

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	27/06/2019
Planning Development Manager authorisation:	AN	27/6/19
Admin checks / despatch completed	Xne SB	28/06/19 28/06/19

**Application:** 19/00427/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Wambugu Ltd

**Address:** Mount View Fox Street Ardleigh

**Development:** Proposed demolition of existing dwelling and erection of four bungalows.

### **1. Town / Parish Council**

Ardleigh Parish Council

Ardleigh Parish Council object to this planning application on the grounds that the site falls outside the settlement development boundary (SDB) and the emerging TDC local plan restricts new housing to areas within the SDBs. There is no requirement for further detached housing in this area and as the 5 year housing supply is met then new housing should be restricted to identified development sites. The council notes that the land owner already has permission for 2 bungalows on this site and this application would be over development in this rural location.

### **2. Consultation Responses**

ECC Highways Dept  
**ORIGINAL COMMENTS**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

2. As indicated on block plan/ site layout drawing no. 159 01 and prior to the first occupation of the development, the proposed Private Drive at its bell-mouth junction with Fox Street shall be provided with 6.0m.radius kerbs returned to an access road carriageway width of 5.5m with a flanking footway 2m. in width returned around the south-west radius kerb.

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 and in accordance with Policy DM 1 and 6.

3. As indicated on block plan/ site layout drawing no. 159 01 No unbound materials shall be used in the surface treatment of the proposed Private access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

5. All single garages should have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

6. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Highways Dept  
**AMENDED COMMENTS**

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

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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 and in accordance with Policy DM 1 and 6.

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and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

**Informative 2:**

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### 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 dwelling house.		06.10.2014
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	Single storey rear extension.		09.01.2017

T

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.	Approved	31.01.2019

#### **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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

PPL4 Biodiversity and Geodiversity

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 (2019) 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 relates to the property known as Mount View, Fox Street, Ardleigh. The site measures approximately 0.47 hectares and is situated on the north western side of Fox Street, between a bungalow known as Nia-Roo and a large chalet dwelling known as Chantrys, within the ribbon of houses and bungalows fronting this part of Fox Street. The property known as Braefoot also bounds a section of the southern boundary of the application site. To the rear of the site is a dwelling known as Mount View together with an extensive area of amenity and grazing land. Mount View is well set back from Fox Street accessed via a long driveway between Nia-Roo and Chantrys and also leading to the property known as High View beyond the site.

### Description of Proposal

Following concerns with the density of the development as originally proposed, the application has been amended reducing the proposal from 5 to 4 units.

Therefore, the application now seeks full planning permission for the demolition of the existing dwelling (Mount View) and the erection of 4 detached bungalows.

The detailed design of the dwellings has also been amended to incorporate a better mix of materials and finishes.

### Assessment

The main considerations are;

- Planning and Appeal History;
- Principle of Development;
- Layout, Scale and Impact
- Residential Amenities;
- Highway Safety and Parking;
- Trees and Landscaping;
- Financial Contribution - Open Space;
- Financial Contributions - RAMS; and,
- Representations.

### Planning and Appeal History

Application 14/01896/FUL was approved on 12th February 2015 for the replacement of Mount View with a considerably larger dwelling.

A portion of the site to its south was subject of application 18/00794/OUT for 2 dwellings. This application was refused on 13th July 2018 due to its location outside the development boundary and due to the projected 5-year housing land supply for the district having been met. The proposal was therefore considered contrary to the plan-led approach as set out within the National Planning Policy Framework (paragraph 17 of the 2018 NPPF).

However, since this decision there have been a number of appeal decisions that have demonstrated that an application site being located outside of a settlement development boundary is not in itself sufficient justification to refuse an application for residential development, some of which are highlighted below.

- Within planning reference APP/P1560/W/17/3187802 (Land north of 2 Martins Gate Cottage, Colchester Road, St Osyth) the inspector concluded "that while there would be some conflict with Policy QL1 of the Local Plan, because the dwelling would be located outside St Osyth's settlement boundary, this site would be an appropriate location for a dwelling. I therefore find that there would be no unacceptable conflict with the Local Plan."

- Within planning reference APP/P1560/W/17/3183189 (Site adj Malting House, Station Road, Thorpe-le-Soken) the inspector stated the following: "that the appeal site is outside a



settlement boundary is not a decisive factor in this appeal and the conflict with Policy QL1 carries only limited weight in the planning balance."

- Further, within planning reference APP/P1560/W/17/3188055 (Land rear of The Laund, Heath Road, Bradfield) the inspector concluded the following: "I find that the adverse impacts in this case, arising from the location of the appeal site outside the development boundary for Bradfield, do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole."

- Also, within planning reference APP/P1560/W/18/3209480 (Land South of Frinton Road, Thorpe Le Soken, CO16 0HS) the inspector concluded "The proposed development would be contrary to Saved Policy QL1 of the Local Plan. However, the proposed development would meet the aims of the NPPF to provide new housing in appropriate locations and would not cause harm to the character and appearance of the countryside. I would conclude that these are material considerations that would indicate making a decision that is not in accordance with the development plan."

This approach was reflected in the approval of 18/01575/OUT for one dwelling to the side of Chantry's approved on 28th November 2018. Application reference 18/02015/OUT sought to re-apply for the same proposal refused under 18/00794/OUT for 2 dwellings to the south of Mount View and was approved on 31st January 2019 having regard to the appeal decisions and the approval of 18/01575/OUT.

#### Principle of Development

Having regard to the above and for completeness, the principle of residential development on the site can be assessed as follows.

The site lies outside of any Settlement Development Boundary as defined within both 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 2019 (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 report, 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.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated

for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

### **- Assessment of Sustainable Development**

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

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 are assessed below.

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

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

#### *- Economic*

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, and so meets the economic arm of sustainable development.

#### *- Social*

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 paragraph 17 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.

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 dwellings would not be unduly dependant on their car. The number of trips by private car associated with 4 dwellings would be low and journeys by car would be short. Travel patterns generated by 4 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.

#### *- Environmental*

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

### Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. 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 application as originally submitted sought the erection of 5 detached bungalows of a similar design. Concerns were expressed to agent and applicant regarding the density of the development in comparison to the immediate character and also the lack of variation between the properties. Officers considered that the large replacement dwelling approved in 2015 was comparable to 2 more traditionally scaled properties and together with the 2 approved under 18/02015/OUT would amount to 4 units in total being acceptable on the site. The application has therefore been amended and the development reduced to 4 units. Amended plans have also been provided to show a variation between the design and finish of the dwellings incorporating weatherboarding to plot 1 which fronts the access road alongside plot 3 and both of which have integral garages. Plots 2 and 4 are served by detached garages helping to break up the built form and provide some variation to the overall appearance of the development.

The development of the site for 4 detached bungalows in the layout proposed would essentially appear as an infill between Chantry's, Nia-Roo, Braefoot and High View. The single storey scale of the dwellings helps to reduce the visual and landscape impact and ensure the development sits comfortably within its plot and relates to the scale of development in the locality.

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.

The density and layout of the development provide separation distances that would not significantly harm the amenities of nearby dwellings or the future occupiers of the proposed dwellings and would provide private amenity areas that either meet or are in excess of the standards set out within Saved Policy HG9 of the adopted Local Plan.

The single storey scale of the dwellings minimises the impact with their low eaves height and low ridge height ensuring that no material loss of outlook or light will result to the occupiers of neighbouring dwellings. The windows and patio doors within the properties will be almost fully

screened by boundary fencing secured by condition further softened by landscaping also secured by condition. The development will not result in any material loss of privacy.

#### 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.

Each dwelling will be served by a garage and parking space in accordance with the requirements of the Council's current adopted Parking Standards. The development results in a net gain of 3 dwellings and the associated traffic movements associated with the additional dwellings will be minimal and not cause undue harm to highway or pedestrian safety as the existing access and driveway provide sufficient spacing and visibility.

Essex County Council Highway Authority raise no objection to the development subject to conditions which will be imposed where necessary. For example, some conditions required by the Highway Authority are secured through the approved plans conditions.

#### Trees and Landscaping

The main body of the application site has been cleared of vegetation and is currently bare earth. In terms of the existing trees on the land there is a small group of trees in the south eastern corner of the application site, immediately adjacent to the Anglian Water Services Pumping Station. The trees in this location will not be affected by the development proposal and will provide a degree of screening and privacy for the proposed dwellings. New soft landscaping could be carried out in this area to strengthen the current level of screening. There are no trees or other significant vegetation in the main body of the application site.

On the southern boundary of the application site there is an established hedgerow containing hedgerow trees that appears to be on land that is not under the control of the applicant. This feature provides a reasonable level of screening. It would appear that the hedgerow is not affected by the development proposal and it would be desirable for the vegetation on this boundary to be retained for the softening effect it would have on the development.

The most significant tree, potentially affected by the development proposal, is an established Oak situated at a mid-point on the western boundary. Whilst the tree is a mature healthy specimen with reasonable amenity value it appears that the proposed site layout makes provision for its retention. It should be noted that the tree has only moderate amenity value as when it is viewed from the south 'east, the nearest accessible public place, it is seen against a back-drop of other established trees. As the tree is not threatened by the development proposal and taking into account its amenity value it is considered that it does not merit formal legal protection by means of a tree preservation order.

The amended plans show an improvement in the layout of the development that increases the space and opportunity for new soft landscaping.

Paragraph 5.2 of the accompanying planning statement, describes how 'Landscaping can be undertaken to the southern and western boundaries to assimilate the development with the open land beyond.' A hard and soft landscaping condition is considered necessary in order to show what existing features are to be retained and protected and how new planting will soften and enhance to impact of the development.

#### Financial Contribution - Open Space

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh. There are currently 3 areas of play/open space in Ardleigh. A recently renovated play area next to the primary school in Colchester Road approximately 1.1 miles from the development site. Ardleigh Recreation Ground & Millennium Green approximately 2.3 miles from the development site.

However, due to the location of the development site to the play and open space, it is unlikely that these facilities will see a significant impact. Therefore, no contribution is being requested on this occasion.

#### Financial Contributions - RAMS

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Representations

Ardleigh Parish Council object to the application on the following grounds;

- Sites falls outside the settlement development boundary.
- 5-year housing supply met and no need for further detached dwellings.
- Over development in this rural location.

6 individual letters of objection have been received (some from the same objector or in response to the amended plans). The material planning considerations raised can be summarised as follows;

- Out of character with rural, spacious properties.
- Trees and screening removed and must be replaced.
- Harm to neighbouring amenities and privacy.
- No amenities nearby and no plans for new infrastructure to support development.
- Increase road traffic.
- Loss of wildlife habitats.
- 5 dwellings would be overdevelopment of the site.
- Contrary to Local Plan.
- Out of keeping with the remainder of Fox Street.

The objections raised are addressed in the main report above.

4 letters of support have been received (from associates of the applicant/applicant's company) expressing their support of the development to deliver new eco homes in what they consider to be a sustainable location.

#### Conclusion

In conclusion, there would be no harm to the aims and objectives of Policy QL1 other than the basic conflict with it insofar as the location outside of a settlement boundary is concerned. The location of the proposal is supported by the NPPF and appeal decisions. The site constitutes previously developed land and the proposal would not be materially harmful to the landscape character, character of the area, residential amenity or highway safety. In combination with the economic and social benefits these material considerations outweigh the conflict.

The application is therefore recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing 159 PL01 Rev A, Drawing 159 PL04 Rev A, Drawing 159 PL02 Rev B and Drawing 159 PL03 Rev A.

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

- 3 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction."

Reason - In the interest of visual amenity and the character of the area.

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

- 5 No above ground works shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - In the interests of visual amenity as insufficient details have been provided with the application.

- 7 Prior to occupation of the dwellings hereby approved, the garages and parking spaces as shown on approved plans shall be constructed, surfaced and maintained free from obstruction at all times for that sole purpose.

Reason - In the interests of highway safety.

- 8 As indicated on Drawing 159 PL01 Rev A, no unbound materials shall be used in the surface treatment of the proposed private access within 6m of the highway boundary.

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

- 9 The removal of all vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities.

- 11 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 12 Prior to the first occupation of the development, the proposed Private Drive at its bell-mouth junction with Fox Street shall be provided with 6.0m radius kerbs returned to an access road carriageway width of 5.5m with a flanking footway 2m. in width returned around the south-west radius kerb only.

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.

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

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

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 14 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

- 15 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevations of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

## **8. Informatives**

### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant and Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

### Highways Informatives

#### Informative 1:

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

#### Informative 2:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### Landscaping Informatives

The most significant tree on the site is an established Oak situated at a mid-point on the western boundary for which the proposed site layout makes provision for its retention. This should be reflected in the required landscaping scheme taking into account the details of soft landscaping as indicated on the site layout plan and referred to in section 5.2 of the Design and Access Statement submitted in support of the application.