

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	02.02.2022
Planning Development Manager authorisation:	JJ	04/02/2022
Admin checks / despatch completed	DB	04.02.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	04/02/2022

Application: 21/01481/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr John Beaton - Seven Developments Limited

Address: Land North of Bromley Road Ardleigh Colchester

Development: Proposed outline application with all matters reserved except access for 4 no. detached dwellings.

1. Town / Parish Council

Ardleigh Parish
Council
19.10.2021

Objection raised due to:

Neighbourhood Plan/ Housing Need

When liaising with the Planning Authority to determine the housing need for our Parish (in the remainder of the plan period up to 2033) the overall increase required across Tendring was 14%. It has been confirmed that all of the housing supply need (and more) for Ardleigh will be met by schemes with existing permission. Our Neighbourhood Plan consultation has provided clear evidence that our residents wish to retain the rural feel of Ardleigh and do not want more houses.

Settlement Hierarchy and Development Boundaries

Ardleigh is a rural settlement within the lowest tier of the settlement hierarchy where development should be limited to smaller developments within defined settlement development boundaries consistent with local community needs. The proposed development is outside the settlement development boundary with limited access to services and facilities, is not supported by the community and would not deliver any wider local benefits.

Local Plan

Tendring District Council has now adopted Section 1 of the Local Plan and can demonstrate more than 5 years housing land supply. A development proposal in this location does not accord with the up-to-date development plan.

Impact on wildlife

The site is adjacent to Salary Brook- an important wildlife corridor, nature reserve and green space. We strongly object to more building along Salary Brook and would like to see the whole length designated for nature. Concerns raised that the site has already been cleared of valuable wildlife habitat.

Garden Community

Crockleford Heath, where this property is located, falls within the proposed broad area of the new Tendring and Colchester Borders Garden Community. There is now a strong basis for Crockleford Heath to be considered an area of special character with a significant amount of protected green space.

Furthermore, that any future development in this area must be carefully managed, as would be expected within a Garden Community. No further development within the broad area should now be approved to allow for proper planning to take place.

Access and Traffic

As other comments have noted, Bromley Road is heavily used with poor visibility - access to the site would add to the risk of accidents on this road.

Other development in the area

There has already been unplanned development in this area (Allowed on appeal) and work is underway adjacent to this site and opposite where permission has been granted for 145 dwellings. Together, these developments already represent an unplanned advance of urbanisation into the countryside eroding the semi-rural character of the locality resulting in a detrimental impact upon the landscape. Further residential development of any scale on this site would, be harmful to the character and appearance of the area.

2. Consultation Responses

UU Open Spaces
13.10.2021

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

No contribution is being requested from Open Spaces on this occasion.

Tree & Landscape Officer
27.10.2021

The site boundary with Bromley Road is demarcated by an established hedgerow comprising of primarily Hawthorn. It provides a good screen and should be retained or replaced with similar if it were to be necessary for it to be removed as part of the development process.

The main body of the land is not well treed although the site contains a small group of early mature Alder, a Willow and one or two conifers. The western boundary of the site, adjacent to the brook, is well populated with trees including Oak, Willow, Alder and Ash.

In order to show the extent of the constraint that the trees are on the development potential of the land and to show how retained trees will be physically protected for the duration of the construction phase of any development the applicant will need to provide an Arboricultural Impact Assessment (AIA). This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

In terms of soft landscaping; should planning permission be likely to be granted then a comprehensive planting scheme, including tree planting, should be secured as a reserved matter, to soften and enhance the appearance of the development.

ECC Highways Dept

Noting the planning history associated with adjoining site this application follows the approval of four dwellings in April 2018, granted on appeal which the Highway Authority did not raise an objection to at the time. The Highway Authority also notes that the current sub-standard private access that currently connects to Bromley Road, is to be closed in favour of a new access that will connect with the neighbouring development.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions with regard to the provision of a vehicular turning facility, no unbound material used in the surface treatment of the access or private drive, width of private drive, closure of the existing access on Bromley Road, no discharge of surface water, boundary planting, provision of vehicle parking area, vehicle parking spaces size, provision of cycle parking and submission of a construction management plan.

3. Planning History

75/01412/FUL	Convert mission hall into domestic dwelling	Approved	05.02.1975
95/00125/FUL	(Crockleford Hill, Bromley Road, Crockleford Heath) Improvements to existing access and retention of consolidation of earth and hardcore adjacent to entrance	Approved	13.06.1995
00/00538/FUL	Retention of small wildlife pond approx. 4.5m long x 2m wide x 0.5m deep	Approved	21.06.2000
04/00178/TPO	Trim Holly and Hawthorn, cut back branches to 2 metres from road	Approved	06.03.2004
<u>Adjacent site</u> 17/00056/OUT	Outline application for the erection of two detached dwellings and associated garaging and parking	Approved	08.03.2017
17/02190/OUT	Erection of four detached dwellings.	Refused Allowed on Appeal	07.03.2018
19/01101/DETAIL	Reserved matters application for erection of four detached dwellings.	Approved	10.12.2019
21/00498/DETAIL	Reserved matters application for erection of four detached dwellings, to amend the layout and landscaping from approved application 19/01101/DETAIL.	Approved	24.06.2021
21/00771/DISCON	Discharge of Conditions 4 (Details of Estate Roads) and 7 (Construction Method Statement) of approved Planning Permission ref: 19/01101/DETAIL.	Pending Consideration	
21/01191/DISCON	Discharge of conditions 4 (Details of the Estate Roads and Footways) and 7 (Construction Method Statement) of approved application 21/00498/DETAIL.	Split Decision (Cond 4 not discharged)	01.11.2021

4. Relevant Policies / Government Guidance

National Planning Practice Guidance
NPPF National Planning Policy Framework July 2021

Tendring District Local Plan 2013-2033 and Beyond Section 1 (Adopted January 2021)

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

Tendring District Local Plan 2013-2033 and Beyond Section 2 (Adopted January 2022)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex County Council Development Management Policies 2011 (Highways SPD)
Essex County Council Parking Standards Design and Good Practice Guide 2009 (Parking SPD)
Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Neighbourhood Plan:

Draft Ardleigh Neighbourhood Plan – Ardleigh Parish Council is working on a Neighbourhood Plan (NP), it would appear that this NP is in its very early stages and only in draft form and is therefore only of very limited weight in the assessment of this application.

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if

housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the ‘tilted balance’).

The Local Plan fixes the Council’s housing requirement at 550 dwellings per annum. On 19 October 2021 the Council’s Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council’s HDT 2021 measurement was therefore 165%. As a result, the ‘tilted balance’ at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

The Site

The application relates to a parcel of land on the northern site of Bromley Road in the small rural settlement of Crockleford Heath which is within the Parish of Ardleigh, outside of any defined settlement development boundary in the Tendring Local Plan. The site is within Flood Zone 1 but is bordered by Salary Brook to the west and open farmland, countryside to the north.

The site is closely connected to the settlement and district boundary of Colchester to the west. Adjacent to the site to the east is a development for 4 dwellings currently under construction which was granted under planning application reference 17/02190/OUT allowed on appeal (reference 18/00086/REFUSE). To the south of the site lies another development currently under construction for 145 dwellings under planning reference 17/00859/OUT allowed on appeal (reference 17/00080/REFUSE).

The Proposal

The application seeks outline planning permission for the erection of 4 dwellings with all matters reserved except for access. The proposal seeks to run the access road through the adjacent site currently under development and thus utilise the existing access off Bromley Road which was approved under 17/02190/OUT allowed on appeal (reference 18/00086/REFUSE).

Whilst the proposal is for outline only with all matters reserved save for access, the submitted indicative block plan clearly demonstrates that the site can easily accommodate the amount of development proposed and the existing access from the site onto Bromley Road is to be permanently closed.

Principle of Development

The application site is situated outside of any defined Settlement Development Boundary (SDB) in the Tendring District Local Plan 2013-2033. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside.

Policy SPL2 states that for development outside of SDB’s, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

The rural settlement of Crockleford Heath does not have its own settlement development boundary due to its very small size and is within the Parish of Ardleigh. The site is some distance from the defined settlement development boundary of Ardleigh, which is defined as a smaller rural settlement, with limited facilities and infrastructure. However the site is located within close proximity to the boundary of Colchester and is conversely, within easy access of many of the services and facilities of this City.

The planning history of the immediate area is considered to be a material planning consideration and it is acknowledged that 4 dwellings on a parcel of land adjacent to the application site was approved under planning application reference 17/02190/OUT allowed on appeal (reference 18/00086/REFUSE) which is under construction and it is through this development that the access to the proposed development is to be taken, thus there would be a close relationship between these two sites. Furthermore planning permission for 145 dwellings to the south of the site has been granted, under planning reference 17/00859/OUT allowed on appeal (reference 17/00080/REFUSE). Both appeals were allowed with a five year housing supply in place. For these reasons officers are of the view that these appeals should be given some weight in the assessment of this application.

Within the appeal decision for the 4 dwellings, the Inspector acknowledged that the site was some distance from the centre of Ardleigh but was very close to the built-up edge of the much larger town of Colchester, where there is a much wider range of services such as a convenience store, a public house, a secondary and two primary schools, as well as bus stops, which are all within a quite short walking distance from the site along lit footpaths. Although in a semi-rural location, the site is quite verdant and the roadside trees would soften the visual impact of four houses. Given the location on the edge of a large town, and opposite a site approved for a significant amount of housing, the inspector found little conflict with the then relevant Local Plan Policies EN1 and QL9 in respect of any material harm to landscape character resulting from this scheme for four dwellings.

Given that this site is closer to the boundary of Colchester and would infill the area between the previously approved site for 4 dwellings and the residential dwellings to the west, it is considered that the principle of residential development in this location is suitably established by the adjacent schemes and the relevant appeal decisions and, whilst there is conflict with the development plan due to the site's location outside the settlement development boundary (as outlined above) in this case the principle of development may be considered acceptable subject to the detailed considerations below.

Character and Appearance

Policy SP7 sets out the place shaping principles all new development should follow. The first bullet point of this policy states that development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Modified emerging Policy LP4 h) states that new housing development should deliver new dwellings that are designed to high standards of architecture, which together with a well-considered site layout, create a unique sense of place – avoiding the use of ubiquitous standard house types.

Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. Paragraph 130 of the Framework requires developments are sympathetic to local character and history, including the surrounding built environment, and are visually attractive as a result of good architecture.

The application is in outline form only, with all matters reserved (save for access) for a future application. As such, no detailed drawings of the proposed dwellings have been provided. That notwithstanding, it is considered that the site is capable of accommodating the four dwellings with all of the necessary parking and private amenity requirements. The design of the dwellings should be in keeping with the adjacent site currently under construction. .

Living Conditions of Existing and Future Residents

Policy SP7 and emerging Policy LP4 g), and Paragraph 130 f) of the Framework, together seek to ensure high standards of amenity for existing and future occupants. The proposal is outline only with all matters reserved save for access, and therefore the appearance and layout are reserved

for consideration at a later stage. However, based on the indicative block plan, the proposed dwellings could be easily accommodate on the site with no material loss of amenity for future occupiers or neighbouring properties subject to design, form and siting which can be addressed at the reserved matters stage.

Highway Considerations

Essex County Council as the Highway Authority has been consulted on the application and have raised no objections with regard to the proposed access which was previously approved and to which the Highways Authority had no objection to. The Highway Authority also is in favour of the permanent closure of the current sub-standard private access that currently connects to Bromley Road and the development of a new access road that will connect with the neighbouring development. A condition to ensure that the current private access is permanently closed is recommended as is a condition stipulating the width of the proposed private drive access and these are considered to be reasonable to add to the grant of the outline permission in the circumstances of this site.

Other recommended conditions have been proposed, regarding the provision of a vehicular turning facility, no unbound material used in the surface treatment of the access or private drive, width of private drive, no discharge of surface water, boundary planting, provision of vehicle parking area, vehicle parking spaces size, provision of cycle parking and submission of a construction management plan. However, as this application is outline with all matters reserved apart from access, these will not be attached as conditions to this outline decision as these elements would be considered in detail at reserved matters stage once the final layout is known.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The indicative layout supplied shows there is sufficient space to accommodate the required parking spaces within any future detailed application and these requirements should be adhered to.

Financial Contribution - Recreational Disturbance (RAMS)

The site is considered to be approximately 9.1km from the Stour and Orwell Estuaries SPA and Ramsar site as well as approximately 2km from the Colne Estuary SPA and Ramsar and is therefore situated within the Zone of Influence of internationally important sites for biodiversity covered by the Essex Coast RAMS SPD, which requires a financial contribution to fund mitigation measures. The applicant has completed the necessary Unilateral Undertaking, in accordance with saved Policy QL12, adopted Policy SP2, and the RAMS SPD. The Council's Habitats Regulation Assessment has concluded that, with the mitigation, the project would not have an Adverse Effect on the Integrity of the sites included within the Essex Coast RAMS.

Trees and Landscaping

Policies SPL3 and PPL3 seek to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

The application site boundary bordering Bromley Road is demarcated by an established hedgerow comprising of primarily Hawthorn and it is considered to provide a good level of screening. The Council's Tree and Landscaping Officer advises that this should be retained or replaced with similar if it were deemed necessary for it to be removed as part of the development process.

The main body of the site contains a small group of early mature Alder, a Willow and one or two conifers. The western boundary of the site, adjacent to Salary Brook, is well populated with trees including Oak, Willow, Alder and Ash.

In order to accurately demonstrate the extent of the constraint that the trees may have on the development of the land and to show how any retained trees are to be physically protected for the

duration of the construction phase of any development approved, the applicant is required to submit an Arboricultural Impact Assessment (AIA). This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations. As this application is in outline form, an informative can be added to any consent to advise that this AIA should be submitted at the reserved matters stage.

In terms of soft landscaping, should planning permission be likely to be granted then a comprehensive planting scheme, including tree planting, should be secured as a reserved matter, to soften and enhance the appearance of the development. This would also form part of a reserved matters application should planning permission be granted.

Ecology and Biodiversity

Policy SP7 requires that all new development should incorporate biodiversity creation and enhancement measures.

Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessment. Where new development would harm biodiversity or geodiversity, planning permission will only be granted in exceptional circumstances. In line with Paragraph 174 of the framework, planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The site is considered to form an undeveloped area of countryside and is close to Salary Brook, therefore it is considered reasonable to request an Ecological Impact Assessment (EIA) to be undertaken as part of the reserved matters submission in order to consider the likely impacts on any Protected and Priority species and associated habitats and to outline proposed enhancement measures to be implemented in order to obtain a net increase in biodiversity for the site.

Flood Risk and Drainage

The site is located within Flood Zone 1, however the Environment Agency Flood Map for Planning indicates that the area around Salary Brook, which is adjacent to the site, is within Flood Zone 2 and 3 and also has a medium to high risk of surface water flooding.

Paragraph 167 of the Framework is clear that when determining any planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. Policy LP4 states that the design and layout of new residential development will be expected to consider surface water management from the outset of the site layout and master planning and that all surface water should be managed by means of SUDS. Criterion g) of Part B of Policy SPL3 states that opportunities should be taken to incorporate sustainable drainage within development, creating amenity and biodiversity. The proposal is in outline only with all matters reserved except access. As such detailed drainage matters including things like surface water run-off will be considered at detailed layout stage. Therefore these policy considerations can reasonably be considered and addressed at reserved matters stage and through the use of planning conditions, when the precise layout and detail of dwellings would be known.

Representations

Ardleigh Parish Council have objected to the proposal based on access safety and traffic, impact on wildlife, housing need and that the area should be considered of special character with a significant amount of protected green space.

In addition to the objection raised by the Parish Council, 5 letters of objection were received by local residents. Concerns were raised with regards to the following issues:

- Drainage and flooding including surface water drainage
- Impact on privacy
- Previous applications on adjacent site for 2 then 4 dwellings
- Highway Safety including access and increase in traffic
- Impact on Wildlife

- Impact on Salary Brook Valley
- Setting an unwelcome precedent

Where relevant, these issues and concerns have been addressed in the appraisal section of the report. Due regard is given to the outline nature of the proposal and issues such as drainage and privacy matters will be considered at reserved matters stage or be subject to further details as part of necessary planning conditions (see below).

Conclusion

The proposal is acceptable in principle and is in accordance with the policies of the development plan and the Framework. In accordance with Policy SP1 and the presumption in favour of sustainable development, planning permission should therefore be granted subject to the following conditions.

6. Recommendation

Approval - Outline

7. Conditions / Reasons for Refusal

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout, access and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. The development hereby permitted shall be carried out in accordance with the following approved plan(s): IT2325/SK/01, 6798 /1101 Rev P1, 6798/1104 Rev P1

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

5. Prior to the first occupation of the development hereby approved, the existing access with Bromley Road shown on the site layout plan (DWG. 6798 / 1101 Rev P1) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/kerbing.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

6. Prior to the first occupation of the development hereby approved, the private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway/Footway/Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

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

7. 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. vehicle routing,
- ii. the parking of vehicles of site operatives and visitors,
- iii. loading and unloading of plant and materials,
- iv. storage of plant and materials used in constructing the development,
- v. wheel and underbody washing facilities.
- vi. Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense when caused by developer.

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. **Informatives**

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.

Highway Informatives:

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

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.

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.

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

