

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
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Planning Development Manager authorisation:	TF	01/04/2021
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Application: 20/01678/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Catesby Estates PLC - C/O Turley

Address: Plains Farm Plains Farm Close Ardleigh

Development: Proposed development of up to 90 dwellings, including affordable homes, with areas of landscaping and public open space, including points of access and associated infrastructure works.

1. Town / Parish Council

Ardleigh Parish Council
22.12.2020

Ardleigh Parish Council strongly objected to the earlier application on this site (19/1085/OOU) and noted, with relief, when that application was turned down. We would reiterate the earlier objections and support the reasons for refusal given by the Planning Officer.

The site falls outside the settlement development boundary in a green field location unsustainable for development and not earmarked for housing. There are increased concerns about access to the site by car and additional congestion close to the busy junction of the Ipswich Road with the A120/A12. In particular, turning right from Plains Farm Close is already difficult- more so since the new KFC opened on the other side of the road- and additional homes would significantly worsen the situation.

Since the previous application was refused, Ardleigh Parish Council has made progress with its Neighbourhood Plan, having determined the housing need for our parish in the remainder of the plan period up to 2033. The overall increase required across Tendring is 14%. It has been confirmed that all of the housing need (and more) for Ardleigh will be met by schemes with existing permission. Ardleigh village has a limited and already stretched range of services and amenities, further development is bound to add to the pressure on our local schools and doctors' surgeries and those nearby. We have a full consultation questionnaire open having previously completed a SWOT survey. Our residents tell us that they don't want more housing and are concerned about increased traffic. We are aware of specific concerns about loss of green space and wildlife habitat for residents in Plains Farm and in the new 'The Orchards' development adjacent to this site.

Furthermore, there is progress on the Local Plan including the planned Garden Community on the edge of our Parish including affordable housing and proper consideration of associated infrastructure.

This application is not sustainable it should be refused.

2. Consultation Responses

ECC Schools Service
07.01.2021

Thank you for providing details of the above outline planning application for up to 90 new homes. As no residential unit mix has been provided I have assumed that all of these units are homes with two or more bedrooms, and therefore a development of this size can be expected to generate the need for up to 8.1 Early Years and Childcare (EY&C) places; 27 primary school, and 18 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare
Essex County Council has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-

quality early years and childcare provision to meet local demand and parental choice. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The proposed development is located within Ardleigh and Little Bromley ward (postcode CO7 7QU) and according to latest available childcare sufficiency data, there are 5 early years and childcare providers within the ward (7 within a 3 mile radius). Overall a total of 25 unfilled places were recorded.

As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

Primary Education

This development would sit within the priority admissions areas of St John's Church of England Primary School and Friars Grove Primary School. Both schools are at or close to capacity in most year groups. Along with nine other schools, they form part of the North Colchester pupil place planning group (Group 1). As you will be aware, significant housing growth is planned for North Colchester and, whilst additional school places have already been added, further action will be required.

According to forecasts set out in the Essex School Organisation Service's 10 Year Plan to meet demand for school places, 53 additional Reception places will be required by the end of the plan period and a new school could be needed for the 2024/25 academic year.

The demand generated by this development would be in addition to this demand. In accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), a developer contribution of £553,716 index linked to Q1- 2020, is sought to mitigate its impact on local primary school provision. This equates to £20,508 per place.

Secondary Education

The priority admissions area secondary school for the development would be Manningtree High. The school has recently been expanded and should have sufficient capacity to accommodate pupils from a development of this size.

A contribution toward secondary education is therefore not requested at this time.

School Transport

Having reviewed the proximity of the site to the nearest schools, Essex County Council will not be seeking a school transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to

local primary and secondary schools are available.

Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of Greensted library. As outlined in the adopted Essex Developers' Guide to Infrastructure Contributions (2016), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services statutorily provided to account for the expected increase in number using these facilities.

The requested contribution is based on the following calculation:

Average. RICS East of England Library tender value cost per m² for library provision x 30m² / 1000 x av. household occupants + av. fitting out costs of a new provision in Essex + provision of stock per dwelling.

In this case, and taking the above into account, it is calculated that a contribution of £27,244.80 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education and libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus primary education and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this

application.

Colchester
Council
31.12.2020

Borough Thank you for allowing us the opportunity to comment on the above application. Due to the proposal being in outline form, we would like to focus on the development's impact on the landscape setting of the Colchester Borough. To avoid potential harm to the existing and future character/amenity of the sites environs that might occur through agreement of the currently proposed scheme, we suggest the following:

The proposed viewpoints within Colchester Borough within the LVIA, i.e. viewpoints C and D, would appear satisfactory with regard to number and location, however in order to fully assess the proposal's potential impact within Colchester Borough from these viewpoints, a line showing the approximate height of the proposed development needs to be added to the visualisations from these viewpoints. This is so it might be assessed as to if the proposed development sits above or below the skyline, and if projecting above, then how detrimental that projection may be to the character of the landscape within Colchester Borough.

Current visualisations from viewpoints C and D, showing extent of development only:

Colchester Borough Council is of the opinion that the application as submitted does not provide sufficient information to fully assess the development's impact on the landscape setting of the Colchester Borough. As such, the application cannot currently be supported on landscape grounds as it may cause harm to Colchester's landscape setting.

Essex County Council
Ecology
21.12.2020

Thank you for consulting Place Services on the above application.

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Appraisal (EDP, July 2019), the Addendum Ecology Report (EDP, October 2019) and the Report to Inform Habitats Regulations Assessment (EDP, October 2019) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

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

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

We note that the Report to Inform Habitats Regulations

Assessment (EDP, October 2019) identifies that development site lies within the Zone of Influences for the Essex Estuaries SAC, Colne Estuary SPA & Ramsar site, Stour & Orwell Estuaries SPA & Ramsar site and Dengie SPA & Ramsar site. Therefore this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. The LPA will need to prepare an HRA Appropriate Assessment record to determine any adverse effect on site integrity and then secure the developer contribution for delivery of visitor management measures at the above Habitats sites in line with the Essex Coast RAMS. The proposal to erect 90 dwellings will trigger a prior to commencement financial contribution towards offsite visitor management measures to be secured by legal agreement. This mitigation will avoid impacts from the development in combination with other plans and projects.

The Ecological Appraisal (EDP, July 2019) refers to a further bat activity survey is programmed for August 2019, with the results of which provided in the Addendum Ecology Report (EDP, October 2019). These results demonstrate that the site is primarily utilised by common bat species with 90% of the recorded calls attributed to soprano pipistrelle and common pipistrelle, with no rare or unusual species (such as Annex I species) were recorded. The Addendum Ecology Report (EDP, October 2019) identifies that the majority of the bat passes were located on the western boundary of the site. The headline here will be retained. We therefore recommend that a wildlife-sensitive lighting scheme is secured as a condition of any consent to be provided at Reserved Matters stage

The mitigation measures identified in the Ecological Appraisal (EDP, July 2019), the Addendum Ecology Report (EDP, October 2019) and the Report to Inform Habitats Regulations Assessment (EDP, October 2019) should be secured and implemented in full. The Ecological Appraisal identifies appropriate mitigation measures to avoid impacts on Bullock Wood SSSI and nearby LoWS and it is recommended that these would be delivered by a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) secured by a condition of any consent. The report also recommends that potential unpermitted access to this statutory designated woodland from the development site is prevented through the use of strategic thorny planting and signage.

We also note that the Ecological Appraisal (EDP, July 2019) states "populations of slow worm, common lizard and grass snake were identified within land immediately south of the Application Site during surveys in 2014. The surveys on-site have recorded a small population of slow worms. In light of the historic survey results, it is assumed that a low number of grass snake and common lizard may also be present within

the Application Site." A Reptile Mitigation Strategy, which should include the confirmed details for any translocation exercise and vegetation clearance.

The Addendum Ecology Report (EDP, October 2019) addresses our comments on farmland birds dated 12th of September 2019 in reference to planning application 19/01085/OUT also at this site. The Addendum Ecology Report (EDP, October 2019) identifies that "small proportion of habitat within the Application Site with suitability to support nesting skylark, in addition to the number of survey visits for other target species or species groups undertaken during the breeding bird season, it was therefore not considered to be necessary or proportionate to undertake full breeding bird survey" and further poses that "given the limited extent of suitable arable habitat on-site, it is considered that, in the unlikely event that skylark do breed on site and went unrecorded, the Application Site would only support a maximum of 2-3 breeding pairs...In the unlikely event that a small population is present, its displacement into the surrounding farmland would therefore not be significant in ecological terms."

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The Addendum Ecology Report (EDP, October 2019) concludes that "the proposed development is capable of achieving net gains for biodiversity, thereby meeting and/or exceeding planning policy requirements and delivering tangible benefits to local habitat networks and species populations" following calculations using the DEFRA Metrics (Version 2, May 2019). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. We recommend that a Landscape and Ecological Management Plan is also secured as part of the Reserved Matters application to ensure successful establishment of new habitats, and to maintain the value of all ecological features in the long-term.

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

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

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

Recommended conditions:

1. CONCURRENT WITH RESERVED MATTERS ACTION

REQUIRED IN ACCORDANCE WITH
ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (EDP, July 2019), the Addendum Ecology Report (EDP, October 2019) and the Report to Inform Habitats Regulations Assessment (EDP, October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

2. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow

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

3. CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

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

4. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species, as set out in shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

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

5. CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

"A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

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

6. CONCURRENT WITH RESERVED MATTERS: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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

Please contact us with any queries.

ECC Highways Dept
19.01.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - v. prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

2. A £30,000 financial contribution (index linked) 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 forming part of the Local Cycling and Walking Infrastructure Plan. Such contribution to be paid on commencement of development. (Payback 5 years).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

3. No occupation of the development shall take place until the following have been provided or completed:

(a) The upgrade of the ghosted right turn lane and junction including white line markings for Plains Farm Close.

(b) The upgrade of the footway to an affective maximum width of 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 (opposite Lion and Lamb Cottage) and associated tactile paving on the south east side of Plains Farm Close; opposite the entrance to the BMW vehicular access.

(c) The upgrade and improvement of the existing pedestrian refuge just south of the entrance to the Premier Inn on Ipswich Road.

(d) As appropriate, the provision of or upgrade of the two closest bus stops to the site to include suitable facilities to encourage use of the public transport network north-east of the entrance to the Premier Inn on Ipswich Road to include but not restricted to cantilever shelters (x2); Kassel kerbs, bus timetable frames. Where possible widening of the footway on the north west side of Ipswich Road from the refuge island to the bus stop.

(e) Improvements to the Public Right of Way, to surface the section of Footpath 67 (Colchester_127) from its junction with Ipswich Road north-westwards to its junction with Wyncolls Road, Colchester, details shall be agreed with the Local Planning Authority in conjunction with the local Highway Authority prior to commencement of the development.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM1 and DM9.

4. The Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as

County Council Supplementary Guidance in February 2011.

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- In making this recommendation the Highway Authority has treated all planning application drawings relating to the internal layout of the proposal site as illustrative only.
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.
- The internal parking should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

TDC UU Open Spaces
18.01.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 20/01678/OUT

Site Address: Land at Plains Farm Plains Farm Close Ardleigh
Colchester

Description of Development Proposed development of up to 90 dwellings, including affordable homes, with areas of landscaping and public open space, including points of access and associated infrastructure works.

Current Position

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh.

Any additional development in Ardleigh will increase demand on already stretched facilities and increase the deficit further.

Recommendation

It is noted that the Planning Report states that open space and a new on-site play area will be incorporated within the development.

Therefore no contribution is being requested to improve off-site facilities.

TDC Housing Services
07.01.2021

The application proposes 90 dwellings in total and the applicant has accounted for 27 of the dwellings to be delivered as affordable housing. This equates to 30% of the total number of dwellings on the site and is, therefore, compliant with the requirements of the Council's emerging Local Plan.

There is a high demand for housing in the village of Ardleigh and there are currently the following number of households (residing in the district) who are seeking accommodation in the village on the housing register:

1 bed - 115 households*
2 bed - 89 households
3 bed - 51 households
4 bed - 27 households

*of the 115 households seeking 1 bedroom accommodation in the village, 40 are aged over 60.

My departments preference would be that affordable housing is delivered on site and that another registered provider be sought to take on the affordable homes. The applicant has not provided any detail on the proposed mix of homes on the site but if this provided at a later date, I can give further comments on the proposed mix and tenure split for the affordable homes.

TDC
Waste Management
07.12.2020

No comments at this stage.

TDC
Environmental
Protection
22.12.2020

Air Quality: the Air Quality report, dated 17th September 2020, confirms the proposed development would not have an adverse significant impact on the existing area, in terms of air quality. However certain mitigation recommendations, in respect of the potential construction phase, have been

highlighted, and referred to in our request for a demolition and construction method statement; in relation to dust. We have no other comments to make in respect of this report.

Contaminated Land: The Phase One Contaminated Land Report dated 11th February 2019, confirms the requirement for further investigation; in light of this, the EP team request the undertaking of a detailed site investigation to identify ground conditions to confirm the status of the contaminants and to establish the suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the Local Planning Authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The local planning authority is to be consulted at all key stages in this investigation process.

Reason: to protect the health of site workers and end users

Noise: The submitted Noise Risk Assessment dated 24th September 2020, confirms that providing appropriate siting, screening and attenuation is addressed, the development will be able to achieve compliance with the relevant British Standards and World Health Organisation guidelines. Should this application progress to a further planning phase, the EP team would request information on measures to be implemented to evidence and achieve compliance.

Demolition & Construction Method Statement: Should the application progress to a further planning phase, the EP team request that the following is addressed -

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection recommends that the following guidelines are followed.

Best Practice for Demolition and Construction Sites

(Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974))

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Environmental Protection Team. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered

when drafting this document: -

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the EP Team. This statement should not be limited to, but should include -

Noise Control

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
- 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

- 1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- 3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dampening measures described in the Air Quality report, dated 17th September 2020, section 7, page 32, in relation to mitigation of dust, should either be incorporated within the above method statement, or by way of separate submission of a dust management report.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Reason: to protect the amenity of nearby residential premises

Should you have any queries concerning the above, please do not hesitate to contact me.

Adult Social Care No comments received.

TDC Building Control and Access Officer
21.12.2020 No adverse comments at this time.

Anglian Water Services Ltd
10.12.2020 ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore 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 under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood risk assessment The sewerage system

at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - 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. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents (Flood Risk Assessment) and can confirm that these are acceptable to us. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant - Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Surface Water Disposal (Section 4)

No condition required. We require these documents to be listed as approved plans/documents if permission is granted. Note to applicant - Surface Water Hierarchy evidence will need to be submitted at 106 application stage.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website -<http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location

- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

TDC Tree
Landscape Officer
21.12.2020

& The application site comprises of a landscape contractors yard, agricultural land and areas of grass. There are established hedgerows on some of the site boundaries and within the main body of the application site. Some of the hedgerows contain established trees. There are several mature specimen trees within the curtilage of Plains Farm itself which may be affected by the development proposal ' especially those situated close to the boundary

In order to show the extent of the constraint that trees and other vegetation are on the development potential of the land the applicant has provided report and survey. The information provided is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations. The report provides an accurate description of the condition of the trees on the land. It shows extent that they are on the development potential of the land by showing 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. This will include details of the way that retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted.

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 Assessments prepared for Tendring District Council by Land Use Consultants.

In order to show the potential impact of the development proposal on the local landscape character area the applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document accurately describes the baseline quality of the LCA and quantifies the impact of the completed development on the character and appearance of the area. It includes details of proposed steps to mitigate harm ' primarily by way of soft landscaping.

The LVIA contains in Section 7 a description of 'landscape and visual effects' which accurately describes the impact of the development on the local landscape character and establishes that, overall, the harm caused will minimal and neutral.

Should planning permission be granted then details of soft landscaping should be secured by a planning condition. Planting proposals should aim to soften, screen and enhance the appearance of the development.

Essex Wildlife Trust No comments received.

Essex County Council Archaeology
15.12.2020 Thank you for consulting the historic environment advisors on the above application.

A Desk-Based Assessment and geophysics survey has been submitted with the outline planning application. The desk based assessment shows that a trial trenching exercise has been undertaken directly to the south of the present development which identified features of late prehistoric or Roman date. The results of the geophysical survey on this site state that no obvious archaeological features were identified, however, it is our experience that on numerous sites across the county geophysical surveys have been shown to be unreliable and the submitted report shows a lot of interference.

This office would agree that there is unlikely to be any archaeological deposits of national importance on the site that would preclude development on the site. We would therefore recommend that an appropriate trenching strategy is undertaken if permission is obtained in order to identify and then define a mitigation strategy to protect or record surviving archaeological deposits.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

3. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

4. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

Essex County Council
Heritage
29.12.2021

The application is for proposed development of up to 90 dwellings, including affordable homes, with areas of landscaping and public open space, including points of access and associated infrastructure works.

I have previously commented on this site with regard to application 19/01085/OUT. My comments pertaining to this application is largely unchanged.

The heritage asset relevant to this application is Grade II listed Plains Farmhouse (List Entry ID: 1260957). The list description for the asset states:

House, former farmhouse, early C17. Timber framed and rendered with red brick, gabled, south wall and some red brick in rear wall. Roof is gabled in plain tiles. Of two storeys with attics with extensive single storey extensions. Single storey red brick brewhouse with gabled plain tile roof and gable end stack, attached to front (former rear) elevation. Two storey red brick C19 extension to present rear (east) with gabled roof. Present front (west) elevation has off-centre rectangular ridge line stack and gabled porch of red brick with arched entrance and bargeboards.

First floor has a 20-pane double hung sash window either side of a narrower double hung sash window with central vertical glazing bar. Ground floor has a similar 20-pane double hung sash either side of the porch. Brewhouse has mixture of casements and sash windows. Rear roof of main block has 2 three-light C20 small paned casement dormers with flat roofs. One 2-light small pane casement on tint floor and a small paned sash and a tripartite small paned double hung sash on ground floor. Rear extension has miniature of C19 small paned casements and sash windows. Extensive C20 rear and side

extensions with flat roofs.

The proposed development site (as existing) makes a positive contribution to the setting and significance of the designated heritage asset. Whilst elements of the setting have been comprised by later commercial uses, areas of undeveloped land at the east and south of the building make a positive contribution to the building's setting and reinforce the understanding of its origins.

I do not support this proposal as it will result in a complete divorce of a farmhouse from the surrounding undeveloped landscape which it has a functional connection and thus positively contributes to its setting. Furthermore the proposed development will result in environmental and diurnal changes which will adversely impact upon the manner in which the setting of heritage asset is experienced, appreciated and understood. The result of the proposed development will be the retention of the historic farmhouse within only its domestic curtilage and in this context the development can only be considered harmful as in opinion a farmhouse is best experienced within the undeveloped landscape it was constructed to service. Whilst this landscape has been compromised in this regard, the proposed development will result in the loss of the remaining aspects of this element of its setting. The access road to the proposed development will also cause harm to the setting of the farmhouse considering the change which will result both in terms of traffic and the paraphernalia associated with this use.

I consider 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. The harm will be at least in the middle of the spectrum.

Highways England
15.12.2020

Council's Reference: 20/01678/OUT

Referring to the planning application referenced above, dated 7 December 2020, application for a proposed development of up to 90 dwellings, including affordable homes, with areas of landscaping and public open space, including points of access and associated infrastructure works, Plains Farm, Plains Farm Close, Ardleigh, Colchester, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is not relevant to this application.

This represents Highways England formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should

consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.

Annex A Highways England recommended no objection

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 20/01678/OUT and has been prepared by Mark Norman.

An application was submitted last year for 120 houses, this proposal is for fewer dwellings, therefore the impact is likely to be smaller. The site adjoins the A120 no pedestrian access should be allowed between the site and the SRN. If a noise barrier is required, this must be erected and be fully maintainable from within the site. No connections to Highways England's drainage asset will be allowed.

NHS East Essex CCG
16.12.2020

1.0 Introduction

1.1 Thank you for consulting North East Essex Clinical Commissioning Group on the above planning application.

1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of 2 main GP practices including operating within the vicinity of the application site. These 2 GP practices do not have capacity for the additional growth resulting from this development.

2.2 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

3.1 The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

3.2 A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 198 residents and subsequently increase demand upon existing constrained services.

4.2 The primary healthcare services directly impacted by the proposed development are Highwoods Surgery and Bluebell Surgery (primary healthcare services within 2km catchment (or closest to) the proposed development).

4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

5.1 At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

5.2 Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

5.3 Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

5.4 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 for the benefit of the patients of Highwoods Surgery or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

5.5 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £52,500.00 Payment should be made before the development commences.

5.6 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

6.3 Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

6.4 The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

6.5 North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

6.6 North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

ECC SuDS Consultee
31.03.2021

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on

sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 6.5l/s (main catchment) and 1l/s (access road

catchment) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.

- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and

ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before

commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not

properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan,

temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

• We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures

will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications '[Preparing for Floods](#)' and '[Improving the flood performance of new buildings](#)'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

Third Party

21 written representations from local residents objecting to the application have 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;
- More traffic will mean more traffic distribution;
- 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;
- Loss of wildlife and open countryside
- Noise and litter pollution will increase
- 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;
- The pedestrian link to the neighbouring development is not necessary

- The areas of Open Space and landscaping proposed could encourage anti-social behaviour;

One, representation was received supporting the application

3. Planning History

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
99/00143/FUL	Change of use agricultural to	Refused	05.11.1999

landscape contractors use

99/01692/FUL	Change of use agricultural to landscape contractors use	Refused	27.01.2000
87/00051/LBC	Erection of 6 det dwelling houses and garages	Approved	14.04.1987
87/01641/LBC	5 New houses with garages and resitting road	Approved	10.11.1987
90/00139/FUL	Two pairs of semi detached houses with integral garages.	Refused	20.03.1990
82/00463/LBC	Change of use of old farm buildings to self contained flats	Refused	15.06.1982
18/01473/FUL	Removal of condition 4 of 18/00403/FUL - external facing and roofing materials.	Approved	
18/01545/DISCON	Discharge of condition 4 (Materials) to approved planning application 18/00403/FUL and Condition 3 (Materials) to 18/00404/LBC.	Approved	24.09.2018
19/30001/PREAPP	Proposed development of up to 150 new dwellings - including areas of public open space, new landscaping & associated engineering works including Sustainable Urban Drainage system.	Refused	11.07.2019
19/00678/FUL	Proposed rebuild of existing cartlodge.	Refused	25.06.2019
19/00679/LBC	Proposed rebuild of existing cartlodge.	Refused	25.06.2019
19/01085/OUT	Proposed development of up to 116 dwellings including affordable homes, areas of landscaping, public open space, points of access and associated infrastructure works.	Refused	21.08.2020
19/01194/FUL	Proposed rebuild of existing cartlodge.	Approved	16.10.2019
19/01195/LBC	Proposed rebuild of existing cartlodge.	Approved	16.10.2019

20/01678/OUT Proposed development of up to 90 dwellings, including affordable homes, with areas of landscaping and public open space, including points of access and associated infrastructure works. Current

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.

- 19/01085/OUT Proposed development of up to 116 dwellings including affordable homes, areas of landscaping, public open space, points of access and associated infrastructure works. Refused on being unsustainable, lacking a section 106 and RAMS payments.

4. Relevant Policies / Government Guidance

National

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (NPPG)

Local

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

QL1: Spatial Strategy
QL2: Promoting Transport Choice
QL3: Minimising and Managing Flood Risk
QL9: Design of New Development
QL10: Designing New Development to Meet Functional Needs
QL11: Environmental Impacts
QL12: Planning Obligations
HG1: Housing Provision
HG3a: Mixed Communities
HG4: Affordable Housing in New Developments
HG6: Dwellings Size and Type
HG7: Residential Densities
HG9: Private Amenity Space
COM1: Access for All

COM2:	Community Safety
COM6:	Provision of Recreational Open Space for New Residential Developments
COM9:	Allotments
COM21:	Light Pollution
COM22:	Noise Pollution
COM23:	General Pollution
COM26:	Contributions to Education Provision
COM29:	Utilities
COM31a:	Sewerage and Sewage Disposal
EN1:	Landscape Character
EN6:	Biodiversity
EN6a:	Protected Species
EN6b:	Habitat Creation
EN11a:	Protection of International Sites
EN11b:	Protection of National Sites
EN12:	Design and Access Statements
EN13:	Sustainable Drainage Systems
EN23:	Development in the Proximity of a Listed Building
EN29:	Archaeology
ER3:	Protection of Employment Land
TR1:	Transport Assessment
TR1a:	Development Affecting Highways
TR2:	Travel Plans
TR3a:	Provision for Walking
TR4:	Safeguarding and Improving Public Rights of Way
TR5:	Provision for Cycling
TR6:	Provision for Public Transport Use
TR7:	Vehicle Parking at New Development

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

Relevant policies include:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Strategy for North Essex
SP5:	Infrastructure and Connectivity
SPL1:	Managing Growth
SPL2:	Settlement Development Boundaries
SPL3:	Sustainable Design
SP4:	Providing for Employment & Retail
SP6:	Place Shaping Principles
HP1:	Improving Health and Wellbeing
HP3:	Green Infrastructure
HP4:	Safeguarded Local Greenspace
HP5:	Open Space, Sports and Recreation Facilities
LP1:	Housing Supply
LP2:	Housing Choice
LP3:	Housing Density
LP4:	Housing Layout
PP12:	Improving Education and Skills
PPL1:	Development and Flood Risk
PPL3:	The Rural Landscape
PPL4:	Biodiversity and Geodiversity
PPL5:	Water Conservation, Drainage and Sewerage
PPL7:	Archaeology

PPL9:	Listed Buildings
CP1:	Sustainable Transport and Accessibility
CP2:	Improving the Transport Network
CP3:	Improving the Telecommunications Network

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. In this latter regard, as of 26th January 2021, ‘Section 1’ of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the ‘development plan’ for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended ‘main modifications’ on 10th December 2020. The Inspector’s report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three ‘Garden Communities’ proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

5. Officer Appraisal (including Site Description and Proposal)

- Site Context

The Application Site covers 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 permission, with all matters except access reserved, for up to 90 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 leading into 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 (Para 6.1) that the Parameters Plan sets out development parameters against which it would be secured. The site area totals approximately 5.89 ha, of which 2.59ha (44%) is shown as the developable area for housing (to contain up to 90 dwellings); 0.36ha (6%) for SuDS attenuation; and Public Open Space covers 2.94ha (50%).

Assessment

The main considerations in this instance are:

- i. Principle of Development
- ii. Loss of Employment Land
- iii. Impact on Landscape Character
- iv. Heritage
- v. Trees
- vi. Access and Highway Safety
- vii. Biodiversity and Protected Species
- viii. Design (Layout, Scale and Appearance)
- ix. Residential Amenities
- x. Planning Obligations
- xi. Other Matters

i. Principle of Development

The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

A recent appeal decision for 195 dwellings at a site known as 'St Johns Nursery, Clacton-on-Sea (see APP/P1560/W/20/3256190) was dismissed on 7 January 2021. As part of the Inspector's reasoning, it was confirmed that the Council could identify a robust 5YHLS position; with the Inspector stating:

'...that for the purposes of the determination of this appeal the Council can currently demonstrate that a 5yrHS exists, I consider this possible route to engaging the presumption in favour of sustainable development under paragraph 11d) of the Framework does not apply in this instance.' (Paragraph 90)

Therefore, the tilted balance of Paragraph 11d of the NPPF does not apply.

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

Policy QL1 (Spatial Strategy) sets out the spatial strategy and defines a hierarchy of settlements, seeking to concentrate new development within the larger urban areas of the District; seeking to concentrate development within settlement development boundaries.

Draft policy SPL2 also refers to settlement boundaries and indicates that new development should be within these settlement boundaries.

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 SPL2 in terms of the site being located outside the settlement development boundary. These boundaries are drawn to amongst other things protect neighbouring home owners from speculative developments such as these.

The settlement boundary for Plains Farm is being removed from the emerging local plan to allow for the area to grow in a sustainable manner, given the local services available and association with the neighbouring Borough of Colchester and nearby Highwoods. It is therefore unnecessary and unsustainable to consider other large scale residential developments such as the appeal proposal, outside either the existing or proposed settlement boundary.

The emerging Local Plan is progressing well. Part 1 was adopted in January 2021 and part 2 is expected to be adopted later this year. The core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led and that the Council should actively manage patterns of growth is entitled to be given significant weight. Further development in this location would be contrary to saved policy QL1 and draft policy SPL2 due to the site's location outside of the settlement boundary of Plains Farm in both the adopted and emerging Local Plans.

QL1 was saved by the Secretary of State and remains a key part of the development plan. The fact that it is of some age should not by itself mean it is afforded reduced weight. Indeed, the most recent findings (see APP/P1560/W/20/3256190 (Appendix TDC3) - 700 St Johns Road and St Johns Nursery site, Earls Hall Drive, for 195 dwellings), in this appeal dated 7th January 2021, the Inspector reasoned:

'I consider Policy QL1 is not out-of-date' (Paragraph 93)... Also, 'the provisions of Policies QL9, QL10, QL11 are generally consistent with the policies contained within the Framework' (Paragraph 94)'.

Therefore, the principle of housing development being located within settlement boundaries and focused towards larger urban areas remains a core strategic policy requirement and policy QL1 should be given full weight. This mantra chimes with Paragraph 117 of the NPPF that seeks to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. QL1 remains a policy consistent with the NPPF in its overall approach and aims.

Policy QL1 also ensures that the countryside beyond the settlement boundaries is to be protected from development that is not in accordance with the specific *'countryside policies'* of the plan. The application is not a rural exception site (adopted Policy HG5) as only 30% of the dwellings proposed are due to be affordable houses. Thus, the proposals fails to adhere to the housing *'countryside policies'* that could allow such a development.

Furthermore, the NPPF outlines several possibilities where housing development in such locations could be considered acceptable. Essentially via the exemption criteria of housing

in the countryside of Paragraphs 77, 78 or 79 of the 2019 NPPF. Paragraph 77 deals with affordable housing, which this application is not. While paragraphs 79 deals with circumstances where isolated homes in the countryside could be acceptable, which this application does not meet.

Paragraph 78 is concerned with 'sustainable development in rural areas,' providing opportunities for 'villages to grow and thrive'. However, in the nearby areas of Highwoods, is not classified as a village, thus the exception criteria of paragraph 78 of the NPPF is not engaged.

In conclusion, the host site is not allocated for development in either the adopted or emerging Local Plans and it is in open countryside. The proposal would represent an unnecessary and piecemeal intrusion into the countryside that would have an adverse impact on the character of the area contrary to adopted Policy QL1 and emerging Policy SPL2.

ii. Loss of Employment

The previous application for 116 dwellings on the host site did not refuse this application on grounds of loss of employment.

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 (Para 5.6 and 5.7) 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.

Therefore, as with the previous application for 116 dwellings, no objection to policy ER3 is offered.

iii. Impact on Landscape Character

Policy QL1 of the Tendring District Local Plan (2007) state that 'only development which is consistent with countryside policies will be permitted. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) advises outside the

Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. This is consistent with, paragraph 127 of the NPPF that requires that development should respond to local character and history, and reflect the identity of local surroundings. Also, paragraph 170 of the NPPF that states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

Policy QL9 of the Saved Tendring District Local Plan 2007 states that 'all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other criteria, *'the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features.'* Furthermore, Policy EN1 of the Tendring District Local Plan 2007 states that *'the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted'*. These criteria are also contained within Policy SPL3 and PPL3 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

In terms of the impact of the development proposal on the local landscape character it is important to recognise the existing qualities and value of the landscape and to quantify the potential impact of the proposed development on the local landscape.

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 Assessments prepared for Tendring District Council by Land Use Consultants.

In order to show the potential impact of the development proposal on the local landscape character area the applicant has provided a Landscape and Visual Impact Assessment (LVIA). This document accurately describes the baseline quality of the LCA and quantifies the impact of the completed development on the character and appearance of the area. It includes details of proposed steps to mitigate harm ' primarily by way of soft landscaping.

A landscape management strategy should strengthen and enhance the character of the edge of settlement rural character. Although there is room on site for a landscape buffer to the west and in part to the north, as shown on the indicative drawings. The development does not allow for any significant landscaping on the eastern boundary. This is due to an over development of the site, not leaving enough space for this essential landscaping. A landscaping buffer of at least 20 metres width is expected to the east of the site and this does not seem possible given the magnitude of development on site.

Indeed, if one looks at the immediate neighbouring application (Ref: 15/00932/OUT and Reserve Matters 17/01477/DETAIL) at Former Betts Factory, for 120 dwellings, there is a significant landscape buffer proposed on the eastern side of the site aiding the transition into the countryside.

However, the host site has sections on the eastern and southern boundary where there simply is no landscape buffer. Such an arrangement fails to respect the countryside / edge of settlement location.

Note. Officers are reading this from the Parameter Plan Dwg. No 6779_104_E, the other plans submitted are illustrative as explained in Para 6.1 of the Design and Access Statement.

Landscaping played a key role in the decision making at the dismissed Foots Farm application for 245 dwellings at Clacton on Sea APP/P1560/W/19/3239002 (25th August 2020). In this case, despite a 15 metre landscape buffer, the Inspector opined:

‘...the development would not conserve features listed in criteria a, b, d, e or f of EN1. The overall effect on landscape character would be moderate adverse.’

Concluding:

‘The proposal would be contrary to advice at paragraph 127 of the Framework for the creation of well-designed places that add to the overall quality of an area, and are sympathetic to local character, including landscape setting. These harms attract very substantial weight against the proposal.’

A second application also dismissed on landscape grounds was the St Johns Road application for 195 dwellings again at Clacton on Sea APP/P1560/W/20/3256190 Appendix TDC3 (7th January 2021). In this case the Inspector reasoned:

‘The absence of a freestanding landscape buffer along the northern boundary would also be at odds with the ‘approach’ promoted in the Council’s landscape impact assessment for various sites’

Officers would consider at least a 20 metres of landscape planting buffer on the eastern boundary should be achieved. With this in mind, it could be argued that 90 dwellings is too high a number for this to be achieved and as a consequence there is an over development of the site being proposed. Also, the fact that a 4m high acoustic fence is proposed the entire length of the northern boundary to mitigate against road noise, is a high undesirable feature, in what would be a highly exposed location once built, especially within the site. This fence is described as being a necessary pre-requisite for the development to take place in order to reach acceptable noise standards on site.

Ultimately, the development would represent an unnecessary and piecemeal intrusion into the countryside that would have an adverse impact on the character of the area. The development, if approved and implemented, would contribute to the gradual urbanisation of the local landscape character and would appear as an encroachment into the open countryside.

The development would fail to protect the character and quality of the landscape fail to maintain and enhance landscape openness. The proposal would not accord with policy QL9 or EN1 of the 2007 Saved Local Plan, in that it would not make a positive contribution to the quality of the local environment and would not protect or enhance distinctive local character.

Policy PPL 3 of the emerging Local Plan requires the Council to protect the rural landscape and refuse permission for proposals that would cause overriding harm to its character and appearance. The development would cause harm to skylines and settlement settings, as well as being contrary to the aims of the Council’s landscape character assessment.

Finally, in respect of Paragraph 127 of the NPPF, the proposals would not be sympathetic to local character and landscape setting.

iv. Heritage

It is acknowledged that the development would deliver public benefits, most notably the increase of housing supply, the provision of 30% Affordable Housing and a significant level of public open space on site.

However, the Council's Heritage Advisor (ECC Heritage) has strong objections to the proposal. The Advisor considers that demonstrable harm would occur to the significance of Plains Farmhouse (a Grade II Listed Building) from the erosion of the agricultural setting of the building in this location and that great weight that should be attached to this harm.

The Heritage Officer also states,

'...the proposed development will result in environmental and diurnal changes which will adversely impact upon the manner in which the setting of heritage asset is experienced, appreciated and understood. The result of the proposed development will be the retention of the historic farmhouse within only its domestic curtilage and in this context the development can only be considered harmful as in opinion a farmhouse is best experienced within the undeveloped landscape it was constructed to service. Whilst this landscape has been compromised in this regard, the proposed development will result in the loss of the remaining aspects of this element of its setting. The access road to the proposed development will also cause harm to the setting of the farmhouse considering the change which will result both in terms of traffic and the paraphernalia associated with this use.'

Notwithstanding the fact that there is an operational business to the rear of this heritage asset, officers accept 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. On balance, given that the site is not allocated for housing and there is no shortage of housing supply in the district, officers conclude in agreement with the Heritage Officer and find that the public benefits associated with this unallocated site do not outweigh the harm to the heritage assets in this instance.

v. Trees

The application site comprises of a landscape contractors yard, agricultural land and areas of grass. There are established hedgerows on some of the site boundaries and within the main body of the application site. Some of the hedgerows contain established trees. There are several mature specimen trees within the curtilage of Plains Farm itself which may be affected by the development proposal ' especially those situated close to the boundary

In order to show the extent of the constraint that trees and other vegetation are on the development potential of the land the applicant has provided report and survey. The information provided is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations. The report provides an accurate description of the condition of the trees on the land. It shows extent that they are on the development potential of the land by showing 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. This will include details of the way that retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted.

vi. 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 footway leading into the site.

The previous application for up to 116 dwellings was not refused on highway grounds. This current application for less, up 90 dwellings it stands to reason that this application also should not be refused on such grounds. Nothing significant materially has changed on the ground. The KFC building was approved when the original planning application on site was assessed as was the neighbouring residential development for upto 120 dwellings.

The Highway Authority have been consulted on this application and state they do not object to application, subject to a number of conditions and planning obligations. 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 £30,000 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.

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 several 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.

vii. 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 Appraisal (EDP, July 2019), the Addendum Ecology Report (EDP, October 2019) and the Report to Inform Habitats Regulations Assessment (EDP, October 2019) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

Subject to implementation of the recommendations within these reports, the Council's Ecologist is satisfied that no reduction in the ecological interest of the site is likely to arise.

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' (Zol) 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'.

No signed unilateral undertaking has been received making this RAMS payment. The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013- 2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

viii. Design (Layout, Scale and Appearance)

Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the ALP

and Policy SPL3 and PPL3 of the ELP seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

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 a Reserved Matter, officers have made no assessment of the Illustrative Layout in the Block Plan.

In assessing the proposed quantum of development, it is noted that the developable area is stated to be 2.59 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 90 units over this area would equate to an average density of 35 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 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.

xi. Residential Amenities

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

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.

Again, the previous application for a greater number of dwellings was not refused on residential amenity grounds, therefore it follows that this application for potentially 26 fewer dwellings should not be refused on these grounds either.

Residents of Plains Farm Close are concerned about the increase in traffic along the road. The applicants Transport Assessment has not been updated, this 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 for upto 116 dwellings. 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 site 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 assessment.

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 (Para 4.3 of the Noise report) 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.

Officers accepted the concept of a 4m high fence along the eastern boundary on the last application. Therefore, it would not be reasonable to introduce an objection to the proposal on that or noise impact ground on this similar albeit smaller application.

x. 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 applicant's 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 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 282 households on the Housing List.

The application states that the applicant intends to provide 27 Affordable Homes on the site. This equates to 30% of the site as required in the emerging Local Plan.

TDC Housing preference would be that affordable housing is delivered on site and that another registered provider be sought to take on the affordable homes. The applicant has not provided any detail on the proposed mix of homes on the site. However, if this provided at Reserve Matters stage, TDC Housing shall give further comments on the proposed mix and tenure split for the affordable homes at that stage.

- 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 Officer states there is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh. However, the significant open space and a new on-site play area will be incorporated within the development results in no contribution is being requested to improve off-site facilities.

Nevertheless, a suitable management arrangement 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 at present however, the demand created will require a developer contribution of £553,716 for local primary schools and £27,244.80 for libraries in the area.

- Essex RAMS

In accordance with the emerging Essex RAMS a payment of £127.30 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 £52,500.00 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 £30,000 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 the factors form a reason for refusal. 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.

xi. 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.

The application was not refused on these grounds originally and it follows that for a smaller scheme, no objection also should follow. The Essex Suds Department have offered no objection subject to Planning conditions also.

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 Local Planning Authority has a robust five year land supply. The current figure is 6.5 years of land supply. The host site is not allocated for housing and is found outside the existing and emerging local plan settlement boundaries. There is no need to support this speculative development in the light of this position. Furthermore, although the scheme offers a lot of public open space and 30% affordable housing, as established the development is in a location that has not been 'planned' for such a fundamental change of use. As result of the scale of the development, there is also likely to be significant harm to the nearby Heritage Asset. Although not included in the reasons for refusal, the required 4m high acoustic fence to make the dwellings fit for purpose in relation to noise experience is far from ideal with such minimal landscaping available to mitigate against this feature.

Overall, the adverse impacts of the proposals would significantly and demonstrably outweigh the cumulative public benefits.

6. Recommendation

Refuse.

7. Conditions / 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). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL2 of the Publication Draft. This policy direction is similar to Paragraph 117 of the National Planning Policy Framework 2019 (NPPF) that seeks to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

There are no overwhelming special circumstances or public benefits to the proposal to depart from this core strategic policy of QL1 or SPL2 at this moment in time. To do so would undermine the integrity of the Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principles of which are in part to reassure residents and homeowners that unallocated sites such as this Countryside designation, will be protected from such speculative developments.

Paragraph 8 of the (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 124 and 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the policies seek to conserve and enhance the countryside for its own sake.

The site currently represents a clear break in development from the A120 to the north, the introduction of upto 90 dwellings in this location will demonstrably urbanise the immediate character of the rural area. The development would set a harmful precedent for similar forms of future development outside the settlement boundary, the cumulative impacts of which will result in significant and demonstrable harm to the rural and countryside character. The proposed 4m high acoustic fence and minimal landscape buffer shall further erode the rural character failing to conserve or enhance the countryside for its own sake.

The proposal would therefore be contrary to core strategic policy of QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Finally, the proposal would fail to comply with paragraphs 124 and 127 of the NPPF.

2. The National Planning Policy Framework 2019 in paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy EN23 of the Tendring District Local Plan (2007) states that proposals for development that would adversely affect the setting of a Listed Building will not be permitted. Emerging Policies SP6, PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives

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 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. This is chiefly due to the fact that the site is not allocated for housing in either the adopted or emerging Local Plans. Due to the positive housing figures in the Local Authority, there is no reason to assess this site exceptionally, a site that ultimately only offers moderate levels of affordable housing.

Therefore, the proposed development would conflict with 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). Also, Paragraph 196 of the NPPF and finally, the development would fail 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.

3. The proposal seeks outline planning permission for up to 90 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.

4. 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:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO