

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/10/2018
Planning Development Manager authorisation:	SCE	08.10.18
Admin checks / despatch completed	SB	08/10/18.

Application: 18/00851/FUL

Town / Parish: Lawford Parish Council

Applicant: Mr Yung Huynh

Address: Adens Wignall Street Lawford

Development: Demolition of existing garage. Erection of two storey, three bedroom detached dwelling with associated landscape works. New shared driveway, patio paving, bin enclosures, and cycle storage sheds.

1. Town / Parish Council

Lawford Parish Council

Over development of plot

This is not in keeping with the current development in the street.

2. Consultation Responses

Building Control and
Access Officer

The building will need to be at least 1m from the boundary on both sides. No other comments at this time.

Tree & Landscape Officer

The application site is reasonably well populated with well established, but small, trees, conifers and shrubs.

There is a small Holly on the northern boundary at the front of the site and an established coniferous hedge on part of the eastern boundary. These are the most significant trees on the application site.

Most of the eastern boundary, adjacent to the Public Right of Way, is well vegetated and provides a good level of screening. Much of this would be removed in order to facilitate the development.

However, notwithstanding the positive impact that the trees, conifers and shrubs have on the appearance of the area none of the trees on the land have such amenity value that they merit retention or protection by means of a Tree Preservation Order.

In terms of the impact of the development on the character and appearance of the public realm it is considered that the construction of a dwelling within the existing garden would have a negative impact by way of the position of the dwelling itself and the loss of the well planted garden.

Tree & Landscape Officer
(Amended plans)

I can confirm that I have no further comments to make and that my earlier comments relating to the development still stand in relation to the amended plans.

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

1 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 182005-D-04-D. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development and the turning facilities shall remain free from obstructions thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

3 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

4 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

ECC Highways Dept
(Amended plans)

Suggested Condition

Any new or proposed boundary hedge or tree shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Planning History

18/00851/FUL	Demolition of existing garage. Erection of two storey, three bedroom detached dwelling with associated landscape works. New shared driveway, patio paving, bin enclosures, and cycle storage sheds.	Current
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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

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

CP1 Sustainable Transport and Accessibility

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.

In relation to housing supply:

The NPPF requires Councils to 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' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing

deliver over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Application Site

The application relates to Adens, Wignall Street, Lawford a two storey semi-detached dwelling located within the development boundary of Lawford. The application site is located within a residential area comprising of detached and semi-detached dwellings. There is a footpath that runs along the western boundary of the application site.

Proposal

This application seeks planning permission for the demolition of the existing garage and the erection of a two storey detached dwelling with associated landscape work, new shared driveway, bin enclosures and cycle storage sheds. The proposal will measure 5.7 metres in width to the front of the dwelling reducing to 4.5 metres in width to the rear, 10.2 metres in depth with an overall height of 7 metres. In terms of access, the proposed dwelling will share the existing access which currently serves 'Adens' with parking provision for four cars being situated along the south westerly boundary.

Assessment

The main considerations for this application are;

- Principle of development
- Visual Impact
- Impact upon neighbours
- Highway Safety
- Other Considerations

Principle of Development

The site is located within the Settlement Development Boundary of Lawford as defined within both the adopted and emerging Tendring District Local Plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. The principle for residential development is therefore accepted subject to the detailed consideration below.

Design and Visual Impact

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans indicate that the proposed detached dwelling will be located to the south east of 'Adens', Wignall Street. Due to its corner location with the bend in Tye Hill leading to School Lane, the site is clearly visible and prominent within the street scene and therefore its impact upon the character of the immediate surrounding area is an important element of this application.

The proposal is two storey with a gable projection which is considered to be in keeping with the character of the area. The side elevation will be visible from School Lane and Wignall Street however due to the varying height which will help to reduce the bulk of the proposal; it is

considered that the dwelling will not cause any significant impact upon the street scene. The proposal will be constructed from dark grey slates and white render which will be in keeping with the character of the area. The proposed dwelling will have a height which is 0.5 metres lower than 'Adens', reducing its prominence within the street scene.

The proposed parking to the front of the dwelling will be visible from Wignall Street, however due to other dwellings along the street scene comprising of parking to the front, it is considered that the 1 metre hedge and wire fence will help to screen the parking. On balance, the proposal is not considered significant enough to warrant a reason for refusal.

In terms of private amenity space, Policy HG9 of the Tendring District Local Plan states that for a dwelling with three bedrooms or more, there should be a minimum of 100 square metres. Both 'Adens' and the proposed dwelling comply with Policy HG9 as both dwellings can provide 100 square metres of private amenity space.

Impact upon neighbouring amenities

The proposal introduces a new dwelling to the south east of 'Adens', a semi detached dwelling and is located adjacent to a footpath. There are windows proposed on the south easterly elevation, however as indicated on drawing no. 182005-D-08-B, both the ground floor and first floor window will be obscure glazed to avoid any impact of overlooking. Number 2 School Lane is located approximately 7 metres away from the neighbouring boundary and due to this distance as well as the existing footpath, it is considered that there will be no significant impact upon neighbouring amenities to the south east.

The proposal will be visible to the neighbouring dwelling 'Adens'. The proposal maintains 0.9 metres away from the neighbouring boundary and although this just falls below the requirements as stated within Policy HG14 of the Tendring District Local Plan, ensuring that development over 4 metres in height maintains 1 metre to the boundary, it is considered on balance that the proposal will not create a cramped appearance. The impact in terms of sunlight and daylight lost is not considered to be harmful, as per the Essex Design Guide, which states that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. The neighbour 'Adens' will not be affected by the single storey element to the rear of the proposed dwelling. Due to the garden being south facing as well as the proposed to the rear having a mono pitched roof, it is considered that the proposal will not cause any significant impact upon the neighbouring amenities.

Permitted development rights will be removed for dormers/roof lights to ensure that the privacy of neighbouring residents will be preserved. Permitted development rights have also been removed for extensions and outbuildings to ensure that the dwelling retains sufficient private amenity space.

Highway Safety

Essex County Highways have been consulted on this application and have no objections subject to the following conditions;

- No unbound materials
- Prior to occupation, car parking and turning area to be provided
- Prior to occupation, provision for the storage of bicycles
- Prior to commencement, Construction Method Statement is required

The proposal will have a shared driveway and turning area with the neighbouring dwelling, Adens. The proposal will provide four parking spaces to the east of the site measuring 5.2 by 2.5 which have been agreed with the Highway Authority. It is therefore considered that the proposal is acceptable in terms of highway safety.

Trees and Landscaping

The tree and landscaping officer has been consulted on this application and has stated that the application site is well populated with well-established small, trees, conifers and shrubs. The most significant trees on the application are the established coniferous hedge which is located along the eastern boundary. However the hedge is not protected by a Tree Preservation Order. The officer states that the proposal will impact upon the character and appearance of the public realm in a negative way in terms of the positioning of the dwelling and the loss of the well planted garden. Although the proposal will result in the loss of trees to the eastern boundary, the proposal will introduce a 1 metre hedge with wire fencing along the south east and north west boundaries which will help to soften the appearance of the proposed dwelling. Wignall Street comprises of a mixture of frontages, therefore on balance the proposal is considered acceptable in terms of trees and landscaping.

Other considerations

Lawford Parish Council object to this application due to the proposal being overdevelopment on the plot and the proposal not being in keeping with the existing streetscene.

The concern above is addressed within the report.

3 letters of representation have been received for this application with the following concerns;

- Concerns with the overlooking onto number 2 School Lane

This concern has been addressed within the report.

- Concerns over the junction at school lane already very busy and the development will make this busier.

Essex County Highways have been consulted on this application and therefore they would have taken the junction into consideration when submitting their comments.

- Concerns in regards to close proximity to other buildings

This concern has been addressed within the report.

Conclusion

On balance, in the absence of any material harm resulting from the amendments, 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 document: Drawing No. 182005-D-03-D, Drawing No. 182005-D-04-D, Drawing No. 182005-D-05-D, Drawing No. 182005-D-06-D, Drawing No. 182005-D-08-B, Drawing No. 182005-D-09-B and Design and Access Statement 22.05.2018

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

- 3 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B 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 to the properties, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the property retains sufficient private amenity space and the impact upon surrounding residents is not harmed.

- 4 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning, 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 interest of visual amenity and the character of the area

- 5 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 interest of visual amenity and the character of the area.

- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety

- 7 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Drawing Numbered 182005-D-04-D. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development and the turning facilities shall remain free from obstructions thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety

- 8 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport

- 9 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety

- 10 Any new or proposed boundary hedge or tree shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.
Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, 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 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.

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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

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