

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	04/03/2021
Planning Development Manager authorisation:	TF	04/03/2021
Admin checks / despatch completed	DB	04.03.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	04.03.2021

Application: 21/00035/FUL **Town / Parish:** Lawford Parish Council

Applicant: T.Yarrow and R.Neville

Address: Land adjacent 56 Harwich Road Lawford Manningtree

Development: Variation of Condition 2 (Approved Plans) of approved planning application 20/00598/FUL to amend the proposed floor plans.

1. Town / Parish Council

Lawford Parish Council Not commented on this application

2. Consultation Responses

ECC Highways Dept
03.03.2021

It is noted that this application concerns variation of Condition 2, to amend the proposed floor plans; the proposed vehicle access and amount of allocated parking is unaffected by the change, in principal the Highway Authority does not object to the proposals as submitted.

Informative:

1: 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

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.	Current	20.03.2020
20/00598/FUL	Proposed 4 bed detached house and garage (resubmission of application 20/00157/FUL with revised vehicular access and associated parking facilities).	Approved	27.07.2020

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

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

The application seeks to vary the design of the previously approved dwelling under planning application 20/00598/FUL.

The access to the development will remain as approved under planning reference 20/00598/FUL.

Assessment

The main considerations in this instance 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, 20/00157/FUL and 20/00598/FUL and therefore development is acceptable on the application site subject to the details below.

The proposal is therefore acceptable in principle subject to relevant detailed considerations as set out below.

2. Scale, Layout and Appearance

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.

The layout of the scheme is the same as previously approved under 20/00598/FUL.

This application is seeking approval of the changes to the proposed design. The proposed dwelling incorporates a slight increase in height to allow for the second floor element which is shown to the

rear with two gable projections with the central roof light. There are also changes to the fenestration however these are considered minor alterations.

The previous application incorporated an attached garage within the side extension element however this application seeks to amend the plans to incorporate a living/dining room to the ground floor and a bedroom to the first floor. The application introduces a double garage located to the eastern side of the proposed dwelling. The garage is one and a half storey with an office to the first floor. The garage will be constructed from materials which will match the host dwelling.

The proposed changes are considered to have a positive contribution to the overall design and appearance of the dwelling.

Overall, the amended development is considered to represent an acceptable scale, layout and appearance that will not appear harmful to visual amenity or the character and appearance of the area.

3. Residential Amenities

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings and saved Policy HG9 sets out the private amenity space requirements for new dwellings.

As this application is a variation of condition to the previously approved application under planning application 20/00598/FUL, the proposed changes in design are not considered to cause any significant impact upon the neighbouring amenities of number 56 Harwich Road.

4. Trees and Landscaping

No trees or other significant vegetation on the application site will be affected by the proposed amendment of the development proposal.

5. Highway Safety and Parking

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of these policies are carried forward within draft Policy SPL3 and draft Policy CP1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Essex County Council as the Highway Authority has been consulted on the application. The team have stated that it is noted that this application concerns variation of Condition 2, the proposed vehicle access and amount of allocated parking is unaffected by the change, in principle the Highway Authority does not object to the proposals as submitted.

The proposed garage will accommodate parking for two cars. There is also sufficient parking in front of the garage and to the front of the dwelling to accommodate two parking spaces in line with Essex Parking Standards. The development is therefore acceptable in highway safety.

6. Financial Contribution - Recreational Disturbance

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 contribution is secured by unilateral undertaking.

This application seeks a variation of the previously approved plans and does not propose to increase the number of dwellings. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

7. Financial Contribution - Open Space and Play Space

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". These sentiments are carried forward within emerging Policy HP5.

This application seeks a variation of the previously approved plans and does not propose to increase the number of dwellings. It is the Council's view that it would be unreasonable to seek mitigation measures in this instance.

Representations

Lawford Parish Council have not commented on this application.

One letter of representation has been received raising the following concerns:

- Concerns that no formal notification of the application
- Plans are not accurate
- Concerns with regards to the loss of light to number 56 Harwich Road.

In response to the concerns above, as part of the consultation process the Council are only obliged to undertake one method of publicity. A site notice was erected directly outside of the application site on 3rd February to allow for further consultation.

The plans provided reflect the plans that were provided under the previous application.

In response to the concerns in regards to the loss of light, the Council recognise that there will be a degree of overshadowing to the neighbouring property however there is an existing fence which denotes the boundary which already will provide some form of shadowing to the neighbouring dwelling. Although there may be some shadowing to the side windows of the neighbouring property, due to the separation distance of the dwellings as well as the living area being served by a window to the front and rear, it is considered that the proposed changes to the design will not cause any significant impact upon number 56 Harwich Road.

Conclusion

For the reasons set out above, the revised dwelling at variance to the previous approval is considered acceptable in terms of the principle, scale, layout, appearance, access and landscaping. The application is therefore recommended for approval subject to conditions where necessary.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original approval on 27th July 2021

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:

- Drawing No. 1170. P.02 (D) - Proposed Site Plan
- Drawing No. 1170. P. 04 (D) - Proposed Elevations
- Drawing No. 1170. P. 03 (C) - Proposed Floorplans
- Drawing No. 1170. P. 05 - Proposed Garage Plans and Elevations

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 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

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways

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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester, CO7 7LT

Legal Agreement Informative - Recreational Impact Mitigation

This application should be read in line with the legal agreement submitted under planning reference 20/00598/FUL 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.

Are there any letters to be sent to applicant / agent with the decision?	YES	NO
---	-----	----

If so please specify:		
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO