HG9 Private Amenity Space  
COM2 Community Safety  
COM6 Provision of Recreational Open Space for New Residential Development  
COM21 Light Pollution  
COM23 General Pollution  
COM26 Contributions to Education Provision  
COM29 Utilities  
EN1 Landscape Character  
EN4 Protection of the Best and Most Versatile Agricultural Land  
EN6 Biodiversity  
EN6A Protected Species  
EN6B Habitat Creation  
EN12 Design and Access Statements  
EN13 Sustainable Drainage Systems  
EN17 Conservation Areas  
TR1A Development Affecting Highways  
TR3A Provision for Walking  
TR5 Provision for Cycling  
TR6 Provision for Public Transport Use  
TR7 Vehicle Parking at New Development

#### *Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP5 Open Space, Sports & Recreation Facilities

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL8 Conservation Areas

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### **3. Relevant Planning History**

15/01820/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused then Allowed At Appeal	24.05.2016
16/00870/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused	23.09.2016
17/01621/DISCON	Discharge of conditions 15 (Programme of Archaeological Trial Trenching) and 16 (Completion of Archaeological) of planning permission 15/01820/OUT (allowed at appeal APP/P1560/W/16/3151169).	Approved	18.10.2017
17/01759/DETAIL	Erection of 49 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Current	

#### **4. Consultations**

<b>Building Control and Access Officer</b>	Fire brigade access to be provided to all dwellings in accordance with B5.
<b>Environmental Protection</b>	No comments received
<b>Tree &amp; Landscape Officer</b>	<p>The site layout is such that the position of the public open space will create a good buffer between the development and the highway.</p> <p>In terms of soft landscaping the plans provided shows a good level of soft landscaping that will both soften and enhance the appearance of the development.</p>
<b>Anglian Water Services Ltd</b>	No comments received
<b>Essex Bridleways Association</b>	No comments received
<b>Essex County Council Archaeology</b>	This application is for the approval of details of approved planning application 15/01820/OUT for which an archaeological evaluation and excavation has been carried out. There will be no further requirement for any archaeological investigation and no further conditions will be required.
<b>ECC Highways Dept</b>	Having regard to the fact that access was covered under the initial application and suitable conditions were included in the subsequent Appeal decision, the Highway Authority has no further comments to make.
<b>Essex Wildlife Trust</b>	No comments received
<b>Natural England</b>	Have no comments to make on this application. Although have not assessed this application for impacts on protected species.
<b>Arch. Liaison Off, Essex Police</b>	No comments received
<b>The Ramblers Association</b>	No objection providing existing PROW remains open and usable whilst work is carried out.
<b>ECC Schools Service</b>	No comments received any relevant issues would have been dealt with at outline stage.
<b>ECC SuDS Consultee</b>	No comments received.
<b>NHS Property Services Ltd</b>	No comments received any relevant issues would have been dealt with at outline stage.

#### **5. Representations**

5.1 Great Bentley Parish Council considers that the reasons for objection already sent to TDC regarding previous application (15/01820/OUT and 16/00870/OUT) remain valid. These were as follows:

- The site is not allocated for development and falls outside of the settlement development boundary in both the Saved and Emerging Plan.
- In respect of both the primary school and the doctors surgery, the adverse social impact caused by the development would significantly and demonstrably outweigh any social, economic or environmental benefits of the proposal.
- Great Bentley's frequency of bus and rail services is limited and they do not therefore provide a viable alternative to the private car for everyday travel.
- The site requires pedestrians to walk to the village facilities and public transport links via a particularly dangerous corner on Heckfords Road. This footpath will create an unacceptable 'pinch-point' which would endanger the safety of residents. Furthermore, the ongoing route in to the village comprises large sections which are subject to surface water (along The Path) and unlit (along the central Green).
- The development would have a considerable urbanising impact on the northern entrance to the village and conservation area.
- The Great Bentley Conservation Area will suffer significant detriment in respect of the long view impact from its Northern edge, an area specifically mentioned in the Conservation Area Review as requiring protecting.
- The proposal would raise considerable issues in respect of the traffic impact from this development on the surrounding rural roads and the village itself.
- The cumulative impact of vehicles on three road junctions in close proximity and immediately prior to a sharp bend in the road that is already a serious road safety hazard.

5.2 The Parish Council also objects to this current application for the following reasons:

- The Design and Access Statement states that the homes in Finch Close are two storey. This is incorrect. Numbers 10, 12, 14, 16, 18, 20 and 22 are bungalows, only numbers 6 and 8 are houses.
- There still does not appear to be a pedestrian footpath from the entrance to the development along Heckford's Road to the Green. This is essential for residents of both Heckford's Road West development and for the pedestrians from Admirals Farm Development opposite.
- It is not clear how pedestrians will access Heckford's Road from the development as drawings show a lack of footpath.
- The Design and Access Statement states that there is an hourly bus service in Heckford's Road. This is untrue.
- The original Planning Statement read 'some of the proposed dwellings would be affordable housing. The proposal is for 3 new homes to be built by Welbeck and transferred at no cost to the Council or another suitable body nominated by the Council'. There is no longer any affordable housing shown in the Design and Access Statement.
- The site lies at the gateway to not only the village but the Conservation Area. When accessing the village the rooflines are a very visible aspect. Therefore great care should be given to the choice of materials and roof pitches to ensure that Conservation Area quality is maintained. Roof tiles should be either reconstituted slate, or plain tiles on the main roofs. Views to and from the Conservation Area on the corner of the village Green will be spoiled if great care is not taken. The Parish Council would prefer that single storey homes are built on the boundaries of the site, so the impact is lessened.

5.3 In addition to the comments from the Parish Council 11 letters of objection have been received which raise the following concerns:

- The plans seem to deviate considerably from the outline planning application.
- There no longer appears to be a footpath along the Heckfords Road.
- The development as proposed will be clearly visible from the Conversation Area.
- The high rise properties will overshadow existing bungalows in the adjacent road.
- The development does not meet identified housing needs in the village i.e. low rise or sheltered housing for the elderly and affordable/starter homes for young people.
- The proposed removal of a stretch of well established hedgerow close to the Heckfords Road will be detrimental to the environment.
- With regard to transport residents will be using their cars as they will find that the bus stop on Heckfords Road does not exist and that the very limited bus service to Colchester has to be accessed from the centre of the village along with the even more limited service to Clacton.
- Traffic from the development will add to the road hazards of this dangerous stretch of road close to Green Corner.
- The developer will need to ensure that staff working on the site do not attempt to park their cars in Moors Close (a private road) opposite as happened during recent archaeological work.
- The developers have incorrectly states that numbers 10, 12, 14, 16, 18, 20 and 22 are two storey – this is incorrect, they are bungalows. It also shows Abrey Close as two storey but there are some bungalows on that boundary as well.
- The proposal will increase in traffic along Heckfords Road and into the village, which is already at straining point.
- Getting onto the A133 from Heckfords Road is difficult and takes time, up to 7 minutes on more than one occasion. No provision has been made to improve this infrastructure. The volume of traffic cannot be allocated to grow without changes to our infrastructure.
- Removal of hedges will result in loss of wildlife and loss of privacy.
- The map shows the existing hedgerow to extend behind 8 Finch Drive but this is not the case. In fact the hedgerow stops behind No. 10 at the footpath sign indicating the footpath to come south of the hedgerow.
- 2.5 storey houses as shown on the plan are out of keeping with the rest of the immediate area and in Great Bentley as a whole.
- Plot 14 appears to encroach onto neighbouring land in different ownership.
- Plot 14 and others are so close to existing properties that they will result in shadowing of existing dwellings at certain times in the day.
- Proximity of some plots will result in loss of privacy and noise pollution.
- The footpath is shown on the northern side of the hedge which is incorrect.

## **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Appearance/Impact on Conservation Area;
- Layout;
- Scale;
- Impact on Residential Amenity;
- Highway Safety; and
- Landscaping/Biodiversity.

### **Site Context**

- 6.2 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries.
- 6.3 The western boundary is a combination of fence and hedging beyond which is Sturrick Farm where a residential development of 32 dwellings (known as Bentley Grange) has been constructed. The southern boundary is delineated by a mature hedge beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.
- 6.4 Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckfords Road.
- 6.5 To the east of Heckfords Road, permission has been given at appeal for a doctor's surgery and 25 no. dwellings with associated infrastructure and landscaping (application 16/01999/OUT). Furthermore, permission has been granted for the erection of 50 dwellings at Admirals Farm (applications 16/00133/OUT and 16/01912/DETAIL).

### **Proposal**

- 6.6 The current application seeks approval of the reserved matters (appearance, landscaping, layout and scale) relating to outline planning permission 15/01820/OUT, which was allowed at appeal, for the erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access were approved as part of the outline application.
- 6.7 The proposal seeks permission for 49 dwellings; 23 no. 3 bed dwellings; 19 no. 4 bed dwellings and 7 no. 5 bed dwellings.
- 6.8 The majority of the proposed dwellings are two storey in height with 13 of the proposed dwellings have at least some 2 ½ storey element. All garages proposed are single storey in height.
- 6.9 Public open spaces will be provided in accordance with the parameter plan approved at appeal and is provided to the front of the site with a smaller area provided towards the centre of the site.
- 6.10 Vehicular access to the site will remain as previously approved. There will be one point of vehicular access directly from Heckfords Road. Pedestrian access to the site will be gained via a new footpath along Heckfords Road, which is a requirement by condition on the outline consent.
- 6.11 A legal agreement was secured at outline planning permission stage requiring: provision of affordable housing; a financial contribution towards education (primary education and secondary education transportation); a financial contribution of £15,080 toward healthcare; the maintenance of the on-site open space or transfer to the Council with a financial contribution towards for future maintenance; provision of on-site LEAP (Local Equipped Area of Play) or a financial contribution of £50,000 towards improvements to play equipment in Great Bromley; a financial contribution of £12,000 towards bus stop improvements and provision of Residential Travel Information Packs. This legal agreement and all conditions on the outline consent, granted at appeal, will still apply.

### **Principle of Development**

- 6.12 The principle of development has been established by the granting of outline planning permission for 50 dwellings on this site at appeal. To reflect this decision the site is now included within the Settlement Development Boundary in the Tendring District Local Plan (2013-2033) and Beyond Publication Draft (Emerging Plan).

### **Appearance/Impact on Conservation Area**

- 6.13 The south east corner of the site abuts the Great Bentley Conservation Area. The Conservation Area Character Appraisal, adopted by the Council in March 2006 identified important views out towards the site. However, at the time of the appeal the Inspector considered that as the indicative plan showed the eastern side of the site being landscaped open space this would maintain the setting of the Conservation Area. This application is broadly in accordance with the indicative plan shown at outline stage, with the eastern side of the site being landscaped open space. It is therefore considered that the proposal would result in any adverse impact on the setting of the adjoining Conservation Area.
- 6.14 The detailed design of the dwellings is varied with different roof forms, height and use of porches, brick plinths and window detailing which add a traditional element to the design and provides visual interest. The surrounding area comprises of a mixture of type and styles of dwellings, all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings are in keeping with the character of the area.
- 6.15 All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street; these elevations are either set back from the street or in less prominent locations within the development and are therefore considered to be acceptable and not result in any adverse impact.
- 6.16 In terms of materials, the plans show a mixture of red brick, stock brick, rendered and boarded properties. No specific details of these materials have been provided at this stage; however, the use of acceptable materials can be secured by condition. The mix shown will ensure variety and visual interest across the development.
- 6.17 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

### **Layout**

- 6.18 Condition No. 4 of the outline consent, granted at appeal requires the reserved matters application to be in general conformity with the Parameters Plan Land Use, Density and Building Heights Plan (Drawing No. 04677.00009.007.2). The proposed development is in general conformity with this plan and therefore meets this condition. The Inspector considered that development in general conformity to this plan is acceptable subject to detailed considerations.
- 6.19 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Plan requires 50 sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. Out of the 49 dwellings proposed 3 do not meet the minimum standards. These are Plot 5 which has 95 sq.m; Plot 21, which has 90 sq.m and Plot 30 which has 85 sq.m, where the requirement is 100 sq.m. However, they are all provided with a useable area in terms of the shape of the garden and there is access to nearby areas of open space within the proposed development. It is considered that given the scale of development proposed and the level of provision of on site public open space, that the proposed provision of public open spaces is acceptable.

- 6.20 Parking is provided either to the front or sides of the dwellings, they are situated in small clusters, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.21 In conclusion there is no objection to the layout of the proposed development.

### **Scale**

- 6.22 The proposed dwellings are predominately two storey, with some 2 ½ storey dwellings proposed throughout the site. Whilst the dwellings proposed are on the edge of Great Bentley they will be viewed against the backdrop of the existing development, which is a mixture of single storey and two storey dwellings. It is therefore considered that whilst the 2 ½ storey dwellings would be prominent in the surrounding area, they would not be detrimental to the surrounding area.

### **Impact on Residential Amenity**

- 6.23 At the time of the appeal, the Inspector was satisfied that it would be possible to provide a detailed scheme for 50 dwellings which would not adversely affect the living conditions of neighbouring occupiers by reasons of overlooking, overshadowing, noise or the like.
- 6.24 The nearest neighbours to the proposed development site are those to the south of the site along Heckfords Road and Finch Drive and those to the west of the site in Abrey Close.
- 6.25 The properties adjacent to the site in Finch Drive are predominately single storey in height (not two storey as stated in the design and access statement). The Laurels, No. 8 and 24 Finch Drive are two storey in height and No. 16 is one and a half storey in height the remaining properties are single storey in height. The other property adjacent to the southern boundary of the site is Heuthbern which is a two storey dwelling which faces onto Heckfords Road. Within the application site along this boundary a 3 metre wide public footpath is proposed. The proposed dwellings are set approximately 10 to 12 metres from the southern boundary of the site and the distance from the front of the proposed dwellings to the back of the existing dwellings is approximately 25 metres. There will be some increase in overlooking as the properties proposed are two storey in height. The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'. It is noted that in this case it is the front elevation of the proposed dwellings which face the backs of the existing properties, however, it is considered that this guidance would still apply and therefore the separation distance is acceptable. The proposed dwellings along this boundary are two storey in height, however, given the distance of separation and the orientation of the site it is not considered that these will overshadow or dominate the properties along Finch Drive.
- 6.26 The properties adjacent to the site in Abrey Close which lies to the west of the site are all two storey in height with the exception of No. 24 which is a single storey bungalow. The distance between the rear of these properties and the proposed plots which back onto this boundary (Plots 29-36) is in excess of the 25 metres back to back distance recommended by the Essex Design Guide. Plots No. 37 and 41 are closer to the shared boundary, but these have a side elevation facing the neighbouring properties; Plot 37 has no windows on the side elevation and Plot 41 has an obscure glazed window at first floor level, so no overlooking will occur. There will be some overlooking from the rear elevation of Plot 37 to properties in Abrey Close, however, given the orientation this will be at an oblique angle along the back of the rear gardens and therefore would not result in any significant loss of privacy.



- 6.27 Plot 37 is two storey in height and situation adjacent to the boundary with No. 24 Abrey Close which is a single storey bungalow. It is considered that given the distance of separation between the rear elevation of No. 24 Abrey Close and the side elevation of Plot 37 (15 metres) and the fact no windows are proposed on the side elevation that there will be no significant impact on residential amenity.
- 6.28 Concerns have been raised with regard to the increase in noise from the proposed development, there will be some increase in noise due to the nature of the residential development but it is considered given the distance from neighbouring properties that this impact would not be sufficient to warrant a reason for refusal.
- 6.29 It is considered that a condition to remove permitted development rights for dormer windows is necessary across the whole of the site to ensure that adequate residential amenity is retained.

### **Highway Safety**

- 6.30 The proposed access was agreed at outline stage and therefore is not under consideration as part of this application. Furthermore, Essex County Council raise no objection to the proposal. The outline consent is also subject to condition which requires that before occupation of a dwelling the following works are carried out:
- A priority junction off Heckfords Road.
  - Widening of Heckfords Road at its junction with the A133 and 2 no. traffic islands with bollards and high level beacons at the right turn lane.
  - A footpath along Heckfords Road between the proposal site access and the Village Green.
  - Improvements to the public right of way along the southern boundary.
- 6.31 Details of all these works (with exception to the public right of way) were dealt with at the outline stage and the proposed layout enables these works to be carried out.
- 6.32 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans shown parking provision in excess of the adopted standards with an average of 2.8 spaces per dwelling plus the required 25% visitor parking.
- 6.33 Concerns have been raised regarding the impact of increase traffic; however, this was an issue which was considered at outline stage when it was concluded that the impact of the proposed was acceptable from a highway perspective.
- 6.34 For the above reasons the proposal is considered acceptable in highway safety terms.

### **Landscaping/Biodiversity**

- 6.35 The appeal Inspector stated that 'there is evidence that the site boundary hedges contribute to bio-diversity by supporting protected species. However, for the most part, the hedges would be retained and conditions could be used to ensure appropriate ecological mitigation measures'. The Inspector then imposed a condition to ensure that development does not commence until an Ecological Mitigation Scheme and Management Plan is submitted and agreed which includes a survey to confirm (or otherwise) the presence of protected species

on site and mitigation measure if found and measure to show how biodiversity within the site will be encourage by the development. This condition still applies.

- 6.36 It has been confirmed by the agent that the hedgerow along the western and southern boundary will be retained and no part removed (an amended plan will be submitted to update this). A new hedgerow is proposed along the northern boundary and the eastern boundary
- 6.37 The Councils landscape officer raises no objection to the detailed landscaping scheme submitted and is of the view that the plans provided shows a good level of soft landscaping that will both soften and enhance the appearance of the development. On this basis it is considered that the proposed landscaping is acceptable.

#### Background Papers

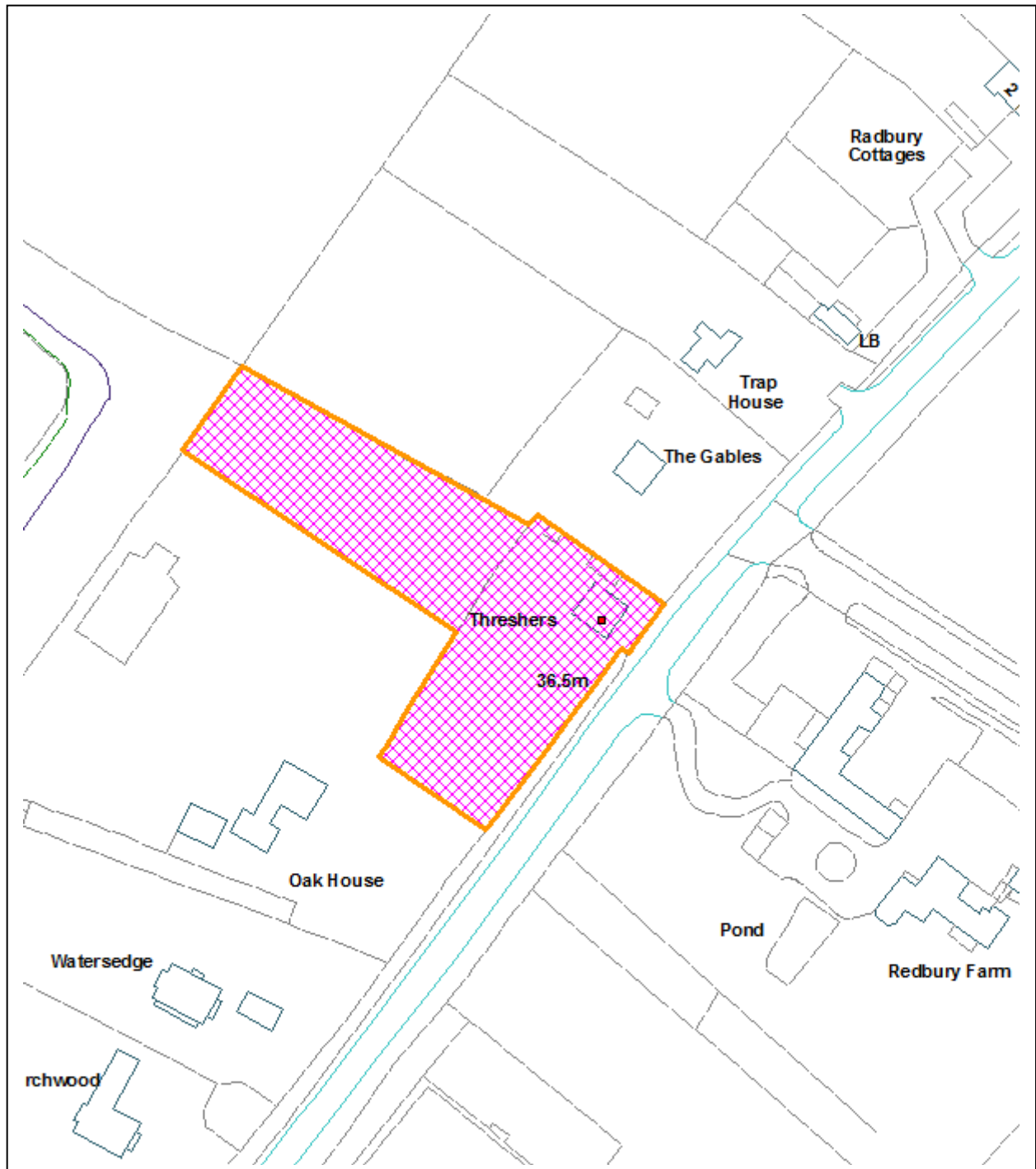
None.

## PLANNING COMMITTEE

30 January 2018

### REPORT OF THE HEAD OF PLANNING

#### A.3 PLANNING APPLICATION - 17/01925/FUL - THRESHERS, COLCHESTER ROAD, ARDLEIGH, CO7 7PQ



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<b>Application:</b>	17/01925/FUL	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Mr R Napthine	
<b>Address:</b>	Threshers, Colchester Road, Ardleigh, CO7 7PQ	
<b>Development:</b>	Erection of two dwellings and associated outbuildings.	

## 1. Executive Summary

- 1.1 Councillor Giancarlo Guglielmi has requested that the application be determined by Planning Committee due to the planning history relating to the site, and his views with regards to the Council's five year housing land supply.
- 1.2 Under planning reference 17/00171/FUL, planning permission was previously refused for the same proposal. As the site fell outside of a recognised Settlement Development Boundary and was in an isolated location some distance from existing services, it was considered to be in an unsustainable location, whilst there were no public benefits that might warrant the proposal being considered in an exceptional light. At that time the Council was able to demonstrate a supply of housing land close to 5 years.
- 1.3 The applicant appealed against the Council's decision, however under planning appeal reference APP/P1560/W/17/3174226 the appeal was dismissed by the inspector, who concluded that the environmental, social and economic benefits of the development would be limited and consequently would not be sufficient to outweigh that harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth.
- 1.4 The application site falls outside of a recognised Settlement Development Boundary, as agreed within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.5 The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged.
- 1.6 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services.
- 1.7 As such the location is considered to be amongst one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.
- 1.8 The proposed dwellings are however considered to be of good design, and will not harm existing neighbouring amenities, cause any highway safety concerns or result in significant harm to trees located within the site.

## **Recommendation: Refusal**

### **Reason for Refusal:**

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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. Saved 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.

The Council is in a position where it can now identify a 5 year supply of housing land and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh has been extended to allow modest growth of the village. The growth envisaged for Ardleigh over the plan period has already been allowed for within the extended defined boundary and does not include this site. This location is considered to be one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth. This development, due to its siting a significant distance outside of any defined settlement development boundary, is not considered sustainable. The adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits; there are no public benefits that might warrant the proposal being considered in an exceptional light.

## **2. Planning Policy**

### **National Policy:**

NPPF National Planning Policy Framework  
National Planning Practice Guidance

### Local Plan Policy:

#### *Tendring District Local Plan 2007*

- EN1 Landscape Character
- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- HG1 Housing Provision
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development

#### *Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)*

- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PPL3 The Rural Landscape

### Supplementary Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be adopted, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage and is being examined in January 2018 its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### **3. Relevant Planning History**

05/01727/FUL	Pitched roof to replace flat roof to rear extension	Approved	09.11.2005
05/01737/FUL	Lounge extension to ground floor with new bedroom over bay window to study and	Approved	25.11.2005

pitched roof over flat roof at first floor level

07/00213/FUL	Raise ridge height to previously approved extension. (05/01737/FUL)	Approved	05.04.2007
17/00171/FUL	Erection of 2 no. two storey dwellings and associated out buildings. Improvements to existing vehicular access and new ancillary out building.	Refused	30.03.2017
17/00043/REFUSE	Erection of 2 no. two storey dwellings and associated out buildings. Improvements to existing vehicular access and new ancillary out building.	Appeal Dismissed	15.09.2017

#### **4. Consultations**

**National Grid Plant Protection**

Cadent Gas do not object to this proposal.

**Building Control and Access Officer**

Fire tender access to plot 2 will need to be provided.

**Tree and Landscapes Officer**

The main body of the application site is currently being used as the curtilage of the above dwelling. The garden is set to grass and contains several trees. Some of these have a positive impact on the character and appearance of the area and the development proposal will need to consider the impact of the development proposal on the trees on the land.

In order to show that the development proposal could be implemented without causing harm to the protected trees the applicant has provided a detailed Arboricultural Impact Assessment (AIA). The report is in accordance with BS5837 2012 Trees in relation to designs, demolition and construction: Recommendations.

The report shows the extent of the constraint that the trees are on the development potential of the land. It identifies those trees that would need to be removed in order to facilitate the development proposal and the way that retained trees will be physical protected during the construction phase of any development that may be granted planning permission.

The development proposal identifies the removal of 5 trees, a small Apple and Hawthorn as well as a Silver Birch, and 2 Oaks. The Apple, Hawthorn and the Silver Birch do not make a significant contribution to the character or appearance of the area. However the 2 Oak trees feature reasonably prominently in their setting. The conclusion of the Tree Report recognises the harm that would be caused by the removal of the Oaks but contextualises this in respect of its overall impact taking into account the retention of all other mature trees on the application site and new landscaping to be carried out.

If the requirements of the AIA are adhered to then the development of the land would not have a detrimental impact on the retained trees. As the retained trees are not threatened by the development of the land it

is not considered necessary to make a new Tree Preservation Order (TPO) in respect of any of the trees on the land at the present time. It may become expedient to protect some of the trees at some stage in the future to deal with post development pressures.

If planning permission is likely to be granted then details of soft landscaping, including tree planting should be secured by condition.

**ECC Highways Dept**

Essex Highways Authority does not wish to raise an objection subject to the following conditions:

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
2. Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
4. Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 4.1metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing of the FOOTWAY/HIGHWAY VERGE to the satisfaction of the Local Planning Authority.
5. The existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.
6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
7. Any double garages should have a minimum internal measurement of 7m x 6m

**5. Representations**

5.1 Ardleigh Parish Council have made no comments on the application.

5.2 One letter of objection has been received. The points raised have been summarised below:

- The Design and Access Statement is incorrect as it does not refer to previous refusal
- Proposal is backland development



- Will be a blot on the landscape
- Council now has a five year housing supply
- Appeal inspector has previously dismissed two dwellings on this site

## **6. Assessment**

### **Site Context**

- 6.1 The application site is land adjacent to Threshers, Colchester Road, Ardleigh, which is a detached two storey dwelling, and currently forms part of the garden area. The surrounding area along this section of Colchester Road is typically rural in character, with mature hedgerows along the frontage adjacent to Colchester Road; however there are examples of nearby detached residential properties sited within large plots to the north-east and south-west.
- 6.2 The site falls approximately 0.75 miles outside of the Settlement Development Boundary for Ardleigh, as agreed within both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### **History**

- 6.3 Under planning reference 17/00171/FUL, planning permission was previously refused for the same proposal. The reason for this refusal was that the site fell outside of a recognised Settlement Development Boundary and was in an isolated location some distance from existing services, it was considered to be in an unsustainable location. The Council was in a position where it was very close to being able to identify a 5 year supply of housing land and there were no public benefits that might warrant the proposal being considered in an exceptional light.
- 6.4 In considering the appeal against the Council's refusal of planning permission for an identical scheme on this site, the inspector stated the proposal is considered to be neutral or to meet the economic, social and environmental strands of sustainability. However, the inspector agreed with the Council's evidence that it could demonstrate a five year supply of housing land, and as such the limited benefits of meeting the three strands of sustainability were not considered to outweigh the harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth. Therefore, the appeal was dismissed by the inspector and the Council's decision was upheld.

### **Proposal**

- 6.5 The application seeks permission for the construction of two dwellings, with plot 1 having a double garage and plot 2 having a cart lodge, and an outbuilding situated to the rear of the existing dwelling 'Threshers' measuring 5.8 metres in height, 5.9 metres in width and 6 metres in depth.
- 6.6 The proposed dwellings will share an access from Colchester Road and will each be detached and two storeys in height. Plot 1 will be sited adjacent south-west to 'Threshers', measuring 7.9 metres in height, 14.7 metres in width and 9.6 metres in depth. The dwelling incorporates three front dormers, two front bay windows, a canopy and chimneys, and will serve four bedrooms. Plot 2 will be sited to the north-west of 'Threshers', measuring 8.3 metres in height, 18.5 metres in width and 12.5 metres in depth, serving five bedrooms, and incorporates features including a front pitched roof gable element, a brick plinth and side and rear single storey elements.

### **Principle of Development**

- 6.7 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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. Saved 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.
- 6.8 The Council is in a position where it can now identify a 5 year supply of housing land and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.9 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. The emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh has been extended to allow modest growth of the village. The growth envisaged for Ardleigh over the plan period has already been allowed for within the extended defined boundary and does not include this site. This location is considered to be one of the least sustainable locations for growth where development will only serve to increase the number of people having to rely on cars to go about their everyday lives failing to meet the socially sustainable strand of sustainability.
- 6.10 The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside and a long way from any defined settlement development boundary, is not considered sustainable. The adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. There are no public benefits that might warrant the proposal being considered in an exceptional light.
- 6.11 Appeal decisions are material to the determination of applications. In his decision on the recent appeal against the Council's decision to refuse planning permission for two dwellings on this site, the inspector accepted that the Council could demonstrate a five year supply of housing land. Therefore the "tilted balance" is not engaged and the application falls to be determined in accordance with the development plan.
- 6.12 Whilst the proposal will result in some economic and social benefits, and a neutral environmental impact, these are not material considerations that can outweigh the harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth.

### **Layout, Design and Appearance**

- 6.13 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 The two proposed dwellings will be sited to the south-west and north-west of 'Threshers', and will be accessed via one of the two existing accesses to the north-west of Colchester Road.
- 6.15 In terms of the layout, the existing building line across this section of Colchester Road is not particularly strong or linear, with both adjacent neighbours set back from the property known as 'Threshers', resulting in a broken pattern of development. The proposed layout will see plot 1 sited south-west of 'Threshers', whilst plot 2 will be sited north-west of 'Threshers'. Although plot 2 will be set far back from the street scene, as previously noted there is not a strong or linear pattern of development currently that this proposal would have a significantly detrimental impact upon. Furthermore, the inspector stated in his decision on the recent appeal at this site that around the site contains other detached dwellings in large gardens and as this proposal would repeat this pattern, it would not be harmful to the character and appearance of the area.
- 6.16 Both dwellings will be detached and two storeys which will be in-keeping with the character of the immediate surrounding area, whilst the height and scale is acceptable.
- 6.17 The two dwellings are of good design, with key design features to break up the bulk, including pitched roof dormers, gables, chimneys and a plinth. Furthermore, the plans indicate the retention of much of the existing soft landscaping, which is encouraging.
- 6.18 Policy HG9 of the Saved Tendring Local Plan 2007 states that the private amenity space for dwellings of three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate that this level of private amenity space can be accommodated for both the proposed dwellings and also the existing property, 'Threshers'.

### **Impact on Neighbouring Amenities**

- 6.19 The NPPF, at 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 Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.20 There is sufficient distance to both the adjacent neighbour to the south-west, known as 'Oak House', and the adjacent neighbour to north-east, known as 'The Gables' to ensure that any impact on their existing amenities in terms of potential overlooking or loss of light will be minimal.
- 6.21 Whilst the proposed dwellings will be sited closer to 'Threshers', there is still a comfortable distance of separation. Furthermore, whilst it is noted that the side elevation window to the first floor of Plot 1 has views to the rear garden of Threshers, there is a distance of approximately 15 metres, which will reduce this potential overlooking impact to ensure it is not significantly detrimental.

### **Highway Safety**

- 6.22 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the visibility splay, the vehicular turning facilities, the use of no unbound materials, the width of the private drive and the reinstatement of the kerb following the removal of the existing access.
- 6.23 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are 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.
- 6.24 The proposed garage and cart lodge are undersized but ample off street parking is provided on the driveways to meet the needs of residents and their visitors.

### **Tree and Landscape Impacts**

- 6.25 The Council's Principle Tree and Landscapes Officer has been consulted and has stated that the site contains several trees that have a positive impact on the character and appearance of the area. However, the applicant has submitted an Arboricultural Impact Assessment which shows the extent of the constraint the trees are to the proposed development, and demonstrates that five trees would be removed to facilitate the proposal.
- 6.26 Whilst the removal of the 2 Oak trees in particular would be harmful to the areas setting, the overall impact, when considering the retention of all other mature trees, is softened and the development would not result in significant harm subject to conditions relating to details of soft landscaping.
- 6.27 Furthermore, the proposed visibility splays of 120 metres in both directions are achievable without the loss of any of the existing trees or hedgerow.

### **Conclusion**

- 6.28 This proposal is contrary to the development plan being located well outside the nearest settlement development boundary. The reasons that the previous planning application was refused and the recent appeal was dismissed remain relevant and therefore it is recommended that planning permission be refused. The appeal inspector summed up by saying: 'I conclude that, for the reasons given above, the environmental, social and economic benefits of the development would be limited and consequently would not be sufficient to outweigh that harm caused by the conflict with development plan policy and the Council's plan-led approach to achieving sustainable patterns of growth, which is advocated by the Framework and to which I attach significant weight.'

### **Background Papers**

None.