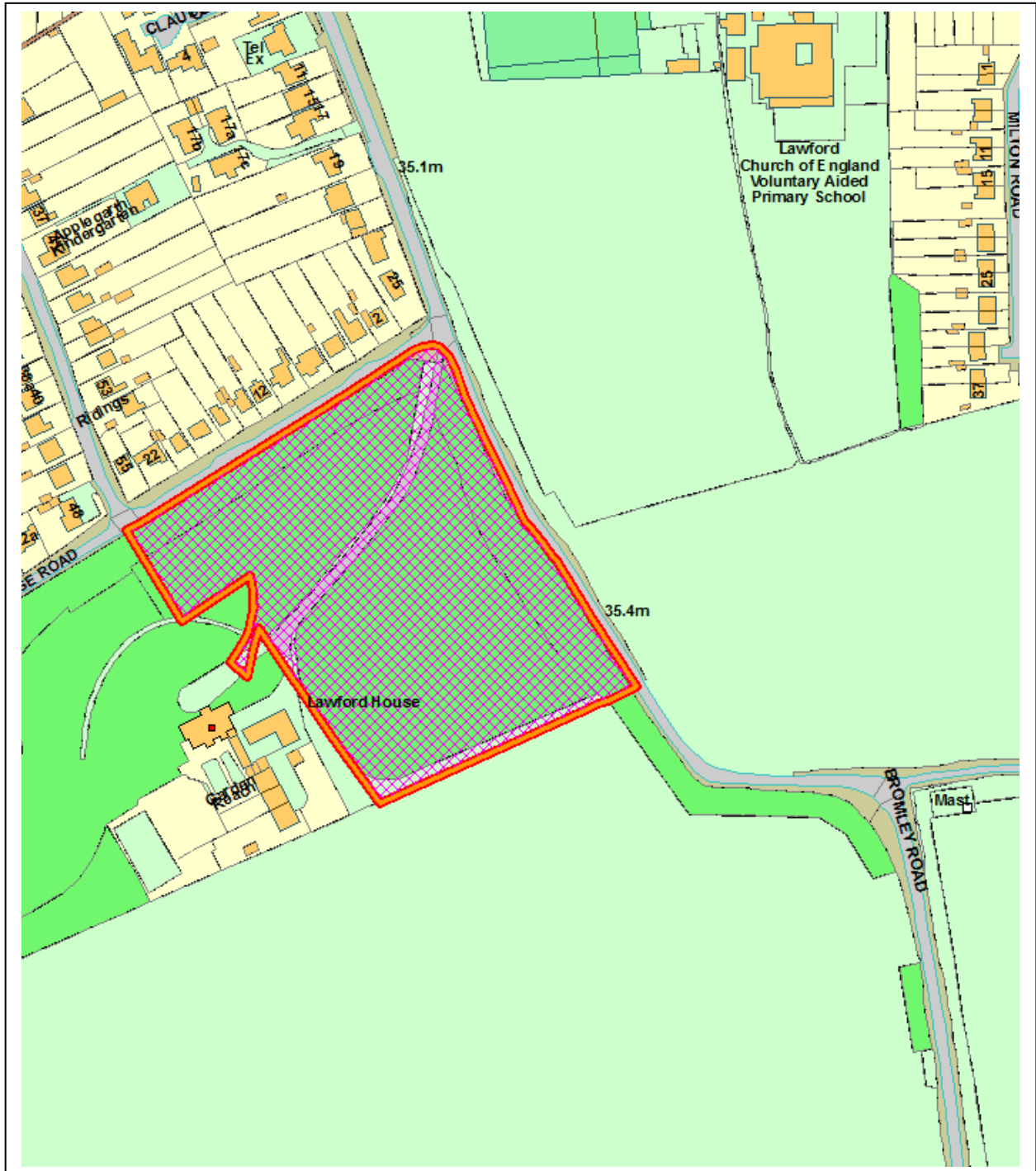


PLANNING COMMITTEE

4<sup>TH</sup> JANUARY 2017

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION – 16/00618/FUL – LAWFORD HOUSE, BROMLEY ROAD, LAWFORD, MANNINGTREE, CO11 2JD**



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<b>Application:</b>	16/00618/FUL	<b>Town / Parish:</b> Lawford
<b>Applicant:</b>	The Tendring Hundred Farmers' Club and Michael Howard Homes	
<b>Address:</b>	Lawford House, Bromley Road, Lawford, Manningtree, CO11 2JD	
<b>Development:</b>	Erection of 8 No. detached dwellings and garages and formation of new access.	

This application was first considered by the Planning Committee on 30<sup>th</sup> November 2016 where it was decided to defer a decision to allow the applicants to address the Committee's concerns about the proposed extent of tree loss and the impact upon the setting of the Listed Building. In response to the Committee's concerns, the applicant has revised the proposal to remove a dwelling, thus safeguarding more trees and reducing the heritage impact. The application, as amended, is therefore returned to the Committee with a recommendation of approval.

The original report of 30<sup>th</sup> November 2016 is replicated below with any relevant changes or updates set out in [square brackets and bold text].

## 1. Executive Summary

- 1.1 This application has been referred to the Planning Committee at the request of Councillor Val Guglielmi. The proposal is for 9 large detached dwellings [**now revised to 8**] within the grounds of Lawford House which is a Grade II Listed Building and the venue for the annual Tendring Hundred Show. The applicants have indicated that the funds that would be secured as a result of this development would help to sustain to secure the future use of the showgrounds for the Tendring Hundred Show, although this is only a stated benefit and not one that can be legitimately secured through a legal agreement.
- 1.2 For Officers, the two most significant planning issues are the impact that the development would have on the significance and setting on the listed building and the impact on significant trees on the site. The application was originally submitted for 10 dwellings, but having considered the impact of the development on protected trees and the setting of the listed building, Officers have negotiated the removal of one of the proposed dwellings that was judged to have the greatest potential adverse impact. The scheme before the Committee now has therefore been revised to only propose 9 dwellings [**with a further reduction to 8 dwellings to address the Committee's concerns**].
- 1.3 The site lies outside of the settlement development boundary in both the adopted and emerging Local Plans, but in the emerging Local Plan the site adjoins the boundary which has been revised to reflect the Committee resolution to grant planning permission for up to 360 dwellings and other community benefits on the opposite side of Bromley Road. Because the Council is still unable to identify a five-year supply of deliverable housing sites as required by national planning policy [**although the Council is now close to doing so**], this application has had to be considered on its merits in line with the government's 'presumption in favour of sustainable development'. This requires that applications be approved without delay unless the adverse impacts would significantly and demonstrably

outweigh the benefits. Because Lawford forms part of the wider Manningtree, Lawford and Mistley urban settlement as defined in the Local Plan, residential and mixed use development in this location has the potential to be sustainable with reasonable access to a range of local job opportunities, shops, services, facilities and public transport compared with more remote rural villages.

- 1.4 The applicant has produced a heritage statement that describes the significance of Lawford House and then assesses the impact upon its setting. The most important views of the listed building are towards its front elevation to which public views are currently restricted and which the development is not likely to affect. Therefore despite the proximity of the development to listed buildings, it is considered that the development will cause little or no harm to its significance or setting – particularly following the revision to remove the dwelling that would have been closest to the Lawford House’s principal elevation **[and the subsequent revision to remove a further dwelling]**.
- 1.5 For the trees occupying the site, the Council’s Principal Trees and Landscape Officer originally assessed the site and imposed a Tree Preservation Order (TPO) upon the majority of the trees, over and above those already protected by an earlier TPO. This would have made the development impossible to implement without the loss of a large number of protected trees. However, the Principal Trees and Landscape Officer has since revoked the new TPO having considered evidence from the applicants’ Tree Consultant and the fact that many of these trees are hidden from public view and therefore add little value to the amenity and enjoyment of the area by the general public – even though the trees themselves are attractive when viewed on the site. The reversion to the original TPO which mainly affects trees around the sites boundaries means that the majority of protected trees will be retained by the development, with the exception of those needed to be removed to create access and some on the very southern boundary. On balance, it is considered that this is an acceptable level of adverse impact that is outweighed by the economic and social benefits of the development. The creation of the access will also assist in revealing views to, and the enjoyment of the Listed Building which is currently very much hidden from view.
- 1.6 Lawford Parish Council supports the application and there is a mixture of local support and a local objection. 9 dwellings **[now 8]** is below the threshold that would require any on-site affordable housing or any financial contributions towards health, education or open space. In the absence of an up to date Local Plan and a five-year supply of deliverable housing sites, Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to planning conditions.

**Recommendation: Approval - Full**

- a) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:**
1. Time limit.
  2. Accordance with approved plans.

3. Detailed landscaping scheme.
4. Tree protection and retention measures.
5. Highways conditions (as recommended by the Highway Authority).
6. Surface water drainage scheme.
7. Ecological mitigation/tree protection measures (including bat protection measures).
8. Archaeological assessment/trial trenching.
9. Details of lighting, materials and refuse storage/collection points.
10. Broadband connection.

## 2. Planning Policy

### National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
  - an economic role;
  - a social role; and
  - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It 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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should*

*work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”.*

## **Local Plan**

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

### HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

### HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

### HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN5: Areas of Outstanding Natural Beauty

Protects the Dedham Vale Area of Outstanding Natural Beauty from developments that would harm or otherwise fail to conserve its natural beauty and landscape, including views towards it from outside.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building

Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

## **Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)**

Relevant policies include:

### SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

### SP4: Infrastructure and Connectivity

Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

### SP5: Place Shaping Principles

Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

### SPL1: Managing Growth

Identifies Manningtree, Lawford and Mistley as a 'smaller urban settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

### SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

### SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

### HP4: Open Space, Sports and Recreation Facilities

Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

### LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs.

### LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

### LP3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

### LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.



#### PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

#### PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

#### PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

#### PPL4: Biodiversity and Geodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

#### PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

#### PPL7: Archaeology

Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

#### PPL9: Listed Buildings

Guards against developments that would have an adverse impact on Listed Buildings, including their setting.

#### CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

#### CP3: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

#### **Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

### 3. Relevant Planning History

TRE/97/38	Crown reduce Oak by 50-70%	Current	27.08.1997
93/01144/FUL	Temporary residential mobile home and builders unit whilst major repairs are carried out to house	Approved	22.11.1993
03/01265/TPO	Removal of dead tree T2	Approved	16.07.2003
03/01692/TPO	G2. - Fell severely decaying Lime tree	Approved	15.09.2003
03/01867/TPO	G2: Reduce Horse Chestnut by up to 50% to coincide with felling of adjacent dangerous Lime already approved	Approved	08.11.2003
07/01255/TPO	1 No. Oak - remove dangerous branch	Approved	07.09.2007

### 4. Consultations

TDC Health	Environmental	<p>To minimise potential nuisance to nearby existing residents caused by construction works, the following conditions should apply. Prior to the commencement of any works, a method statement shall be submitted to and approved by the Council and we will require the following:</p> <ol style="list-style-type: none"><li>1) The use of barriers to mitigate the impact of noisy operations which may involve temporary earth bunds etc.</li><li>2) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency).</li><li>3) Working hours to be restricted between 07:00 and 19:00 Monday to Friday. Saturday not before 0800 finishing at 13:00 with no working of any kind permitted on Sundays or any Public/Bank Holidays.</li><li>4) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.</li><li>5) Mobile plant to be resident on site during works shall be fitted with non-audible reversing alarms (subject to HSE agreement).</li><li>6) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed by the Council in writing which will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.</li><li>7) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by the Council prior to the commencement of works.</li></ol>
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8) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Council and other relevant agencies.

9) No materials produced as a result of the site development or clearance shall be burned on site.

10) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

11) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

TDC  
Principal Tree  
Landscape Officer

& Original comments: The application site comprises garden and paddock land associated with Lawford House. The garden and paddock is well populated with established specimen trees and its boundaries are marked by fairly dense hedgerows and large trees that are strong features in the landscape.

The site is well screened from view along the length of Grange Road by dense vegetation as described above. The boundary with Bromley Road contains established hedgerows and trees although gaps allow views into the main body of the land.

The Public Rights of Way network to the south of the application site allows clear views of the trees within the grounds of Lawford House as well as those on the perimeter of the land. From PROW 52: the site can be seen when walking northwards, from PROW 18: the site can be to the north of the footpath, PROW 19: views when traveling north and PROW 17: again looking generally northwards when walking the section between PROWs 18 and 19.

In terms of their amenity value collectively the trees make a significant and positive contribution to the character and appearance of the local landscape. Individually many of the trees also make a positive contribution to the amenity of the locality and also have intrinsic value. Some are already afforded formal legal protection by Tree Preservation Order 92/26/TPO.

In order to show the extent of the constraint that the trees are on the development potential of the land and the likely impact of the development on the trees the applicant has provided a detailed Tree Survey and Report. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction;

Recommendations: The report provides an accurate description of the trees and identifies the need to remove many of the trees on the and in order to facilitate the development of the land.

Whilst the development proposal makes provision for the retention of most of the boundary vegetation it does identify the removal of several established trees on the eastern boundary of the paddock, adjacent to Bromley Road and the majority of the trees in the main body of the land both in the garden area and the paddock. In addition to this the development is right up against the edge of the Root Protection Areas of

retained trees.

Taking into account the contribution made by the trees to the amenities of the locality, and their intrinsic value it is considered appropriate to make a new TPO to reflect their current amenity value. The new TPO will cover those already covered by the existing TPO and others that have increased in size and value since the existing TPO was made in 1992.

The development proposal would if implemented, have a significant and detrimental impact on the trees that are now afforded formal legal protection by Tree Preservation Order 16/10/TPO. It is difficult to see how the development could be implemented in its current form without causing significant harm to the trees on the land.

Whilst the tree report provides information showing those trees to be removed and those to be retained consideration will also need to be given to the juxtaposition between the retained trees and the new dwellings. Prior to the determination of the application the applicant will need to provide a shading analysis to show the likely impact on daylight and sunlight levels reaching the proposed dwellings and associated garden areas.

Should planning permission be likely to be granted then a condition should be attached to ensure that retained trees are physically protected for the duration of the construction phase of the development. A soft landscaping condition should also be attached to secure new soft landscaping to enhance the appearance of the development.

Revised comments following the revision to the scheme: As previously stated the trees on the land make a significant and positive contribution to the character and appearance of the local landscape and to the amenities of the locality. Individually some of the trees have high intrinsic value because of their age. Some were already covered by TPO/92/26 prior to the making of TPO/16/10.

The new TPO affords protection to most of the trees covered by TPO/92/26: the exception being the group of trees in the vicinity of the proposed position of Plot 2. These trees showed signs of significant defects and were no longer viable as a group.

The first of two key elements of the new TPO is the retention of the treed areas on the boundaries with Grange Road and Bromley Road. The retention of these areas as a woodland designation within the new TPO will, to a large part, secure the screening of the site from the adjacent highway.

The second key element is the retention of the trees on the land that are approaching veteran status and that are covered by TPO/92/26.

In addition to this several other trees on the southern boundary of the land are included in the new TPO for their screening value as they are situated on the perimeter of the land

The new TPO protects the trees on the land that make a positive contribution to the character and appearance of the area, that being primarily the trees in the woodlands on the perimeter of the application site

and the trees with the greatest intrinsic value, which are those approaching veteran status. Those trees with only moderate or low visual amenity value have not been included in the proposed new TPO.

In terms of the changes made to the development proposal the amended site layout shows the removal of the plot that was opposite to plot 1 (on the new plan). This is desirable inasmuch as it enables the Tulip Tree covered by TPO/92/26 and carried forward in both the provisional and proposed new TPO's to be retained.

The undesirable and harmful elements of the development proposal are the removal of T5 (Beech) of the new TPO and the clearance of parts of W2 to create garden areas for plots 6, 7 and 8. The development proposal would also result in a significant change if the setting of the oldest trees on the land. This has the potential to cause them harm but this could be mitigated by following the recommendations contained in the Tree Survey and Report.

Simply in terms of the impact of the development on trees on the land, the development proposal is undesirable. Most of the trees not covered by the TPO will need to be felled to facilitate the development the development proposal will affect some trees covered by the TPO, as described above.

In terms of landscape character the application site has no special qualities other than its value as a setting for the listed building. Nevertheless the development of the land will not enhance or otherwise improve the existing landscape character

Should planning permission be likely to be granted then a condition should be attached to ensure that retained trees are physically protected for the duration of the construction phase of the development.

A soft landscaping condition should also be attached to secure new soft landscaping to enhance the appearance of the development. This should include details of new tree and hedgerow species planting in the woodland areas to compensate for those trees identified for removal.

#### TDC Housing

There are currently 27 households on the housing register seeking a 3 bedroom property and 8 seeking a 4 bedroom property or larger. No on-site affordable housing is sought from this scheme, but a financial contribution towards off-site affordable housing would be preferred on this site if applicable.

#### TDC Open Space and Play

There is currently a deficit of 3.44 hectares of equipped play/formal open space in Lawford so any additional development in the Lawford area will increase demand on already stretched facilities.

Due to the geographical layout of the area, the play sites are spread widely across the village. The nearest play area to the site is located just a short distance from the development along in School Lane, Lawford just 0.3 miles away. This play area is designated as a Local Equipped Area for Play, providing various play opportunities. Without the provision of additional play areas it is very likely that a largest impact would be felt at this play area. To account for the proposed development and to prevent the current deficit from increasing further, additional play opportunities would need to be provided.

Due to the significant lack of facilities in the area it is felt that a contribution towards play and formal open space is justified and relevant to this application.

## ECC Highways

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

1 Prior to the first occupation of any of the proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

2 Prior to the proposed access being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

3 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary or proposed highway.

4 Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

5 Prior to commencement of the proposed development, a vehicular turning facility for motor cars for each dwelling of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

6 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the carriageway and additionally clear of all visibility splays at accesses.

7 The existing access at the junction of Grange Road and Bromley Road as shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

8 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

9 All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

10 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.

Anglian Water

Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater treatment: The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface water disposal: From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Natural England

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

The proposed development is for a site within or close to a nationally designated landscape, namely Dedham Vale AONB. Natural England advises the Council to use national and local policies, together with local landscape expertise and information to determine the proposal.

For impacts on protected species, the Council should apply Natural England's standing advice.

Historic England

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application.

Essex County Council  
Flood Authority

Having reviewed additional information provided by the applicant alongside the Flood Risk Assessment, we do not object to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

ECC Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of potential archaeological interest. A heritage statement has been submitted with the application which has highlighted the impact of the development on the surviving landscape features associated with the historic house and site at Lawford House and identified the potential for surviving below-ground archaeological features associated with the nearby Neolithic settlement site which is a protected scheduled monument. Cropmark evidence in the surrounding area indicates the potential for further prehistoric activity and also the presence of a Roman road nearby. Due to the relatively undisturbed nature of the site any impact on surviving archaeological remains would be high.

Therefore planning conditions should be imposed on approval of planning permission to secure the following, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits; and
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

## **5. Representations**

5.1 This planning application has attracted both representations in support and in objection.

5.2 Seven representations of support have been received from residents with suggestions that the development has been sympathetically designed, will bring about improved access arrangements and will allow guaranteed continuation of the Tendring Hundred Show.

5.3 Three representations of objection have been received which highlight the following concerns:

- It is contrary to the 2007 adopted Local Plan;
- It requires the destruction of a large number of trees in the only small wood remaining in the area;
- The site supports a wide variety of birds and invertebrates;
- Trees are likely to be damaged as a result of this development, despite the tree preservation orders;
- Future occupiers are likely to want trees removed to improve natural light into their houses or gardens;
- The proposed access is little more than a gap in the hedge with limited visibility for vehicles pulling out into Grange Road;
- The site already has good access and the new access point is not needed;



- Concern about which access point will be used during the construction period;
- Objection to the placement of Plot 1 [which has since been removed from the scheme]; and
- Luxury houses are not the affordable ones that are required in the area.

5.4 Lawford Parish Council has written in support of the application.

## 6. Assessment

### The Site

6.1 The application site comprises 2.5 hectares of land which form part of the grounds of Lawford House which is a Grade II Listed Building. The land is square in shape, lies to the east of the Listed Building and is immediately south of Grange Road and immediately west of Bromley Road with the wider grounds of Lawford House extending into the open countryside to the south. The site contains a significant number of established trees and its boundaries are marked by fairly dense hedgerows which contain large trees. The hedgerow along Grange Road is particularly dense and offers limited visibility into the site although the hedgerow and trees along Bromley Road contain more gaps and it is possible to see across the land towards the Listed Building.

### The Proposal

6.2 This full planning application seeks detailed approval for a development of 9 substantial detached houses [**now reduced to 8**], each served by double garages with the formation of a new access. There will be 7 [**now 6**] x 4-bed houses and 2 x 5-bed houses. The proposed arrangement of the properties is generally to back onto the site boundaries and to face into the centre of the site and to nestle within gaps between some of the substantial trees on the site. The properties will be of grand dimensions and of traditional design and detailing. The new access road will be from Grange Road with the current access being extinguished and re-landscaped. The new road will provide access to the new properties and to Lawford House.

### Architectural Drawings [as revised]

- 8206 010 D00 Location Plan
- 8206 050 PO2 Proposed Masterplan
- 8206 051 PO2 House Type H Plans and Elevations (Plots 2h, 4h, 6h, 8)
- 8206 053 PO2 House Type D Plans and Elevations (Plots 1, 7)
- 8206 054 PO2 House Type Q Plans and Elevations (Plots 3, 5)
- 8206 055 PO2 Garage Type 1 Plans and Elevations (Plots 3)
- 8206 056 PO2 Garage Type 2 Plans and Elevations (Plots 1, 2, 4, 5, 6, 7 & 8)
- 8206 060 A00 External works
- 8206 080 PO2 Site Section A-A
- Perspective View

### Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Phase 1 Habitat Survey
- Heritage Impact Assessment

- Arboricultural Impact Assessment
- Flood Risk Assessment

### **Main Planning Considerations**

6.3 The main planning considerations are:

- Principle of development;
- Impact on the setting of Lawford House;
- Impact upon trees;
- Highways, transport and accessibility;
- Dedham Vale Area of Outstanding Natural Beauty;
- Ecology;
- Flood risk and drainage;
- Ecology;
- S106 Planning Obligations
- Utilities;
- Design and Layout; and
- Overall planning balance.

### **Principle of development**

6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.

6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. 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 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

6.6 The application site is not allocated for housing or mixed use development in the adopted Local Plan and lies completely outside, albeit abutting, the 'settlement development boundary' – on one site in the adopted Local Plan and on two sides in the emerging Local Plan (reflecting the major development with provisional outline planning permission on land east of Bromley Road).

6.7 Because the site lies outside of the settlement development boundary, it is technically contrary to local policy. However the Council is also currently unable to identify a five-year

supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF. Based on the evidence contained within the 'Objectively Assessed Housing Needs Study (July 2015) for Braintree, Chelmsford, Colchester and Tendring, the projected need for housing in Tendring is 550 dwellings per annum. In applying the requirements of NPPF paragraph 47 to this requirement, the Council is currently only able to identify an approximate 3.8 year supply **[at the recent Public Inquiry for development at Rush Green Road on December 2016, a 4.8 year supply was identified]**. In line with paragraph 49 of the NPPF, housing policies must therefore be considered 'out-of-date' and the government's 'presumption in favour of sustainable development' is engaged. To comply with national planning policy, the Council would not, at this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary.

- 6.8 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.9 One of the NPPF's core planning principles is to *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable"*. With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. In both adopted and emerging plans, Manningtree, Lawford and Mistley are together categorised as a 'town' or 'urban settlement' in recognition of their collective size and range of services and facilities and as a location where sustainable development on a larger scale can be achieved. In comparison, 'villages', 'rural service centres' and 'smaller rural settlements' are considered to offer lesser sustainable locations for major development.
- 6.10 For this particular proposal, a key consideration will be the impact of the development upon the setting of Lawford House as a listed building and a 'heritage asset' for which the NPPF contains specific policies which can override the presumption in favour of development. This matter is addressed in the following section.

#### **Impact upon the setting of Lawford House**

- 6.11 The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:
- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.12 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset (which could include harm to its setting), this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PPL9 in the emerging Local Plan only allows development affecting a listed building or its setting where it protects its architectural or historic interest, its character, appearance and fabric.
- 6.13 For this application, the relevant heritage asset is Lawford House which is a Grade II Listed Building and because the development is within the grounds of the building and is situated close to the building itself, there will inevitably be an impact on its setting that needs to be carefully considered. The applicant has submitted a Heritage Impact Assessment that describes the significance of Lawford House and examines the effect of the proposed development on the setting of this heritage asset. Whilst the assessment concludes that the listed building will not be affected directly by the development, it does acknowledge that it would affect its setting.
- 6.14 The assessment explains that Lawford House was built in several phase and that the oldest surviving fabric is thought to be the rear range of the house, with timbers dating from the late seventeenth century. A red brick, timber framed range from the second half of the eighteenth century appears to be encased by an early nineteenth century gault brick refronting. There are also several nineteenth and twentieth century additions mostly at the rear. The kitchen range was converted into a separate dwelling by Royal Academician Marshall Sisson in 1947. The house's value is recognised in its Grade II listing.
- 6.15 In describing Lawford House's aesthetic value, the heritage assessment states that the front elevation demonstrates clear design intention although the architect is no known. The symmetrical façade with its central portico and moulded window surround above are typical of the earlier nineteenth century. In contrast, the rear the rear elevations have evolved piecemeal and show several different phases of design, from the very deliberate moulding around the angular bay to more organic forms. The modern lights, cabling and security alarms clutter the building's façades, especially the main front. The aesthetic value of the front façade is considered to be 'high' whereas the aesthetic value of the remaining facades is described as 'medium'. Looking at listed building, its wider setting and the heritage significance of the application site, the assessment rates the main building as of high value, the current access road and tree-lined boundaries as medium value, the land along the north of the access road as detrimental and the land south of the access road as neutral value.
- 6.16 Moving to the assessment of the development proposal, it is suggested that the proposed new dwellings are located in the north-east corner of the estate in an area that is mostly occupied by a paddock that feels separated from the gardens of the listed house by the shared drive. The assessment states that the loss of the original drive will have an adverse impact but this is mitigated by the retention of the immediate approach to Lawford House from the east, reducing the impact to 'medium adverse'. The new entrance will create a

safer access to and from the site and will be located where it will have minimal impact on views from the House. With the changes to the northern boundary being kept to a minimum the new access road will have a low adverse impact on the landscape and a neutral impact on the listed building itself. The new houses will be built predominantly of traditional materials in a variety of styles that reflect the local vernacular of pitched or hipped slate roofs and walls of buff or red brick.

6.17 Officers were content that the impact on the Listed Building would be medium adverse, however paragraph 132 in the NPPF requires that any harm to the setting or significance of a heritage asset requires clear and convincing justification before the 'weighing up' exercise in paragraph 134 is engaged. In response to Officers concerns, the development has been revised to remove the dwelling that was closest to the front elevation of Lawford House and Officers are now content that the impact upon the setting of the building, in particular its front elevation, will be minimal. Indeed the creation of a new access will help to better reveal the significance and appreciation of this elevation which is currently hidden from view by the dense vegetation along Grange Road. Consequently, Officers are satisfied that the scheme could go ahead with little or no harm to Lawford House. However, being a matter of judgement, if the Committee was concerned that there would be an adverse impact on the setting and significance of Lawford House that was not outweighed by public benefits, refusal would be a legitimate course of action that could reasonably be defended on appeal.

6.18 It is noted that Historic England have offered no specific comments on this application.

**Impact upon trees**

6.19 The applicant has submitted a tree survey and report which has been considered by the Council's own Principal Tree and Landscape Officer. Many of the trees on the land are proposed to be removed in order to facilitate the development. Whilst most boundary vegetation will be retained, several established trees on the eastern boundary adjacent to Bromley Road, and the majority of the trees in the main body of the land are proposed for removal. The Tree Officer had raised concern about the impact of these trees being lost and issued a new Tree Preservation Order (TPO) to protect more of the trees than was covered under the original TPO issued in 1992. The Tree Officer had commented that cumulatively the trees make a significant and positive contribution to the character and appearance of the local landscape and that individually many of them have intrinsic value. In commenting on the development proposal, the Tree Officer suggested that the new homes would have a significant and detrimental impact upon the newly protected trees and it is difficult to see how the scheme, in its proposed form, could avoid such harm.

6.20 However, following the submission of further evidence from the applicants' Tree Consultant, the Tree Officer has reconsidered the position, particularly in light of the limited views of the trees from publicly accessible locations. In accepting that the character and appearance of this area is of relatively limited public value due to restricted access, the TPO has been replaced or revoked and the trees with special protection has reverted back to those covered under the 1992 TPO. The remaining protected trees (mainly around the boundaries) would be retained in any scheme with the exception of those lost to secure access from Grange Road and some close to the southern boundary. Some protected trees will be retained within the scheme although incorporated into the gardens of the new homes.

- 6.21 Under the original proposal for 10 dwellings, some protected trees would have also been lost as a result of the dwelling proposed closest to Lawford House and the new entrance from Grange Road. The scheme was therefore revised to remove this dwelling, thus safeguarding those trees and reducing the impact on the setting of the Listed Building. **[The further removal of a property will ensure more trees are safeguarded, to address the Committee's concerns about the earlier proposal for 9 dwellings].**
- 6.22 In considering whether or not the adverse impacts significantly and demonstrably outweigh the benefit of these houses, in line with paragraph 14 of the NPPF, it is Officers view that the impact would not outweigh the benefit despite the loss of some of the protected area of trees. However, again being a matter of judgement, if the Committee was concerned that impact on the trees was not outweighed by public benefits, refusal would be a legitimate course of action that could reasonably be defended on appeal.

### **Highways, transport and accessibility**

- 6.23 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.24 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The site is located 1.2 kilometres from Lawford Surgery in Colchester Road and 1.3 kilometres from the Manningtree High School. It is also between around 1.6 kilometres from the mainline railway station and just over 2 kilometres from Manningtree Town Centre and Lawford Dale Industrial Estate.
- 6.25 Whilst some of these services, facilities and employment opportunities are beyond what many people might consider to be reasonable walking distance, they are comfortably within reasonable cycling distance and there are bus services within walking distance providing access to a range of services and facilities within walking distance including the two-hourly service No. 2 between Clacton and Mistley, the two-hourly service 102 between Colchester and Ipswich, the half-hourly service 102, 103 and 104 between Colchester and Harwich. This relatively good level of accessibility is reflected in Manningtree, Lawford and Mistley's categorisation in the adopted and emerging Local Plans as a town or a smaller urban settlement.
- 6.26 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Although there are some local concerns about closing the existing access and creating a new one onto Grange Road, the Highway Authority has no objections subject to conditions.

### **Dedham Vale Area of Outstanding Natural Beauty**

- 6.27 The Dedham Vale Area of Outstanding Natural Beauty (AONB) is located to the north of the application site, its boundary defined by Cox's Hill and Wignall Street. In the NPPF, AONBs are afforded a high level of protection and Policy EN5 in the adopted Local Plan provides that development that would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted – having regard to Dedham Vale Management Strategy. The site itself does not form part of the AONB and there is a considerable amount of built development in existence between the site and the AONB which, itself, contains a significant number of homes particularly at the recent Lawford Place development. Because the site is separated from the AONB by existing built development, Officers do not consider that there is likely to be a harmful visual impact on the AONB arising from this development that would justify a refusal against paragraph 116 of the NPPF.

### **Flood risk and drainage**

- 6.28 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development.
- 6.29 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place. The applicant has demonstrated through their Flood Risk Assessment that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

### **Ecology**

- 6.30 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.

- 6.31 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). Whilst the application site is located more than 1 kilometre from the Stour Estuary and there will be no direct disturbance, consideration still needs to be given to potential indirect effects on the designated area that might result from the proposed development. The scale of this development is considered unlikely to give rise to any significant impacts and it is not considered necessary for a further 'Appropriate Assessment' to be undertaken.
- 6.32 To establish the ecological value of the application site itself, the applicant has prepared and submitted a Phase 1 Ecological Assessment. This identified that some trees proposed for removal supported features potentially suitable for roosting bats, such as cracks, crevices and hollows. The bat surveys failed to find bat roosts, though low to moderate numbers of bats were observed and detected foraging around the site. The trees were also considered suitable for nesting and foraging birds. Surveys, both daylight and evening surveys, failed to find any other potential for protected, priority or rare species, evidence of such species, priority habitats or other significant ecological issues or value. Further ecological surveys or mitigation were considered unnecessary. However, precautionary measures and habitat compensation for birds and bats are recommended. With precautionary measures followed as described the proposed development could proceed with a minimal risk of harm and impact to protected, priority or rare species or habitats. Biodiversity enhancement recommendations are also included in the report.
- 6.33 To prevent harm to nesting birds, any necessary clearance of shrubs and trees should be conducted outside of the main bird breeding season (March until the end of August). If this timescale is not possible then an ecologist should check the site for active bird nests before vegetation clearance. If an active bird nest was found, it would be necessary to protect the nest from harm or disturbance until the bird had finished nesting. To maintain potential for foraging on the site new proposed landscaping should include native and wildlife attracting plants only, prioritising fruit producing varieties for foraging by birds and other wildlife.
- 6.34 Lost trees should be replaced on a two-for-one basis to create a net gain and new trees should be at least 5 years old when planted. It is also recommended that boundary vegetation should be excluded from gardens of new owners to prevent significant reduction of this vegetation in the long-term. Bird boxes should also be installed on site.
- 6.35 To minimise any residual risk of impact on bats, trees proposed for removal with potential for bats should be felled under supervision by a licensed bat ecologist. The ecologist should inspect the trees for bats before felling and then should check hollows for bats once on the ground. Any proposed external lighting should be minimised. Where external lighting is required it should be low pressure sodium or LED lamps with glass glazing, rather than plastic.
- 6.36 Any external lighting should be aimed carefully, to minimise illumination of boundary habitats, retained mature and veteran trees and avoid light spillage into the sky, or horizontally out from any buildings, by using hoods or directional lighting; External security



lighting should be set on short timers and be sensitive to large moving objects only, to prevent any passing bats switching them on.

- 6.37 The boundary tree belt should be excluded from new gardens by stock fencing, or similar, to prevent future damaged to this habitat by new owners. New plantings around the development should include only native and/or wildlife attracting shrubs and trees.
- 6.38 To maintain potential for breeding and sheltering invertebrates the soft landscaping scheme should include large logs and log piles from removed trees to be allowed to naturally breakdown over time, providing a food and shelter resource for invertebrates.
- 6.39 The report also suggests a number of additional measures to enhance the ecological value of the site.
- 6.40 All of the necessary mitigation/enhancement measures and additional surveys shall be secured through planning conditions should the Committee be minded to approve outline permission.

### **S106 Planning Obligations**

- 6.41 At 9 dwellings [**now 8**], the scale of development is below the threshold above which affordable housing or financial contributions towards education, health or open space would be sought. Therefore no s106 legal agreement is being suggested for this scheme.

### **Utilities**

- 6.42 Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme and others in the area but if the Council is minded to approve the application a condition is requested requiring a drainage strategy be secured through a planning condition to ensure necessary measures are put in place that will eliminate the risk of flooding downstream.

### **Design and Layout**

- 6.43 The proposed development includes substantial dwellings of high-quality traditional design at a density that is very low (around 4 [**3**] dwellings per hectare). From the new access onto Grange Road, the new dwellings would be arranged around two 'private' drives with open space and retained trees between the two sections of the site. The dwellings would be set upon significant plots and would each be served with a double garage. The properties themselves will each be of traditional design and of a grand scale which reflects the proximity to the substantial Lawford House complex.
- 6.44 The design and layout of the scheme has considered the position of the protected trees, the setting of the Listed Building and through its spacious nature, comfortably meets general development management requirements for garden sizes and distances between properties.

### **Overall Planning Balance**

- 6.45 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.46 Economic: Whilst, the scheme is predominantly residential with no commercial premises provided, even nine dwellings would generate some additional expenditure in the local economy and there will also be temporary jobs in construction whilst the homes are being built. Whilst Officers note that the applicant has stated that the development will ensure the future use of the showground for the Tendring Hundred Show, this is not a direct benefit of the development as this cannot legitimately be secured through a s106 legal agreement and is not necessary to make an otherwise unacceptable development acceptable in planning terms. Members may wish however to note this stated benefit.
- 6.47 Social: The provision of nine dwellings will make a small contribution towards meeting projected housing need, at a time when the Council is unable to identify a five-year supply.
- 6.48 Environmental: The environmental impacts of the proposal have required very careful consideration. The main impacts are on the setting of the Grade II Listed Building and on the trees that occupy the site. With the removal of one property from the scheme on Officers advice, the impact on the setting and significance of the Listed Building is considered to be low. The Tree Preservation Order for the site has been reviewed twice and whilst it is noted that some significant trees would be lost, those considered to be of greatest value will, on the whole, be retained with some loss mainly to achieve access.
- 6.49 In the overall planning balance, Officers consider that the adverse impacts have been minimised through the revisions to the scheme and do not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a range of planning conditions.

#### Background Papers

None.