

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/11/2022
Planning Development Manager authorisation:	JJ	17/11/2022
Admin checks / despatch completed	CC	18.11.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	18.11.2022

Application: 21/02164/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Bellway Homes

Address: Land South West of Crockleford Grange Bromley Road, Ardleigh

Development: Proposed construction of 14 dwellings, new access, landscaping and associated works

1. Town / Parish Council

Ardleigh Parish Council
18.02.2022
Part 1 of 3

Ardleigh Parish Council strongly objects to this application. This is a rural location in Crockleford Health, outside any settlement development boundary (SDB), and adjacent to ancient woodland at Churn Wood and close to Salary Brook - both vital as wildlife corridors.

Local Plan

Tendring District Council has now adopted the Local Plan and can demonstrate more than 5 years housing land supply. A development proposal in this location simply does not accord with the up-to-date development plan and allowing it would undermine confidence in the new Plan.

The Tendring Local Plan has a spatial strategy in respect of housing is directly informed by the available evidence base (which dictates where housing growth is appropriate and where it is not). The adopted spatial strategy has been carefully developed by TDC's policy team to meet the social, economic and environmental strands of sustainable development. It was very recently found sound by the Examining Inspector (as similarly supported by the Inspector at Wick Lane-20/00592/OUT), meaning central government is satisfied that it does indeed achieve sustainable development in the District and warrants to be followed not disregarded.

We note the very recent delegated decision to allow 4 further dwellings on a site opposite. We would ask that that decision, which is the subject of a complaint and which we consider to be flawed, be disregarded when reviewing this application.

Furthermore, any proposed variation from the newly approved Local Plan ought not to be a delegated decision and should instead be referred to the Planning Committee. We have therefore requested that this application be called in to Committee should the officers be minded to approve.

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 (including the 145 dwellings next to this site allowed on appeal). 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. We would also note that as relevant officers at TDC are aware, the Ardleigh Neighbourhood Plan is progressing well and is close to completion after two years of intense work (we have held more than 80 meetings). The plan itself, updated Village Design Statement and associated policies are drafted following several public consultations.

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 site is unequivocally outside any settlement development boundary. Although the edge of Colchester is close by, this should not be used as a justification for further development- it is notable that there continues to be local opposition and distress at the encroachment in to the countryside in this area and this precious remaining green space ought to be protected not treated as 'infill'.

The proposed development is not supported by the community and would not deliver any wider local benefits. The fact that there is already development underway in the immediate area, should not be considered as a green light to allow more development in conflict with the Local Plan.

Impact on wildlife

The site is adjacent to the edge of Churn wood a designated ancient woodland and close to Salary Brook- an important wildlife corridor, nature reserve and green space. We strongly object to more building in this area and would like to see the whole length of Salary Brook designated for nature.

Garden Community

Crockleford Heath falls within the proposed broad area of the new Tendring 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

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 significant development in this area (Allowed on appeal) and work is underway adjacent to this site and where permission has been granted for 145 dwellings, together with a site opposite. 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.

We urge that this application be refused.

2. Consultation Responses

Urban Design Advisor
05.05.2022

Thank you for consulting us on the Full Application for the site known as Land South West of Crockleford Grange, Bromley Road, Ardleigh. This letter sets out our comments and observations based upon the provided drawings and supporting documents within this application.

The National Planning Policy Framework Section 12 requires that developments:

- Function well
- Are visually attractive as a result of good architecture, layout and appropriate landscaping.
- Are sympathetic to local character, including the landscape historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide.

Our comments are set out below and are cross referenced to the NDG together with a number of local policies which apply to the site.

Layout

Relevant NDG Principles:

- I1 encourages buildings which respond well to local character and identity through appreciation of existing built form, height scale, massing and relationships between buildings. This includes the scale and proportions of proposals, façade design, patterns and proportions of fenestration and their details.
- I3 encourages the siting of buildings within the landscape, the arrangement of layout and grain, landscape spaces, movement network, development blocks, scale, form, proportions and materials to create distinct characters and a memorable sense of place.
- Sections M1 and M2 encourage a connected network of streets for all forms of travel including walking and cycling.
- H2 encourages well designed buildings which are integrated into their surrounding external space with integrated amenity space, defensible space and communal space.

The layout is constrained by the location of the access road from the approved Bromley Road phase and the small narrow shape of the site. It is positive to see the layout ties into the Bromley Road Phase 1 by continuing the street and row of dwellings. However, we would question

whether the layout maximises the potential for integration with the approved phase, as the western boundary backs onto the site and the pedestrian access is not at the most direct location from the site entrance. The pedestrian accessibility could be improved by creating a pedestrian access route through the hedgerow adjacent to plot 80 or 71-74. This would respond better to pedestrian and cyclist desire lines and reduce the distance from the site entrance and encourage active travel. Furthermore, there could be opportunities to tie the built form of plot 14 into the building line set out with plots 80-83. We would also welcome a corner turning dwelling on plot 14 to create an active frontage onto the vista from the access road.

We are concerned about the design of the double garages for plots 11 and 12. The joined garage will create a dominating-built form and area of parking. We would request design revisions to separate the garages to create single double garages with space between. Furthermore, the garages appear to encroach upon the tree protection area on the western boundary. The location of the turning head is close to the northern boundary and there is a small private drive from this serving plot 9 and 10. A design enhancement could be made by setting the turning head further into the site to create a larger private drive that the end dwellings can be arranged in a typology which enhances the vista. This would increase the integration of the end dwellings to create a positive outlook and setting. By moving the turning head south, the pedestrian route described above, framed by corner turning dwellings would be more easily facilitated, ensuring that the development does not turn its back on the scheme currently under construction.

It is positive to see defensible space in front of dwellings and the inclusion of a tree to create a terminating vista. However, there does not appear to be much public open space within the site and there will be a reliance on using the open space within the approved phase. We would therefore request justification that the approved phase can accommodate the additional requirements from the proposed 14 dwellings. Plots 1 to 10 back onto the ancient woodland and we would question the impact on accessibility, maintenance, and security. The nearest access point is within the approved phase, and we would welcome further justification for this approach. Are there opportunities to turn the corner along this line of dwellings to feed a pedestrian route for maintenance and to increase public amenity?

Design and Materiality

Relevant NDG Principles:

- C1 calls for designs which understand and relate well to local built environment character, views, layout, form, scale and appearance.
- I1 encourages buildings which respond well to local character and identity through appreciation of existing built form, height scale, massing and relationships between buildings. This includes the scale and proportions of proposals, façade design, patterns and proportions of fenestration and their details.

It is positive to see the design and materiality ties into the approved phase. The design uses a variety of roof forms, gables and materiality to create depth, tone and interest in a simple manner, and the use of timber weatherboarding ties into the Essex context.

Sustainability

Relevant NDG Principles:

- R1 encourages the reduced need for energy through passive measures, energy efficient M&E systems and maximising opportunities for renewables.
- R2 encourages careful selection of materials and construction techniques to reduce their environmental impact.

It is positive to see provision for electric vehicle charging points and the use of SuDS features such as permeable paving. However, further consideration could be given to Section R1 of the NDG. Which states: "Well-designed places and buildings follow the energy hierarchy of: reducing the need for energy through passive measures including form, orientation and fabric; using energy efficient mechanical and electrical systems, including heat pumps, heat recovery and LED lights; and maximising renewable energy especially through decentralised sources, including on-site generation and community-led initiatives. (National Design Guide Section R1)".

Summary

We are pleased to see that elements of the proposed design respond to the site constraints and approved Bromley Road Phase 1 development. However, as highlighted above we would welcome further consideration of the integration of the site within this development. The pedestrian links and built form could be improved to create a better relationship between the two sites and further consideration should also be given to the double garages, terminating vista and the access to the ancient woodland. Following these changes and justifications we would be happy to recommend the application for approval on urban design grounds. Should you require further clarification on any of the above points, please do not hesitate to contact us.

Essex Police HQ -
Designing out Crime
24.01.2022

Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design (CPTED) for which Secured By Design (SBD) is the preferred enabler, in this case Secured by Design - Homes. SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'.

Whilst there are no apparent concerns with the layout of this development, Essex Police recommend that the developer seeks to achieve the Secured by Design - Homes accreditation in respect of all relevant aspects of this proposed development. Achieving the award will demonstrate to residents that their security and wellbeing has been considered and incorporated "by design" to the current approved, and therefore proven effective, standard.

Essex Police provide a free, impartial advice service to applicants who require advice on CPTED and SBD. We would welcome the opportunity to consult with the developer to provide a safe and secure environment for this development and would invite them to contact us via designingoutcrime@essex.police.uk.

ECC Highways Dept
21.02.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with an earlier planning application. The

information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2021. It is noted that access to the proposed development will be taken from the internal spine road via the existing Bellway Homes scheme off Bromley Road which is currently under construction and the new dwellings will be located within a cul-de-sac, the proposal provides adequate parking and turning within the site together with footway/ cycle connectivity with the existing development, taking these factors into consideration:

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

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of obstruction above 600mm at all times and in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

2. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

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

3. No unbound material shall be used in the surface treatment of the vehicular access/ private drive throughout.

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

4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. Prior to the occupation of any of the proposed dwellings the internal road layout shall be provided in principle and accord with Drawing Number:

o 930-PL-002 Rev. D Proposed block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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 and in accordance with Policy DM1.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The

vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

8. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

9. Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

10. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack 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.

Informative:

1: 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.

2: 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

3: General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be

adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

4: 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.

Essex County Council
Ecology
05.04.2022

Thank you for consulting Place Services on the above application.

No objection subject to securing

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Assessment (SES, December 2021), MAGIC maps (www.magic.defra.gov.uk), and aerial photography relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

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

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

As highlighted in the Ecological Assessment (SES, December 2021) and Natural England's consultation response (ref. 380558 dated 20 Jan 2022), the site falls within the evidenced Zone of Influence for the Essex Coast RAMS. Therefore, given the residential nature of this development is relevant to the Essex Coast RAMS, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

The mitigation measures identified in the Ecological Assessment (SES, December 2021) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly badgers and nesting birds.

The proposed development site lays adjacent to Churn Wood an Ancient Woodland, which is irreplaceable habitat. Therefore, to mitigate any potential pollution impacts on the ancient woodland and any other retained habitat a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced, as recommended by the Ecological Assessment (SES, December 2021).

Although Great Crested Newts (GCN) were found to be absent in a nearby pond, the site does lie within an Amber Risk Zone for the Great

Crested Newt (GCN) District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com) and suitable habitats are present in close proximity to the site, it is considered possible (although unlikely) that GCN could be present. GCN should therefore be considered as part of this planning application, however, due to the type of development, and area impacted, it may be possible to manage potential impacts upon GCN using a precautionary method statement for GCN for the construction stage, including storage of materials. This precautionary method statement should be included in the CEMP: Biodiversity and secured by a condition of any consent.

Furthermore, as it was considered that Hedgehogs and Toads are highly likely to be using the site, and reptiles have been previously present (although in small numbers), precautionary mitigation methods for small mammals and reptiles during the construction phase should also be considered within the CEMP: Biodiversity.

We also support the proposed reasonable biodiversity enhancements, which have been outlined by the Ecological Assessment (SES, December 2021) to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

The Ecological Assessment (SES, December 2021) also highlights that it is highly likely bats could be foraging/commuting within the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 as updated by the Environment Act 2021.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (SES, December 2021) 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. 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) including a precautionary method statement for Great Crested Newt, small mammals, and reptiles.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.
- j) 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. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Assessment (SES, December 2021), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

Essex County Council
Archaeology
24.01.2022

The proposed development is for the construction of 14 dwellings, new access, landscaping and associated work south of Bromley Road, Ardleigh.

A Desk Based Assessment has been submitted with the application which identifies the known heritage assets within the surrounding area including the course of a potential Roman road running NE-SW to the north of the site the site which has been traced through aerial photography and surviving road alignment beyond the development site. Evaluation at the adjacent site recovered evidence for medieval activity on the slopes down to the Salary Brook. The DBA concludes that there is moderate evidence for the survival of medieval and later features, the potential for activities associated with the postulated Roman road has not been established. The application site lies on higher ground above the Salary Brook and close to the historic Bromley Road where settlement would have been more favourable.

There is potential that currently unidentified heritage assets will be impacted upon by the proposed development. Due to the scale of harm or loss, the applicant is required to carry out an evaluation to determine the nature and significance of any heritage assets that may be affected (Para 194, 2021) and to make this publicly available.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological Evaluation and Excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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.

Reason for recommendation

The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

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.

Anglian Water Services
Ltd
21.01.2022

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: Drainage Strategy. 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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets

with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.
<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

Waste Management
13.01.2022

Access road to be constructed to suitable standard to allow full access to 26 tonne refuse collection vehicles of 2.5 metre width.

Colchester Borough
Council
19.04.2022

The proposal is considered contrary to policy SP8 of Section 1 of the Local Plan - "No planning consent for development forming part of the garden community will be granted until the DPD has been adopted". At the time of writing, the DPD has not been adopted. Concerns are also raised in regard to the impact upon Greenstead and urban sprawl.

The sites are shown as a strategic green gap in the Draft Plan for the Garden Community. The purpose of this designation is to give extra protection to the open countryside in key locations around the Garden Community to maintain long term physical and visual separation to nearby settlements.

Essex County Fire
Officer
28.03.2022

Thank you for your letter dated 24/03/2022 enclosing drawings showing details of the above proposal. The application has been considered and I draw your attention to the following comments:

Access

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations Approved Document B, B5. Your attention is drawn to ADB B5, Volume 1, Section 13.

It must be noted that any new roads or surfaces being developed are compliant with the table below, it is not currently confirmed whether the newly built road or parking area can withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

For the provision of Fire Service Access Approved Documents B, B5 compliance is required. Also, when referring to ADB V1 Table 13.1, please refer to note 1, (Referring to not all fire appliances are standardised).

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

Building Regulations

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

Water Supplies

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact the Water Technical Officer at Service Headquarters, telephone 01376-576344.

Sprinkler Systems

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

If you have any further queries, then please contact the above Officer quoting our reference number.

Environment Agency

No comments received.

Natural England
20.01.2022

Thank you for your consultation on the above dated 11 January 2022 which was received by Natural England on 11 January 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites¹

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from

new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

ECC Schools Service
08.02.2022

Thank you for providing details of the above detailed planning application proposing 14 residential, all of which are either 2 or 2+ bed houses. A development of this size can be expected to generate the need for up to 1.26 Early Years and Childcare (EY&C) places; 4.2 primary school, and 2.8 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 and according to latest available childcare sufficiency data, there are 3 early years and childcare providers within the ward. Overall a total of 22 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 at this time.

Primary Education

The site lies on the Colchester side of the A120 and there are sufficient surplus places within Colchester Primary Group 6 i.e. the closest primary school.

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

Secondary Education

The site lies on the Colchester side of the A120 and there are sufficient surplus places within Colchester Academy i.e. the closest secondary school.

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

School Transport

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

Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations.

ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Tendring District Council (TDC) in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports TDC in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports TDC in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages TDC to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

Woodland Trust
24.03.2022

Thank you for your email. We have no comments to make on this application.

NHS East Essex CCG
19.04.2022

I can confirm that after all of the information you have provided we are happy to treat this as a new planning application for under 50 dwellings and we will therefore not be requesting mitigation for this development.

Essex County Council
Heritage
06.05.2022

The application is for proposed construction of 14 dwellings, new access, landscaping and associated works.

The proposal site lies in close proximity to a complex of four Grade II Listed building which originally formed the stock yard on the East side of Hill Farmhouse and were historically all within the same ownership and ancillary to the farmhouse:

- Cartlodge Adjacent to Road and East of Hill Farmhouse, List entry number: 1112079;
- Cow Byre and Hayloft Adjacent to Southeast of Cartlodge Adjacent to Road And East Of Hill Farmhouse, List entry number: 1112080;
- Stable/Cartlodge Adjacent to South East of Cow Byre and Hayloft, Adjacent to South East of Cartlodge, Adjacent to Road and East of Hill Farmhouse, List entry number: 1322644
- Barn and Linked Cow Byre to North West Forming the South and West Sides of the Stock Yard, Hill Farm, Qv Cartlodge Adjacent to Road and East of Hill Farmhouse, List entry number: 1112081

Hill Farmhouse is a non-designated asset whose significance relates to its historical and functional association with the above-mentioned Grade II buildings.

As identified by the applicant in the supporting heritage statement, the proposal site was historically part of the agricultural land associated to Hill Farmhouse and there is therefore a well-documented functional and historical relationship with both the designated and non-designated assets. The proposal site positively contributes to the significance of the heritage assets and to the way their former function as a collective group of agricultural buildings is experienced, appreciated and understood.

With regards to the National Planning Policy Framework (2021), I agree with the applicant's heritage consultants that the level of harm to the designated heritage assets is considered to be less than substantial' due to the change of use of their wider setting as a result of the introduction of the proposed development onto an historically undeveloped land. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202. As correctly assessed by the applicant, the level of harm is considered to be at the lower end than less than substantial due to the limited intervisibility between the designated assets and the new development, which will be mostly mitigated by the ancient woodlands and the proposed landscape.

Similarly, the level of harm caused by the introduction of the proposed development within the setting of Hill Farmhouse is considered to be at the lower end than less than substantial. As a non-designated heritage asset, Paragraph 203 of the NPPF is relevant and the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset.

Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

ECC SuDS Consultee
21.02.2022
INITIAL COMMENTS

Thank you for your email received on 11/01/2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, , we wish to issue a holding objection to the granting of planning permission based on the following:

- Provide the inclusion of 10% urban creep. In any storage calculations, we would also want to see 'urban creep' included in line with the Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in the paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority' (page 32).
- During 100 year plus 20pc cc event flooding is predicted at one of the manholes, demonstrate that the flooding will not be detrimental to the proposed buildings.
- Provide detailed engineering drawings of each component of the drainage scheme.
- Provide a drainage plan which details exceedance and conveyance routes, FFL and ground levels.
- Maintenance plan does not include the proposed catch pits, manholes, and permeable paving. The plan should include all drainage features both above ground as well as below ground ones. It should also be detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
- The applicant in their submission should also state that they 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.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the

proposal once it has considered the additional clarification/details that are required.

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.

ECC SuDS Consultee
07.04.2022
**FOLLOW UP
COMMENTS**

Thank you for your email received on 21/03/2022 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- The exceedance plan shows that the road levels are higher than the adjacent house FFLs, which can cause flooding of the properties by overland flows. Demonstrate using 2-dimensional modelling that the overland flows will not cause any flooding to the proposed properties in such scenarios.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

In the event that more information was supplied by the applicants then the County Council may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.

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

ECC SuDS Consultee
14.04.2022
LATEST COMMENTS

preceding applications to make a balanced decision based on the available information.

Thank you for your email which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

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 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 167 and paragraph 174 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.

We also have the following advisory comments:

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protecting-environment>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

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

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- 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.

3. **Planning History**

Site specific history:

20/30202/PREAPP <i>(disclosed by applicant within documents accompanying this application, thus making these details publically available)</i>	Proposal for 17 dwellings (extension to 17/00859/OUT allowed on appeal and 19/01392/DETAIL).	Support	01.04.2021
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Relevant adjacent site history (full site history available via Public Access):

17/00859/OUT	Erection of up to 145 dwellings, the removal of prefabricated livery stables and the provision of public open space, landscaping and sustainable drainage systems and vehicular access point from Bromley Road. All matters reserved except for means of access.	Refused	25.08.2017
		Allowed on appeal ref: APP/P1560/W/17/31857 76	13.09.2018
19/01392/DETAIL	Reserved matters for details of appearance, landscaping, layout and scale; and discharge of conditions 3 (landscape specification), 5 (levels), and 6 (lighting) of outline planning permission 17/00859/OUT for the erection of 145 dwellings and associated development.	Approved	05.05.2020
20/01021/NMA	Non material amendment for re-siting of Local Equipped Area for Play approximately 10 metres to the south of its original position approved under 19/01392/DETAIL and minor amendment to route of footpath through public open space adjacent to east and south of sub-station.	Approved	27.08.2020

4. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021
National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

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
SP8 Development & Delivery of a New Garden Community in North Essex
SP9 Tendring/Colchester Borders Garden Community

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL6 Strategic Green Gaps
PPL7 Archaeology
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP3 Improving the Telecommunications Network
DI1 Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

Draft Ardleigh Neighbourhood Plan 2020 – 2033 (DANP) (August 2022)

The following DANP policies are relevant: Policies GDP, HP, EP and TP

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Draft Tendring / Colchester Borders Garden Community Development Plan (Garden Community Reg 18 Consultation now closed)

Essex Design Guide

Local Planning Guidance

Essex County Council Parking Standards 2009

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 (including Site Description and Proposal)

Site Description

The application site comprises a parcel of land to the south of Bromley Road, Ardleigh. The site extends approximately 0.84 ha in size (inclusive of site access area). The site is served by the access through the new Bellway development of 145 dwellings directly adjacent and currently under construction. The site is to the rear of the property known as Hill Farm and to the west of the Bellway development. The new properties fronting the new Meadows Close (currently under construction) will adjoin the southern boundary of the application site. Properties fronting the new Harlequin Way (currently under construction) will share the western boundary with the application site.

To the east of the site is the designated Ancient Woodland, Churn Wood. There is an apparent change in site levels with an incline in an easterly direction. The site lies outside of the Ardleigh Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond, and within the proposed Tendring / Colchester Borders Garden Community development area.

Description of Proposal

The application seeks full planning permission for the erection of 14 dwellings comprising a mix of 2, 3 & 4 bedroom dwellings with 30% on-site affordable housing provision (consisting of 2 x 2 bedroom and 2 x 3 bedroom dwellings). Buildings are generally 2 storeys in height in line with local context, broken up and articulated by single storey garages. The proposed accommodation breakdown is as follows:

Affordable housing (affordable rent and shared ownership);

Plot 1	HA79	Rent	2 bedroom dwelling	79sqm amenity space	2 parking spaces
Plot 2	HA79	Rent	2 bedroom dwelling	75sqm amenity space	2 parking spaces
Plot 3	HA93	Rent	3 bedroom dwelling	101sqm amenity space	2 parking spaces
Plot 4	HA93	Shared	3 bedroom dwelling	100sqm amenity space	2 parking spaces

Market housing;

Plot 5	Chandler		3 bedroom dwelling	100sqm amenity space	2 parking spaces
Plot 6	Chandler		3 bedroom dwelling	100sqm amenity space	2 parking spaces
Plot 7	Fuller		3 bedroom dwelling	131sqm amenity space	Garage+2 spaces
Plot 8	Sculptor		4 bedroom dwelling	156sqm amenity space	Garage+1 space

Plot 9 Fuller	3 bedroom dwelling	139sqm amenity space	Garage+1 space
Plot 10 Sculptor	4 bedroom dwelling	198sqm amenity space	Garage+1 space
Plot 11 Jeweller	4 bedroom dwelling	182sqm amenity space	Double garage+2 spaces
Plot 12 Jeweller	4 bedroom dwelling	159sqm amenity space	Double garage+2 spaces
Plot 13 Quilter	3 bedroom dwelling	116sqm amenity space	Garage+1 space
Plot 14 Thespian	3 bedroom dwelling	156sqm amenity space	Garage+1 space

The development will be served by the existing access from Bromley Road, through the adjacent Bellway development currently under construction.

The plans and supporting documents accompanying the application and considered as part of this application are as follows (including any updated or amended documents):

930-PL-001	Site Layout Red Line Plan	20 Dec 2021
930-PL-002 REV D	Proposed Block Plan	20 Dec 2021
930-PL-023 A	Site Plan	20 Dec 2021
930-PL-024 A	Amenity Layout	20 Dec 2021
930-PL-025	Full Site Layout Red Line	20 Dec 2021
930-PL-026 A	EV Charging Layout	20 Dec 2021
930-PL-027 A	Wider Coloured Site Layout	20 Dec 2021
PR221-01 D	Landscape Master Plan	20 Dec 2021
02	Detailed Planning Proposal	20 Dec 2021
1902/07/3060 B	Drainage Strategy - Phase 2	14 Apr 2022
1902/07/7002 C	External Works - Phase 2	14 Apr 2022
930-PL-030	Affordable Housing Location Plan	19 Jul 2022
930-PL-003 A	Storey Heights Layout	20 Dec 2021
930-PL-004 A	Refuse Layout	20 Dec 2021
930-PL-005 A	Parking Layout	20 Dec 2021
930-PL-006 A	Material Layout	20 Dec 2021
930-PL-007	Ha79 House type - Floor Plans and Elevations	20 Dec 2021
930-PL-008	Ha83 House type - Floor Plans and Elevations	20 Dec 2021
930-PL-009	Chandler House type - Floor Plans and Elevations	20 Dec 2021
930-PL-010	Jeweller House type Sheet 1	20 Dec 2021
930-PL-011	Jeweller House type Sheet 2	20 Dec 2021
930-PL-012	Quilter House type - Floor Plans and Elevations	20 Dec 2021
930-PL-013	Thespian House type - Floor Plans and Elevations	20 Dec 2021
930-PL-014	Sculptor House type - Floor Plans	20 Dec 2021
930-PL-015	Sculptor House type - Elevations	20 Dec 2021
930-PL-016	Fuller House type - Floor Plans and Elevations	20 Dec 2021
930-PL-017	Single Garage - Floor Plans and Elevations	20 Dec 2021
930-PL-018	Double Garage A - Floor Plans and Elevations	20 Dec 2021
930-PL-019	Double Garage B - Floor Plans and Elevations	20 Dec 2021
930-PL-021	Street Elevation (1)	20 Dec 2021
930-PL-022	Street Elevation (2)	20 Dec 2021
	Archaeological Desk Based Assessment	20 Dec 2021
	Biodiversity Net Gain Design Stage Report	20 Dec 2021
	Ecological Assessment	20 Dec 2021
	Heritage Statement	20 Dec 2021
	Landscape/Visual Appraisal and Strategy	20 Dec 2021
	Arboricultural Impact Assessment	20 Dec 2021
	Construction Environmental Management Plan	20 Dec 2021
	Transport Statement	20 Dec 2021

Assessment

The main considerations in this instance are:

1. Relevant Planning History;
2. Principle of Development;
3. Tendring / Colchester Borders Garden Community development area;

4. Affordable Housing Provision;
5. Scale, Layout and Appearance;
6. Impact on Heritage Assets;
7. Residential Amenities;
8. Highway Safety, Access and Parking;
9. Trees and Landscaping;
10. Biodiversity and Protected Species;
11. Archaeology;
12. Open Space and Play Space Provision;
13. Financial Contribution - Recreational Disturbance;
14. Environmental Protection;
15. Sustainable Drainage and Foul Sewage Disposal;
16. Representations and Objections;
17. Summary of Planning Obligations included in S106 Legal Agreement; and,
18. Overall Planning Balance and Conclusions.

1. Relevant Planning History

Outline planning permission 17/00859/OUT was allowed on appeal for 145 dwellings on the adjacent site and the point of access. The outline permission was subject to a S106 legal agreement dated 23rd April 2018 securing 30% affordable housing; £50,301 for healthcare improvements at Parsons Health Medical Centre; provision of a Local Equipped Area of Play (LEAP) within the site; and submission of a Management Plan for the open space. The reserved matters application was approved under planning application 19/01392/DETAIL (varied under approval reference 20/01021/NMA).

Prior to the submission of this full application, the applicant engaged with the LPA to seek pre-application advice for the development of the application site for 17 dwellings accessed via Bromley Road; through the development of 145 dwellings.

The LPA provided a positive response to the applicant dated 31 March 2021. The response was based upon the policy position and material consideration relevant at that time, being prior to the full adoption of the Tendring District Local Plan 2013-2033 and Beyond:

In the context of the status of the emerging Local Plan and the 5 year housing land supply (set out above), due to the location of the site outside of settlement development boundary the principle of residential development on this site is considered contrary to policy.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise.

Material considerations of particular relevance in this instance are the conclusions of the Planning Inspector and the location of the site within the Garden Communities development area.

Although the proposal represents a clear departure that would normally receive a recommendation of refusal, the Inspector dealt with principle matters and it is unlikely that a case could be made for demonstrable harm resulting from an additional 17 dwellings beyond what has already occurred. The site is essentially a pocket of undeveloped land that would be bound by developed land on 3 sides and screened by extensive mature trees and landscaping to the east. The approval of a development of this site is not considered to set a harmful precedent for further development in this locality as the site is well contained with a definitive boundary. Colchester Borough Council concur with this assessment.

Although the applications are separate (not being considered as piecemeal development) for ease of reference applications 17/00859/OUT and 19/01392/DETAIL will be referred to as Phase 1 and this current application 21/02164/FUL will be referred to Phase 2.

2. Principle of Development

As addressed above (Status of the Local Plan), in line with Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning law requires that planning application decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. 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.

The site is not located within an area subject of any adopted Neighbourhood Plans. However, the Ardleigh Parish has been confirmed as a Neighbourhood Planning area and Ardleigh Parish Council is, at the time of writing, consulting the public on its first draft Neighbourhood Plan.

Adopted Tendring District Local Plan 2013-2033 and Beyond Section 1 (TDLPS1) Policy SP3 describes the overarching spatial strategy for growth across North Essex up to 2033. It provides that existing settlements will be the principal focus for additional growth and that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. It states that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Policy SP3 also explains that part of sustainable strategy for growth includes the development of a new Garden Community across the Tendring/Colchester border and the Section 1 Plan identifies the broad location for the new community.

Policy SP3 in Section 1 of the Local Plan also provides that the Section 2 Local Plan for each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs. It is TDLP Section 2 (TDLPS2) that subsequently gives effect to the overarching spatial strategy through Policy SPL1 which defines the settlement hierarchy in Tendring and Policy SPL2 that determines how sustainable development will be achieved; i.e. by explicitly defining settlement development boundaries around relevant settlements to make land available as necessary for development to meet the planned housing requirement.

Policy SPL2 thus states that to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. It goes on to state that within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Whilst the site falls within the Parish of Ardleigh and adjoins an existing development site (granted on appeal before the adoption of the Local Plan) within the Parish and close to the border with Colchester, the application site falls outside of the defined settlement boundary identified on the relevant Policies Map and Local Map and therefore does not benefit from the general presumption in favour of new development offered by Policy SPL2.

Policy SPL2 then goes on to explain that outside of Settlement Development Boundaries, 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 the plan, with a specific exemption provided through the Rural Exception Site Policy LP6 – an exemption that is not applicable to the proposed development.

The application site does however fall within the broad location identified in the Local Plan for the Tendring Colchester Borders Garden Community. Policy SPL3 explains that the Garden Community will be the subject of a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in that broad location. At the time of decision, the DPD was yet to be adopted and therefore details of the spatial arrangement of the Garden

Community and the allocation of land (including the application site) for different uses are yet to be confirmed. This is discussed further below.

One of the material planning considerations that might sometimes require the Council to depart from the approach in Policy SPL2 and support development outside of the settlement development boundary is its ability (or otherwise) to demonstrate a five-year supply of deliverable housing. In the past and particularly before the adoption of the new Local Plan, a number of residential developments outside of settlement development boundaries were granted permission as a departure from policy to address a shortfall in the demonstrable housing supply.

However, at the time of this decision those circumstances do not apply as there is now an up to date Local Plan in place and the Council is able to report a comfortable surplus of housing land supply over and above the 5-year requirement. There is consequently no argument in housing supply terms for extending the general presumption in favour of development set out in Policy SPL2 to sites beyond the defined settlement development boundaries and thus a plan-led approach should prevail.

The proposal is therefore considered unacceptable in principle.

Other relevant material planning considerations are set out below.

3. Tendring / Colchester Borders Garden Community

A material consideration of relevance in this instance is the Tendring / Colchester Borders Garden Community development plans as highlighted above.

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan, adopted January 2021 (TDLPS1) sets out the vision for North Essex, in collaboration with Braintree District Council and Colchester Borough Council.

At the heart of our strategic vision for North Essex is a new garden community, to be sensitively integrated within the existing historic built and natural environment, and based on Garden City principles. The garden community provides an opportunity to create the right balance of jobs, housing and infrastructure in the right locations and will attract residents and businesses who value innovation, community cohesion and a high quality environment, and who will be provided with opportunities to take an active role in managing the garden community to ensure its continuing success. Future growth will contribute to maintaining and enhancing a well-connected network of sustainable settlements across North Essex. New homes, jobs, retail and leisure facilities serviced by new and upgraded infrastructure will be accommodated as part of existing settlements according to their scale, sustainability and role, and by the creation of a strategic scale new settlement embracing the principles in the North Essex Garden Community Charter. The countryside will be protected and enhanced.

As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered at the broad location shown on Key Diagram 10.2 and on the Colchester and Tendring Local Plans Policies Maps (B.7). This new community will provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will be delivered in the Garden Community beyond the current Local Plan period.

The application site lies within the defined broad location for the new Garden Community.

TDLPS1 Policy SP8 focuses on the development and delivery of the new garden community which will deliver between 2,200 and 2,500 homes, 7 hectares of employment land and provision for Gypsies and Travellers within the Plan period. The garden community will be holistically and comprehensively planned with a distinct identity that responds directly to its context and is of sufficient scale to incorporate a range of homes, employment, education & community facilities, green space and other uses to enable residents to meet the majority of their day-to-day needs, reducing the need for outward commuting. It will be comprehensively planned from the outset, with delivery phased to achieve the whole development, and will be underpinned by a comprehensive package of infrastructure.

Before any planning approval is granted for development forming part of the Tendring / Colchester Borders Garden Community, TDLPS1 Policy SP6 necessitates the delivery of the infrastructure, services and facilities identified to serve the needs arising from the garden community development including the A120-A133 link road.

TDLPS1 Policy SP8 states that a Development Plan Document (DPD) will be prepared for the garden community, containing policies setting out how the new community will be designed, developed and delivered in phases. Importantly it also states that no planning consent for development forming part of the garden community will be granted until the DPD has been adopted.

Furthermore, in support of policies SP6 and SP8, TDLPS1 Policy SP9 states that the adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary. The DPD will be produced in consultation with the local community and stakeholders and will include a concept plan showing the disposition and quantity of future land-uses, and give a three dimensional indication of the urban design and landscape parameters which will be incorporated into any future planning applications; together with a phasing and implementation strategy which sets out how the rate of development will be linked to the provision of the necessary social, physical and environmental infrastructure to ensure that the respective phases of the development do not come forward until the necessary infrastructure has been secured.

A consultation on the draft Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community ran from 14th March 2022 until 5pm on 25th April 2022 in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). At the time of writing this report, comments received and the evidence base are under review with the aim of producing a final version of the Plan (Regulation 19 stage) for further consultation and submission to Secretary of State in 2023.

The Tendring Colchester Borders Garden Community Draft Plan Spring 2022 Key Diagram Approach A and Approach B (page 24 of the draft document scanned in this current planning application file) denotes the committed development by Bellway Homes. The site subject of this application is defined in the Proposed Land Use Key as 'Strategic Green Gap' for which POLICY 1: LAND USES AND SPATIAL APPROACH Part C applies (pages 20 to 21 of the same document).

Part C: Strategic Green Gaps

Land south of the A133, land east of the new A120-A133 Link Road and south of Allen's Farm, and land in the north-west of the Garden Community are all designated as 'Strategic Green Gaps' and are defined on the Key Diagram. The purpose of this designation is to give extra protection to the open countryside in key locations around the Garden Community, to maintain long-term physical and visual separation to the nearby settlements of Wivenhoe, Elmstead Market and Colchester. This will ensure their individual settlement character is maintained and not threatened by coalescence (merging).

Land within the Strategic Green Gaps will be protected from development that would prejudice the openness of the land in question, and that would either bring about or contribute towards coalescence. Proposals for the construction of new buildings in the Strategic Green Gaps will only be supported where they represent the provision of appropriate development for a countryside location or facilities (in connection with the existing use of land or a change of use), for outdoor sport or recreation (for example, new facilities associated with growth at the University of Essex or local schools), cemeteries and burial grounds or allotments. Any such development must conform with the purpose of the Strategic Green Gap designation, nor prejudice the delivery of the Garden Community.

It is currently envisaged that the application site might form part of an area protected from development. However, the Draft DPD is the subject of representations that need to be considered as part of the plan-making process and which may or may not lead to changes to the Plan at Regulation 19 stage or further changes post examination.

Notwithstanding the draft designation of the land in question, a piecemeal development of 14 dwellings would not square with the comprehensive and holistic approach to planning that will underpin the development of the Garden Community through its own dedicated DPD, and result in conflict with policy SP8.

4. Affordable Housing Provision

TDLPS1 Policy SP4 underpins the requirement for local planning authorities to meet projected housing needs for their respective plan period. To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing. TDLPS2 Policy LP5 states that for development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings to be made available as affordable housing. TDLPS1 Policy SP8 criterion v. states that development that provides for a truly balanced and inclusive community and meets the housing needs of local people including a mix of dwelling sizes, tenures and types, including the provision of 30% affordable housing in the garden community.

Having regard to Policies LP5 and SP8, the scheme must provide 30% affordable housing to be policy compliant.

As indicated on drawing number 930-PL-030 'Affordable Housing Location Plan' received on 19 July 2022 and secured by the completed S106 agreement, the development provides 30% affordable housing provision in accordance with policy requirements as follows:

Affordable housing mix (affordable rent and shared ownership);

Plot 1	HA79	Rent	2 bedroom dwelling	79sqm amenity space	2 parking spaces
Plot 2	HA79	Rent	2 bedroom dwelling	75sqm amenity space	2 parking spaces
Plot 3	HA93	Rent	3 bedroom dwelling	101sqm amenity space	2 parking spaces
Plot 4	HA93	Shared	3 bedroom dwelling	100sqm amenity space	2 parking spaces

The application is accompanied by a legal agreement securing the necessary planning obligation in compliance with Policies LP5 and SP8.

5. Scale, Layout and Appearance

Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.

Officers are satisfied that the layout ties into the Bromley Road Phase 1 by continuing the street and row of dwellings. The design and materiality also ties into the approved phase. The design uses a variety of roof forms, gables and materiality to create depth, tone and interest in a simple manner, and the use of timber weatherboarding ties into the Essex context.

Place Services Urban Design suggest potential improvements to pedestrian accessibility, layout and detailed design of the dwellings and their garages. However, the suggestions are not fundamental to the acceptability of the proposal and do not warrant refusal of planning permission on this basis.

6. Impact on Heritage Assets

Section 16 (paragraphs 189 - 208) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document. It requires that local planning authorities 'should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment', recognising that 'heritage assets are an irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'. It also requires that applicants should 'describe the significance of any heritage assets affected' by their application, 'including any contribution made by their setting'. Specifically, the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy PPL 9 of the adopted Local Plan states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

The proposal site lies in close proximity to a complex of four Grade II Listed building which originally formed the stock yard on the East side of Hill Farmhouse and were historically all within the same ownership and ancillary to the farmhouse:

- Cartlodge Adjacent to Road and East of Hill Farmhouse, List entry number: 1112079;
- Cow Byre and Hayloft Adjacent to Southeast of Cartlodge Adjacent to Road And East Of Hill Farmhouse, List entry number: 1112080;
- Stable/Cartlodge Adjacent to South East of Cow Byre and Hayloft, Adjacent to South East of Cartlodge, Adjacent to Road and East of Hill Farmhouse, List entry number: 1322644
- Barn and Linked Cow Byre to North West Forming the South and West Sides of the Stock Yard, Hill Farm, Qv Cartlodge Adjacent to Road and East of Hill Farmhouse, List entry number: 1112081
- Hill Farmhouse is a non-designated asset whose significance relates to its historical and functional association with the above-mentioned Grade II buildings.

A heritage statement providing an explanation of the historical links with the agricultural land associated to Hill Farmhouse accompanies the application. The heritage statement concludes that the level of harm to the designated heritage assets is considered to be 'less than substantial'. Consultation with Essex County Council Place Services Heritage Team (ECC Heritage) has been undertaken. ECC Heritage concur with the heritage assessment accompanying the application and confirm that the level of harm is considered to be at the lower end than less than substantial. This is due to the limited intervisibility between the designated assets and the new development, mostly mitigated by the ancient woodlands and the proposed landscape. Similarly, the level of harm caused by the introduction of the proposed development within the setting of Hill Farmhouse is considered to be at the lower end than less than substantial.

As set out within Paragraph 202 of the NPPF, 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. For a non-designated heritage asset, Paragraph 203 of the NPPF is relevant stating that the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage asset's conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

The TDLP is fully adopted and the Council are able to demonstrate a healthy housing land supply in excess of 6 years. The weight attributed to the benefits of the scheme are therefore diminished.

The site currently contributes positively to the wider setting and significance of the heritage assets and non-designated heritage asset. The harm resulting from the introduction of the proposed development onto historically undeveloped land and the change of use of the wider setting of the heritage assets is not considered to be outweighed by the public benefits that will stem from this development in the form of additional market housing and a policy compliant 30% affordable housing. The council can currently demonstrate a six-and-a-half-year supply of deliverable housing land and the affordable housing offer of 30% is merely policy compliant as outlined above. Furthermore, as this setting is already in the process of being altered by the construction of a much larger development along Bromley Road, the cumulative effect of this proposal is also a consideration. The site offers an appropriate buffer to help mitigate the impact of the new residential development on the setting of the farmyard complex.

For these reasons, the development will fail to respond positively to the local character and context, and cause less than substantial harm to the significance of the affected designated heritage assets in conflict with policies SP7, SPL3 and PPL9 as well as Paragraphs 127 and 202 of the NPPF. There are insufficient public benefits to outweigh the identified heritage harm.

7. Residential Amenities

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP 4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

Officers are satisfied that the site layout, spacing between dwellings and private amenity space provision will result in a good standard of amenity for existing and future residents.

8. Highway Safety, Access and Parking

Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. The application is accompanied by EV Charging Layout plan number 930-PL-026 A which can be secured via condition.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is provided. 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.

Access to the proposed development will be taken from the internal spine road via the existing Bellway Homes scheme off Bromley Road and the new dwellings will be located within a cul-de-sac arrangement. The proposal provides adequate parking and turning within the site together with footway/ cycle connectivity with the existing development and ECC Highways raise no objection subject to conditions.

9. Trees and Landscaping

Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are

retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

In order to assess the impact of the development proposal on trees on the application site and on adjacent the applicant has submitted an Arboricultural Impact Assessment (AIA). The AIA accurately describes the health and condition of existing trees and the extent to which they are a constraint on the development potential of the land. It has been completed in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations. The AIA also identifies trees that need to be felled in order to implement the development and describes works to remove lower branches from trees on the eastern boundary of the application site required to establish a satisfactory separation distance between retained trees and new dwellings. The document and the proposed site layout complies with Natural England and Forestry Commission Standing Advice and makes provision for a 15m buffer zone between the adjacent Ancient woodland - Churn Wood - and the development. The tree report adequately demonstrates that the development of the land could take place without causing harm to the important trees on the application site and on adjacent land.

10. Biodiversity and Protected Species

Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Consultation with Place Services Ecology has been carried out and a review of the Ecological Assessment (SES, December 2021), MAGIC maps (www.magic.defra.gov.uk), and aerial photography relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures has been undertaken. Place Services are satisfied that there is sufficient ecological information available for determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Place Services raise no objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS;
- b) biodiversity mitigation and enhancement measures; and,
- c) all other necessary reports and mitigation measures set out within the recommended conditions.

The application is accompanied by a legal agreement securing the necessary contribution. Points b and c can be secured by condition in the event of an approval.

11. Archaeology

Adopted Local Plan Policy PPL 7 states that any new development which would affect, or might affect, designated or non-designated archaeological remains will only be considered where accompanied by an appropriate desk-based assessment. Where identified as necessary within that desk-based assessment, a written scheme of investigation including excavation, recording or

protection and deposition of archaeological records in a public archive will be required to be submitted to, and approved by, the Local Planning Authority.

The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Archaeology matters can satisfactorily be addressed by conditions and does not form a reason for refusal in this instance.

12. Open Space and Play Space Provision

TDLP Section 2 Policy HP 5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof. For the purposes of this policy, the widest reasonable definition of infrastructure and infrastructure providers will be applied. Section 106 will remain the appropriate mechanism for securing financial contributions. The contribution would be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.

Consultation with the Public Realm Team has been undertaken. There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh. However, no off site contribution is being requested on this occasion as adequate open space and play is being provided on phase 1 of the development to support the additional development.

13. Financial Contribution - Recreational Disturbance

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 of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

This residential development lies within the Zone of Influence. In order to ensure that the development would not adversely affect the integrity of Habitats sites in line with TDLP Section 2 Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is required.

The application is accompanied by a completed Legal Agreement securing the required contribution in compliance with the above.

14. Environmental Protection

In order to minimise potential nuisance caused by construction works, a full construction method statement accompanies the application. The Council's Environmental Protection Team have reviewed the submission and accompanying documents and confirm no objection, subject to conditions ensuring compliance with the agreed details.

15. Sustainable Drainage and Foul Sewage Disposal

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.

The accompanying application form confirms that the proposed development will connect to the main sewer in compliance with the above policies and regulations.

Consultation with the Lead Local Flood Authority (LLFA) has been carried out. Initially, a holding objection was received due to:

- The exceedance plan shows that the road levels are higher than the adjacent house FFLs, which can cause flooding of the properties by overland flows. Demonstrate using 2-dimensional modelling that the overland flows will not cause any flooding to the proposed properties in such scenarios.
- Provide an updated written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The LLFA have now reviewed the amended documents and raise no objection subject to conditions.

16. Representations and Objections

Ardleigh Parish Council strongly objects to this application. The concerns and objections raised can be summarised as follows:

- Rural location in Crockleford Health, outside any settlement development boundary.
- Ardleigh is a rural settlement within the lowest tier of the settlement hierarchy.
- Adopted Local Plan and more than 5 years housing land supply.
- The proposed development is not supported by the community and would not deliver any wider local benefits.
- Contrary to forthcoming Ardleigh Neighbourhood Plan.
- Adjacent to ancient woodland at Churn Wood and close to Salary Brook- both vital as wildlife corridors.
- Falls within the proposed broad area of the new Tendring Colchester Borders Garden Community - no further development within the broad area should now be approved to allow for proper planning to take place.
- Bromley Road is heavily used with poor visibility - access to the site would add to the risk of accidents on this road.
- Would be harmful to the character and appearance of the area.

4 individual letters of representation and objection have been received. The concerns raised can be summarised as follows:

- Dangerous access.
- Noise and disturbance from piling and general construction noise.
- Environmental and health impacts from construction fumes.
- Strain on already overstretched local services.
- Harm to Salary Brook resulting from the drainage system.

17. Summary of Planning Obligations included in S106 Legal Agreement

For the avoidance of doubt, the application is accompanied by a completed S106 Legal Agreement securing the following planning obligations:

- RAMS financial contribution of £137.71 per dwelling (£137.71 x 14); and,
- On site affordable housing contribution of 4 units. 2 x 2 bedroom and 1 x 3 bed.

However, the principle objection remains.

18. Overall Planning Balance and Conclusions

The Tendring District Local Plan 2013-2033 and Beyond is fully adopted and the Council are able to demonstrate a healthy housing land supply in excess of 6 years. The application site falls outside of the defined settlement boundary identified on the relevant Policies Map and Local Map and therefore does not benefit from the general presumption in favour of new development offered by Policies SP3, SP8, SPL1 and SPL2 and thus a plan-led approach should prevail. The proposal is therefore unacceptable in principle.

The other matters considered above relating to access, parking, trees and landscaping, ecology, archaeology and drainage can be appropriately managed and secured via planning conditions. However, these are neutral factors in the overall planning balance, merely being policy compliant. Furthermore, the accompanying legal agreement securing mitigation in accordance with Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and all other necessary planning obligations is also a neutral factor, again being compliant with the relevant policies.

The development will alter the setting of the site and adjacent heritage assets causing less than substantial harm to the significance of the affected designated heritage assets in conflict with TDLPS2 PPL9 and Paragraph 202 of the NPPF. Great weight must be given to the conservation of heritage assets.

The demonstrable impact of the proposal upon the Council's ability to manage growth through the plan-led approach and the harm to the setting of the heritage assets weigh significantly against the application. The development is unnecessary and there are no public benefits or other material considerations that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to national and local plan policy and is recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 1 The application site lies outside of the Settlement Development Boundaries defined on the Policies Map and Local Maps of the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 (TDLPS2). The Settlement Development Boundaries give effect to the overall spatial strategy for future growth in the Local Plan as described in Policy SP3 of the Section 1 Local Plan (TDLPS1) for North Essex and the settlement hierarchy in Policy SPL1 of the TDLPS2.

TDLP Section 2 Policy SPL2 states that to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans. Because the application site lies beyond the Settlement Development Boundary, the general presumption in favour of new development described in Policy SPL2 does not apply.

Policy SPL2 provides that outside of Settlement Development Boundaries, 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 application site falls within the broad location of the proposed Tendring Colchester Borders Garden Community. Policy SPL3 explains that the Garden Community will be the subject of a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the defined broad location. Policy SP8 states no planning consent for development forming part of the garden community will be granted until the DPD has been adopted. The DPD is emerging through the plan-making process and is yet to be completed and adopted. Until work on the DPD has concluded and the spatial layout and allocation of different areas of land is confirmed, the proposed use of the land forming the application site, in the context of a comprehensively planned Garden Community is yet to be determined.

If permitted, the proposed development would represent piecemeal development at odds with the comprehensive and holistic approach to planning required for the Tendring Colchester Borders Garden Community. Furthermore, there is no exceptional justification for a departure from this approach on housing supply grounds as the Council is, at the time of this decision, able to identify a supply of deliverable housing sites well in excess of the five year requirement, with the relevant buffer, as required by the National Planning Policy Framework.

Having regard to the spatial strategy and settlement hierarchy this would not be an appropriate site for additional housing and is therefore contrary to TDLP Policies SP3, SP8, SPL1 and SPL2.

- 2 Adopted Local Plan Policy PPL9 states that new development affecting a listed building or its setting will only be permitted where the development will protect special architectural or historic interest. Paragraph 199 of the NPPF requires great weight to be given to the conservation of heritage assets. In this instance, the scale of harm that would result from the development is recognised as being at the lower end of 'less than substantial'. In accordance with Paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal.

The Council are able to demonstrate a healthy housing land supply in excess of 6 years and a policy compliant affordable housing provision of 30% is secured. The weight attributed to the benefits of the scheme from the delivery of new housing in the form of market and affordable housing is therefore diminished and the weight given to the conservation of the heritage assets takes precedence.

The site currently contributes positively to the wider setting and significance of the heritage assets and non-designated heritage asset. The harm resulting from the introduction of the proposed development onto historically undeveloped land and the change of use of the wider setting of the heritage assets is not outweighed by the public benefits. This setting is already in the process of been altered by the construction of the associated much larger development along Bromley Road. The cumulative impact of this development is also a consideration as the site currently offers an appropriate buffer to help mitigate the impact of the larger residential development on the setting of the farmyard complex.

For these reasons, the harm resulting from the proposed development is contrary to adopted Local Plan Policies SP7, SPL3 and PPL9 as well as Paragraphs 127, 199 and 202 of the NPPF. The identified harm is not outweighed by any public benefits.

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 Agent. 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 reason(s) for the refusal, approval has not been possible.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (including any updated or amended documents):

930-PL-001	Site Layout Red Line Plan	20 Dec 2021
930-PL-002 REV D	Proposed Block Plan	20 Dec 2021
930-PL-023 A	Site Plan	20 Dec 2021
930-PL-024 A	Amenity Layout	20 Dec 2021
930-PL-025	Full Site Layout Red Line	20 Dec 2021
930-PL-026 A	EV Charging Layout	20 Dec 2021
930-PL-027 A	Wider Coloured Site Layout	20 Dec 2021
PR221-01 D	Landscape Master Plan	20 Dec 2021
02	Detailed Planning Proposal	20 Dec 2021
1902/07/3060 B	Drainage Strategy - Phase 2	14 Apr 2022
1902/07/7002 C	External Works - Phase 2	14 Apr 2022
930-PL-030	Affordable Housing Location Plan	19 Jul 2022
930-PL-003 A	Storey Heights Layout	20 Dec 2021
930-PL-004 A	Refuse Layout	20 Dec 2021
930-PL-005 A	Parking Layout	20 Dec 2021
930-PL-006 A	Material Layout	20 Dec 2021
930-PL-007	Ha79 House type - Floor Plans and Elevations	20 Dec 2021
930-PL-008	Ha83 House type - Floor Plans and Elevations	20 Dec 2021
930-PL-009	Chandler House type - Floor Plans and Elevations	20 Dec 2021
930-PL-010	Jeweller House type Sheet 1	20 Dec 2021
930-PL-011	Jeweller House type Sheet 2	20 Dec 2021
930-PL-012	Quilter House type - Floor Plans and Elevations	20 Dec 2021
930-PL-013	Thespian House type - Floor Plans and Elevations	20 Dec 2021
930-PL-014	Sculptor House type - Floor Plans	20 Dec 2021
930-PL-015	Sculptor House type - Elevations	20 Dec 2021
930-PL-016	Fuller House type - Floor Plans and Elevations	20 Dec 2021
930-PL-017	Single Garage - Floor Plans and Elevations	20 Dec 2021
930-PL-018	Double Garage A - Floor Plans and Elevations	20 Dec 2021
930-PL-019	Double Garage B - Floor Plans and Elevations	20 Dec 2021
930-PL-021	Street Elevation (1)	20 Dec 2021
930-PL-022	Street Elevation (2)	20 Dec 2021
	Archaeological Desk Based Assessment	20 Dec 2021
	Biodiversity Net Gain Design Stage Report	20 Dec 2021
	Ecological Assessment	20 Dec 2021
	Heritage Statement	20 Dec 2021
	Landscape/Visual Appraisal and Strategy	20 Dec 2021
	Arboricultural Impact Assessment	20 Dec 2021
	Construction Environmental Management Plan	20 Dec 2021
	Transport Statement	20 Dec 2021

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