

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	15/11/2019
Planning Development Manager authorisation:	AN	18/11/19
Admin checks / despatch completed	CE	18/11/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EJ	18/11/19

Application: 18/01840/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr C Jervis

Address: Crown Business Centre and Golf Driving Range Old Ipswich Road Ardleigh

Development: Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter). (Renewal and variation to previously approved 15/00669/OUT).

1. Town / Parish Council

Ardleigh Parish Council No comments received.

2. Consultation Responses

Natural England No comments received.

Ardleigh Reservoir Committee No comments received.

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

1 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m. within the site 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary / throughout.

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 of the Highway Authority's Development Management Policies February 2011.

3 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, 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 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

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

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: Where car park spaces are constrained by structures (walls/fences/hedges etc. then these spaces should be shown enlarged to 3.4m in width to allow adequate pedestrian circulation around the parked vehicle.

Informative2: 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

3. Planning History

15/00669/OUT	Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter).	Approved	18.12.2015
16/00726/OUT	Removal of condition 4 of application 15/00669/OUT - Concerning implementation of adjoining commercial development.	Refused	02.02.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

ER3 Protection of Employment Land

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

LP4 Housing Layout

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

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 site measures approx. 0.19 hectares and comprises of Crown Business Centre (Colchester Driving Range) immediately to the east of Old Ipswich Road and the A12.

The site currently comprises single storey office buildings accessed via a shared access serving the car park to the golf course to the immediate north. To the south lies agricultural land behind an established hedgerow. To the west lies The Crown Inn public house. The site is in very close proximity to the A12/A120 interchange.

Description of Proposal

The application seeks outline permission with all matters reserved for the re-development of the site to create 4 detached dwellings with associated garaging and parking (following demolition of existing B1a offices and driving range shelter).

Access, scale, layout, landscaping and appearance are all reserved for subsequent approval.

This application essentially seeks to renew the previously approved application 15/00669/OUT and amend condition 4 of the decision to make reference to application 18/02118/FUL rather than the previously approved application 15/00985/OUT.

Assessment

The main considerations in this instance are;

- Planning History;
- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenity;
- Access, Parking and Highway Safety;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution – Open Space / Play Space; and,
- Representations.

Planning History and Description of Proposal

In November 2013, 13/01045/COUNOT granted change of use of the offices to residential under the relaxed permitted development allowances as set out in Schedule 2, Part 3, Class J of The Town and Country Planning General Permitted Development Order. The proposal met the restricted considerations set out under that order so it was confirmed that the Council's prior approval was not required. That decision was valid until 30th May 2016.

Planning permission was granted in November 2015 for the development of the golf driving range as a business park and a hotel (reference 15/00985/OUT). Subsequently planning permission was granted for the replacement of the existing business units with four detached houses (reference 15/00669/OUT). This permission was subject to the following condition No.4:-

'Prior to occupation of any of the four hereby approved dwellings, replacement employment floor space of minimum 510 square metres gross internal area shall have been completed and made fit of occupation within the development approved planning permission on 30/11/2015 to the north under Local Planning Authority reference 15/00985/OUT.'

Reason - To compensate for the loss of the B1a offices in accordance with Saved Policy ER3 of the Tendring District Local Plan (2007).'

Application 16/00726/OUT sought 'Removal of condition 4 of application 15/00669/OUT - Concerning implementation of adjoining commercial development'. The removal of this condition was sought on the basis that it inhibited the delivery of the development and therefore fails to meet the core principles of the National Planning Policy Framework and Guidance and it was therefore considered 'unreasonable'. However, no clear evidence was submitted to demonstrate that the site was no longer viable for employment use and its loss was considered unacceptable with no compensatory employment space secured by condition. The application was refused as it was considered contrary to Saved Policy ER3 and Paragraph 21 of the National Planning Policy Framework 2012 (now Paragraph 81 of the 2019 NPPF).

All 2015 applications for the redevelopment of the site and land to the north have expired.

Application 17/02204/FUL was approved on 14th August 2018 for 'The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping' on the land to the north of the site superseding application 15/00985/OUT. Subsequently, application

18/02118/FUL was approved superseding the previously approved 17/02204/FUL reducing the number of units to 90.

Principle of Development

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. In this instance, the planning history set out above constitutes a material planning consideration. However, due to the permissions being lapsed, this application must be considered afresh.

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.

In line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- Economic

The loss of employment land is compensated for by alternative provision approved under 18/02118/FUL and as controlled by condition.

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

- Social

In the immediately surrounding area there is a public house, hotel, various employment uses and a good bus service accessible by public footpath linking the site to the wide range of services and facilities in Colchester. The proposed development is therefore considered to be socially sustainable.

- Environment

The environmental role is about contributing to protecting and enhancing the natural and historic environment. This is addressed below under Scale, Layout and Appearance.

Scale, Layout and Appearance

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 existing buildings are of no architectural or historic merit. The site is set back around 65 metres from the highway and benefits from established hedgerows to the southern boundary and conifer hedging to the boundaries with The Crown Inn. The immediate north of the site also now has consent for redevelopment under 18/02118/FUL. The proposal is therefore considered to result in no material harm to the surrounding landscape, meeting the environmental dimension of sustainability.

Residential Amenity

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.

There are no dwellings in close proximity of the proposed development. The indicative layout plan shows each property could be provided with ample private amenity space in accordance with Saved Policy HG9.

The planning permission under 18/02118/FUL with no pedestrian or vehicular connection shown to this site. The approved uses are also neighbourly uses in terms of noise generation, and against the background noise level from the nearby A120 and A12 interchange, are unlikely to result in any loss of amenity to the future occupants of the proposed dwellings.

Officers consider that sufficient space is available on site to provide a development that could achieve an internal layout and separation distances that would achieve a satisfactory level of residential amenity.

Access, Parking and Highway Safety

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

The vehicle movements associated with four dwellings in comparison to the existing office use is not considered likely to result in any material harm to highway safety. Each dwelling can be provided with sufficient off street parking as shown on the indicative plans, in accordance with the parking standards.

Essex County Council Highway Authority raise no objection to the application subject to conditions. These will be added as necessary having regard to the outline form of this application.

Financial Contribution - Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 8700 metres from the Stour and Orwell Estuaries SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Financial Contribution – Open Space/Play Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

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 2.1 miles from the development site. Ardleigh Recreation Ground & Millennium Green approximately 2.4 miles from the development site.

Due to the remote 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.

Representations

No comments have been received from Ardleigh Parish Council.

No individual letters of representation have been received.

Conclusion

The site lies outside the Settlement Development Boundary for Ardleigh, however in the absence of a five year housing land supply, as detailed within the report above, the proposal is considered to meet the economic, social and environmental dimensions of sustainability and is therefore considered acceptable in principle. The loss of existing employment land is compensated by alternative provision approved on the site to the immediate north under 18/02118/FUL and as controlled by condition.

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 Prior to occupation of any of the four hereby approved dwellings, replacement employment floor space of minimum 510 square metres gross internal area shall have been completed and made fit for occupation within the development approved planning permission on the land to the north approved under Local Planning Authority reference 18/02118/FUL approved on 17th June 2019.

Reason - To compensate for loss of the B1a offices in accordance with Saved Policy ER3 of the adopted Tendring District Local Plan (2007).

- 5 Prior to occupation of any of the hereby approved dwellings, the vehicular access shall be reconstructed to a width of 5.5m for at least the first 6m within the site and shall be provided with a dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

- 6 Prior to occupation of any of the hereby approved dwellings, a communal recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and clear of all visibility splays at accesses in accordance with details to have been previously approved in writing by the Local Planning Authority.

Reason - To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel washing facilities

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

- 8 Prior to occupation of any of the hereby approved dwellings, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions of a design which shall have been previously approved in writing by the Local Planning Authority, 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.

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.

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

Informative1: Where car park spaces are constrained by structures (walls/fences/hedges etc. then these spaces should be shown enlarged to 3.4m in width to allow adequate pedestrian circulation around the parked vehicle.

Informative2: 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.

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