

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	05/12/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	06/12/2024
Assistant Planner final checks and despatch:		ER	06/12/2024

**Application:** 24/01545/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Tuckwell

**Address:** Chantry Fox Street Ardleigh

**Development:** Planning Application - New Self-Build dwelling, re-submission of planning approval 18/01575/OUT and 21/01406/DETAIL

### 1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council wishes to object to this application. Although sympathetic to the delays related to Covid, there have been no restrictions for at least two years.

Previous approval was given before the adoption of Tendring District's Local Plan or the Ardleigh Neighbourhood Plan. It should therefore be considered by the Planning Department as an entirely new application.

It does not comply with either the Tendring District Local Plan or fall within the scope of the Ardleigh Neighbourhood Plan which was ratified by Cabinet on 21 October 2024.

Although self-build, it is not close enough to the approved Local Plan's Settlement Development Boundary, therefore the self-build exemption does not apply. Ardleigh Parish Council believe the application should not be approved.

### 2. Consultation Responses

ECC Highways Dept  
14.11.2024

The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material, google maps and in conjunction with a previous site visit. It is noted that this proposal is a resubmission of previous planning applications 18/01575/OUT and 21/01406/DETAIL, that were previously acceptable to the Highway Authority. The proposal should not give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. There should be no obstruction above ground level within a 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage

of the host dwelling. Such vehicular visibility splays shall be provided before the new dwelling uses the vehicular access and is retained free of any obstruction at all times.

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

2. Prior to the occupation of the dwelling the internal layout shall be provided in principle with drawing number:  
o 2743-P01 Block plan, proposed elevations, and floor plan

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

3. Prior to the occupation of the proposed dwelling, the shared vehicular access shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of verge and shall be provided with an appropriate vehicular crossing.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

4. The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. 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.

5. 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.

6. The cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's

Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) 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 must 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](mailto:development.management@essexhighways.org)

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

iii) The Highway Records plan indicates that the established hedgerow to the host dwelling as originally planted was on the boundary line but has grown out that it is effectively encroaching on the highway verge. It is recommended that the hedge is trimmed back to provide a minimum 2.4-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage and is retained at all times. Highway Land has highway rights which pass over the land, and it is unlawful to construct, encroach or enclose highway land as these rights do not extinguish over time. It is not uncommon for land to be under the ownership of a third party, i.e., the sub-soil, but also be public highway.

iv) 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.

v) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Essex County Council  
Ecology  
29.10.2024

No objection subject to securing:

- a) a proportionate financial contribution for delivery of mitigation for predicted recreational impacts in line with Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

## Summary

We have reviewed the Preliminary Ecological Assessment (Liz Lord Ecology, September 2024), as well as Magic Maps (Magic Map Application (defra.gov.uk) and aerial photographs to help identify the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We also note that the site is situated within the 22km Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site. Therefore, Natural England's advice (see below) should be followed to ensure that predicted recreational impacts are minimised to the coastal Habitats sites from new residential development. The LPA is therefore advised that a financial contribution should be sought in line with the Essex coast RAMS per dwelling tariff, from the developer of this residential development.

This contribution will need to be secured by a legal agreement and we note that the LPA has prepared a HRA Appropriate Assessment Record to consider adverse effect on site integrity and secure the developer contribution for delivery of visitor management at the Blackwater Estuary SPA and Ramsar site and Essex Estuaries SAC.

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.

The mitigation measures identified in the Preliminary Ecological Assessment (Liz Lord Ecology, September 2024) 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 commuting bats, nesting birds and amphibians.

As the Preliminary Ecological Assessment (Liz Lord Ecology, September 2024) states as a rural garden it is likely that small numbers of bats use the site to a limited degree in conjunction with adjoining Gardens for the purposes of foraging and commuting, we recommend a Wildlife Sensitive Lighting Strategy should be delivered for this scheme and secured by a condition of any consent to avoid impacts to foraging and commuting bats. This must follow the Guidance Note 8/23 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- o Light levels should be as low as possible as required to fulfil the lighting need.
- o Warm-White lights should be used preferably at 2700k. 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.
- o If light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact.

However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.

o Movement sensors and timers could be used to minimise the 'lit time'.

We support the proposed reasonable biodiversity enhancements including bat boxes, bird boxes, and hedgehog gaps which have been recommended to secure net gains for biodiversity, as outlined under P180d of the National Planning Policy Framework (December, 2023). The reasonable biodiversity enhancement measures are shown on the Block Plan Drawing No P01 (Wright, Ruffell, Cameron, September 2024) and should be secured by a condition of any consent.

In addition, it is highlighted that as of 2nd April 2024, all minor development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. As a result, we have reviewed the submitted details and are satisfied that this application is exempt,

as the proposals is for one self-build dwelling for an area less 0.5 ha. A condition may be considered necessary to be imposed by the council to ensure that the development must be used as a self-build and custom housebuilding.

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

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 AND BIODIVERSITY ENHANCEMENT RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment (Liz Lord Ecology, September 2024) and the Block Plan Drawing No P01 (Wright, Ruffell, Cameron, September 2024) 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 (as amended).

## 2. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity in accordance with Guidance Note GN:08/23 (Institute of Lighting Professionals) 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 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 (as amended).

Environmental Protection  
22.10.2024

With reference to the above application, please see below for comments from the EP Team:

Construction Method Statement: I can confirm we have reviewed the submitted CMS and have no adverse comments to make.

Tree & Landscape Officer  
25.10.2024

The application site is set back from the highway and relatively well screened by existing vegetation on land between the site and the highway.

There are no trees or other significant vegetation in the main body of the application site.

Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping as indicated on the site layout plan.

### 3. **Planning History**

05/01026/FUL	Alterations and single storey extension to form new sitting room, master bedroom, dressing room, entrance hall and cloakroom	Approved	29.07.2005
05/02194/FUL	Erection of single storey side and rear extensions	Approved	07.02.2006
83/00953/FUL	Rear extn and formation of rooms in roof	Approved	13.09.1983
10/00226/FUL	Extension and alterations to existing single garage to provide double garage	Approved	24.05.2010

	with new pitched roof over, as amended by drawing no. MJC/10/494/01 RevC received on 30/04/10.		
11/00302/NMA	To reduce the overall width of the proposal from 6100mm to 5900mm.	Approved	18.04.2011
13/00817/FUL	Formation of double garage and re-roofing of whole. (as previously approved 10/00226/FUL)	Approved	02.09.2013
18/01575/OUT	Outline application for one self build dwelling.	Approved	28.11.2018
21/01406/DETAIL	Reserved matters application pursuant to planning approval 18/01575/OUT one self build dwelling.	Approved	03.03.2022
21/02113/FULHH	Proposed single storey rear extension.	Approved	09.02.2022

#### 4. **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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the

'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

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

National:

National Planning Policy Framework 2023 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

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

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

- SPL1 Managing Growth
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP7 Self-Build and Custom-Built Homes
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL10 Renewable Energy Generation
- HP5 Open Space, Sports & Recreation Facilities
- DI1 Infrastructure Delivery and Impact Mitigation
- CP1 Sustainable Transport and Accessibility

Ardleigh Neighbourhood Plan (2022)

GDP General Approach to Development

HP Housing

EP Natural, Built and Historic Environment

TP Transport and Parking

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide



## 7. Officer Appraisal

### Site Description

The application site is land located to the north-east of a residential property known as 'Chantry's', which is sited along the north-western side of Fox Street within the parish of Ardleigh.

The character of the area is relatively mixed; adjacent to the south-west are residential properties, including the four newly constructed units approved under reference 20/01142/FUL, and there is also residential development located along both sides of Fox Street to the north-east. The land further out to all sides, however, is far more rural and includes large parcels of agricultural or grassed land.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033, with the nearest settlement of Ardleigh being sited approximately 2,750 metres to the north-east.

### Description of Proposal

This application seeks planning permission for the erection of one self-build/custom-built dwelling to the east of Chantry's, which would be 1.5 storey and served by three bedrooms.

### Site History

Under references 18/01575/OUT and 21/01406/DETAIL, planning permission was previously granted in November 2018 and March 2022 respectively, for the erection of one dwelling on the application site. However, the permissions have since lapsed as they were not implemented prior to March 2024.

### Assessment

#### 1. Principle of Development/Self-Build and Custom-Built Homes

Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies outside of the defined settlement boundary of Ardleigh within the adopted 2013-2033 Local Plan. The proposed development would therefore extend outside the area planned to provide growth for this settlement. In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement.

However, the application confirms the proposed development would include a self-build/custom built home. Therefore, Policy LP7 of Section 2 of the adopted Tendring District Local Plan 2013-2033 and Beyond is of primary relevance to the consideration of this application.

Adopted Local Plan Policy LP7 states the following:

*“The Council will also consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:*

*a. be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements';*

*b. be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or*

*c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use."*

*The latter part of policy LP7 also states "the proposal shall have no significant material adverse impact on the landscape, residential amenity, highway safety, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in this Local Plan."*

Policy GDP of the Ardeleigh Neighbourhood Plan (2022) adds that new development outside of the Settlement Development Boundaries will not generally be permitted unless it is a small development of self/custom-build homes in full accordance with Policy LP7.

The applicant has confirmed that the proposal will meet the definition of a self-build/custom-built dwelling, as defined within the glossary section of the National Planning Policy Framework (2023), and the placement, design and construction method has been determined by the final homeowner.

The site is located approximately 2,750 metres to the south-west of the Settlement Development Boundary for Ardeleigh within the adopted Local Plan, which is identified in Policy SPL1 as a 'Smaller Rural Settlement'. Given this, the siting of the proposed dwelling fails to accord with criterion a) and b). Furthermore, no evidence has been provided with the submission to demonstrate that the application site is vacant or redundant previously developed land that is unviable for employment use.

The application site therefore falls outside of a recognised settlement development boundary within the Adopted Local Plan. It is acknowledged that there is currently an unmet need for self-build/custom build dwellings in the area, and moderate weight is attached to this, however for the reasons outlined above the development fails to accord with the requirements of Adopted Policy LP7. The principle of development is therefore not acceptable on this occasion.

Officers acknowledge that a permission was previously granted on this site for one dwelling, however the original outline permission was granted in 2018 at a time when the Council did not have an adopted local plan. Since that time the adopted of the Local Plan is a material shift in planning policy, and therefore no weight is given to the previous permissions, which in any case have since lapsed.

## 2. Impact to Character of Area

Paragraph 135 of the National Planning Policy Framework (NPPF) (2023) 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 Section 1 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 that relates well to its site and surroundings, create a unique sense of place.

Ardeleigh Neighbourhood Plan Policy EP adds that development will be supported where its design pays due regard to the contents of the Village Design Statement, including by way of its siting, layout, form and scale, materials and architectural style.

The proposed dwelling is set over one and a half storeys, detached and sited to the north of the application site, set back from the main highway and on an angle to, but fairly in line with the front building line of the host dwelling 'Chantry's'.

The scale of the proposed dwelling is comparable to the scale of the host dwelling and the other dwellings nearby. Furthermore, it is considered that the application site is large enough to accommodate a dwelling of the proposed scale. That said, to prevent overdevelopment of the plot in a sensitive semi-rural location, it is considered reasonable and necessary to remove permitted development rights for the construction of extensions to the building and additions to the roof as

described within Schedule 2, Part 1, Classes A and B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed dwelling is of a standard chalet design, which would use traditional forms of architecture such as pitched and lean to roof forms and dormer windows to the main roof. The dwelling would have finished external materials of plain tile roof, fibre cement board cladding for the walls, and a brick plinth.

The dwelling would be accessed via a shared access point with the host dwelling which would serve an allocated driveway to the proposed dwelling. The driveway would include a turning area and sufficient parking provided to the front of the proposed dwelling.

Policy LP4 requires that new residential developments will be expected to provide for 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. The plans show that this is comfortably adhered to.

As such, it is considered that the scale, layout and appearance of the proposed dwelling and the site are acceptable and in line with policies of the saved and emerging local plans.

### 3. Impact to Neighbouring Amenities

The NPPF, at paragraph 135 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The nearest residential dwellings to the proposal would be chantry's adjacent to the south-west, and Fox Hill approximately 60 metres to the north-east. Given the significant separation distance to Fox Hill, Officers are content there would not be significant harm in respect of the dwelling appearing oppressive or resulting in significant loss of light or overlooking.

Chantry's is more closely related (approximately 5 metres separation distance), however Officers acknowledge the dwelling has been designed to ensure no first-floor side elevation windows that would result in direct overlooking, and due to the angle of the dwelling the two rear elevation windows at first floor level will face away from the garden area of Chantry's. Furthermore, the separation distance and 1.5 storey design will ensure the dwelling will not appear oppressive or result in a significant loss of daylight/sunlight.

Taking the above into consideration, Officers conclude that the impact to neighbouring amenities would not be to such a level that it would justify recommending a reason for refusal.

### 4. Tree and Landscape Impacts

The Council's Tree and Landscape Officer has been consulted on the application, and has provided the following comments:

*"The application site is set back from the highway and relatively well screened by existing vegetation on land between the site and the highway.*

*There are no trees or other significant vegetation in the main body of the application site.*

*Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping as indicated on the site layout plan."*

Taking these comments into account, no objections are raised in this regard, and had the application been recommended for approval a condition requiring soft landscaping details would have been included.

## 5. Highway Safety

Paragraph 115 of the National Planning Policy Framework (2023) seeks to ensure that safe and suitable access to a development site can be achieved for all users, whilst Paragraph 108 requires that streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

Policy SPL3 (Part B) of the Adopted Local Plan 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. Adopted Local Plan Policy CP2 states proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Policy TP of the Ardleigh Neighbourhood Plan (2022) states that development likely to generate significant amounts of movement and/or to have significant transport implications will be strictly resisted throughout the parish.

Essex Highways Authority have been consulted on the application and have confirmed that from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions relating to the visibility splays, the access width, the vehicular parking area, the submission of a Residential Travel Information Pack, and cycle parking provision. That said, the requirement for a condition relating to the access width is not necessary as this is shown on the approved plans, and a Residential Travel Information Pack would not be required for a scheme for one dwelling.

In addition, Essex Parking Standards state that for a dwelling with two or more bedrooms, there should be a minimum provision of two parking spaces measuring 5.5m x 2.9m or, if being relied upon as one of the parking spaces, a garage must have minimum dimensions of 7m x 3m. On this occasion, the submitted plans show two parking spaces to the front of the property measuring 6m x 3m, and therefore the above Standards are adhered to.

## 6. Foul Drainage

Paragraph 180 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 185 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.

Paragraph: 020 of the National Planning Policy Guidance states that where a connection to a public sewage treatment plant is not feasible a package sewage treatment plant can be considered. The package sewage treatment plant must comply with the Small sewage discharges in England: general binding rules 2015 (GBR), or a permit will be required. Package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. A completed Foul Drainage Assessment Form 1 (FDA1) form, or equivalent information, should accompany all planning applications where use of a non-mains system is proposed for foul drainage. The operation of small sewage discharges such as those from septic tanks or package treatment plants is regulated under the Environmental Permitting Regulations 2016 (EPR).

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no

harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The applicant has confirmed on the application form that the development would be connected to the existing public foul sewer. This is in accordance with the above policy requirements and is therefore considered to be acceptable in the event of an approval.

## 7. Renewable and Energy Conservation Measures

Paragraph 116 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The proposal includes for a development that has the potential to incorporate renewable energy features. There are no details that accompany the planning application that demonstrate the water, energy and resource efficiency measures that the scheme will incorporate, and a condition requesting details of this is recommended.

## 8. Financial Contribution - Habitat Regulations Assessment

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.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zoi) but is approximately 8.7 kilometres from the Stour and Orwell Estuaries RAMSAR and SPA. New housing development within the Zoi would be likely to increase the number of recreational visitors to these sites 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 planning condition is recommended to secure this via a future legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## 9. Ecology and Biodiversity

Paragraph 186 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. Paragraph 180 of the NPPF requires that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not

impact a priority habitat and impacts less than 25sqm of habitat, or 5m of linear habitats such as hedgerow). This proposal as a self-build dwelling is not therefore applicable for Biodiversity Net Gain.

### **Protected Species:**

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. A Preliminary Ecological Appraisal (PEA) accompanies the submission and confirms the conifer hedge and small shrubs provide nesting opportunities for birds, and also notes that whilst there would be negligible potential for Great Crested Newts to be present on site, precautionary methods of working are recommended due to three ponds being within 250m of the site. The site was not deemed to be suitable for any other protected species.

ECC Place Services (Ecology) have been consulted and have confirmed they do not raise any objections subject to conditions relating to securing the mitigation/enhancement measures outlined within the PEA, and a wildlife sensitive lighting scheme.

### Other Considerations

Ardleigh Parish Council object to the proposal on the basis the proposal does not comply with the Local Plan or the Ardleigh Neighbourhood Plan due to being located too far from a Settlement Development Boundary.

In response to this, this issue has been addressed within the main body of the report above.

There have been no other letters of representation received.

### Conclusion

The application proposes the erection of one self-build/custom-built dwelling and is of a design that is acceptable in this location, that would equally not harm the amenities of neighbouring properties. Furthermore, ECC Highways and ECC Ecology have raised no objections, and there is sufficient parking provision.

However, on this occasion the proposal falls far outside of a Settlement Development Boundary and fails to adhere with the criterion outlined within Policies LP7 and GDP. As such the principle of development in this location is not supported, and the proposal is considered to be contrary to both local and national planning policy. The application is therefore recommended for refusal.

## **8. Recommendation**

Refusal.

## **9. Reason for Refusal**

- 1 Policy SP3 of Section 1 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies outside of the defined settlement boundary for Ardleigh (approximately 2,750 metres to the north-east) within the 2013-2033 Local Plan. The proposed development would therefore extend beyond the area planned to provide growth for this settlement and is contrary to the aforementioned planning policy.

Adopted Local Plan Policy LP7 states the Council will consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:

- a) be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements'.
- b) be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or
- c) involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.

Policy GDP of the Ardleigh Neighbourhood Plan (2022) adds that new development outside of the Settlement Development Boundaries will not generally be permitted unless it is a small development of self/custom-build homes in full accordance with Policy LP7.

The application site lies outside of the defined settlement boundary for Ardleigh (approximately 2,750 metres to the north-east), which is designated as a 'Smaller Rural Settlement' within the 2013-2033 Local Plan. The siting of the proposed dwelling fails to accord with criterion a) and b), and no evidence has been provided with the submission to demonstrate that the application site is vacant or redundant previously developed land that is unviable for employment use. The proposal is therefore contrary to Adopted Policy LP7.

## **10. 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. 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, (accounting for any updated or amended documents):

Drawing Numbers P01, P02, P03, and documents 'Self-build and Custom Housebuilding' and 'Preliminary Ecological Appraisal'.

## **11. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**12. Notification of Decision**

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO
<b>Has there been a declaration of interest made on this application?</b>		NO