

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	01/07/2022
Planning Development Manager authorisation:	SCE	01.07.2022
Admin checks / despatch completed	DB	01.07.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	01/07/2022

**Application:** 22/00800/FUL **Town / Parish:** Lawford Parish Council

**Applicant:** Mr and Mrs Booty

**Address:** Land at 63 Tile Barn Lane Lawford

**Development:** Proposed erection of a new build dwelling (in lieu of Prior Approval for one dwelling, subject of application 21/01178/COUNOT). Revision of design approved under application 21/01945/FUL.

### **1. Town / Parish Council**

Lawford Parish Council Have not commented on this application

### **2. Consultation Responses**

ECC Highways Dept  
21.06.2022

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2019. The proposal is similar to approved application: 21/01945/FUL and the siting of the building as approved under 21/01945/FUL will not alter; and it is noted that the proposal is to extend the property to the rear with a pitched roof, allowing for a second bedroom and open plan kitchen/living/dining room. Similar to the previous application provision has been made for the parking for two vehicles together with a turning facility, enabling all vehicles to leave the site in a forward gear. Again, the revised proposal will be accessed from and along the established private drive that serves the host dwelling (No. 63) and No. 64 Tile Barn Lane, considering these factors:

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

1. Prior to occupation of the dwelling a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the dwelling the existing vehicular

access for no. 63 shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the existing vehicular access within 6 metres of the highway boundary.

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

4. The vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

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

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

6. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: 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](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for

maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

18/00680/LUEX	Use of land for stationing of a static mobile home as a permanent residential dwelling unit.	Lawful Use Certificate Refused	19.06.2018
18/01355/LUEX	Use of land for stationing of a static mobile home as a permanent residential dwelling unit.	Lawful Use Certificate Granted	22.10.2018
21/01945/FUL	Proposed erection of one 1-bedroom new build dwelling (in lieu of Prior Approval for one 1-bedroom dwelling, subject of application 21/01178/COUNOT).	Approved	25.01.2022

### **4. Relevant Policies / Government Guidance**

#### **NPPF National Planning Policy Framework July 2021**

#### **National Planning Practice Guidance**

*Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)*

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

#### **Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)**

SPL1 Managing Growth

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL10 Renewable Energy Generation

LP4 Housing Layout

## **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site relates to 63 Tile Barn Lane, Lawford, Manningtree. The agricultural building is situated to the rear of the host dwelling at approximately 23 metres distance.

### **Relevant History**

In August 2021, the Council deemed that prior approval was not required for conversion of an agricultural building into a dwelling on land at 63 Tile Barn Lane, Lawford, planning reference 21/01178/COUNOT.

Under planning application reference, 21/01945/FUL, planning permission was granted for the erection of one 1-bedroom new build dwelling (in lieu of Prior Approval for one 1-bedroom dwelling, subject of application 21/01178/COUNOT).

### **Description**

This application seeks planning permission for the erection of a new build dwelling (in lieu of Prior Approval for one dwelling, subject of application 21/01178/COUNOT). Revision of design approved under application 21/01945/FUL.

### **Assessment**

The main planning considerations are:

- Principle of Development;

- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Safety and Parking Provision
- Financial Contribution - Open Space
- Financial Contributions - Recreational Disturbances;
- Representations

### Principle of Development

The principle of development has been established through the granting of application reference 21/01945/FUL. The principle is therefore acceptable subject to the detailed consideration below.

### Layout, Scale and Appearance

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Furthermore, Policy PPL3 of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seek to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The proposed dwelling would introduce a two bedroom dwelling served by two parking spaces with some additional fenestration.

The proposal would introduce a new dwelling on a plot of land in line with number 63 Tile Barn Lane. Externally its appearance would comprise of slates, decorated render and brick plinth, it is considered that the materials are considered appropriate in this location. The siting and footprint of the proposed building is a rectangular shape and there are mixture of dwellings along Tile Barn Lane and therefore it is considered that the proposed siting and footprint is acceptable.

The cumulative effect of the demolition of the unattractive building and replacement with a dwelling of an entirely domestic appearance in conjunction with the loss of built form are considered to make a positive contribution to the quality of the local environment; the dwelling would relate well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.

### Impact upon Neighbouring Amenities

Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Paragraph 127 f) of the Framework requires that planning decisions should create places with a high standard of amenity for existing and future users.

The development is single storey and in line with number 63 Tile Barn Lane. Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space.

The proposed dwelling has been amended to demonstrate a two bedroom dwelling. The block plan provided demonstrates that the proposed dwelling is served by adequate private amenity space.

Overall the proposal the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties and is considered to secure a good standard of amenity for future occupants of the proposed dwelling.

### Highway Safety and Parking Provision

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. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.

The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres.

Essex Highway Authority have been consulted on this application and have stated that the proposal is similar to approved application: 21/01945/FUL and the siting of the building as approved under 21/01945/FUL will not alter; and it is noted that the proposal is to extend the property to the rear with a pitched roof, allowing for a second bedroom and open plan kitchen/living/dining room.

Similar to the previous application provision has been made for the parking for two vehicles together with a turning facility, enabling all vehicles to leave the site in a forward gear. Again, the revised proposal will be accessed from and along the established private drive that serves the host dwelling (No. 63) and No. 64 Tile Barn Lane. The Highway Authority have no objections subject to conditions relating to vehicular turning facility, vehicular access, no unbound materials, vehicular parking space measurements, cycle parking and storage of building materials.

Two parking spaces are demonstrated on the block plan to serve the proposed dwelling which is in line with Essex Parking Standards.

#### Trees and Landscaping

No visually prominent or important trees or other significant vegetation will be harmed by the development proposal.

The application site is well screened by existing vegetation comprising evergreen species such as Laurel and Cupressocyparis Leylandii. There is a single Norway Maple within the group of trees to the front of the site.

A condition will be imposed to secure details of soft landscaping to soften, screen and enhance the appearance of the development.

#### Financial Contribution - Open Space

The Council's Open Spaces Strategy (2017) identifies the nature of any existing surpluses and deficiencies and provides size and quality standards for the provision of future open spaces and green infrastructure in the District. This is reflected in the Policies HP3, HP4 and HP5 of the 2013-2033 Local Plan. Specifically, Policy HP 5 states that, where new development would be better served by existing open space within an accessible distance, a financial contribution in lieu of on-site provision will be sought towards any necessary improvement or expansion of existing facilities.

There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.

No contribution is being requested from Open Spaces on this occasion.

#### Financial Contributions - Recreational Disturbances

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or

otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential development on a site that lies within the Zone of Influence (Zoi) being 3.9km away from Stour and Orwell Estuary RAMSAR and SPA. New housing development within the Zoi would be likely to increase the number of recreational visitors to Stour and Orwell Estuary and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

The contributions have already been paid so there is no requirement for a UU under this new application.

### Representations

Lawford Parish Council have not commented on this application.

No letters of representation have been received.

## **6. Recommendation**

Approval - Full

## **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing no. BTBL-03 A
- Construction Method Statement - Scanned 05 May 2022

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

- 3 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

- 4 Prior to occupation of the dwelling the existing vehicular access for no. 63 shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Highway Boundary.

Reason- to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

- 5 No unbound material shall be used in the surface treatment of the existing vehicular access within 6 metres of the highway boundary.

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

- 6 No building or engineering operations authorised by this permission shall be commenced until the existing agricultural building (subject of 21/01178/COUNOT and shown as being demolished on drawing no. BTBL-03 Revision A) on the site have been demolished and all materials resulting therefrom shall be cleared from the site.

Reason - The development hereby permitted has only been supported on the basis that the existing agricultural buildings be removed from the site to justify their replacement with a single dwelling which ordinarily would be contrary to the development plan which directs new development to sites within settlement development boundaries.

- 7 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 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 order to enhance and soften the appearance of the development in the interests of visual amenity and the character of the area.

- 8 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 - To ensure the appropriate implementation of the approved landscaping scheme in the interests of visual amenity and the character of the area.

- 9 Prior to first occupation of the dwelling hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities as may be approved shall be installed in a working order, prior to first occupation.

Reason: In order to promote sustainable transport.

- 10 If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.



Reason - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 11 Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, they must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

Reason - to protect the health of site workers and end users

## 8. Informatives

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### Highways

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](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement under application 21/01945/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. Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO