

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	23/07/2020
Planning Development Manager authorisation:	SCE	24.07.2020
Admin checks / despatch completed	CC	27.07.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CD	27.07.2020

Application: 20/00598/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr Todd Horwood

Address: Land adjacent 56 Harwich Road Lawford Manningtree

Development: Proposed 4 bed detached house and garage (resubmission of application 20/00157/FUL with revised vehicular access and associated parking facilities).

1. Town / Parish Council

Lawford Parish Council
15.07.2020

Council has concerns with the access being on the corner of Tile Barn Lane, which is an extremely dangerous corner.

2. Consultation Responses

ECC Highways Dept
18.06.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated March 2019. The amended proposal has a new separate vehicular access for the dwelling off Tile Barn Lane. The proposal retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and 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 occupation of the development 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.

3. Prior to the occupation of the proposed development the private drive and access shall be provided in principal and accord with Drawing Number :

o 1374-1 E Amended Site Plan and Block Plan.

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

4. As per drawing no. 1374-1E no unbound material shall be used in the surface treatment of the vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

5. Prior to occupation of the development the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway, shall be constructed to a maximum width of 4.5 metres (equivalent of 5 low kerbs) for the first 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

6. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

7. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

8. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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: The existing hedge on Tile Barn Lane either side of the proposed vehicular access should be maintained on a regular basis to ensure the 2-metre-wide parallel band visibility splay retained free of any obstruction at all times.

2: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

3: 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

4: 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.

3. Planning History

17/01019/FUL	Two storey side extension, additional dormer, pitched roofs to existing dormers.	Approved	14.08.2017
17/01865/NMA	Non-material amendment of application 17/01019/FUL -infilling between existing bathroom extension and proposed extension.	Approved	23.11.2017
19/01496/OUT	Proposed new dwelling.	Approved	02.12.2019
20/00157/FUL	Proposed 4 bed detached house and garage.	Approved	07.05.2020
20/00183/OHL	Diversion section of 11kV electricity line away from its current alignment to facilitate the residential development of 56 Harwich Road.	Permitted Development	20.03.2020

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
HG1	Housing Provision
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development
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
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
SPL1	Managing Growth
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local Plan, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site relates to number 56 Harwich Road, Lawford. The site measures approximately 0.07 hectares and is located on the southern side of Harwich Road. The site is a corner plot which runs adjacent to Harwich Road and Tile Barn Lane.

Proposal

This application seeks planning permission for the erection of a 4 bed detached house and garage (resubmission of application 20/00157/FUL with revised vehicular access and associated parking facilities).

Site History

Outline permission was granted on the site under planning reference 19/01496/OUT for the erection of one dwelling.

Planning permission was granted on the site under planning reference 20/00157/FUL for a proposed 4 bed detached house and garage.

Assessment

The main considerations for this application are:

- Principle of development
- Scale, Layout and Appearance
- Residential Amenities
- Trees and Landscaping
- Highway Considerations and Parking Provision
- Legal Obligation
- Habitat Regulations Assessment
- Other Representations

1. Principle of Development

The principle of development has been established through the previously approved outline application reference 19/01496/OUT and 20/00157/FUL and therefore development is acceptable on the application site subject to the details below.

2. Scale, Layout and Appearance

Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local

environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

In terms of design and appearance, the dwelling is two storey with a front gable projection and hipped roof. It is considered that the features proposed are all positive and contribute positively to the overall design and appearance of the proposed dwelling.

The proposed materials; red multistock facing bricks, black hardie plank cladding, smooth render, red plain tiles and Redland Cambrian slate tiles to shallow pitch are considered to be materials that are in keeping with the character of the area. It is considered that there is a mixture of materials within the street scene and therefore the proposed materials are considered acceptable in terms of design and appearance.

The proposed dwelling would occupy the plot comfortably, allowing for at least 1 metre distance to its neighbouring boundaries. Harwich Road typically comprises of a number of semi-detached dwellings with more recent applications for detached dwellings. The application site is sufficient enough to occupy the proposed dwelling by not resulting in the proposed dwelling creating a cramped form of development detrimental to the street scene as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that number 56 Harwich Road and the proposed dwelling can accommodate more than 100 sqm.

3. Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed dwelling is located on a corner plot between Tile Barn Lane and Harwich Road. Due to the rural location of the application site, there are no immediate neighbours to the east or south. To the west of the proposed dwelling is number 56 Harwich Road, however sufficient distance is maintained between the dwellings to ensure that the proposal does not create a cramped appearance. It is therefore considered that the proposed dwelling will not cause any impact upon residential amenity.

4. Trees and Landscaping

The application site currently forms part of the residential curtilage of the host property.

The boundary with Harwich Road is demarcated by an established hedgerow comprising of primarily Privet (*Ligustrum ovalifolium*) to the west of the bus shelter and conifers (*Cupressocyparis Leyland*) to the east. Some of the conifers have grown to the height of small trees and are a moderately attractive feature in their setting.

On the boundary with Tile Barn Lane the boundary is also planted with a hedge comprising of Hawthorn (*Crataegus monogyna*) and Holly (*Ilex aquifolium*); there is a small Walnut (*Juglans regia*) close to this boundary.

In the main body of the application site close to the southern boundary there is a small Silver Birch (*Betula pendula*). None of the trees make such a contribution to the amenity of the locality that they merit protection by means of a tree preservation area. It is noted that provision appears to have been made for the retention of existing trees. A condition will be imposed to secure details of the indicative soft landscaping to soften, screen and enhance the appearance of the development.

5. Highway Considerations and Parking Provision

Essex County Highways have been consulted on this application and have stated that due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, Google Earth photo dated March 2019. The amended proposal has a new separate vehicular access for the dwelling off Tile Barn Lane. The proposal retains adequate room and provision for off street parking and turning. The Highway Authority therefore have no objections subject to conditions relating to obstruction above ground level within a 2 metre wide parallel band visibility splay, vehicular turning facility, the private drive, no unbound materials, new access at right angles to the highway, garage measurements, cycle parking and storage of materials. The garage measurements will not be imposed as a condition as the site can accommodate sufficient parking in line with Essex Parking Standards. Cycle parking will not be imposed as sufficient space is available to the rear of the dwelling and the storage of building materials will be imposed as an informative only.

Further, Essex Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for parking spaces measuring 5.5m x 2.9m and garages should measure 7 metres by 3 metres. The plans provided demonstrate two parking spaces and a single garage to serve the host dwelling. It is considered that the proposal is sufficient to provide parking in line with Essex Parking Standards.

6. Legal Obligations

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

No contribution is requested from the public realm.

7. Habitats Regulation Assessment

Following Natural England's recent advice and the introduction of Zones of Influence around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influence (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

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 new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 2.3 km away from Stour and Orwell Estuaries RAMSAR and SPA.

In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. Other Representations

Lawford Parish Council have commented on this application and have concerns with the access being on the corner of Tile Barn Lane, which is an extremely dangerous corner.

Essex Highways Authority have been consulted on this application and raise no objection to this proposal.

No letters of representation have been received.

6. **Recommendation**

Approval - Full

7. **Conditions / Reasons for Approval**

- 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 plan:

- Drawing No. 1374 - 1 E - Site Location and Block Plan
- Drawing No. 1374 - 2 B - Site Elevations
- Drawing No. 1374 - 3 C - Ground Floor Plan
- Drawing No. 1374 - 4 C - First Floor Plan

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

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

Reason - In the interests of visual amenity.

- 4 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and 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 interest of visual amenity and the rural 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 rural character of the area.

- 6 All new hardstanding and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the site.

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 7 There should be no obstruction above ground level within a 2-metre-wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and 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

- 8 Prior to occupation of the development 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

- 9 Prior to the occupation of the proposed development the private drive and access shall be provided in principal and accord with Drawing Number :
- o 1374-1 E Amended Site Plan and Block Plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

- 10 As per drawing no. 1374-1E no unbound material shall be used in the surface treatment of the vehicular access/ driveway throughout.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety

- 11 Prior to occupation of the development the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway, shall be constructed to a maximum width of 4.5 metres (equivalent of 5 low kerbs) for the first 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways

Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

The existing hedge on Tile Barn Lane either side of the proposed vehicular access should be maintained on a regular basis to ensure the 2-metre-wide parallel band visibility splay retained free of any obstruction at all times.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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.

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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