

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CT/AN	20/08/2020
Planning Development Manager authorisation:	SCE	21.08.2020
Admin checks / despatch completed	CC	21.08.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	21.08.2020

Application: 19/01085/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Catesby Estates Ltd

Address: Plains Farm, Plains Farm Close, Ardleigh, Colchester

Development: Proposed development of up to 116 dwellings including affordable homes, areas of landscaping, public open space, points of access and associated infrastructure works

1. Town / Parish Council

Ardleigh Parish Council

Strongly objects to the application citing the following reasons:

Traffic – 300 extra vehicle movements a day on an already congested road network, with other developments under construction yet to be completed. Concern that queues could stretch back on to the A12 and A120. Vehicles exiting Plains Farm Close already have to wait considerable periods of time to exit the junction. Assessment of highways impact does not adequately assess impact of other developments under construction.

Air Pollution increasing from additional vehicles.

Education – school capacity is questioned and it is pointed out that the site is in the catchment of the school in Manningtree which is difficult to access.

Social Infrastructure – concern that doctors surgeries and other services do not have capacity to accommodate more residents.

Loss of agricultural land and harm to ecology.

Development proposed is at an inappropriate density for a rural site.

Sewer – this runs under the road and any works required on the sewer would force the closure of the road.

2. Consultation Responses

Anglian Water Services Ltd

No objection subject to planning conditions.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost.

- Wastewater Services

The foul drainage from this development is in the catchment of Colchester Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows.

Colchester Borough
Council

- Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable.

Object to the application.

Adopted Development Plan

The site is not allocated for development in the Tendring Local Plan and is contrary to adopted Colchester planning policies. It would be contrary to the spatial strategy in Policy SD1. The Core Strategy identified new urban extension sites in North Colchester and Stanway to provide for expansion of the urban area of Colchester, but no urban extension sites were identified on the eastern boundary.

Core Strategy Policy ENV1 states that unallocated greenfield sites outside of settlement boundaries will be protected and where possible enhanced. The policy not only limits residential development in the countryside; by restricting development to within settlement boundaries it aims to prevent development from encroaching onto land of high environmental and landscape value – an approach that is consistent with the NPPF.

Core Strategy Policy ENV2 states that development proposals outside of settlement boundaries will not be considered favourably unless they relate to rural business, leisure and tourism schemes which are of suitable scale, location and design. The policy does allow for development proposals where they contribute to locally arising affordable housing (exception sites) on sites contiguous to settlement boundaries, however, this is not considered an exception site.

Emerging Colchester Local Plan

Colchester & Tendring Councils are preparing new Local Plans which include new housing allocations to meet the predicted growth of the District and Borough over that period. The North Essex Authorities have preparation a joint Section 1 to guide strategic cross-boundary development. The agreed approach between Colchester & Tendring was to direct strategic long-term development to cross-boundary Garden Communities, including one to the south of the Plains Farm site straddling the Colchester/Tendring border north of the A133. The Garden Community approach is considered to provide the most sustainable approach to delivering required new development and would provide a quality of development and community that would not occur in the absence of a holistic approach to planning and delivery. The proposal for 150 units at Plains Farm is accordingly not considered to align with Colchester and Tendring's master planned approach for growth of the cross-border area.

Section 1 of the Local Plan is currently subject to examination. It is considered that the Emerging Plan can be given limited weight given that it is undergoing examination but is pending further examination of Garden Community issues at the end of 2019.

The Plains Farm proposal does not accord with either adopted or emerging Colchester Local Plan policies and accordingly is not supported. The proposal the subject of the application compromises the spatial strategy and does not constitute sustainable development if delivered in isolation.

ECC Highways Dept

No objection subject to suitable mitigation being secured.

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

- Implementation of an agreed Construction Management Plan;
- Financial contribution of £40,000 towards the feasibility, design and/or delivery of pedestrian/cycle improvements (or part thereof) between Plains Farm Close and the existing cycleway network in North Colchester/ Colchester Business Park or the proposed cycleway network for North Colchester, to be paid on commencement of development;
- Package of highway works consisting of: upgrade of the ghosted right turn lane and junction for Plains Farm Close; upgrade of the footway to 2 metres from the proposed junction into the site southwards to the spur road off Plains Farm Close to just before the existing refuge island on Ipswich Road and associated tactile paving on the south east side of Plains Farm Close; upgrade and improvement of existing pedestrian refuge on Ipswich Road; the provision of or upgrade of the two closest bus stops to the site;
- Residential Travel Pack for first occupants of the new development.

Essex County Council
Historic Environment
Adviser (Archaeology)

No objection subject to planning condition(s) requiring an appropriate programme of archaeological investigation to be undertaken if permission is granted, in order to identify and then define a mitigation strategy to protect or record surviving archaeological deposits before development commences.

Essex County Council
Ecology

No objection subject to conditions and planning obligations

The Ecological Appraisal (edp, July 2019) submitted with the application was assessed but contained insufficient information to allow the Council to adequately assess the potential ecological impact of the development. Specifically, additional checks were required on local ecological records; the results of a final bat survey that was undertaken in August; further information on species such as Skylark, who might be using the site for breeding; an assessment of likely impacts on Priority habitats e.g. hedgerows will also be required with appropriate mitigation and compensation, with a calculation using Defra metrics to demonstrate measurable net gain for biodiversity; mitigation and enhancement measures on-site for both Hedgehog and Polecat e.g. hedgehog friendly fencing throughout the development.

An Addendum Ecology Report (edp, October 2019) was submitted and this addressed most of the deficiencies in the initial assessment. Sufficient information has now been submitted to allow the Council to determine the application. There is no objection subject to the following mitigation measures being secured by condition / planning obligation:

- The mitigation measures set out in the HRA Appropriate Assessment, including both on-site measures and a proportionate financial contribution will also be secured in line with the Essex Coast RAMS, to ensure that the development will not have an adverse effect on the integrity of European sites from recreational disturbance, when considered 'in combination' with other development.
- Design and implementation of a wildlife-sensitive lighting scheme;
- All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (edp, July 2019) and Addendum Ecology Report (edp, October 2019) as already submitted with the planning application, including measures to prevent future residents of the development accessing the nearby Bullock Wood SSSI and adversely impacting the SSSI's ecological value;
- A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss of any Skylark territories. This shall include provision of the evidenced number of Skylark nest plots, to be secured by legal agreement or a condition of any consent, in nearby agricultural land, prior to commencement and be retained for a minimum period of 10 years;
- Submission of the following strategy documents -Construction Environmental Management Plan; Biodiversity Strategy for Protected and Priority species; and Landscape and Ecological Management Plan, shall be submitted to and approved in writing by the local planning authority and then implemented by the applicant.

Essex County Council
Heritage

Object to the development as it would result in less than substantial harm to the significance of a designated heritage asset – the Grade II listed Plains Farmhouse, which stands near the application site. The application site currently makes a positive contribution to the setting and significance of the designated heritage asset and reinforces the understanding of its origins. Specifically, the development of the site would completely sever the farmhouse from the undeveloped landscape with which it has a functional connection.

ECC Schools Service

No objection subject to a financial contribution for primary and secondary school transport.

No contributions are sought towards the provision of additional places as there is sufficient capacity within the ward for Early Years and Childcare provision and the scale of the development is below the threshold where ECC would seek contributions towards additional places at Primary and Secondary schools. However, if planning permission were to be granted then a financial contribution towards Primary and Secondary school transport is required and should be secured through a S106 agreement.

ECC SuDS Consultee

No objection, subject to conditions.

The SuDS team initially lodged a holding objection to the grant of planning permission as the measures for water treatment before discharge from the site was not adequate. The applicant subsequently submitted revised scheme details which overcome the concerns about water treatment.

The SuDS team have now recommend that permission could now be granted subject to conditions requiring: submission and approval of a detailed surface water drainage scheme; details of measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; a maintenance plan detailing the maintenance arrangements for the SuDS system; the keeping of annual logs detailing maintenance of the SuDS system.

Essex Wildlife Trust

No response received

Essex Police

Comment - Development, pursuant to the NPPF and the Tendring Local Plan policy PL4, should be designed to ensure development is a safe, secure place to live, minimising the opportunities for crime and anti-social behaviour by ensuring good surveillance, and clear definition between public and private spaces. The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision in relation to Crime Prevention. Recommend that the applicant incorporate apply for Secured By Design (SBD) accreditation and that the applicant should work with Essex Police to mitigate risks through good design.

Highways England

No objection. This proposal is unlikely to result in a severe impact upon the Strategy Road Network.

Natural England

No objection, subject to conditions / planning obligation.

Natural England (NE) note that the application is close to the following European protected sites - Essex Estuaries Special Area of Conservation (SAC); Colne Estuary (Mid Essex Coast Phase 2) Special Protection Area (SPA) & Ramsar site; Stour & Orwell Estuaries SPA & Ramsar site; and Dengie SPA & Ramsar site

However, NE consider that the proposed development will not have likely significant effects on the European sites included within the Essex Coast RAMS, subject to mitigation set out in the Habitat Regulations Assessment and appropriate assessment, which is consistent with the recreational disturbance mitigation package contained within the Essex Coast RAMS.

- Bullock Wood Site of Special Scientific Interest (SSSI).

This development site is within close proximity to Bullock Wood SSSI. The submitted plans indicate that there may be open access via a track between the site and the SSSI from the south of the development site. NE monitoring of this SSSI has indicated that one of the adverse condition reasons is from recreational use and they would not wish to see this exacerbated by this development. NE recommend closing the non-designated route between the development site and the SSSI.

Monitoring by NE suggests that local urban development has possibly compromised the hydrology of the site, as evidenced by the apparent reduced presence of alder flushes within the wood. NE supports SUDS as part of adjacent developments to support groundwater water levels within the site and environs.

In conclusion NE state that the proposed development will not have significant adverse impacts on designated sites and has no objection

North East Essex CCG	<p>No objection subject to securing an appropriate financial contribution</p> <p>North East Essex CCG (the primary healthcare commissioner for the area) assess that the proposed development is likely to have an impact on the services of the Highwoods GP Surgery practice. The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 255 residents and subsequently increase demand upon existing constrained services.</p> <p>North East Essex CCG recommend that a financial contribution of £65,427.64 is secured through a planning obligation linked to any planning permission to be used to help meet the additional primary healthcare services by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Highwoods Surgery or through other solutions that address capacity and increased demand.</p>
TDC Building Control and Access Officer	<p>Insufficient information to comment upon.</p>
TDC Environmental Protection	<p>No objection subject to conditions.</p> <p>Environmental Protection Officers reviewed the acoustic assessment report; air quality assessment and land contamination report submitted with the application.</p> <p>Conditions are recommended, to include approval of a full construction method statement, including piling if this is to be used; the use of barriers to mitigate the impact of noisy operations; restricted hours for construction traffic entering / leaving the site and for construction work; controls over the type and operation of machinery to be used on the site; controls regarding waste from ground clearance and construction processes, including no burning; and dust control. All proposed mitigation measures mentioned in the above reports should be adhered to and details sent the local planning authority for approval.</p> <p>In respect of noise the applicants acoustic report identifies the road traffic (A120) as the most significant noise source, before going on to recommend mitigation measures are required regarding noise. The required 'acoustic treatment' of some of the new dwellings would be to include specific window glazing, and acoustic ventilation etc.). The applicant subsequently submitted an amended noise report. The amended report states that the design and layout of the proposed development will need to be considered in relation to mitigating any potential nuisance from noise; providing mitigation techniques and sensitive design in respect to the relevant British Standards, are adhered to, to enable the minimisation of noise, then we have no reasons to raise any objections raised on the amended noise report.</p>
TDC Housing Services	<p>No objection, subject to Affordable Housing being secured, as set out in the applicant's Affordable Housing Strategy.</p> <p>Housing register data shows there is a high demand for Affordable Housing in Ardleigh at present.</p>

The applicant has proposed 30% of the homes will be delivered as affordable housing. Based on 116 dwellings this would equate to 35 homes in total. The applicant proposes 23 homes for affordable rent and 12 for intermediate tenure and Housing Services are happy with this tenure mix.

TDC Tree and Landscape Officer No objection subject to planning conditions requiring an Arboricultural Method Statement and soft landscaping scheme

The applicant has provided a tree report and survey that accurately describes of the condition of the trees on the land and the extent of their Root Protection Areas (RPA's) and a shading analysis. The applicant has also provided an Illustrative Masterplan that makes provision for the retention of the most important trees on the land. If planning permission were likely to be granted then an Arboricultural Method Statement should be secured by a planning condition in order that that retained trees can be physically protected for the duration of the construction phase of the development. The applicant has also provided a Landscape and Visual Impact Assessment (LVIA) which accurately assesses the impact of the completed development on the character and appearance of the area, with harm caused being minimal or neutral. Proposals to mitigate the identified harm are identified, primarily by way of soft landscaping which should be secured by a planning condition.

TDC UU Open Spaces Officers advise that the provision of existing equipped play and open space in Ardleigh is deficient against current standards by 1.70 hectares. Development would increase demand but as the developer proposes open space and a new on-site play area within the development no contribution is being requested to improve off-site facilities.

21 written representations from local residents objecting to the application has been received (some of the representations are multiple representations from the same household). In summary the main reasons for objecting to the application were given as:

- Scheme offers no benefits for local residents and issues such as noise from future residents will adversely affect residents of Plains Farm Close;
- Plains Farm Close is already busy with vehicles from large multi-franchise car showrooms and a landscaping business;
- More traffic will mean more accidents;
- The development would increase traffic movements on Plains Farm Close. The Close is an unsuitable road to accommodate the volume of traffic that the new development will generate. Access would be better provided through the adjoining new residential development;
- Ipswich Road is already heavily congested and already consented development nearby (housing on the old Betts Factory site and a hot food takeaway near the roundabout) will exacerbate those problems;
- It can already take more than 4 minutes to safely exit Plains Farm Close;
- If this development is allowed it will set precedent for further applications / development;
- Development of countryside will have an immense impact on the environment and permanently destroy an area of natural beauty and real green belt;
- Additional air pollution and noise disturbance will adversely affect existing residents' amenity
- Local services are already oversubscribed and the doctors, hospital, dentist, nursery schools and schools cannot accommodate more residents;
- When assessing the impacts of the development insufficient consideration has been given to the adjoining Bellway developments which are yet to be fully occupied;
- The need for more housing given the amount of recently constructed and approved development is questioned;

- There are no shops nearby; the school catchment area means children have a daily 22-mile round trip to school; and bus services are infrequent and not easy to access, so future residents are likely to rely on the private car and this will exacerbate traffic problems;
- The areas of Open Space and landscaping proposed could encourage illegal camping, dumping and anti-social behaviour;
- Utility services – concern about the adequacy of sewer connections; the risk of the sewer collapsing under the access road; and the accuracy of information within the Utility Statement supplied with the application. The levels of the 1370mm storm pipe are incorrect on page 136. It is circa 5m deep not 24m above ground;
- The ecological survey data is flawed in respect of survey data and does not include the birds of prey that can regularly be seen hunting in this location;
- Bat activity in the area has already significantly diminished following completion of other nearby developments.

One further representation, objecting to the application was received from Councillor Stock. He objected citing highway problems; impact on residents in Plains Farm Close; and that the development would not conform with emerging Tendring or Colchester Local Plan policies; and that the development is contrary to the master planned approach for growth of the cross-border area in the East of Tendring and to the West of Colchester. Although the Councillor requested that the application was determined by the Planning Committee, this was not possible as the request was made after the call-in period.

Two representations were received supporting the application stating that this is an excellent proposal to provide new homes and green spaces for residents of Tendring/Colchester; there is a need for more Affordable Housing; and the development is well situated for the A120.

3. Planning History

01/00830/FUL	Retention of two portacabins used for office accommodation and mess room facilities permitted under TEN/97/1072 for a further five years additional to condition 01.	Approved	01.08.2001
01/00831/FUL	Stationing of additional portacabin for office purposes adjacent to existing office buildings	Approved	01.08.2001
02/00437/FUL	Change of use of former timber storage barn to workshop, garage and dispatching, partial external recladding and timber entrance doors	Approved	20.06.2002
02/00438/FUL	Extension/conversion of existing workshop to office for Cox Landscapes Limited	Approved	19.06.2002
96/01109/FUL	(Plains Farm, Ipswich Road, Ardleigh) Change of use from farming to premises and land for horticultural/landscaping contractor including production of fencing.	Approved	12.11.1996
97/01072/FUL	Retention of two portakabins used for office accommodation and mess room facilities	Approved	17.10.1997
99/00143/FUL	Change of use agricultural to landscape contractors use	Refused	05.11.1999
99/01692/FUL	Change of use agricultural to landscape contractors use	Refused	27.01.2000
08/00668/LBC	Demolition of outbuilding within curtilage of listed building.	Approved	23.06.2008

08/01620/FUL	Change of use of former timber storage barn to workshop, garage and dispatching, partial external recladding and timber entrance doors. Removal of Condition 02 attached to planning permission 02/00437/FUL.	Approved	28.01.2009
08/01621/FUL	Extension / conversion of existing workshop to office. Removal of Condition 02 attached to planning permission 02/00438/FUL.	Approved	28.01.2009
08/01622/FUL	Removal of Condition 03 attached to planning permission TEN/96/1109 for change of use from farming to premises and land for horticultural / landscaping contractor including production of fencing.	Approved	28.01.2009
12/00977/FUL	Replacement outbuilding, following demolition of outbuilding within the curtilage of a listed building.	Withdrawn	14.08.2015
12/01096/LBC	Replacement outbuilding, following demolition of outbuilding within the curtilage of a listed building.	Withdrawn	14.08.2015
18/00403/FUL	Erection of residential annexe on partial footprint of previously demolished stable block.	Approved	27.06.2018
18/00404/LBC	Erection of residential annexe on partial footprint of previously demolished stable block.	Approved	27.06.2018
18/01128/FUL	Erection of residential annexe on partial footprint of previously demolished stable block. (Proposed additional window to office to existing approved application 18/00403/FUL).	Approved	15.10.2018
18/01129/LBC	Erection of residential annexe on partial footprint of previously demolished stable block. (Proposed additional window to office to existing approved application 18/00404/LBC).	Approved	30.08.2018

4. Relevant Policies / Government Guidance

Relevant planning history

- 19/30001/PREAPP sought a pre-application view on up to 150 dwellings on the site. Response dated 11/7/2019 concluded due to the location outside of a settlement boundary an application for the proposal was likely to receive a recommendation for refusal. Other detailed concerns referred to above in relation to ecology, heritage, landscape impact and amenity may be able to be overcome through submission of more detailed information.

- 19/00944/EIASC dated 16/7/2019 confirmed the proposal for up to 116 dwellings is not considered to be EIA development.

Government Guidance

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance (NPPG)

Local Planning Policies

Tendring District Local Plan (2007) – as ‘saved’ through a Direction from the Secretary of State.

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that has long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM1: Access for All: Requires publicly accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM9 – Allotments: Protects existing designated allotment sites and prevents the development of the allotments resulting in the loss of an area important to visual amenity

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Planning permission will not be granted for noise sensitive developments such as housing in locations where there are existing sources of noise unless mitigation measures are proposed which will adequately mitigate the adverse effects of noise at all times and in all circumstances.

COM23: General Pollution: Planning permission will not be granted for development which would have a significant adverse effect on health, the natural, built or historic environment or amenity through the release of air borne pollutants, including smell and odours, fumes, smoke, or dust.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species, including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN11a - Protection of International Sites: European Sites and Ramsar Sites: Ensures careful assessment of the impacts of development (individually or in combination with other plans or projects) on designated sites

EN11b – Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review sites, Geological Conservation Review sites: Where development is permitted the Council will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation interest.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development in the Proximity of a Listed Building: Proposals for development that would adversely affect the setting of a Listed Building, including group value and long-distance views will not be permitted.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

ER3: Protection of Employment Land: The Council will seek the retention of employment land and premises unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use. Where the loss of employment land is permitted the applicant will normally be expected to provide a suitable alternative site elsewhere in the district, or a financial contribution towards the Council's employment, training or regeneration programmes and initiatives.

TR1: Transport Assessment: A Transport Assessment will be required for all major developments and where this indicates that a development will have materially adverse impacts then planning permission will only be granted where the adverse impacts can be mitigated to an acceptable level.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR2: Travel Plans: Travel Plans will be required for developments that are likely to have significant transport implications.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Where development affects an existing public right of way, the development must accommodate the path, or a suitable formal diversion be provided. New and improved connections to the public right of way network and cycle tracks will also be sought.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Where a Transport Assessment identifies transport implications arising from a development then appropriate provision for bus and rail use should be made through new, expanded and upgraded public transport facilities where this is justified in terms of making the proposed development more sustainable.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SPL1: Managing Growth: The site falls within Ardleigh Parish. Ardleigh is classified as a Smaller Rural Settlement in the Settlement Hierarchy – being a settlement with limited job opportunities, local services, facilities and other infrastructure.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

SP4: Providing for Employment & Retail: The Council will promote a strong, sustainable and diverse economy, achieving a sustainable balance between jobs and a growing population by identifying additional land to be developed as B Use employment land.

SP6: Place Shaping Principles: All new development must meet the highest standards of urban and architectural design.

HP1: Improving Health and Wellbeing: The Council will work with others, including developers, to improve the health and wellbeing of residents by providing access to high quality health care services and Green Infrastructure; promoting healthier lifestyles; and requiring a Health Impact Assessment (HIA) on all development sites delivering 50 or more dwellings.

HP3: Green Infrastructure: All new development must be designed to include and protect and enhance existing Green Infrastructure in the local area, including Green Infrastructure identified on the Policy Map, where development will not be permitted where it compromises the integrity of the overall Green Infrastructure networks.

HP4: Safeguarded Local Greenspace: Development will not usually be permitted that would result in the loss of all or part of a Safeguarded Local Greenspaces.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the 'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: Development affecting a listed building or its setting will only be granted planning permission where it is demonstrated that it will protect the special architectural or historic interest, its character, appearance, fabric of the structure.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Supplementary Planning Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

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 Context

The Application Site is advised to cover 5.89ha of land at Plains Farm, Ardleigh. The site is located wholly within the Tendring District and the Parish of Ardleigh but is situated close to the boundary with the borough of Colchester and on the northern edge of Colchester town. The majority of the site is previously undeveloped, with several fields that have been in agricultural production (arable fields) or are kept as mown grass. Part of the site has had a landscape contracting business operating from it, where there are storage buildings and areas of hardstanding. The site gently slopes in a north-easterly direction, from a high point in the south corner of the site (approximately 43.5m AOD) down to a low point north of Plains Farm (approximately 38.5m AOD).

Immediately to the north of the site is dual carriageway that forms part of the A120; the rear gardens of properties on Plains Farm Close are situated along most of the western boundary; whilst to the south-west of the site a development of 120 dwellings is under construction by Bellway, following the grant of Outline planning permission in March 2016 (Application Ref. 15/00932/OUT). Arable land lies beyond the south-eastern boundary.

The application site largely wraps around a Grade II listed building (Plains Farmhouse), and its associated outbuildings and large pond. The Grade II listed Thatched Cottage is also located off the western boundary fronting Plains Farm Close.

The site is currently accessed via a farm track off Plains Farm Close, which in turn is accessed from the southern side of the Ipswich Road (A1232) as the road runs from the junction with the A120 in to the town of Colchester. The Ipswich Road contains a mix of residential properties as well as a wide range of commercial uses, including car dealerships; hotels; offices and self-storage centres.

The site is located within Flood Zone 1. The application site itself does not contain any public rights of way or have any statutory environmental designations. A SSSI - Bullock Wood - is situated nearby, approximately 100m to the south of the site

Proposal

The application seeks Outline planning application, with all matters except access reserved, for up to 116 dwellings, including affordable housing, along with the associated access and infrastructure, and the provision of landscaping and public open space.

The application seeks approval for a single vehicular access to serve the development, formed with a priority junction on the site's western boundary onto Plains Farm Close with a 5.5m wide carriageway and 2m wide footways on either side leading in to the site. The proposed access arrangements are contained at Appendix 2 of the Transport Assessment.

Whilst all matters are reserved, except access, the applicant has submitted a number of plans to illustrate how the site could be developed in the event that planning permission were granted. The information provided includes an Illustrative Masterplan; Development Framework; and Parameter Plan; as well as information contained within a Design & Access Statement (DAS).

The DAS states that the 'Design' information is for illustrative purposes, however it goes on to state that the Parameters Plan sets out development parameters against which should be secured. The site area totals approximately 5.89 ha, of which 3.51ha is shown as the developable area for housing (to contain up to 116 dwellings); 0.35ha for SuDS attenuation; and Public Open Space covers 2.02ha.

Assessment

The main considerations in this instance are:

- Principle of Development (including Loss of Employment Land and Impact of Heritage Assets)
- Trees and Landscaping
- Access and Highway Safety
- Biodiversity and Protected Species
- Design (Layout, Scale and Appearance)
- Residential Amenities
- Planning Obligations
- Other Matters

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site lies outside any settlement boundary in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. Therefore, there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being located outside the settlement development boundary.

As stated above in the context of the 5-year housing land supply paragraph 11d) of the NPPF requires that applications for housing development are assessed on their merits, whether sites are allocated for development or not. The fact that there is conflict with the Development Plan is one factor that should be considered when weighing any identified harms would outweigh the benefits of the scheme.

- **Assessment of Sustainable Development**

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict with the Development Plan. Development should be plan-led unless material considerations indicate otherwise. In line with Paragraph 8 of the NPPF, achieving sustainable development means meeting an economic objective; a social objective; and an environmental objective. These are assessed below:

Economic Objective

It could be argued that the proposed development would make a positive contribution economically. During the construction period it will create employment both directly on-site, as well as through suppliers of building materials and services to employees. When the development is occupied the future residents will increase demand for goods and services, including local businesses increasing economic activity.

When assessing the economic dimension of the proposal those benefits should be weighed against the fact that the site currently provides land which a well-established Landscape Contracting business operates from. This firm is understood to be a significant local employer. Policy ER3 of the Adopted Local Plan states that the Council will seek the retention of employment land and premises unless it can be clearly demonstrated that the land and premises are no longer suited, in land use terms, to continued employment use. The employment land is not vacant and a business continues to trade from the site so it is not accepted that the site is no longer suited for business.

Where the loss of an employment site is permitted, the Adopted Local Plan says that the applicant will normally be expected to provide a suitable alternative site elsewhere in the district, or a financial contribution towards the Council's employment, training or regeneration programmes and initiatives. Little information concerning the future of the Landscape Contractors has been provided with this application, although it is understood that the owner wishes to relocate to new premises which will allow them to expand. The applicants Planning Statement indicates that a financial contribution could be made towards the Council's employment, training or regeneration programmes and initiatives. At this time there are no identified projects on which to spend a contribution so the Council would not require this to be included within any S106 agreement. In light of the applicant's offer to make a contribution, and the modest economic benefits associated with the residential redevelopment of the site, it would not be considered reasonable at this time to object on the grounds of economic sustainability.

Social Objective

Saved Tendring Local Plan Policy QL1 sets out that development should be focussed towards the larger urban areas and to within settlement development boundaries as defined in the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft Local Plan.

The site is located outside settlement development boundaries but it is located on the edge of Colchester with good links to the services and facilities available within the town, including schools, shops and employment within a relatively short distance. It is also noted that the Council has previously approved residential development on the adjoining Betts Factory site. Whilst that was a brownfield site the grant of planning permission for that site remains a good indicator that the Council considers the location to be reasonably, socially sustainable.

The Council accept the provision of up to 116 additional dwellings in a relatively sustainable location will deliver social benefits by increasing the supply of housing. The applicant has also stated that a planning policy compliant 30% of the dwellings (potentially up to 35 units) would be provided as Affordable Housing. This would deliver additional social benefits given the acknowledged need for additional Affordable Housing in the area.

The applicant has proposed the provision of Public Open Space on the site, including the provision of an equipped play area. The Parameter Plan states that 2.02ha of the 5.89ha site is proposed as Public Open Space. This level of provision (34%) exceeds the Council's minimum standards, although it must be remembered that some of this includes space immediately adjacent to the busy A120. Whilst there is a deficit of Public Open Space within the Parish of Ardleigh, when existing provision is assessed against the Council's current Open Space standards, the provision of Open Space on this site is unlikely to address that shortfall as provision here would primarily be of benefit to residents of this development. It is considered unlikely that Ardleigh parishioners would widely or regularly use the Open Space.

Financial contributions that could be secured to mitigate the developments impact on education and health services are required to mitigate the impacts of the new households. Only the provision of the open space, which goes beyond the standard required, could be considered an additional social benefit which can be given some limited weight.

Environmental

The environmental role is amongst other things about protecting and enhancing our natural, built and historic environment.

Whilst part of the site contains previously developed land the majority of the site area is undeveloped. Development would result in the loss of countryside and the NPPF requires that planning decisions recognise the intrinsic character and beauty of the countryside.

Policy EN1 which seeks to protect, and where possible enhance, the quality of Tendring's landscape and distinctive local character. The site may have modest attributes in terms of landscape quality and might be screened to some degree by retained trees and hedges but the fact remains it will result in the loss of countryside.

There are a number of designated heritage assets in the area around the site but the most relevant to this application is Grade II listed Plains Farmhouse. Whilst the building is not located in the application site it should be noted that the application wraps around the property on three sides.

The applicant's heritage assessment acknowledges that the significance of the listed farmhouse will be adversely affected, in their judgement only by a small degree as a result of the loss of land historically associated with the farmhouse. The applicant argues that any harm will be relatively low level as the physical fabric of the building will be unaffected; as will its associations with its curtilage listed buildings and the farmhouse garden and adjoining paddock and pond that form its immediate setting. The removal of some of the more modern agricultural buildings is also highlighted as being beneficial by the applicant.

The Council's Historic Buildings Adviser however highlights the fact that currently the proposed development site makes a positive contribution to the setting and significance of the designated heritage asset. Whilst it can be argued that elements of the buildings setting have been comprised by later commercial uses, the areas of undeveloped land at the east and south of the building are considered to make a positive contribution to the building's setting and reinforce the understanding of its origins.

Although built development and the urban edge of Colchester is present to the north and west of Plains Farmhouse, the building still retains links to the countryside to the south. The application site is the only remaining agricultural field which could reasonably be associated with the farmstead and it is considered the proposed development would completely divorce this listed farmhouse from the surrounding undeveloped landscape. The proposed development will adversely impact upon the manner in which the setting of heritage asset is experienced, appreciated and understood.

The Council's Historic Buildings Adviser concludes that the proposed development will cause less than substantial harm to the significance of the heritage asset and as such paragraph 196 of the NPPF is relevant to this application and a Heritage Balancing exercise must be undertaken, weighing identified public benefits of the proposal against the harm identified to heritage assets.

Whilst the harm identified is 'less than substantial' Plains Farmhouse is a Grade II listed building of national importance and great weight should be afforded to the asset's conservation, which includes preserving the setting of the listed buildings.

Heritage balance

It is acknowledged that the development would deliver public benefits, most notably the increase of housing supply in a relatively sustainable location and the provision of Affordable Housing. However the Council considers that clear harm to the significance of Plains Farmhouse would arise from the almost complete erosion of the agricultural setting of the building and that this would be of considerable importance and that great weight that should be attached to this fact as it would outweigh the public benefits of the scheme and for this reason the application should be refused.

Notwithstanding the need to undertake a Heritage Balance exercise pursuant to Paragraph 196 of the NPPF it is considered that the adverse impacts of the development on the setting of the listed building would be such that the development also fails to meet environmental strand of sustainability.

Trees and Landscaping

The applicant states that it will be necessary to remove 4 trees to allow the new / improved access road to be constructed – two of the trees are categorised as Category B trees (moderate quality) and the other two are low quality Category C trees. The Council's Tree and Landscape Officer has commented that the Illustrative Masterplan shows the retention of the most important trees on the site.

With regard to the local landscape character it should be noted that the application site is in The Bromley Heaths Landscape Character Area (LCA) as described in the Tendring District Landscape Character Assessment. The applicant has provided a Landscape and Visual Impact Assessment (LVIA) and the Council's Tree and Landscape Officer is satisfied that this accurately quantifies the impact of the completed development on the character and appearance of the area and the harm that would be caused by the development would be minimal or neutral. It is suggested that a soft landscaping scheme will help mitigate the harm identified. Landscaping is one of the Reserved Matters so a scheme of soft landscaping would need to be submitted at that stage, in the event that Outline planning permission were granted.

Access and Highway Safety

Where concerning the promotion of sustainable transport, the NPPF in paragraph 103 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport.

Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

Access is the one detailed matter for which approval is sought as part of this application. The Transport Assessment shows the proposed arrangement which would consist of a single vehicular access off Plains Farm Close, with the construction of a new priority junction and the access road into the site being formed from a 5.5m wide carriageway with 2m wide footways to either side.

The application includes a Transport Assessment prepared by the applicant's transport consultant. This assesses, amongst other things, current and future highway capacity and safety. It is noted that a number of the objection letters that the Council has received refer to concerns about highway capacity, including the adequacy of Plains Farm Close to handle the increased number of vehicular movements; congestion on the Ipswich Road; and the length of time it can take to safely enter Ipswich Road from Plains Farm Close.

The Highway Authority have been consulted on this application and their Officers have assessed the applicants Transport Assessment. Following their initial assessment further information was requested in respect of how the occupants of the proposed development would access the towns facilities by foot or by cycle. The applicant produced a technical paper which considered a number of localised improvements to pedestrian footways and opportunities to create new shared pedestrian / cycle paths.

Having now completed their assessment the Highway Authority have stated they do not object to application, subject to a number of conditions and planning obligations. In reaching that decision the Highway Authority will have regard to the NPPF which states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*' (Paragraph 109). Whilst extra traffic from the development could increase congestion on the local road network, particularly around peak times, the additional traffic would not have a severe impact on the current sometimes congested conditions.

A number of objectors have stated that they consider that if the site is to be developed then the vehicular access should be through the new housing development being constructed by Bellway to the south-west of the site. Such a proposal is not without merits; however, the applicant has demonstrated that they can provide a safe vehicular access off Plains Farm Close and the Council cannot force the applicant to secure access over third party land.

One objector also referred to concerns that the increase in traffic could result in queues back onto the A120. Highways England, who manage the Strategic Road network, were consulted on the application and following their own assessment they have raised no concerns that the development would adversely affect the strategic highway network.

The Transport Assessment (TA) analyses public transport services and pedestrian and cycle links from the development site. Both Plains Farm Close and Ipswich Road have footways to either side of the roads, and there is a bus stop within 400 m of the site. The TA acknowledges that these more sustainable modes of transport could be improved in order that future residents make greater use of more sustainable modes of transport, however there was no commitment to carry out any improvements in these areas within the original TA. The Highway Authority raised this as an issue and the applicant subsequently submitted a supplementary note which set out possible improvements to the northern section of Ipswich Road. Having reviewed the additional note, and following protected discussions, ECC Highways state they do not object to the application subject to appropriate mitigation being secured.

This mitigation includes improvements to the public highway near the site- at the ghosted right turn lane and junction for Plains Farm Close; footway improvements; improvements to existing pedestrian crossing points on Ipswich Road; and bus stop improvements. Being located on the edge of Colchester the Highway Authority also recommend that a financial contribution of £40,000 is secured to contribute towards the design and implementation of links from Plains Farm Close to either the proposed extension to, or existing Colchester cycle network. These measures are considered reasonable in improving both highway safety as well as pedestrian and cycle links connecting the site to Colchester, which are necessary to promote sustainable modes of transport and reduce reliance on the private car.

Biodiversity and Protected Species

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.

The site currently comprises of arable land, although there are some areas of hardstanding and buildings. The most valuable ecological features identified are the trees and established hedgerow around the site boundaries.

The applicant has submitted an Ecological Report which has identified a small breeding population of slow worm on-site and that parts of the site are used by foraging and commuting bat species, dominated by common and widespread species such as common pipistrelle, soprano pipistrelle and noctule. The foraging and commuting which was observed was mostly along hedgerows along field boundaries. No evidence was found of roosting bats on the site. With the hedgerows largely retained, new hedgerows planted, habitat management to improve foraging, the provision of bat boxes and use of bat sensitive lighting the Ecology Report considers that the development would be detrimental to these protected species.

The application site is close to Bullock Wood which provides an important habitat of ancient broadleaved woodland and is designated a SSSI. Its ecological value is an important conservation consideration. It is recommended that the potential unpermitted access from the application site to this statutory designated woodland is prevented through the use of strategic thorny planting and signage. In addition, the development has been designed to discourage access into the woodland by providing alternative public spaces for recreation and dog walking. The parameters of the development and proposed mitigation has been reviewed by both the Councils Ecological Adviser and Natural England. Neither objects to the application, subject to planning condition / obligations to secure mitigation.

Subject to implementation of the recommendations, the Council's Ecologist is satisfied that no reduction in the ecological interest of the site is likely to arise. With the inclusion of some of the recommended features provided within the Appraisal, the development could enhance the site for a range of species. With the inclusion of protection measures for the neighbouring Bullock Wood, there are no overriding nature constraints that preclude development and the proposal is ecologically sustainable.

Under the Habitat Regulations, a development which is likely to have 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 within the Zone of Influence of designated sites must provide mitigation.

This residential development lies within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that without mitigation, this new residential development would likely have a significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is considered that the proposal falls within the scope of RAMS as 'relevant development'.

The Council has completed a HRA Appropriate Assessment for the development and this sets out the applicant's intention to provide residents of this development with information leaflets as well as providing information boards and dog waste bins which can be secured by condition. The provision of the walking route, information board, and dog waste bins prior to first occupation of the development, and retained as approved thereafter. The detail of the information leaflet can also be secured by condition and shall be included within the new resident's welcome pack to every new dwelling. Conditions can secure the details of these elements and the long-term maintenance and management of the green space.

Design (Layout, Scale and Appearance)

The application seeks outline planning permission with approval sought for just the access arrangements. As a result, landscaping, layout, scale and appearance are reserved for later consideration. The applicant has however submitted an Illustrative Framework, parameter plan and Development Framework, as part of the application.

Although scale is a reserved matter the parameter plan indicates that the dwellings will consist of buildings up to 2.5 storeys (although it is noted that no maximum ridge height for buildings is specified). The houses along Plains Farm Close are predominately two storeys, and houses on the Former Betts Factory site are also two storeys. Officers consider that any application to approve scale would need to include design proposals with storey heights that respect the character and scale of neighbouring residential developments.

As layout is another Reserved Matter Officers have made no assessment of the Illustrative Layout but it is noted that there are clearly elements of the layout that would be unacceptable to the Council in the event that a layout for development on the site were to be considered. In assessing the proposed quantum of development, it is noted that the developable area is stated to be 3.51 hectares. Notwithstanding the fact that the Council consider that the development of the site would adversely affect the setting of the listed building, if development were permitted then a development of 116 units over this area would equate to an average density of 33.05 dwellings per hectare which is not considered to be an unreasonable density on a housing development on the edge of a large urban settlement.

The layout indicates the retention of a landscape buffer around the site boundaries. The application also proposes areas of 'Open Space' at the front of the site and around the listed Plains Farmhouse. It is indicated that the Open Space would include an equipped play area near the front of the site as well as new hedge and tree planting, although again the landscaping of the scheme is a reserved matter.

Residential Amenities

Only access is included for determination at this stage with the vehicular access point being formed along the route of an existing farm entrance. The existing entrance is a tarmac road wide enough for a single vehicle but the access road will be improved to comprise of a 5.5m wide road with 2.0m footways. The access road runs between two houses, both of which have blank side elevations facing the road.

Residents of Plains Farm Close are concerned about the increase in traffic along the road. The applicants Transport Assessment states that they proposed development is predicted to generate in the order of 47 vehicle movements in the AM peak and 55 in the PM peak. The TA contains no specific data on traffic movements along the existing farm access but it does provide data on movements through the junction of Plains Farm Close and Ipswich Road. During the AM peak 106 movements were recorded, with 115 in the PM peak hour.

From this information it is reasonable to surmise that the volume of traffic traversing between these two dwellings and along Plains Farm Close will increase. Although the volume of movements will increase, the characteristics of the vehicular activity passing these properties would also change, with fewer large and commercial vehicles. Officers do not consider that the impact on the occupants of the properties bordering the entrance, would warrant refusal of the application. An appropriate means of enclosure to the neighbouring properties would be expected to ensure that those residents have their privacy protected and to help mitigate noise from traffic.

The parameter plans shows that open space is to be provided at the front of the house and the proposed dwellings are set well back into the site, well separated from the residential properties that back on to the site from Plains Farm Close.

The applicant has submitted an acoustic assessment report; air quality assessment and land contamination report. The Council's Environmental Health Service reviewed these documents and in respect of air quality, contaminated land and construction activity they have recommended standard conditions controlling construction activity, to protect neighbour's amenity during construction, and recommending further intrusive investigations will be required in respect of potential land contamination that would require remediation.

The acoustic report identified that the development site is located adjacent to the A120; approx. 200 m to the east of the A1232 (Ipswich Road); and that the surrounding area contains a mix of uses including agriculture, industrial and residential areas. The main source of noise was however identified to be from road traffic on the A120.

Existing noise levels were found to exceed the levels that the Council would consider appropriate for a residential development so the acoustic consultants have proposed a 4-metre-high acoustic barrier along the whole length of the north eastern boundary. Their modelling has shown that that residents near the A120 would still be exposed to noise levels that would exceed standards but with the windows closed, the addition of acoustic trickle vents, along with standard wall construction and double-glazed windows, the noise levels internally would be acceptable. In respect of external amenity space, the applicant's consultant states that *'it is considered that screening effects from dwellings associated with the development would likely reduce ambient noise levels to within the guideline range for dwellings located away from the A120. It is therefore advised that any gardens or amenity spaces are situated on the opposite side of the dwellings to the A120'*. The Illustrative Layout does not implement this requirement; however, layout remains a reserved matter and this matter could be addressed in an application for approval of Reserved Matters if Outline planning permission is granted.

The Council's Environmental Health Officers are satisfied with the conclusion and recommendations in the amended acoustic report and accept that the design and layout of the proposed development will need to be considered in relation to mitigating any potential nuisance from noise.

Planning Obligations

The NPPF states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The applicants Planning Statement lists the Heads of Terms of the agreements as being: Affordable Housing to be delivered as part of the development with 30% of the housing being provided on that basis. In addition, the applicant acknowledges that they will need to make financial contributions towards Education and health care provision. There are additional issues that the Council would expect to see in the heads of terms, which has been set out below are set out below.

- Affordable Housing

Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing.

TDC Housing Officers confirm there is a high demand for Affordable Housing in the area, with 275 households on the Housing List.

The application states that the applicant intends to provide 35 Affordable Homes on the site. This equates to 30% of the site as required in the emerging Local Plan. TDC Housing support the applicants suggested tenure mix with 23 dwellings to be provided for Affordable Rent and 12 dwellings for Intermediate Tenure. Finally, the Housing Officer states that their preference would be for another registered provider to be sought to purchase the affordable properties.

- Landscaping & Public Open Space

Policy COM6 in the adopted Local Plan and Policy HP5 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.

TDC Open Space Officers confirm that there is a deficit in Open Space provision within the area, when assessed against the Council's standards, however the application proposes 2.02ha of Landscaping and Public Open Space, including the provision of an equipped play area. This level of provision far exceeds the Council's Open Space standards but the applicant has invited the Council to secure this level of provision, in the event that the Council were to grant planning permission.

Suitable management arrangements would need to be put in place for the future management of the Open Space and this would need to be included within the S106. Future management may be through the District Council, in which case a commuted sum for maintenance would be required in the agreement, as well as securing the quantity and types of Open Space and make suitable arrangements for its future management

- Education

Saved Policy QL12 and draft Policy PP12 require that new development is supported by the necessary infrastructure which includes education provision.

Saved Policy COM26 states where necessary planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to service the development. Draft Policy PP12 states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

ECC Education confirm that sufficient spaces exist within existing schools / nurseries to accommodate the growth in numbers that is being sought. A contribution towards the cost of transporting pupils to school has however been requested.

- Essex RAMS

In accordance with the emerging Essex RAMS a payment of £125.58 per dwelling needs to be secured through the legal agreement to contribute towards funding strategic off-site measures at European designated sites, or such figure is subsequently agreed in the Essex RAMS. This contribution will contribute towards increasing the relevant Europeans sites' resilience to recreational pressure (such as providing wardens at the sites) and be in line with the aspirations of the emerging RAMS.

- Health

The proposed development is likely to have an impact on the services of local surgeries so NHS England have requested a financial contribution towards capacity improvements at the Highwoods Surgery.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy, by way of refurbishment, reconfiguration, extension, or potential relocation of the surgery. A developer contribution of £65,427 is sought, based on a development of 116 dwellings, to be paid before the development commences.

- Sustainable Transport / Highway Works

As set out previously within the report the Highway Authority have recommended that the following measures are secured to mitigate the impact of the development –
Highway works to improve the junction on to Plains Farm Close;
Improvements to footways and pedestrian crossings in the vicinity of the site;
Bus stop improvements; and a
£40,000 financial contribution to contribute towards improving connections to cycle routes in the vicinity of the site.

To ensure that the development complies with the Council's policies and suitably mitigate the impact of the proposed new homes these matters would need to be secured by legal agreement. As Officers do not support the principle of developing this site no work has been undertaken to draft a suitable legal agreement. As a result, it is recommended that a second reason for refusal is listed on the decision notice citing the absence of a suitable legal agreement. Should the applicant wish to appeal then a legal agreement could be submitted and subject to securing the stated heads of terms to the Council's satisfaction this reason for refusal would not be defended at appeal.

Other matters

Anglian Water Sewer

A number of concerns are raised regarding sewers by local residents – both the capacity of the pipe network to accommodate the foul water flows from the proposed development and whether the vehicular access to the site should be provided on the alignment of a significant sewer line. Anglian Water were consulted about the proposed development and they raise no objection. They state the sewage network has capacity to accept the flows. They note that there are Anglian Water assets close to or crossing this site and that the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost before development can commence. It is not unusual for utilities to run under roads and with no objection from the statutory undertaker there is no reason to refuse the application despite the concerns of existing residents.

Archaeology

The County Council's Historic Environment Adviser has confirmed that the site lies within an area of known archaeological potential and request pre-commencement conditions to secure archaeological evaluation, fieldwork, mitigation and post excavation assessment. These matters can all be secured by condition.

Neighbourhood Plan

Tendring District Council received an application to designate a neighbourhood area from Ardleigh Parish Council over the winter of 2020. The application proposed that the neighbourhood area should cover the entire parish of Ardleigh (including the application site) and that this would be the area covered by the Ardleigh Neighbourhood Plan.

The District Council held an 8-week period of public consultation on the proposed designation, which ended on 16th March 2020. The Planning Policy and Local Plan Committee agreed to designate the entirety of Ardleigh Parish as a Neighbourhood Plan Area. However, the Parish still need to start work on the actual Plan and then it needs to go to consultation, examination and referendum which will take a significant period of time. Therefore the weight to be afforded to the Ardleigh Neighbourhood Plan Area at this time is very limited.

Conclusion

The proposal is considered to represent an unsustainable form of development due to the environmental harm and specifically the harm to a designated heritage asset as identified above. The applicant's comments about the need for the Council to increase housing land supply and the benefits that the provision of affordable housing will have given the perceived low rate of Affordable Housing delivery secured by the Council, however the adverse impacts of the proposals would significantly and demonstrably outweigh the cumulative public benefits.

6. Recommendation

Refusal – Outline

7. Reasons for Refusal

1 The application site lies outside of any designated 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 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.

The NPPF at its heart, promotes a presumption in favour of sustainable development that performs an economic, social and environmental role. The environmental role includes contributing to protecting and enhancing our natural, built and historic environment.

In this instance, the proposed development will significantly encroach upon the setting of the Grade II listed Plain Farmhouse, severing the building completely from its agricultural setting and historic function which would adversely affect the way that the building is experienced and understood and impacting on the way that it relates to the surrounding landscape. The development would result in harm to the significance of a designated heritage asset of national significance, with the harm being categorised as being 'less than substantial'. The proposed development would therefore be contrary to Policy EN23 of the Adopted Tendring Local Plan (2007) and PPL9 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

The development further fails to comply with Section 66(1) of the Listed Buildings and Conservation Areas Act 1990, which requires special regard to be had to the desirability of preserving the setting or any features of special architectural or historical interest that the building has. Having regard to the guidance in paragraphs 193-197 of the NPPF, the local planning authority has considered the public benefits associated with the development but has concluded

that these would not outweigh the harm caused to the significance of designated heritage assets and would conflict with statutory duties, national guidance and Development Plan policies listed above.

Furthermore, the Council considers that the harm identified through the loss of agricultural land and open countryside that contribute towards the setting of Plains Farmhouse would also result in the proposed development failing the Environmental strand of sustainability and that as such the proposed development would not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.

2. The proposal seeks outline planning permission for up to 116 dwellings and is contrary to the provisions of The National Planning Policy Framework, Saved Policies COM6, COM26, TR3a, TR5 and HG4 of the Adopted Tendring District Local Plan (2007) and Draft Policies LP5, PP12, HP1 and HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The National Planning Policy Framework states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Draft Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. The Council has identified that there is a high demand for affordable housing in the area. There is therefore a need for affordable housing to be delivered on site.

Policy HP1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that the Council will work with others, including developers, to improve the health and wellbeing of residents by providing access to high quality health care services. The NHS has identified that there is insufficient capacity at local primary healthcare facilities and a financial contribution is sought to increase capacity to meet the increased demand arising from the development.

Saved Policy COM26 states where necessary planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide to mitigate the impact of the development on the education system. Draft Policy PP12 states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements. ECC Education confirm that children from the development will need to be provided with transport to school and seek a proportionate financial contribution that would be based on the number of qualifying dwellings to mitigate the impacts of the proposed dwellings.

Saved Policy COM6 requires new housing development in excess of 1.5 hectares to make provision for recreational Open Space on-site within new developments. The applicant proposes the provision of Public Open Space on the site, in the form of amenity greenspace; and an equipped play area. The quantum, setting out and future management of the Open Spaces need to be secured to ensure that the needs of future residents are met and that the mitigation and benefits promoted by the applicant are secured.

Saved Policy TR5 states major new developments should provide appropriate facilities for cyclists and that this should include links to the existing cycle networks. Policy TR3a states that where practicable all developments will be required to link with existing footpath and provide convenient, safe, attractive and direct routes for walking and that where appropriate, development should also improve links to and between pedestrian routes and public transport facilities, and support pedestrian priority measures. The Highway Authority have identified a need for improved cycle and pedestrian infrastructure to provide safe and useable links to connect to the existing cycle network and to nearby facilities.

A completed Section 106 obligation to secure the relevant provision of Affordable Housing, Public Open Space and Off-Site Highway Works and financial contributions towards improvements to cycling infrastructure, primary healthcare, and school transport has not been provided and the application is therefore contrary to the above policies.

3. 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.

This residential development lies within the Zone of Influence for Essex Estuaries SAC, Colne Estuary SPA and Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Dengie SPA and Ramsar, and Blackwater Estuary SPA and Ramsar. Stour and Orwell Estuaries SPA and Ramsar are the closest European sites and are located around 6.8km from the application site. New housing development within the Zol would be likely to increase the number of recreational visitors to these designated sites; and, in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast RAMS requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites. The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007 and Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO