
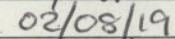
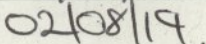


DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	01/08/2019
Planning Development Manager authorisation:	TF	01/08/2019
Admin checks / despatch completed		 

Application: 19/00234/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr and Mrs Hudson

Address: Lawford House Bromley Road Lawford

Development: Variation of condition 5 to Planning Application 18/00838/FUL - to allow the use of the Swimming Pool for private swimming lettings.

1. Town / Parish Council

Lawford Parish Council Council has no objection to this application

2. Consultation Responses

ECC SuDS Consultee Having reviewed the planning application and the associated documents which accompanied the planning application, we have identified that this application does not relate to surface water drainage and therefore we shall have no further comments accordingly in relation to this application.

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

1. Prior to any lettings a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1
2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.
3. Each Blue badge parking space shall have a minimum dimension of 3.9 metres x 6.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1:

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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.

Historic England

Do not wish to offer any comments and suggest that Council seek the views of local specialist conservation and archaeological advisers, as relevant.

3. Planning History

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
18/00838/FUL	Proposed swimming pool.	Approved	29.08.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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 (2019) 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 to vary planning condition 5 of application reference 18/00838/FUL to allow for the use of the swimming pool for private swimming lettings.

The current planning condition reads as follows:

"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."

Planning History

Officers granted planning permission for the erection of a proposed swimming pool outbuilding under planning reference 18/00838/FUL.

Assessment

The assessment of this application relates to considering the impact of allowing the wider use of the swimming pool for private swimming lettings. As stated in the planning agents email received on 20th June, the swimming pool will operate 6am-8pm, 7 days a week. The agent has stated that the maximum number of people in the pool at any one time will be restricted to two people and for either ½ hourly or 1 hourly sessions.

Design and Appearance (including the impact upon heritage assets)

The design and appearance of the proposed swimming pool outbuilding, including its impact on the appearance and setting of Lawford House (a Grade II Listed Building), has previously been considered and deemed acceptable through planning approval ref. 18/00838/FUL. There has been no material change in circumstances, including national and local planning policies, to deviate from that judgement.

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 as approved under planning reference 18/02074/FUL. 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.

It is considered that the use of the swimming pool for both the personal use of the occupiers of Lawford House and limited additional public use (primarily for disabled swimmers given the shortage on easy-access swimming facilities in the locality) would not impact on the heritage asset. The building will still be viewed as subservient to the main dwelling and as a result would not detract from its setting.

Impact on neighbouring amenities

It is considered that although there will be more comings and goings of vehicles to the swimming pool for a wider private hire use, the proposed building is situated a sufficient distance away from neighbouring amenities. In addition, existing landscaping along Grange Road will help to screen the proposal and limit any potential impact in terms of greater usage of the outbuilding. In short, it is considered that the proposal would not result in any significant detrimental impact to the amenities currently enjoyed by neighbouring residents and therefore the proposed variation is not significant enough to warrant a reason for refusal.

Highways

Essex Highways have been consulted as part of this application and have stated that the proposal is acceptable subject to conditions relating to vehicular turning facilities, parking space measurements and blue badge parking space measurements. The conditions relating to the blue badge and parking space measurements will not be imposed as there is sufficient space available on site to accommodate sufficient parking to the additional use.

Trees and Landscaping

In terms of the impact upon trees and landscaping, the proposed variation of condition 5 to allow private lettings will not affect the impact of the development proposal on any existing trees or other vegetation. The previous soft landscaping condition attached to planning approval ref. 19/00234/FUL will be re-imposed to help soften, screen and enhance the appearance of the development.

Other Considerations

Lawford Parish Council raises no objection to this application.

One letter of support has been received, stating that the addition of enabling local residents to be able to rent the pool is a very nice idea. Since the closure of the pool at Manningtree School we have had to travel to Colchester, Clacton or Ipswich to swim.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be carried out in accordance with DWG No. 1590/17/02 Rev F and Drawing No. 1590/17/01 Rev D of planning application 18/00838/FUL and the following approved document: Planning Statement scanned 13th February 2019 and in line with the email received on 20th June from Lee French (The Agent – supporting information).

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

- 2 Prior to the completion of the swimming pool building hereby approved, a scheme of soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority, 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.

- 3 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.

- 4 The swimming pool outbuilding hereby approved, as detailed on DWG No. 1590/17/02 Rev F and DWG No. 1590/17/01 Rev D of planning application 18/00838/FUL, shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Lawford House, Bromley Road, Lawford and/or for lettings for private swimming sessions (as further limited by conditions 5 and 6 of this permission).

Reason - For the avoidance of doubt, the supporting information provided by the applicant confirms that the swimming pool use proposed is for the personal use of the occupiers of Lawford House and for lettings for private swimming sessions. Any intensification amounting to a material change of use would require separate detailed assessment under a planning application.

- 5 The hereby approved use of the swimming pool for private lettings shall be limited to the following hours:

Monday to Sunday 6am - 8pm

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

- 6 The hereby approved use of the swimming pool for private lettings shall be limited to a maximum of two people at a time in the swimming pool.

Reason - To ensure the use of the site is appropriate to the locality and to safeguard the amenities of local residents.

2 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.

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