

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	14.05.2020
Planning Development Manager authorisation:	SCE	15.05.2020
Admin checks / despatch completed	CC	15.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	15.05.2020

**Application:** 19/01629/FUL

**Town / Parish:** Ardleigh Parish Council

**Applicant:** Stewart

**Address:** Hope Cottage Crown Lane South Ardleigh

**Development:** Demolition of existing dwelling and replacement with the construction of 3 no. 3 bedroom bungalows, associated accesses, parking and garden areas.

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

Ardleigh Parish Council  
12.12.2019

Ardleigh Parish Council wishes to object to this application, felt it was not appropriate in this location, proposed design not in keeping with village design statement. There was some confusion as to whether 5 x 3 bedroom or 4 x 2 bedroom were proposed-either way too many on this site. No public footpath, highways concerns. Unwelcome precedent. Outside settlement development boundary.

### **2. Consultation Responses**

ECC Highways Dept  
29.11.2019

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The site is located off a no through road; several properties are situated along Crown Lane South. The lane has an existing 1.5-metre-wide footway from the junction with the main road to the bend opposite where the proposed development starts. The carriageway width starts at 5.2 metres and reduces to approximately 3 metres. The proposals provide adequate off-road parking therefore:

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 dwellings, the proposed vehicular access for each dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 drop kerbs), for plots 1 and 2 the proposed vehicular access shall be a joint access not be more than 7.2 metres (8 drop kerbs) 4 drop kerbs each and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses 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.

3 There shall be no discharge of surface water onto the Highway.  
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

4 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

5 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.

6 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 DM1.

7 Prior to the occupation of the proposed development the applicant shall provide a scheme for the provision of full height kerbs along the carriageway edge from the existing vehicle access northwards, across the sites frontage incorporating the proposed vehicular accesses to the northern flank wall of Plot 1 excluding the amenity spaces to the specifications of the Highway Authority.

Reason: To confirm the delineation of off-road parking facilities and prevent and control surface water from the highway from flowing into the proposed development site, in the interests of highway safety and 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: 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  
14.05.2020

A site visit was previously undertaken and the amended information that has been submitted in association with the application has been fully considered by the Highway Authority. The site is located off a no through road; several properties are situated along Crown Lane South. The lane has an existing 1.5-metre-wide footway from the junction with the main road to the bend opposite where the proposed development starts. The carriageway width starts at 5.2 metres and reduces to approximately 3 metres. The proposals provide adequate off-road parking therefore:

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**Reason:** to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses 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.

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**Reason:** To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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- i. the parking of vehicles of site operatives and visitors
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- 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 DM1.

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**Reason:** To confirm the delineation of off-road parking facilities and prevent and control surface water from the highway from flowing into the proposed development site, in the interests of highway safety and 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:** 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.

**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.

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### **3. Planning History**

97/00622/FUL	(Hope Cottage, Crown Lane South, Ardleigh) Proposed extension of single storey section of house to two storeys to form two bedrooms and bathroom	Approved	20.06.1997
97/01085/FUL	(Hope Cottage, Crown Lane, Ardleigh) Proposed extension of single storey section of house to two storeys, to form two bedrooms and bathroom	Approved	17.10.1997
06/00631/FUL	Retention of boundary fence.	Approved	08.05.2007
17/02054/OUT	Demolition of Hope Cottage & the two existing garages - and proposal is to build two four bedroom dwellings.	Refused	24.01.2018
18/01589/FUL	Demolition of Hope Cottage and the two existing garages and proposed 2 new four bedroom dwellings and two double garages.	Withdrawn	26.03.2020

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1	Landscape Character
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SPL1	Managing Growth
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

#### 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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 is Hope Cottage, Crown Lane South, Ardleigh. The site falls outside of the Ardleigh Settlement Development Boundary as defined within both the adopted Tendring Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). To the east of the site are commercial and residential properties, however, the wider surrounding area can generally be characterised as rural, with large open fields beyond to the south, east and west, and the Ardleigh Reservoir to the north.

## Proposal

Following numerous negotiations and amendments to overcome concerns with the scale and layout of the proposal, the application now seeks full planning permission for a much reduced scheme for the erection of 3 no. 3 bedroom detached bungalows with associated accesses, parking and garden areas (following the demolition of the existing property, Hope Cottage).

## Assessment

The main considerations in this instance are;

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

## Planning and Appeal History

Under planning reference 17/02054/OUT, planning permission was refused for the erection of two dwellings following the demolition of the existing dwelling due to the site falling outside of a recognised settlement boundary. However, this decision was allowed at appeal (reference number APP/P1560/W/18/3196023), where the inspector noted the site fell outside of a settlement boundary but stated "However, I have found that the proposal is sustainable in its own right, which in this case outweighs the identified development plan conflict."

Application 18/01589/FUL followed the above. This sought permission for the 2 dwelling shown within the indicative plans of the outline application allowed on appeal being 2 large detached 4 bedroom houses each with double garages. This was later withdrawn in favour of this current proposal.

## Principle of Development

The site lies outside of the Ardleigh 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.

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. Material considerations include planning and appeal decisions.

Therefore of particular relevance in this instance is the planning appeal decision referred to above. The acceptability of the principle of residential development on this site has been established by the decision made under appeal reference APP/P1560/W/18/3196023.

The assessment of the proposal therefore falls to the detailed considerations of the development as set out below as the principle of residential development has been established.

#### 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. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. In addition, adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. Again these sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application proposes three detached bungalows in a linear arrangement being sufficiently set apart; separated by their driveways and gardens ensuring a spacious overall appearance. The single storey scale further minimises the visual impact and contributes to the spaciousness of the development. Each dwelling will be of the same design with a forward projecting gable element and entrance. Plots 1 and 3 are to be finished in buff brickwork with white mortar to all elevations apart from white render to front gable. Roof tiles are to be smooth slate effect grey tiles. Plot 2 will be finished in white render to all elevations with the front gable finished in buff brickwork. The variation to the finishes creates sufficient interest in street scene terms.

#### 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 and the design and layout of the

development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Furthermore, Essex County Council Parking Standards 2009 require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied upon for parking, should measure 7 metres by 3 metres internally.

In this instance each dwelling is to be served by tandem parking providing 2 spaces per dwelling (no garages) which accords with the parking standards. The proposed results in a net increase of 2 dwellings which cannot be considered excessive in terms of traffic movements. Each dwelling will be served by an access on an appropriate width including visibility in both directions. The scale and layout of the development is considered acceptable in highway terms.

Essex County Council as the Highway Authority raise no objection to the development in terms of highway safety and parking subject to conditions which will be imposed where necessary having regard to the minor scale of the development.

### Trees and Landscaping

The application site contains a few small trees including a self-own Ash growing between the existing garages and a Silver Birch between the garages and the existing dwelling. The boundary of the application site is demarcated by a low hedgerow comprising mixed species. However there are no trees on the land that merit retention or protection by means of a tree preservation order.

Appropriately worded conditions will be imposed to ensure details of hard and soft landscaping are provided and implemented. This will enhance the appearance of the development and also soften the appearance of the boundary fencing.

### Residential Amenities

Paragraph 127 of the National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants. 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives supports these objectives.

In terms of the impacts to neighbouring amenities, the adjacent neighbours to the north and north-west are located approximately 35m away. This significant separation distance and single storey scale of the dwellings ensures that the development will not appear imposing, result in any loss of light or directly overlook neighbouring private garden areas. The spacing and layout of the proposed development ensures a good standard of amenity for future occupants.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans demonstrate that these are adhered to for all 3 plots.

### Financial Contribution – Open Space and 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". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of 1.70 hectares of equipped play/open space in Ardleigh. Due to the significant lack of facilities in the area it is felt that a contribution is justified and relevant to this planning application which would be used for additional facilities at the play area in Colchester Road, Ardleigh.

A completed unilateral undertaking has been received to secure the financial contribution required.

#### 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 (Zoi) approximately 6800 metres from the Stour and Orwell Estuaries Ramsar and SPA. New housing development within the Zoi 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.

#### Representations

Ardleigh Parish Council has objected to the proposal on the following grounds;

- Inappropriate in this location - outside settlement development boundary.
- Proposed design not in keeping with village design statement.
- Too many dwellings for this site.
- No public footpath.
- Highways concerns.
- Unwelcome precedent.

2 letters of objection have been received. The objections raised can be summarised as follows;

- Harmful to highway safety.
- Dwellings should be traditional design to be in keeping.
- Cramped.
- Small plots out of character.

The acceptability of the proposal is addressed in the main report above. Having regard to the outline planning permission allowed on appeal that has the potential to allow 2 large detached houses on the site, the proposal for 3 single storey dwellings cannot be considered materially harmful to the character of the area or highway safety.

## Conclusion

For the reasons set out above, the proposed development is recommended for approval acceptable subject to conditions.

## **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 plans and materials details:

100 Amended Block Plan  
101 Proposed Floor Plans  
102A Proposed Elevations Plots 1 and 2  
103A Amended Street Scene received 14/05/2020  
104 Proposed Elevations Plot 3

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

- 3 Prior to the first occupation of the proposed dwellings, the proposed vehicular access for each dwelling shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 3.6 metres (4 drop kerbs), for plots 1 and 2 the proposed vehicular access shall be a joint access of not more than 7.2 metres (8 drop kerbs) 4 drop kerbs each and shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason -To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses throughout.

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

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

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

- 6 Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles; while each vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 11 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 7 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:
- safe access to/from the site;
  - the parking of vehicles of site operatives and visitors;
  - the loading and unloading of plant and materials;
  - the storage of plant and materials used in constructing the development;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during demolition and construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - details of hours of deliveries relating to the demolition and construction of the development;
  - details of hours of site clearance or construction;
  - a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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.

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

Reason - To ensure adequate parking and turning is provided and retained for the development, in the interests of highway safety.

- 9 Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To ensure that sufficient private amenity space for the dwelling is retained and in the interests of residential amenities.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no fences, walls or other means of enclosures erected forward of the front elevation of the dwellings or between the driveways of plots 1 and 2.

Reason - In the interests of visual amenity and highway safety.

- 11 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 all boundary treatments and any proposed 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 - To soften and enhance the development in the interests of visual amenity.

- 12 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.

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

Reason - In the interests of sustainable development in order to minimise the risk of surface water flooding and discharge onto the private road.

## **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 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 - Open Space/Play Space Contribution

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: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### 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

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.

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

3: 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.