

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	24/06/2021
Planning Development Manager authorisation:	JJ	24/06/2021
Admin checks / despatch completed	DB	24.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.06.2021

**Application:** 21/00498/DETAIL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr Cave - Seven Developments Limited

**Address:** Nobbys Place Bromley Road Ardleigh

**Development:** Reserved matters application for erection of four detached dwellings, to amend the layout and landscaping from approved application 19/01101/DETAIL.

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

Ardleigh Parish Council No comments received.

### **2. Consultation Responses**

Tree & Landscape Officer  
11.05.2021

The main body of the application site is set to grass and contains several trees of a mixed age range. Some of these have a positive impact on the character and appearance of the area.

On the boundary with the adjacent highway the site is well treed and the trees are included within tree preservation Order: TPO/98/05. The TPO affords formal legal protection the following trees: 11 Oak, 4 Hawthorn, 41 Elm, 3 Hazel, 9 Field Maple and 2 Holly. Since the making of the tree preservation order a note has been added to the TPO file to state that none of the 41 Elms remain.

Changes to the layout of development proposal do not threaten the viability of the protected trees.

Although the development proposal would, as previously approved, necessitate the removal of some trees in the main body of the land this would not have a significant impact on the character or appearance of the area.

Information provided relating to soft landscaping, including tree planting are provided and are sufficient to soften, screen and enhance the appearance of the development.

### **3. Planning History**

00/00181/FUL	Erection of greenhouse, polytunnel and toolshed - retention of pond - alterations to existing access	Approved	21.06.2000
00/00538/FUL	Retention of small wildlife pond approx. 4.5m long x 2m wide x 0.5m deep	Approved	21.06.2000
95/00125/FUL	(Crockleford Hill, Bromley Road, Crockleford Heath) Improvements	Approved	13.06.1995

	to existing access and retention of consolidation of earth and hardcore adjacent to entrance		
04/00178/TPO	Trim Holly and Hawthorn, cut back branches to 2 metres from road	Approved	06.03.2004
75/01412/FUL	Convert mission hall into domestic dwelling	Approved	05.02.1975
17/00056/OUT	Outline application for the erection of two detached dwellings and associated garaging and parking	Approved	08.03.2017
17/30238/PREAPP	Erection of 5 dwellings.	Refused	04.10.2017
17/02190/OUT	Erection of four detached dwellings.	Refused	07.03.2018
19/01101/DETAIL	Reserved matters application for erection of four detached dwellings.	Approved	10.12.2019
21/00771/DISCON	Discharge of Conditions 4 (Details of Estate Roads) and 7 (Construction Method Statement) of approved Planning Permission ref: 19/01101/DETAIL.	Current	

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

National Planning Policy Framework 2019

National Planning Practice Guidance

*Adopted Tendring District Local Plan (2007) (part superseded)*

QL11	Environmental Impacts and Compatibility of Uses (superseded in part)
QL12	Planning Obligations
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN6	Biodiversity
EN11A	Protection of International Sites European Sites and RAMSAR Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)*

*Relevant Section 1 Policies (adopted)*

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

*Relevant Section 2 Policies (emerging)*

SPL1	Managing Growth
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreational Facilities
LP4	Housing Layout
PPL4	Biodiversity and Geodiversity
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. In this latter regard, as of 26<sup>th</sup> 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 10<sup>th</sup> 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 26<sup>th</sup> 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 Description and Planning History

The application relates to a parcel of land on the northern site of Bromley Road within the smaller rural settlement of Crockleford Heath, within the Parish of Ardleigh. The site is closely related to the settlement and district boundary of Colchester to the west. The site is outside of the Settlement Development Boundary of Ardleigh as defined within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) but has permission for 4 dwellings approved under planning application reference 17/02190/OUT allowed on appeal (reference 18/00086/REFUSE). The reserved matters for the development have also been approved under planning application reference 19/01101/DETAIL.

### Description of Proposal

This application simply seeks to amend the layout and landscaping from that approved under 19/01101/DETAIL.

There is a live discharge of condition application relating to the conditions attached to application 19/01101/DETAIL. The description of the application will be amended to reflect the new reserved matters application reference number.

Plots 1 is to be moved back slightly and Plot 2 is to be re-orientated within the plot. In the case of Plot 3, the attached garage has had its garage door moved from the back to the front of the property, which has also been re-orientated. Similarly, Plot 4 has been re-orientated and the garage moved from the side to the front of the property. These changes require a new consent for the reserved matters in respect of layout (and the resultant changes to the landscaping proposals). The appearance, access and scale remain as previously approved under 19/01101/DETAIL.

### Assessment

Taking into account the considerations of the previously approved 19/01101/DETAIL, the main considerations can be summarised as follows:

- Layout, Design and Appearance;

- Residential Amenity;
- Highway Safety;
- Trees and Landscaping;
- Financial Contribution – Recreational Disturbance; and,
- Representations.

### Layout, Design and Appearance

The new layout is considered to be an improvement on the previous proposal, in that the scheme has a better sense of place with all dwellings directly addressing the private drive. It is also the case that there will be a slight improvement in the proximity of the units to the retained trees on the site. The proposed revised layout does not significantly alter the overall appearance of the development not result in any additional visual, or landscape impact.

### Residential Amenity

The application site does not have any immediate neighbours, so the amendments proposed result in no impact on neighbouring residential amenity.

The repositioning or re-orientation of the properties does not impact on the future amenity of the scheme in terms of privacy or outlook between the units proposed.

### Highway Safety

The proposed changes do not alter the approved access or parking provision.

### Trees and Landscaping

The main body of the application site is set to grass and contains several trees of a mixed age range. Some of these have a positive impact on the character and appearance of the area.

On the boundary with the adjacent highway the site is well treed and the trees are included within tree preservation Order: TPO/98/05. The TPO affords formal legal protection the following trees: 11 Oak, 4 Hawthorn, 41 Elm, 3 Hazel, 9 Field Maple and 2 Holly. Since the making of the tree preservation order a note has been added to the TPO file to state that none of the 41 Elms remain.

Changes to the layout of development proposal do not threaten the viability of the protected trees.

Although the development proposal would, as previously approved, necessitate the removal of some trees in the main body of the land this would not have a significant impact on the character or appearance of the area.

Information provided relating to soft landscaping, including tree planting are provided and are sufficient to soften, screen and enhance the appearance of the development.

### Financial Contribution – Recreational Disturbance

The contribution is secured by the unilateral undertaking completed as part of .

### Representations

Ardleigh Parish Council have not commented on the application.

No letters of representation have been received from local residents.

### Conclusion

Overall, the revised layout will lead to some improvement to the scheme resulting in no additional harm to any interests of acknowledged importance.

## 6. Recommendation

Approval - Reserved Matters/Detailed

## 7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans (inclusive of materials details):

6545/1101 Revision A - Site Plan

6545/1102 Revision A - Block Plan

6803/1101 Revision A - Proposed Site Layout

6545/1201 Revision A - Proposed Floor Plans

6545/1301 Revision A - Proposed Front and Rear Elevations

6545/1302 Revision A - Proposed Side Elevation 1

6545/1303 Revision A - Proposed Side Elevation 2

IT1685/DD/01 - General Arrangement and Setting Out Plan

1169-01 Revision A - Landscaping Plan

Landscape Specification for proposed soft works Project Ref: 1169 dated 23 April 2021

Arboricultural Impact Assessment Project Ref: 282 dated 22 August 2019

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details Drawing No. 1169-01 Revision A - Landscaping Plan and accompanying Landscape Specification for proposed soft works Project Ref: 1169 dated 23 April 2021 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

- 3 Prior to the occupation of any of the hereby approved dwellings the internal road layout shall be provided in principal as shown on drawing numbers 6803/1101 Revision A Site Layout Plan and IT1685/DD/01 General Arrangement and Setting Out Plan.

Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

- 4 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

- 5 The development shall not be occupied until such time as a car parking and turning area has been provided in accord with Drawing No. 6803/1101 Revision A Site Layout Plan. These facilities shall be retained in this form and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

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

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

- 7 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i the parking of vehicles of site operatives and visitors
- ii loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

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

- 8 No unbound material shall be used in the surface treatment of the vehicular access or shared surface.

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

## **8. Informatives**

### Positive and Proactive Statement

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

### Conditions Precedent

The applicant is reminded that this detailed planning consent is subject to conditions attached to the outline permission for this development reference 17/02190/OUT allowed on appeal on 07.11.2018 under our appeal reference 18/00086/REFUSE. Please refer to the outline planning permission (as detailed within the appeal decision) to ensure full compliance with all conditions.

### Planning Obligations

The applicant is reminded that this detailed planning consent is subject to a legal agreement securing financial contributions. Please refer to the legal agreement secured as part of application 19/01101/DETAIL to ensure full compliance with all planning obligations.

### Highways Informatives

The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas; whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

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