

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	24/08/18
Planning Development Manager authorisation:	SCE	28.08.18
Admin checks / despatch completed	AP SB	29/8/18 29/08/18

**Application:** 18/00838/FUL                      **Town / Parish:** Lawford Parish Council  
**Applicant:** Mr and Mrs Hudson  
**Address:** Lawford House Bromley Road Lawford  
**Development:** Proposed swimming pool.

### 1. Town / Parish Council

Lawford Parish Council

Council has no objection to this application

### 2. Consultation Responses

Tree & Landscape Officer  
– Amended comments

The applicant has now submitted an Amended Site Plan and Proposed Site Layout, showing the retention of the trees and other vegetation on the boundary with Bromley Road. Following a site meeting with the owner of the land and the agent to consider the proposed amendments it is apparent that the removal of some of the scrubby vegetation close to the boundary with Bromley Road to create a new access road to the proposed swimming pool will not have a significant adverse impact on the character or appearance of the area.

The large Oaks on the boundary are to be retained and the majority of the vegetation to be removed is of poor quality or adversely affected trees of higher quality. Much of the vegetation on this boundary is to be retained and can be strengthened by new planting

The existing boundary vegetation provides a valuable screening benefit and its retention will be a key element in the successful integration into the landscape of a building in this location.

Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure details of new planting to strengthen the boundary screening and for its positive contribution to the appearance of the public realm.

In terms of the protected trees on the land; the applicant may not need to submit a detailed tree survey and report however they will need to provide details of the way that retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted.

This information should be in accordance with BS5837: 2012 Trees in

relation to design, demolition and construction: Recommendations.

Historic England

See documents dated 6th June 2018.

Tree & Landscape Officer  
– Original comments

The application site is affected by a tree preservation order (TPO) that affords formal legal protection to several trees within the grounds of Lawford House. The TPO reference is 99/29/TPO. The trees closest to the position of the proposed structure are a large and established Oak and a Beech of similar age and size. There are several trees other established trees and dense understory situated on the perimeter of the land.

Existing vegetation provides a valuable screening benefit and its retention would be a key element in the successful integration into the landscape of a building in this location.

The garden is well designed and set out with expansive areas of grass with established trees and shrubs. Simply in terms of the practical layout of the site there appears to be space within the garden for some development however it will be important to identify to what scale and in what location this may be possible. Additional information will therefore need to be provided relating to the trees on the site.

In order to show the extent of the constraint that the trees and other vegetation is on the development potential of the land and to show, if possible, that the development of the land could take place without causing harm to the protected trees and other trees on the land - that help to screen the site it will be necessary for the applicant should provide a tree survey and report. This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

It would appear that the proposed site layout plan shows a new vehicular access close to the western boundary of the application site directly adjacent to Bromley Road. This would not be acceptable as it would necessitate the removal of extensive areas of vegetation that provide screening benefits as described above.

The plan also shows trees and other vegetation positioned within the highway. This is inaccurate and consequently misleading as it appears to show the retention of trees where they do not exist.

Should planning permission be likely to be granted, that necessitates the removal of vegetation, then a soft landscaping condition should be attached to secure details of new planting to replicate the existing screening and for its positive contribution to the appearance of the public realm.

### 3. Planning History

03/01265/TPO	Removal of dead tree T2	Approved	16.07.2003
03/01692/TPO	G2. - Fell severely decaying Lime tree	Approved	15.09.2003
03/01867/TPO	G2: Reduce Horse Chestnut by up to 50% to coincide with felling of adjacent dangerous Lime already approved	Approved	08.11.2003
07/01255/TPO	1 No. Oak - remove dangerous branch	Approved	07.09.2007
16/00618/FUL	Erection of 8 no. detached dwellings and garages and formation of new access.	Approved	12.01.2017
16/00619/LBC	Erection of 10 no. detached dwellings and garages and formation of new access.	Approved	12.01.2017
17/01023/FUL	Erection of farm style store building.	Approved	14.09.2017
17/01237/FUL	Various alterations to existing property to facilitate a single storey rear extension.	Approved	19.09.2017
17/01238/LBC	Various alterations to existing property to facilitate a single storey rear extension.	Approved	19.09.2017

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site is Lawford House, Bromley Road, Lawford which is a Grade II Listed Building set in large grounds to the southern edge of Lawford. The application site is located outside the settlement boundary of Manningtree.

### **Proposal**

The application seeks planning permission for a proposed swimming pool building which is an I shape. The south western element will measure 6.6 metres in width by 5 metres in depth with an overall height of 6.5 metres and it will accommodate two changing areas, the main entrance and a gym/exercise area. The north western element will measure 10.8 metres in width, 5.8 metres in depth with an overall height of 6.5 metres.

The outbuilding is single storey with a pitched roof and it will be constructed from back stained/oak weatherboarding, brick plinth, plain tile roof and timber windows and doors.

### **Assessment**

The main considerations for this application are, the principle of development, the design and appearance (including impact upon heritage assets), impact upon neighbouring amenities and impact upon Trees.

## Principle of Development

The application site lies outside the Settlement Development Boundary (SDB) for Great Bromley, as established in both the saved and emerging local plan. Policy HG12 states that a proposal outside the defined development boundaries of settlements will be permitted provided that the proposal satisfies the general design criteria set out in Policies QL9 and QL10, in addition, that it, is of a size, scale and height that is in keeping with the character of the locality and in terms of design and materials, it would make a positive contribution to its setting. The proposal will also retain sufficient space around the dwelling to protect its setting, would not represent over development of the site and it would not be detrimental to highway safety. The outbuilding as stated within the supporting heritage statement will be utilised for the applicants private use only.

The proposal adheres to the above policy and therefore the principle of development is acceptable subject to the detailed consideration below.

## Design and Appearance (including impact upon heritage assets)

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Paragraph 189 of the National Planning Policy Framework 2018 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. 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 including, where appropriate, securing its optimum viable use.

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

Saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017) confirm that development should be of a scale, design and use that respects the listed building and its setting.

The submitted plans indicate that the proposed swimming pool outbuilding is single storey and it is located approximately 50 metres away from Lawford House to the north west corner of the application site. The design of the proposal reflects a rural outbuilding and although it is fairly large there is sufficient landscaping along Grange Farm to screen the proposal, it is therefore considered the proposal will have a neutral impact upon the character of the area.

The distance of the proposal from the listed building is sufficient enough to ensure that the importance of the listed building is not undermined. The scale, bulk and design of the outbuilding would appear subservient to the main dwelling and as a result would not detract from its setting.

## Impact upon neighbouring amenities

Due to the sufficient distance away from neighbouring amenities and due to the existing landscaping along Grange Road, that will help to screen the proposal, it is considered that the swimming pool outbuilding will not cause any significant impact upon the neighbouring amenities.

## Impact upon Trees

The Tree and Landscaping officer has been consulted on the application and has provided further comments following the submission of an amended site plan and proposed site layout. It is apparent that the removal of the scrubby vegetation close to the boundary of Bromley Road to create the new access road to the proposed swimming pool will not have a significant adverse impact on the character or appearance of the area. After a site visit with the Agent, a tree survey and report does not need to be provided however the applicant will need to provide details of the way that retained trees will be physically protected for the duration of the construction phase of any development for which planning permission will be granted. The officer refers to the existing boundary vegetation providing a valuable screening benefits and its retention will be a key element in the successful integration into the landscape of a building in this location. A soft landscaping condition will be imposed to secure details of new planting to strengthen the boundary screening and for its positive contribution to the appearance of the public realm.

## Other considerations

Lawford Parish Council have no objection to this application.

No letters of representation have been received.

## Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

## **6. Recommendation**

Approval - Full

## **7. Conditions / Reasons for Refusal**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Number 1590/17/02 Rev F, 1590/17/01 Rev D and Supporting & Heritage Statment dated 30th May 2018.

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

- 3 No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

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

- 4 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 interests of visual amenity and the character of the area.

- 5 The outbuilding as detailed on DWG No. 1590/17/02 Rev F and DWG No. 1590/17/01 Rev D, hereby approved shall not be used/occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lawford House, Bromley Road, Lawford.

Reason - For the avoidance of doubt, the supporting information provided by the applicant confirms that the swimming pool use proposed is ancillary and does not represent a material change of use. Any intensification amounting to a material change of use would require separate detailed assessment under a planning application.

- 6 Prior to the commencement of development, details of the measures for the protection of the retained trees on the plot, which comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction", shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason - To ensure the existing protected/mature trees within the site are safeguarded during construction and retained in the interests of visual amenity.

## 8. Informatives

### Positive and Proactive Statement

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

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