

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	27/07/2020
Planning Development Manager authorisation:	AN	28/07/2020
Admin checks / despatch completed	CC	28/07/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	28/07/2020

Application: 19/01069/OUT **Town / Parish:** Alresford Parish Council

Applicant: Michelle Mauger

Address: Land North of Willow Lodge Cockaynes Lane Alresford

Development: Erection of 2no. dwellinghouses.

1. Town / Parish Council

Alresford Parish Council
20.08.2019

Object to the application for the following reasons.

1. The proposal is not compatible with the TDC Local Plan, its emerging Local Plan and also Alresford's emerging Neighbourhood Development Plan.
2. The ancient Cockaynes Lane has had its first section adjacent to the junction of Station Road remodelled to accommodate the sizable Taylor Wimpey development. The remainder of the lane is narrow with ancient hedgerows and should remain as such.
3. There has recently been large scale development within the settlement boundary, to continue development outside of the settlement boundary would cause significant harm to the rural nature of the area and should only be undertaken with provision for agricultural linked housing or sheltered housing for care of the elderly (page 16 emerging Neighbourhood Plan).
4. Adverse impacts would significantly outweigh the benefits. Impacts; increase traffic in narrow lanes, loss of hedgerow, setting a precedence for urban sprawl.

2. Consultation Responses

ECC Highways Dept
22.08.2019

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal is situated off a narrow country lane; the location of the site is situated halfway between a sharp bend at either end of Cockaynes Lane. Near the proposed site there are several existing properties. The proposal retains adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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

1. Prior to occupation of the development, the private access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 100 metres (to each bend) in both directions, as measured from and along the nearside edge of the carriageway. 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 vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

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

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

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

6. 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.

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:

The (rural/remote) location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for most journeys the only practical option would be the car. This should be taken in to consideration by the Planning Authority when assessing the overall sustainability and acceptability of the site.

Informative 2:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

Essex County Council
Ecology
08.06.2020

Thank you for consulting Place Services on the above application.

No objection subject to securing

- a) A proportionate financial contribution towards visitor management in line with Essex Coast RAMS; and
- b) ecological mitigation and biodiversity enhancement measures

Summary

We have reviewed the Preliminary Ecological Appraisal (Robson Ecology, October 2019) made available to us on 5th June and the Reptile Survey Report (Robson Ecology, May 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species.

We also support the proposed reasonable biodiversity enhancements included in the the Preliminary Ecological Appraisal (Robson Ecology, October 2019), which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

The reasonable biodiversity enhancement measures identified in the above ecology reports should be detailed within a Biodiversity Enhancement Layout and should be secured prior to slab level.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 1.4km from the Colne Estuary SPA and Ramsar site.

Therefore this site lies within the Zone of Influence for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also note that Tendring DC will secure the Essex Coast RAMS contribution of £125.58 per dwelling under a legal agreement.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will

not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. Planning History

19/01069/OUT Erection of 2no. dwellinghouses. Current

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

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

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)

SP1	Presumption in Favour of Sustainable Development
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

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the north west of Alresford village centre and on the western side of Cockaynes Lane. The site extends to approximately 0.18 hectares and comprises former agricultural land. To the immediate north of the site lie a pair of semi-detached dwellings known as Broadview Cottage. Beyond these cottages lie a collection of buildings in commercial use. To the south of the site lies a detached bungalow known as Willow Lodge. Beyond the site's western boundary lies agricultural land, as well as land opposite the site to the east of Cockaynes Lane.

Proposal

This application seeks outline planning permission for two dwellings.

This application is establishing the principle and the access. Layout, scale, landscaping and appearance is therefore reserved for subsequent approval as part of a detailed application.

An indicative block plan has been provided demonstrating the access.

Other relevant planning history

Two applications for large residential development in the immediate area have been approved and an application for two dwellings;

- APP/P1560/W/15/3124775 - Allowed - outline application for up to 145 dwellings, associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian / cycle link from Station Road; and demolition of the garage to No 56 Station Road".

- APP/P1560/W/16/31494 – Allowed - outline application for up to 60 dwellings on Land north of Cockaynes Lane, Alresford.

-16/01621/FUL – Approved - 1 dwelling

-17/00505/FUL Approved Erection of a detached dwelling house with associated parking facilities (revision to permission granted under 16/01621/FUL).

-18/00367/FUL - Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision

Due to the proximity of the site to these appeal decisions and the issues raised above by the inspector, these appeal decisions are a material planning consideration when assessing the merits of this application.

Assessment

The main considerations for this application are;

- Principle of Development
- Layout, Scale, Character and Impact
- Residential Amenities
- Highway Safety and Parking
- Trees and Landscaping
- Ecology and Biodiversity
- Financial Contributions - Open Space
- Habitat Regulations Assessment
- Other Considerations

1. Principle of development

The application site lies outside of a Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site lies outside of the Settlement Development Boundary for Ardleigh as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF

requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

- Assessment of Sustainable Development

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

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.

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. These are assessed below.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF. However, until such time as the emerging local plan has been adopted, and for the purposes of completeness in assessing sustainable development, the 3 dimensions as set out under Paragraph 8 of the NPPF can be addressed as follows;

Economic:

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

Social:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

In regards to the social impact it is necessary to consider the distance to important destinations such as healthcare, education, convenience shopping and jobs. The nearest established settlement is Alresford with the SDB in the saved local plan located to the East along Cockaynes Lane. Alresford is classed as a Rural Service Centre under draft policy SPL1 and identified as having a range of services and public transport links. The proposed dwelling is located within walking distance to the local amenities e.g. shops and takeaways and from the train station. Furthermore, the Planning Inspector within both appeal decisions had commented that the development is in proximity to the village of Alresford and its services and facilities. Consequently the proposal is considered to meet the social dimension of sustainable development.

Environmental:

The environmental role is about contributing to, protecting and enhancing the natural built and historic environment. This has been addressed under Trees and Landscaping.

2. Layout, Scale, Character and Impact

Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

The application is in outline form only, with only the access being considered within the application. The other matters are reserved for a future application. As such, no elevational plans have been provided. A site layout plan has been submitted demonstrating how the two dwellings will be positioned on the site with the necessary parking and private amenity space. The design of the dwellings should be in keeping with the current street scene.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling with two bedrooms there should be a minimum of 75 square metres, and for a dwelling of three bedrooms or more there should be a minimum of 100 square metres. The submitted plans provide no information as to the number of bedrooms, however each plot serves over 100 sq m of private amenity space.

3. Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Paragraph 108 of the NPPF 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.

Appearance and layout are reserved for later consideration. It is considered that both proposed dwellings could be accommodated on the site with no material loss of amenity in terms of loss of light, outlook or privacy. It is therefore considered that sufficient spacing between properties could be achieved to result in a development that would not harm the amenities of neighbours.

4. Highway Safety and Parking

Paragraph 108 of the NPPF 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.

Essex County Highways have been consulted on this application and have stated that the proposal is situated off a narrow country lane; the location of the site is situated halfway between a sharp bend at either end of Cockaynes Lane. Near the proposed site there are several existing properties. The proposal retains adequate room and provision for off street parking and turning. The Highway Authority therefore do not raise any objections subject to conditions relating to the visibility splays, pedestrian visibility splays, vehicular turning facility, no unbound materials, construction of private drive, no discharge of surface water.

Furthermore, the Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans do not indicate the number of bedrooms, but it is considered there is sufficient space within the site to provide the necessary parking for both dwellings.

5. Trees and Landscaping

Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

Landscaping will be secured at the reserved matters stage to secure details of soft landscaping to soften, screen and enhance the appearance of the development.

The eastern boundary abutting the highway is demarcated by an established hedgerow comprising of Hawthorn and Myrobalan Plum and which is overgrown with Brambles and Ivy. The existing access has virtually closed by way of spreading growth from the sections of hedgerow either side of the gap.

Within the curtilage Willow Lodge ' to the immediate south of the application site ' there are several large trees and a conifer hedge that are significant features in their setting. The conifer hedge acts as a good screen but otherwise does little to enhance the character or appearance of the countryside. The trees are White Willows that are large and impressive specimens. Taking into account the indicative site layout, submitted with the application, the proposed positions of the

dwelling appear to provide sufficient separation distance between the trees and the dwelling to avoid damage to the trees.

The information provided by the applicant is in accordance with BS5837; 2012 Trees in relation to design, demolition and construction - Recommendations and adequately demonstrates that the development proposal can be implemented without resulting in an incursion into the Root Protection Areas or causing any harm to any of the retained trees.

The soft landscaping proposals included in the tree report are sufficient to satisfactorily enhance and screen the development.

6. Ecology and Biodiversity

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity.

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

An Ecological Appraisal and Reptile Survey was requested and the applicant submitted the survey to support the application. ECC Ecology were consulted on the submitted documents and have stated that there are no objections subject to securing a financial contribution (RAMs) towards visitor management measures at Colne Estuary SPA and RAMSAR site and ecological mitigation and enhancement measures.

7. Financial Contributions - Open Space

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".

No contribution is required in this instance.

8. Habitat Regulations Assessment

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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 new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 1.4km metres away from Colne Estuary Ramsar Site, SAC and SPA.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary 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 received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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.

9. Other Considerations

Alresford Parish Council objects to this application for the following reasons;

- The proposal is not compatible with the TDC Local Plan, its emerging Local Plan and also Alresford's emerging Neighbourhood Development Plan.

The above concern has been addressed within the report.

- The ancient Cockaynes Lane has had its first section adjacent to the junction of Station Road remodelled to accommodate the sizable Taylor Wimpey development. The remainder of the lane is narrow with ancient hedgerows and should remain as such.

Every application is assessed on its own merits. In regards to the hedgerows, with this application the existing gap in the hedge is to be widened to create a new access to serve the two dwellings.

- There has recently been large scale development within the settlement boundary, to continue development outside of the settlement boundary would cause significant harm to the rural nature of the area and should only be undertaken with provision for agricultural linked housing or sheltered housing for care of the elderly (page 16 emerging Neighbourhood Plan).

The principle of development has been addressed within the report.

- Adverse impacts would significantly outweigh the benefits. Impacts; increase traffic in narrow lanes, loss of hedgerow, setting a precedence for urban sprawl.

Highways have been consulted on this application and have no objections to the proposed development. The principle of development was established through the previous appeal decision as addressed within the report.

Two letters of objection have been received raising the following concerns;

- Outside the Settlement Boundary

The principle of development has been addressed within the report.

- Concerns with the hole in the hedge to create the access will destroy the visual impact of the existing hedge and destroy a habitat wildlife.

Only a small section of the hedge is to be removed and the rest of the hedgerow will be retained. A condition has been imposed to ensure that the Biodiversity Enhancement Layout contained within the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020) is implemented within the development which is a wildlife benefit to compensate for the loss.

- Concerns with the habitats on site e.g. newts

This concern has been addressed within the report.

- Concerns that there is enough development for the village

Every application is assessed on its own merits and this is addressed within the report.

- Concerns that the proposed development will erode the lane.

Essex Highways Authority have been consulted on this application and have not objected to the proposed development.

6. Recommendation

Approval - Outline

7. Conditions

- 1 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.

- 2 No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the 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.

- 3 The development hereby permitted shall be begun before the expiration of 2 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.

- 4 Prior to occupation of the development, the private access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 100 metres (to each bend) in both directions, as measured from and along the nearside edge of the carriageway. 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 vehicles using the road junction / access and those in the existing public highway in the interest of highway safety

- 5 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

- 6 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.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Reason - To avoid displacement of loose material onto the highway in the interests of highway safety
- 8 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back edge of the of Highway Boundary.
- Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety
- 9 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
- 10 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020) This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- Reason - To conserve and enhance Protected and Priority species and in accordance with the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).
- 11 Prior to the commencement of any above ground works a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (Robson Ecology, October 2019) and the Reptile Survey Report (Robson Ecology, May 2020), shall have been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- Reason - To enhance protected and Priority species & habitats and in accordance with s40 of the NERC Act 2006 (Priority habitats & species).
- 12 Prior to the commencement of any above ground works a lighting design scheme for biodiversity shall have been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- Reason - In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006.

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

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

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.

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