

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	20 <sup>th</sup> April 2022
Planning Development Manager authorisation:	SCE	20.04.2022
Admin checks / despatch completed	ER	20/04/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	20.04.2022

**Application:** 22/00291/VOC **Town / Parish:** Lawford Parish Council

**Applicant:** Mr Nigel Bones - West Glen Developments

**Address:** Cedars Wignall Street Lawford

**Development:** Variation of conditions 2 and 3 of application 20/01013/FUL to change existing drawing numbers and replaced with new drawings numbers to reflect proposed elevation changes.

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

No comments received

### **2. Consultation Responses**

ECC Highways Dept 25.03.2022	It is noted that this application concerns variation of conditions 2 and 3 of original application 20/01013/FUL whereby variations have been made to reflect proposed elevation changes. The revision does not alter the off-street parking or turning provision for the proposed and host dwellings. As such, the Highway Authority does not object to the proposals as submitted.
UU Open Spaces 06.04.2022	Response from Public Realm Open Space & Play  Current Position  There is currently a deficit of -3.44 hectares of equipped play/open space in Lawford.  Recommendation  No further comments from Open Spaces, comments remain the same from application 20/01013/FUL
Building Control and Access Officer	No comments received
Environmental Protection	I can advise we have reviewed the current proposal and documentation, and can confirm that the EP Team have no comments to make.
Waste Management 14.03.2022	No comments.
Tree & Landscape Officer	There is a large and mature Common Beech ( <i>Fagus sylvatica</i> )

16.03.2022

situated in the south western corner of the application site. Neither the long term retention nor the viability of the tree will be compromised by the proposed development.

Details of the species and specification of the proposed native hedge on the boundary with Wignall Street should be secured.

Additionally the amenities of the locality would be improved by the planting of two single trees in the grassed areas either side of the proposed new, widened vehicular access to the land.

### **3. Planning History**

05/01001/FUL	Erection of log cabin for use as family garden room/study	Approved	11.08.2005
12/00327/FUL	Single storey rear extension.	Approved	23.05.2012
20/01013/FUL	Proposed erection of a detached bungalow with parking and vehicular access following demolition of existing garage.	Approved	02.10.2020
22/00291/VOC	Variation of conditions 2 and 3 of application 20/01013/FUL to change existing drawing numbers and replaced with new drawings numbers to reflect proposed elevation changes.	Current	

### **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)*

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities

- LP1 Housing Supply
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- CP1 Sustainable Transport and Accessibility

#### *Supplementary Planning Documents*

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

#### *Local Planning Guidance*

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

#### **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**

### **Site Description**

The donor property is a detached single storey bungalow situated on a plot in the region of 1268sqm and, being over 11m wide, is roughly twice the width of other plots in the locale. The existing dwelling is set almost 10m back from the highway of Wignall Street whereas the other properties situated along this length of the street are typically in the region of 6m back from the

road frontage. The nearest neighbours are 'Tullimarina' to the east which has the appearance of a chalet-bungalow to the front but increasing to a two storey dwelling to the rear; and 'Eugene House', also a two storey dwelling, to the west.

Hedges and trees which were in-situ when application 20/01013/FUL was approved have since been removed; none of these trees were protected and had no value in being retained.

### Relevant History

The application proposes making amendments to the external appearance of the dwelling approved under 20/01013/FUL.

### Description

This application proposes making the following amendments to the approved plans:-

- A front bay window
- A new kitchen window to the side (west) elevation
- Rear-facing bi-fold doors to the dining room
- Rear-facing double patio doors to the living room
- Two new living room windows to the side (east) elevation

All dimensions and external parameters of the scheme remain as previously approved.

### Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions – RAMS
- Financial Contributions – POS
- Representations

### Principle of Development

The site is located within the Development Boundary of Lawford, therefore there is no principle objection to the proposal, subject to the detailed considerations discussed below.

### Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character 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.

The proposed landscaping plan names *Pittosporum Tenuifolia* as the hedge for the north (front) right hand boundary. This is a hardy shrub which has small, honey-scented deep purple flowers which open in clusters in late spring and early summer. This is considered to be acceptable in regards to discharging the requirements for Condition 3 of planning approval 20/01013/FUL.

Aside from the front bay window; all of the proposed changes could be carried out to a completed dwelling without requiring an express grant of planning permission. There is a forward-facing bay window on the façade of Tullimarina, the adjacent dwelling. For these reasons the development respects the existing street patterns and is sympathetic to local character.

### Residential Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Section 2 Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

In regards to the new side facing windows; 1.8m high boundary fences are proposed and the height of glazing above the fence line would be in the region of 0.3m. For these reasons, even if any views out of the upper-parts of these windows were possible, the potential for wide-reaching overlooking is negligible. Overall the proposal is considered to secure a good standard of amenity for future occupants of the proposed dwelling.

### Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

The amendments proposed do not affect the already approved parking provision/layout

### Recreational Disturbance Avoidance and Mitigation Strategy (RAMS):

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The development relates solely to changes to the external appearance of the dwelling. This application seeks to amend the original planning permission which has been implemented and does not involve any increase to the number of properties to be built. The existing signed Unilateral Undertaking ensures that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

The contributions have already been paid against application 20/01013/FUL so there is no requirement for a UU under this new application.

### Representations

One letter has been received in response to the publicity of this application; the contents are summarised as:-

<p>I would like to make an objection to the proposed two new windows being placed in the living room on the side east elevation. We feel after already losing our privacy from the removal of the tall mature hedgerow (removed 9th March) that these two new windows will overlook our private garden. The proposed erection of this bungalow is extremely close to our boundary and in the original agreed planning permission granted the 1.8m high fence will not offer sufficient privacy.</p>	<p>See section on Residential Amenities above.</p>
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The Parish Council have not made any comments on the development.

## 6. Recommendation

Approval - Full

## 7. Conditions

- 1 The development hereby permitted shall be begun before 2nd October 2023.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan:- 2209-1201; received 14th February 2022.

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

- 3 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 4 Prior to occupation of the new 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.

- 5 No unbound material shall be used in the surface treatment of the 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 Prior to the occupation of any of the proposed dwellings, the proposed private drive 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 and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 7 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 9 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

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

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

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

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

## **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:-

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

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.

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) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

**Demolition & Construction:-**

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, the following should be considered:-

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) 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.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This 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. 6) 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 Pollution and Environmental Control prior to the commencement of works.
- 6) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- 7) No materials produced as a result of the site development or clearance shall be burned on site.
- 8) 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.
- 9) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Failure to follow the above may result in enforcement action under nuisance legislation (Environmental Protection Act 1990) or the imposition of controls on working hours (Control of Pollution Act 1974).

<b>Are there any letters to be sent to applicant / agent with the decision?</b>		<b>NO</b>
<b>Are there any third parties to be informed of the decision?</b>		<b>NO</b>