

forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety and in accordance with Policy DM1.

5. Any double garages should have a minimum internal measurement of 7m x 5.5m.

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 / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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: There shall be no discharge of surface water onto the Highway.

To prevent hazards caused by water flowing onto the carriageway and to avoid the formation of ice on the highway in the interest of highway safety.

Informative 2: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3: 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

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.

3. Planning History

92/00440/FUL	(Barn, Hollydene Nurseries, Spring Valley Lane, Ardleigh) Part use of redundant barn for workshop facilities	Approved	30.06.1992
95/00499/FUL	Part use of redundant barn for workshop facilities without complying with condition No. 1 imposed upon planning permission TEN/92/0440 to allow permanent permission	Approved	13.06.1995
03/01559/AGRIC	Erection of building	Prior Approval Not Required	28.08.2003
19/01231/AGRIC	Proposed agricultural building.	Prior Approval Not Required	11.09.2019

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
HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries
HG16 Garden Extensions into the Countryside
EN1 Landscape Character
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
SPL3 Sustainable Design
PPL3 The Rural Landscape
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 site refers to Hollydene, Spring Valley Lane, Ardleigh which is a single storey dwelling located outside the settlement development boundary of Ardleigh.

Proposal

The application seeks planning permission for a replacement dwelling (following the demolition of the existing) and an extension to the residential curtilage.

Assessment

Replacement dwelling

1. Principle of Development

The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:

(i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

The character of the surrounding area is rural with detached dwellings located to the north and south of Spring Valley Lane. The proposed replacement dwelling will substantially increase the footprint of the dwelling, the existing dwelling is considered to be small in relation to its plot size. The site could comfortably accommodate a replacement dwelling of this scale without it appearing cramped or having an adverse impact upon the rural character of the area. Further to this, the site is screened on its boundaries by hedgerow and established trees as well as being set back from Spring Valley Lane. The application proposes a two storey dwelling which is larger than the existing single storey dwelling, however there are a mix of dwellings situated along Spring Valley Lane. It is considered that the proposed development will not represent an unacceptable intrusion into the open countryside. The proposed attached garage is one and a half storey with a dual pitched roof and dormer windows to match the host dwelling. It is considered that the garage is of a size and scale which is in keeping with the proposed dwelling and surrounding area. The site is certainly large enough to accommodate a dwelling and garage in the size proposed without it being detrimental to the rural character of the locality.

In terms of design, the proposal will be of a traditional appearance which will use brick with a slate roof which is considered to be in keeping with the character of the area.

As such the development would be well-proportioned and would consist of materials that are suitably sympathetic to the rural character of the area. It is therefore considered that the redevelopment of this site would, on balance, not result in overriding harm to the rural character of the surrounding area.

- (ii) is well related and in proportion to the original dwelling;

Although the replacement dwelling is of a larger footprint, due to the plot size and the sympathetic design proposed, it is considered that the replacement dwelling and garage will be well related and is in proportion to the plot and the original dwelling.

- (ii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

The application site is set back from the street scene of Spring Valley Lane and although the height of the dwelling has increased, there are other examples of two storey dwellings within the street scene. Given the existing development to both the north and east, this ensures that the site cannot be characterised as open and therefore there is not considered to be any loss of views of the open countryside as a result.

- (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The dwelling would retain significant distance to its side boundaries ensuring it would be sympathetic to the character and appearance of the rural area.

- (v) would not represent over-development of the site

The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

- (vi) would not be detrimental to highway safety;

As a result of the proposal, access arrangements to the site will remain unchanged and the site retains adequate parking and turning. The Highway Authority do not raise any objection subject to conditions relating to; visibility splays, no unbound materials, vehicular turning facility, external lighting, garage measurements, cycle parking, boundary planting 1m back from the highway, storage of materials. The garage measurements will not be imposed as the garage complies with Essex requirements and the storage of materials will be an informative. The other conditions will be imposed.

Essex Parking Standards require that for dwellings with 2 or more bedrooms a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. Parking provision has not been demonstrated on the plans provided. This application proposes a double garage which measures 6 metres by 7 metres which complies with Essex Parking Standards requirements. There is also sufficient parking to the front of the application site to accommodate parking spaces in line with Essex Parking Standards.

- (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The only neighbouring building is to the east, which is located approximately 12 metres away from the boundary of the application site. Due to the distance, it is considered that the proposed replacement dwelling will not cause any significant impact upon neighbouring amenities.

- (viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The existing dwelling is of little to no architectural merit being an L shaped brick and render building. The existing building is not considered to make a positive contribution to the local character. The proposed design and materials are considered to be traditional and more in keeping with the neighbouring properties.

(ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is met.

(x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

Having regard to the criteria of HG12 set out above, the replacement of the existing dwelling with the proposal is acceptable.

Extension to garden curtilage

Impact upon the countryside

Policy HG16 of the Tendring District Local Plan 2007 states that proposals for the extension of a domestic garden into the countryside will be permitted if; there is no material visual harm to the surrounding countryside, there would be no material loss of best and most versatile agricultural land, or otherwise seriously interfere with a neighbouring agricultural enterprise; and it would have no material adverse effect on the amenities of neighbouring properties. The proposal is therefore considered acceptable subject to the considerations set out below.

Impact upon neighbouring amenities

The use of the piece of land is currently agricultural and due to it being located on the western side of the proposed dwelling, it is considered that the proposed curtilage extension will not have any impact upon neighbouring amenities. The extension will not impact upon the neighbouring building to the east as the extended curtilage will be to the western side of the dwelling. Therefore the change of use of the land is not considered to cause any significant impact upon neighbouring amenities.

Highway safety

Essex County Highways have been consulted on this application and do not raise any objections to the change of use and therefore the change of use from highway to residential land is acceptable in terms of highway safety.

Other Considerations

Ardleigh Parish Council notes that the application replaces a single dwelling with another single dwelling.

There have been no other letters of representation received.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 plans:
DWG No. P03,
DWG No. P05,
DWG No. P01,
DWG No. P02

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

- 3 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 access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety

- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary as indicated on proposed site plan P03.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 5 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

- 6 Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety

- 7 The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety

8. Informatives

Positive and Proactive Statement

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

Highways

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

There shall be no discharge of surface water onto the Highway. To prevent hazards caused by water flowing onto the carriageway and to avoid the formation of ice on the highway in the interest of highway safety.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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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