

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	AL	01/12/2022
Planning Manager / Team Leader authorisation:	ML	01/12/2022
Planning Technician final checks and despatch:	ER	01/12/2022

Application: 22/01226/VOC **Town / Parish:** Ardleigh Parish Council

Applicant: Footings Direct Development Ltd

Address: Mount View Fox Street Ardleigh

Development: Variation of Conditions 1 (approved plans), 2 (soft landscaping), 5 (hard landscaping), 8 (boundary treatments forward of the dwellings) and 9 (site frontage visibility) of application 22/00614/VOC to allow for the erection of a retaining boundary wall with new hedgerow planting.

1. Town / Parish Council

Ardleigh Parish Council
14.09.2022

INITIAL COMMENTS

Part 1: Ardleigh Parish Council opposes the variation of conditions as the overall impact of the changes would be negative and has not been justified by the applicant. We would draw attention to our recently submitted comments relating to an appeal at the same site for a further 4 houses (Appeal APP/P1560/W/22/3295162) including 'We also have concerns about the access road and practical issues such as whether the access would be suitable for refuse lorries - or would residents have to wheel their bins to the end of the shared driveway and obstruct the roadside there is no footpath on this side of A137.'

Any alteration to the provision of safe and accessible pedestrian access to the site, and adjacent dwellings, from the main road should be opposed along with access for emergency and other vehicles. There are already other new dwellings on this site and the safety of occupants should be paramount.

The application does not give reasons why a retaining wall is required. We would draw your attention to the updated Ardleigh Village Design Statement which forms part of the emerging Ardleigh Neighbourhood Plan which is currently at regulation 14 stage (see www.ardleigh.website/our-plan)

The VDS includes the following general point : 'Wherever possible, enclosure should be achieved with soft landscaping. If trees and hedges already exist on the site, great efforts should be made to incorporate these within the residential layout in order to provide enclosure. Where hard treatments such as gates and walls are required, these should be traditional and rural in their form and character. Preference will be shown, for example, to low brick walls, traditional iron railings and timber post-and-rail fences. Close-boarded fencing is rarely, if ever, appropriate in a rural parish such as Ardleigh.' (Ardleigh VDS p 34).

Part 2: Village Design Statement continued.
Within the emerging guidance specific for hamlets and lanes (Fox Street is a hamlet)

'B. Design guidance specific to the hamlets and lanes

All development in the hamlets and lanes should have regard, firstly, to national, local and neighbourhood planning policies concerned with the type, form and location that development in the open countryside should take. It should also take account of the following key design principles:

1. Development should respect the rural qualities and countryside setting of the host lane and wider area. This includes its hedgerows, trees, spatial qualities, views and uses;
2. Development should generally be well set back from the lane or road, affording space for native species planting along the site frontage;
3. Development that would entail substantial harm to the rural character of a lane or road (for example, via its widening, lighting, resurfacing, intensification in use or loss of vegetation) should generally be avoided;
4. Trees, hedges and green verges make a very important contribution to the character of the rural area. The planting of new trees/hedges and maintenance of existing trees/hedges (especially where mature or of particularly high value) should be integral to the design of any new development. All newly planted vegetation should comprise of indigenous or locally-relevant species;
5. In the rural areas, enclosure is best achieved by a combination of low brick walls, low iron railings, timber post-and-rail/picket fences, hedges and trees. These are the boundary treatments that any new development in the village will be expected to employ' (Ardleigh VDS p 79- downloadable from <https://ardleigh.website/our-plan.>)

We see no evidence that the proposals comply with these emerging requirements.

Ardleigh Parish Council
21.11.2022
**FOLLOW UP
COMMENTS**

We are in receipt of further information following concerns by Highways relating to pedestrian safety. We share these concerns and stand by our earlier comments about the changes to the agreed conditions on this site. Pedestrian and road safety should be paramount.

2. Consultation Responses

ECC Highways Dept
07.10.2022
INITIAL COMMENTS

Firstly, apologies for the delay in coming back to you in relation to this application. Now I have had an opportunity to study the supporting information, unfortunately I have the following queries:

- Condition 9 (site frontage visibility) : there doesn't appear to be any supporting information to indicate what they are proposing for this on the on line portal?
- Omission of the previously approved pedestrian footpath link: I note the reasons for this but the alternative proposal is not satisfactory just using the driveway; based on the submitted plan (extract below) the Highway Authority would like to see the path extended adjacent to access road so there is a segregated path up to the junction with tactile paving/ drop pedestrian kerbs provided on either side of Fox Street to provide a link to the bus stop.

The current private access road from where the path terminates is not wide enough to have this shared with vehicles and pedestrians an you

would potentially have vehicles turning into the private drive from Fox Street and being confronted with pedestrian(s) walking on the private drive.

I am more than happy to have a site meeting but there will be a charge for attending a site meeting and a pre-app request would need to be completed via the red link at the bottom of my signature.

ECC Highways Dept
20.10.2022
**FOLLOW UP
COMMENTS**

Firstly, looking at the response they don't appear to have clarified point 1 of my previous email?

Secondly, from a highways perspective we should be encouraging walking and the use of public transport, as you will appreciate there is an existing footway opposite the site and bus stop. The site is going to have several properties that may want to use these facilities and the current revised proposals are not satisfactory.

ECC Highways Dept
09.11.2022
LATEST COMMENTS

Following receipt of an amended application:

It is noted that part of this application concerns variation of condition 8 and 9 which originally stated 'no provision of fences, walls, gates.... to be erected forward of the front elevation of the dwellings', it is noted that the proposed walls and box hedges on the front boundary/back edge of the footpath will be less than 600mm high, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

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

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

2: Any new boundary planting shall be planted a minimum of 1 metre back from the back edge of the footpath to ensure that any future outward growth of the planting does not encroach upon the footpath or interfere with the passage of users of the footpath in the long term.

3. Planning History

19/00427/FUL	Proposed demolition of existing dwelling and erection of four bungalows.	Approved	28.06.2019
19/00974/DISCON	Discharge of condition 13 (Construction Method Statement) of approved application 19/00427/FUL.	Approved	
20/00498/FUL	Proposed demolition of existing dwelling and erection of four dwellings (variation of approval 19/00427/FUL).	Approved	22.06.2020
20/01033/DISCON	Discharge of conditions 3 (landscaping), 5 (materials), 12 (Construction Method Statement),	Approved	02.10.2020

	and 13 (walls and fences) for approved application 20/00498/FUL.		
20/01142/FUL	Erection of 4 no. detached 1.5 storey dwellings (variation to previously approved application 20/00498/FUL for 4 detached bungalows).	Approved	11.11.2020
21/00958/NMA	Non-Material amendment to Planning Permission ref; 20/01142/FUL (Erection of 4 no. detached 1.5 storey dwellings (variation to previously approved application 20/00498/FUL for 4 detached bungalows)). Amendments to include removal of false chimney stacks and to replace render finishes on walls with cream (off white) Hardiplank on all houses and garages	Split Decision <u>Approve:</u> Removal of chimney stacks <u>Refuse:</u> Use of Hardiplank finishes	02.07.2021
21/02132/FUL	Proposed 4 No self-build eco bungalows with associated access road.	Non-determination appeal	18.03.2022
22/00614/VOC	Variation of condition 2 (External materials) of application 20/01142/FUL (as amended by 21/00958/NMA) due to unavailability of approved materials.	Approved	07.06.2022

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework February 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

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL4 Biodiversity and Geodiversity
CP1 Sustainable Transport and Accessibility

Neighbourhood Plan

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

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
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 relates to the property known as Mount View, Fox Street, Ardleigh. The site measures approximately 0.47 hectares and is situated on the north western side of Fox Street, between a bungalow known as Nia-Roo and a large chalet dwelling known as Chantrys, within the ribbon of houses and bungalows fronting this part of Fox Street. The property known as Braefoot also bounds a section of the southern boundary of the application site. To the north of the site is the existing dwelling known as Mount View together with an extensive area of amenity and grazing land. Mount View is well set back from Fox Street accessed via a long private driveway between Nia-Roo and Chantrys with a further property known and High View beyond.

The site has been the subject of a number of planning applications for residential development, and the four approved dwellings are now under construction.

Planning History

The application follows the approval on the site under planning application reference 20/01142/FUL for the erection of 4 no. detached 1.5 storey chalet style dwellings, approved subject to conditions including Condition 2 relating to the approved plans as follows:

- DWG. NO. P03C Amended Site Plan
- DWG. NO. P01F Amended Elevations & Layouts; Site Plan & Landscaping
- DWG. NO. P02F Amended Construction Method Statement

Application 21/00958/NMA followed, seeking amendments to 20/01142/FUL in relation to the removal of the chimney stacks and use of Hardiplank weatherboarding to all dwellings and garages as per drawings:

- E.1828-21-01 A Proposed Site Layout Plan
- E.1828-21-04 B Proposed Elevations
- DWG. NO. P01G Plots 1-4, Landscaping, Site Layout, Elevations & Floor Plans

Application 21/00958/NMA was subject of a split decision approving the removal of the chimneystacks but refusing the materials as follows:

- Notwithstanding the details approved on drawing P01F Amended Elevations & Layouts; Site Plan & Landscaping within Decision Notice 20/01142/FUL. The 4 dwellings as approved, can be built without the external chimney stacks indicated on the approved drawings.
- Refuse the use of Hardieplank as a building material used on the four dwellings and garages associated with 20/01142/FUL. The proposed change of material would constitute a material change to the approved materials and requires planning permission to be installed.

Following the above, application 22/00614/VOC was approved, allowing the variation of condition 2 (External materials) of application 20/01142/FUL (as amended by 21/00958/NMA) due to unavailability of the approved materials. The approved amended materials schedule is as follows:

- Facing brick: Bespoke Brick Co. 'Retro Gault'
- Roof tiles: Bespoke Brick Co. Marley 'Duo Modern' 'Modern Anthracite'

Additional information has also been provided by the agent in regard to the proposed additional 'box hedge' planting detailed on drawing number MVA/L.2.

Description of Proposal

The application was originally submitted with the approved footpath connection from the development to Harwich Road omitted. Essex County Council Highways Authority raised concerns with the removal of the path on the basis that (correspondence scanned to the file dated 21 Oct 2022):

'...from a highways perspective we should be encouraging walking and the use of public transport, as you will appreciate there is an existing footway opposite the site and bus stop. The site is going to have several properties that may want to use these facilities and the current revised proposals are not satisfactory.'

The application has been amended to remove this element of the revised proposal and the applicant will be seeking further advice from the Highway Authority separately. The path to Harwich Road has therefore been reinstated and the application description and plans have been amended to reflect this.

This current application now seeks a further amendment to the latest approved scheme under application 22/00614/VOC, as follows:

- Construction of a low, retaining brick wall to the front boundary of Plot 4 to accommodate a substantial change in ground levels at the point between the drive and the paved forecourt of the house.
- Continuation of a lower height brick wall along the frontage of plots 1, 2 and 3 to maintain unity across the development.
- Planting of a new box hedge behind the new footpath.
- Wall to be constructed in brickwork to match the houses.
- Amendment to the previously approved block paving and patio slabs:
 - Drivesett Tegula Original Charcoal block paving (driveways and hardstandings)
 - Marshall Arrento Silver porcelain slabs (patios)

The amended plans and supporting information under consideration are:

- Drawing No. MVA / L.1 B
- Retaining Wall Details
- Drawing No. MVA/L.2

Assessment

The main considerations are:

- Principle of Development;
- Layout, Scale and Impact
- Residential Amenities;
- Highway Safety and Parking;
- Trees and Landscaping;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Representations.

Principle of Development

The site and surrounding area has been the subject of many applications and appeals that informed the on balance approval of application 19/00427/FUL and the variation approved under 20/01142/FUL (see the delegated report of 20/01142/FUL for full history and assessment).

Layout, Scale and Impact

The dwellings are sited back from the main road frontage of Harwich Road, set behind existing mature vegetation, accessed via the private drive serving the development, adjacent development (and donor dwelling, Mount View). The proposed retaining wall will not be prominent or visually harmful from Harwich Road being set well back from the main road street scene and further screened by the detached garage serving Plot 4. The proposed wall along the frontage of the development will be (reducing from Plot 4) along the frontage of the development and matching brick construction will not detract from the quality or appearance of the overall approved development.

The revised hardstanding materials are considered to be appropriate within the context of the development and mixed character area.

For these reasons, the revised materials are considered acceptable.

Residential Amenities

The revisions to the proposed development do not affect the residential amenity considerations already assessed under planning application 20/01142/FUL.

Highway Safety and Parking

The amended submission under this current application do not affect the highway considerations already assessed under planning application 20/01142/FUL. The path to Harwich Road has been reinstated and the application description and plans have been amended to reflect this.

As mentioned above, the applicant will be seeking further advice from the Highway Authority to discuss potential options for a revised footpath to Harwich Road.

Trees and Landscaping

The revisions to the proposed development do not affect the tree and landscaping considerations already assessed under planning application 20/01142/FUL.

Additional information has been received to cover the proposed planting and this will be added to the conditions as necessary to ensure implementation in accordance with the approved details.

Financial Contributions - Recreational Disturbance

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 7000 metres from the Colne Estuary Ramsar and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to the Colne Estuary; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has been secured through a completed unilateral undertaking as part of application 20/01142/FUL in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements and Policies SP2 and PPL4 of the adopted Tendring District Local Plan 2013-2033 and Beyond and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

All monies due on 20/01142/FUL have been received and a new UU for this variation application is not required.

Financial Contributions - Open Space and Play Space

No contribution was sought under application 20/01142/FUL.

Representations

Ardleigh Parish Council raise an objection to the development on the following grounds (officer response in italics):

- Overall impact of the changes would be negative and has not been justified by the applicant.
- No justification for retaining wall.
As set out above, the construction of a low, retaining brick wall to the front boundary of Plot 4 is required to accommodate a substantial change in ground levels at the point between the drive and the paved forecourt of the house. The proposed retaining wall will not be prominent or visually harmful from Harwich Road being set well back from the main road street scene and further screened by the detached garage serving Plot 4. The proposed wall along the frontage of the development will be (reducing from Plot 4) along the frontage of the development and matching brick construction will not detract from the quality or appearance of the overall approved development.
- Concerns about the access road and practical issues.
- Any alteration to the provision of safe and accessible pedestrian access should be opposed.
The alterations to the pedestrian access have been removed from the proposal.

- Contrary to the updated Ardleigh Village Design Statement which forms part of the emerging Ardleigh Neighbourhood Plan which is currently at regulation 14 stage.
The site is not located within an area subject of any adopted Neighbourhood Plans. The relevant emerging policies in the DANP can therefore only be given very limited weight due to the relatively early stages of the DANP.

Nonetheless, for the reasons set out above, the proposed variation is considered acceptable.

No individual letters of objection have been received.

Conclusion

The principle of the redevelopment of the site for 4 dwellings has been established. For the reasons set out above, the proposed revisions to the scheme are considered acceptable. The application is therefore recommended for approval. The conditions imposed on the previous approval will be carried over where necessary taking into account the amendments secured as part of 21/00958/NMA and 22/00614/VOC and any related discharge of condition approvals. As the development has commenced, no time limit condition is required in this instance.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans (including materials, boundary treatment and protective fencing details):
 - P03D Amended Site Location Plan (approved under 20/01142/FUL)
 - P01F Amended Elevations & Layouts; Site Plan & Landscaping (excluding the external chimney stacks - amended approved under 21/00958/NMA)
 - P02G Amended Construction Method Statement (approved under 20/01142/FUL)
 - E.1828-21-01 A Proposed Site Layout Plan (approved under 21/00958/NMA)
 - Drawing No. MVA / L.1 B – Proposed Site Layout Plan, Section and Drive Elevation
 - drawing number MVA/L.2 – Box Hedging landscaping details
 - Retaining Wall Details
 - Amended hard surfacing details contained within the accompanying statement

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

- 2 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details drawing number P01F and drawing number MVA/L.2 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity and the character of the area.

- 3 The approved amended Construction Method Statement and accompanying plan drawing number P02G shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 4 Prior to occupation of the dwellings hereby approved, the garages and parking spaces as shown on approved plans shall be constructed, surfaced and maintained free from obstruction

at all times and retained for that sole purpose to provide sufficient parking and turning for the approved dwellings.

Reason - In the interests of highway safety.

- 5 The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and residential amenities.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the boundary treatments shown on the approved plans, no provision of fences, walls, gates or other means of enclosures, shall be erected forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity and highway safety.

- 8 Prior to the first occupation of the development, the proposed Private Drive at its bell-mouth junction with Fox Street shall be provided with 6.0m.radius kerbs returned to an access road carriageway width of 5.5m for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner, in the interests of highway safety.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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