



for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to enable cars to join the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

4 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

Tree & Landscape Officer

The application site is set back from the highway and relatively well screened by existing vegetation on land between the site and the highway.

There are no trees or other significant vegetation in the main body of the application site.

There is an established hedgerow containing trees on the southern boundary of the application site although none of the trees have such amenity value that they merit protection by means of a tree preservation order.

It would appear that the hedgerow is not affected by the development proposal and be desirable for the vegetation on this boundary to be retained for the softening effect it would have on any development that may be granted planning permission.

Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping as indicated on the site layout plan ' as the application is in outline form this should be secured as a reserved matter.

Essex County Council  
Archaeology

The proposed development is situated on land that was formerly within historic brickworks which operated up to around 1890 or later. The works were known as Greensteadvale Brickwork and it was in operation from before the 1840's. The 1st edition OS map depicts the brickfields and buildings to the southwest of the site and the area of the proposed development appears to have been previously worked and appears disturbed. It is unlikely that any of the structures or features associated with the works were within this area and it has probably been quarried, therefore there is low potential for the survival of archaeological remains. There is no recommendation for any archaeological investigation for the above application.  
If you have any questions about this advice, please do not hesitate to contact me.

UU Open Spaces

Response from Public Realm  
Open Space & Play

Application Details

Application No: 18/02015/OUT

Site Address: Land Between Chantry and Nia Roo Fox Street  
Ardleigh Colchester

Description of Development: Proposed two dwellings

Current Position

There is currently a deficit of 1.70 hectares of equipped play/open space in Ardleigh.

Although there is a deficit of play/open space in Ardleigh the development site is situated a distance from the nearest play area.

Recommendation

It is felt that a contribution is not required on this application. It is unlikely that there will be any significant impact on the play/open space.

### 3. Planning History

08/00692/TELCO M	Erection of 6m aerial and associated control kiosk and meter kiosk.	Determination	26.06.2008
08/01357/FUL	Alterations to vehicular access and construction of vehicle turning area.	Approved	13.11.2008
13/30126/PREAPP	Proposed erection of replacement dwelling with attached garage. Proposed erection of stables.		19.12.2013
14/30272/PREAPP	Proposed erection of replacement dwelling, detached garage and stable building.		14.08.2014
14/01081/LUEX	Residential property with single		06.10.2014

dwelling house.

14/01896/FUL	Demolition of existing dwelling & shed. Replacement dwelling & detached garage.	Approved	12.02.2015
16/01563/HHPNO T	Rear Extension 7.7m width x 8.0m depth x 3.9m high. Side extension 6.3m width x 3.85m depth x 3.9m high		21.10.2016
16/01945/HHPNO T	Single storey rear extension.		09.01.2017
16/02092/FUL	Proposed erection of four bedroom detached house.	Withdrawn	20.11.2017
18/00794/OUT	Two dwellings.	Refused	13.07.2018
18/02015/OUT	Proposed two dwellings.	Current	
08/00692/TELCO M	Erection of 6m aerial and associated control kiosk and meter kiosk.	Determination	26.06.2008
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#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP7 Self-Build and Custom-Built Homes

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

Local 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. Paragraph 213 of the NPPF (2018) 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 48 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application relates to land adjacent to Mount View, Fox Street Ardleigh. The site measures approximately 0.2 hectares in size and is situated on the north western side of Fox Street accessed via an existing private drive serving Mount View and High View. The site is situated between a house at 'Nia-Roo' and a chalet dwelling at 'Chantrys' with Mount View being the donor dwelling to the north west and Fox Street to the south. The site itself appears as amenity and grazing land associated with Mount View with established boundary hedging and sporadic trees.

The site lies outside of any defined settlement development boundary for the area.

### Description of Proposal

The application seeks outline consent with all matters reserved for the erection of 2 dwellings with associated garaging and off-street parking.

An indicative layout plan has been submitted with the application showing 2 detached properties situated to the north east end and south west end of the site orientated to face north west. The dwellings are shown to be served by a shared driveway with double garages and parking spaces located between the two dwellings.

## Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development (including 5 year housing land supply);
- Layout, Scale, Character and Impact;
- Residential Amenities;
- Highway Safety and Parking;
- Trees and Landscaping;
- Financial Contributions, and;
- Representations.

## Planning History

This application follows a previous refusal for the same development under planning application 18/00794/OUT. This application was refused on the proposal being contrary to the plan-led approach set out within the NPPF. However, since this decision appeal decisions have not supported this sole reason for refusal approach. This application has therefore been re-submitted to allow consideration of the proposal against up to date appeal decisions and how we apply policy. This is covered in more detail below.

18/01575/OUT to the north east of the site has recently been approved having regard to the recent appeal decisions.

## Principle of Development

The site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). 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. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2018 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that

development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

There would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site's location beyond the settlement development boundary. However, while the NPPF advocates a plan-led approach, recent appeal decisions advocate that a 5 year housing supply is not a ceiling on development and that it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise.

Therefore, in line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These can be assessed as follows;

- Economic

It is considered that 1 new dwelling would make a small economic contribution to the area, for example by providing employment during the construction of the development and from future occupants using facilities in the area.

- Social

Ardleigh is categorised in emerging Policy SPL1 as a 'Smaller Rural Settlement' in recognition of its size and small range of local services.

Socially, it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. Fox Street is a smaller rural settlement being defined separately to Ardleigh but is situated approximately 800m from Welshwood Park to the south, part of the urban conurbation of Colchester. Fox Street is the A137 principal road between Colchester and Manningtree. It is served by three bus routes, namely 102, 103 and 104 which provide a half hourly service with 28 buses per day in each direction from 6.51am to 11.17pm from Colchester to Ardleigh, Manningtree and Harwich. Welshwood Park/St John's provide a number of shopping and employment facilities. Furthermore, there is a restaurant and takeaway to the south and other local businesses to the north.

There would be an appropriate level of services, facilities and infrastructure nearby to serve the scale of the development proposed and the occupiers of the dwelling would not be unduly dependant on their car. The number of trips by private car associated with 2 dwellings would be low and journeys by car would be short. Travel patterns generated by 2 dwellings in this location would not cause environmental harm.

The site is therefore considered to perform reasonably well under the socially sustainable strand and it would be unreasonable to refuse planning permission on this basis.

Layout, Scale, Character and Impact

Paragraphs 127 and 170 state that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policy QL9 and EN1 of the Tendring District Local Plan 2007 and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The application site is not isolated in nature being surrounded by existing residential development and currently forming extended curtilage associated with Mount View. The residential development on the opposite side of Fox Street is predominantly linear in character. On this side of Fox Street in the immediate locality of the application site the residential character is more loosely knit, with dwellings being casually positioned within their plots and dwellings sited to the rear of the



application site. The site is enclosed and well screened from public view by existing dense vegetation and trees on the boundary with the highway.

The development of the site for 2 detached dwellings in the manner suggested on the indicative layout plan would essentially appear as an infill between Chantry's and Nia-Roo. Some properties front Fox Street, whilst some front the private drive serving Mount View. The north westerly orientation of the dwellings as suggested is not ideal but would not be particularly out of character. Additionally, Officers consider that the plots could be more spacious in line with the immediate character and the large garages between the dwellings are not a good use of the space. Furthermore, with Nia-Roo and Mount View being single storey dwellings and Chantry's being a chalet, single or 1.5 storey dwellings may be the most appropriate design approach here. Overall, officers consider that through the submission of a reserved matters application a satisfactory layout and scale could be achieved for 2 detached dwellings.

For these reasons, the proposal would physically and visually appear part of the existing built-up area and would not result in any wider landscape harm. Within its context, the proposal would be environmentally sustainable.

#### Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

Officers consider that sufficient space is available on site to provide a development that could achieve an internal layout and separation distances that would not detract from the amenities of any nearby dwellings or the future occupiers of the proposed dwellings and would provide private amenity areas in excess of the standards set out within Saved Policy HG9 of the adopted Local Plan for both the new and donor dwellings.

#### Highway Safety and Parking

Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

Officers consider that sufficient space is available on site to provide a development that could achieve parking in line with the requirements the Council's current adopted Parking Standards. The traffic movements associated with an additional 2 dwellings is unlikely to cause undue harm to highway and pedestrian safety.

Essex County Council Highway Authority raise no objection to the development subject to conditions.

#### Trees and Landscaping

The Council's Tree and Landscaping Officer is satisfied that the development could go ahead without any harm to existing trees and landscaping and subject to soft landscaping secured at the reserved matters stages a satisfactory development could be achieved.

#### Financial Contributions

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement of a financial contribution toward public open or play space.

It was concluded that no contribution towards play and open space is required on this application.

#### Representations

Ardleigh Parish Council objects to this planning application on the following grounds;

- Site outside the village envelope (settlement development boundary)
- No requirement or need for further dwellings of this size
- Constitutes a second row of development which would be an unwanted precedent to set and should be avoided.

The principle of the development its layout and impact have all been addressed in the main report above.

1 letter of representation has been submitted providing details of recent appeal decisions and how these are material considerations to this determination. This has been addressed in the main report above.

### Conclusion

It is accepted that the site is not in a preferred location for growth and there would be some conflict with QL1 but this would not amount to any social, economic or environmental harm that would warrant the refusal of planning permission. There is nothing substantive to suggest that Council's ability to manage growth through the plan-led approach would be undermined by the approval of this application. Accordingly the application is recommended for approval.

## **6. Recommendation**

Approval - Outline

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 No development shall be commenced until plans and particulars of " the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

## **8. Informatives**

### Positive and Proactive Statement

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

### Highways Informatives

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

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

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

### Reserved Matters Informative

As detailed in the delegated report, the north westerly orientation of the dwellings as suggested is not ideal but would not be particularly out of character. Additionally, Officers consider that the plots could be more spacious in line with the immediate character and the large garages between the dwellings are not a good use of the space. Furthermore, with Nia-Roo and Mount View being single storey dwellings and Chantrys being a chalet, single or 1.5 storey dwellings may be the most appropriate design approach here. You are advised to take these points into account when designing and submitting the reserved matters application.