

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/05/2019
Planning Development Manager authorisation:	SCE	16.05.19
Admin checks / despatch completed	SR	16/05/19

PW

Application: 19/00116/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Ardleigh Hall LLP

Address: Ardleigh Hall Squash Club Dedham Road Ardleigh

Development: Variation of Condition 2 (approved plans) of planning permission 18/01257/FUL to amend site layout to incorporate 2 parking spaces (plots 1 and 4), move turning head to increase parking areas (plots 2 and 3) and amend boundary wall details.

1. Town / Parish Council

Ardleigh Parish Council No comments received

2. Consultation Responses

Natural England

The advice provided in our letter (ref: 244199, dated 16th August 2018 attached above for reference) is as follows:

'We advise that the applications in scope for consideration should include all new applications as well as those with outline planning permission where this issue has not previously been assessed through the HRA process.'

It is Tendring District Council's duty as competent authority to ensure that any application that falls within the Essex RAMS is sufficiently assessed through the HRA process and that appropriate mitigation is secured through the necessary mechanisms. Not collecting such funds may lead to the council being unable to collect the final total of the mitigation package through the development mechanism. The risk of not obtaining such mitigation is therefore on your Local Authority, however we are unable to provide legal advice on the matter and would advise that your own legal advice should be sought to address your concerns.

Ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

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 or by post to:

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

Tree & Landscape Officer The proposed amendments to the layout of the development will not affect the retention and protection of trees on the land and are limited to relatively minor adjustments to private parking provision and to the layout and position of the turning head.

3. 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.	Approved	01.02.2018
18/00875/DISCON	Discharge of conditions 4 (materials), 5 (hard & soft landscaping), 19 (roads & footways), and 20 (construction method statement) of 16/00878/FUL.	Approved	29.06.2018
18/01257/FUL	Variation of condition 2 (Approved Plans) to Approved Planning Application 16/00878/FUL.	Approved	25.09.2018
18/01907/DISCON	Discharge of Condition 12 (Footpath diversion) of application 16/00878/FUL.	Approved	12.12.2018
19/00116/FUL	Variation of Condition 2 (approved plans) of planning permission 18/01257/FUL to amend site layout to incorporate 2 parking spaces (plots 1 and 4), move turning head to increase parking areas (plots 2 and 3) and amend boundary wall details.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

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
- EN6 Biodiversity
- EN6A Protected Species
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN17 Conservation Areas
- EN20 Demolition within 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 Recreation 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 Safeguarded Local Greenspace
- LP1 Housing Supply
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested

at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

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).

The site previously accommodated a group of buildings which formed part of a leisure club along with associated parking areas and outdoor tennis courts. Construction is now underway on site relating to the erection of 7no. dwellings.

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.

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.

Planning permission for the re-development of the site and the construction of 7 no. detached dwellings was approved under planning reference 16/00878/FUL. This application was then varied under planning permission 18/01257/FUL to remove the requirement to retain an outbuilding along the north-eastern boundary of the site.

Proposal

This application seeks a variation of Condition 2 of planning permission 18/01257/FUL which relates to the approved plans. The proposal seeks to vary the approved layout to make the following alterations;

- the moving of the fence to plot 1 to allow an additional parking space to the front of plot 1's garage;
- relation of the turning head within the private drive to increase parking to the front of garages serving plots 2 and 3;
- the re-siting of the garage serving plot 4 to allow 2 no. parking spaces in front of the garage; and
- the revision of the boundary wall to the public footpath to construct a 1.8m high brick wall between piers.

Appraisal

Impact of Changes

The proposed revisions to the layout are minor and do not significantly alter the overall appearance of the development. The changes concern a reconfiguration of the turning head to the private drive and the alterations to garage and boundary treatment positioning to facilitate additional on-plot parking provision. These changes are considered to be acceptable from a visual amenity viewpoint and would not result in any additional harm to the conservation area setting.

Furthermore, the proposed amendments to the layout of the development will not affect the retention and protection of trees on the land and would not result in any of the proposed buildings being sited in closer proximity to existing dwellings to the south.

ECC-Highways have confirmed that they have no objections to the revisions and the provision of additional parking provision will represent an enhancement of the scheme from a highway safety viewpoint.

Conditions

Work on site has commenced so pre-commencement conditions will be re-worded to reflect those details previously approved.

RAMS

Having considered the proposed avoidance and mitigation measures outlined within the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS), the Council conclude that in this instance it would be unreasonable to seek mitigation measures. The development has commenced and this application relates solely to aesthetic changes to the development layout.

Natural England has confirmed that ultimately in this situation where the RAMS has emerged after the original application was registered, it is down to Tendring District Council to decide whether this proposal lies within scope of the RAMS or not. Consideration should also be given to whether a previous HRA has been undertaken and if so, what the findings of this were, including any mitigation sought.

As stated above the original planning permission has been implemented through the commencement of works on site. This application relates to minor changes to the layout and does not propose to increase the number of dwellings built. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Other Considerations

Ardleigh Parish Council has not commented upon the application. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 605/1 D, 605/SK2, 4789-D B, 605/2, 605/3, 605/4, 605/5, 605/6, 605/7 A, 605/8, 605/9 and 605/10.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 3 The materials used in construction shall be those stipulated on the 'Materials Schedule' approved under reference 18/00875/DISCON and in respect of the replacement boundary wall as indicated on approved plan 605/1 D.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

- 4 The approved scheme of landscaping shown on drawing no. 605/1 D shall be implemented not later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant

material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 5 The development shall be carried out in accordance with the Tree Protection Methods outlined on the approved Tree Protection Plan no. 4789-D Rev B (as prepared by Hayden's Arboricultural Consultants).

Reason - To ensure the existing mature trees are safeguarded during construction and retained in the interests of visual amenity.

- 6 Prior to first occupation of the approved dwellings the boundary treatments, as shown on approved drawing no. 605/1 D, shall be erected and retained thereafter as approved.

Reason - In the interests of visual and residential amenity.

- 7 Prior to the first occupation of the approved dwellings the refuse collection points, as shown on approved drawing no. 605/1 D, shall be construction and retained thereafter as approved.

Reason - In the interests of amenity.

- 8 The development shall be carried out in accordance with the details shown within the submitted 'Drainage Strategy Report' prepared by GH Bullard & Associates - dated April 2016.

Reason - To ensure that surface water drainage caused by the development is adequately dealt with.

- 9 The development shall be carried out in accordance with the protection species mitigation measures/recommendations as set out in the submitted 'Extended Phase 1 Habitat Survey & Bat Survey' (Dated 28th August 2015) and the 'Ecological Appraisal Update' as prepared by Liz Lord Ecology (Dated 15th January 2018).

Reason - To safeguard any protected species utilising the site.

- 10 Prior to the first occupation of the development, both of the proposed estate roads, at their bellmouth junction with Dedham Road/The 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.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 11 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 and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 12 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason - To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

- 13 Prior to occupation of the proposed development, the vehicular turning facilities for large vans and service and delivery vehicles, as shown on the approved drawing no. 605/1 D, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 14 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 or throughout.

Reason - To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 15 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 to the specifications of the Highway Authority.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 16 The estate roads and footways shall be constructed in accordance with those details shown on plan no. 605/15 approved under planning reference 18/00875/DISCON.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 17 Construction work shall be carried out in accordance with the construction method statement illustrated on drawing no. 605/1/CMS and within associated document titled 'Construction Method Statement' as approved under planning reference 18/00875/DISCON.

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

- 18 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 shall be provided 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.

Reason - To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

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.

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984 (as amended).
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO