

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		AP	4/9/2024
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	06/09/2024
Assistant Planner final checks and despatch:		ER	06/09/2024

Application: 24/00920/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mrs Premwadee Haynes

Address: 60 Harwich Road Lawford Manningtree

Development: Planning Application - Convert hay barn to ancillary annexe, including insertion of first floor.

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council does not support the principle of additional residential development outside of the settlement boundary identified on Local Map B.21 of the Tendring District Local Plan 2013-2033.

2. Consultation Responses

Highways Authority No comments received.

Environmental Protection
05.08.2024 Thank you for your consultation regarding the proposed development above. Please find Environmental Protections comments below:

Construction Activities:

In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following below is conditioned.

- 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 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.
- No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them 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).

Asbestos

If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the

minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

REASON: to protect the health of residents and nearby residential premises

Tree & Landscape Officer
25.07.2024 No trees or other significant vegetation on the application site will be adversely affected by the proposed development.

The structure is set back from the highway and does not feature in the public realm. There are trees and hedges in the vicinity of the structure, but these do not feature prominently in the public realm.

Therefore, considering the position of the structure there is little functional need for new soft landscaping.

3. Planning History

TEN/156/88	Barn to be used to store hay and straw.	Approved	
TEN/383/88	Stables for keeping horses also feed and tack room, all for private use.	Approved	
14/01786/FUL	Proposed first floor rear extension to create 2 no. new bedrooms.	Approved	15.01.2015
15/00595/FUL	Proposed first floor rear extension to create 2 no. new bedroom.	Approved	05.06.2015
21/00965/OUT	Outline Application for erection of one dwelling (All Matters Reserved)	Refused	21.07.2021
24/00919/LUPRO P	Application for Lawful Development Certificate for Proposed Use to confirm the extent of the residential curtilage of the property relating to the proposed use of buildings, land and operations proposed to be carried out in, on, over or under land in association with Part 1, Class E of the General Permitted Development Order.	Current	
24/00920/FUL	Planning Application - Convert hay barn to ancillary annexe, including insertion of first floor.	Current	

4. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents

(<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no neighbourhood plans in force for this location.

6. **Relevant Policies / Government Guidance**

National:

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (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
LP2 Housing Choice
LP3 Housing Density and Standards
LP7 Self-Build and Custom-Built Homes
LP8 Backland Residential Development
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
[Essex Design Guide](#)
[Technical housing standards](#): nationally described space standard Published 27 March 2015
Biodiversity Net Gain Supplementary Planning Document June 2023 (DRAFT)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Proposal and site context

The application seeks planning permission for the conversion/adaptation of an existing barn (approved under application reference TEN/156/88) to a detached annex at 60 Harwich Road in Lawford.

60 Harwich Road is a semi-detached house developed as part of the Foxash Estate, a Land Settlement scheme introduced immediately after the First World War. The settlement scheme was disbanded in the 1980's, since then some holdings have been used for commercial businesses, some for agricultural purposes and others an extension of their private home. The Foxash Estate has a common repetitive pattern of residential development. Tile Barn Lane, Harwich Road, Hungerdown Lane and Hunter's Chase are examples of this design, with semi-detached properties set in uniform plots of land. The land around 60 Harwich Road has more recently been used for the grazing and looking after of horses, with evidence of a manège, stables and various outbuildings used for storing ancillary equipment, feed and hay which corresponds with the planning history for the site.

The site lies outside of any settlement development boundary and within the Dedham Vale Area of Outstanding Natural Beauty.

Principle of Development

Although described as an annexe, this proposal constitutes a self-contained dwelling. Although the floor plans do not distinguish the room types, the supporting information indicates that the proposed converted/adapted barn has its own kitchen, two bedrooms, at least one bathroom and living room. The proposed conversion/adapted building has a larger floor area, 144 square metres, in relation to that of the original dwelling at 60 Harwich Road which has an approximate floor area of 109.5 square metres. The proposed conversion/adapted building, by virtue of the amount and nature of accommodation provided is considered to be a separate unit of residential accommodation.

In addition, the submitted site location plan, titled Plan 1 shows the proposed site, indicated by the red line, with no connection to the original dwelling at 60 Harwich Road apart from the shared vehicular access. The proposal is therefore considered to constitute a new dwelling in its own right. An annexe is a term that refers to a considerably greater degree of dependence on the donor property. Very little would have to change for the property to be fully severed from the donor property. It would therefore be difficult to condition and enforce the proposition that the 'annexe' remains

ancillary to the donor property when by virtue of its nature it cannot be considered to be ancillary. The proposal must therefore be considered as being for a new dwelling and assessed in accordance with local and national policies that relate to such developments.

Planning law requires that decisions on planning 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). The 'development plan' for Tendring comprises, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

The adoption of the Local Plan confirms that the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found to be 'sound' and there is no housing land supply shortfall; the Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. New housing development should be focused towards the larger urban areas and to within settlement development boundaries. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable.

The application site is located outside of the nearest settlement development boundary for Lawford and Manningtree in the Adopted Local Plan. Lawford is categorised as a Smaller Urban Settlement as defined in Adopted Policy SPL1.

Due to the location of the application site, outside of the settlement development boundary in the Adopted Local Plan and having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 this is not considered an appropriate site for the proposed dwelling.

The proposal fails to comply with the statutory plan-led approach to the location of future housing and conflicts with the Council's strategic approach to housing delivery.

It is noted however that the applicant refers to 'Self Build' in their letter dated 13/07/2024 titled Supplementary Information and therefore Policy LP7 of Section 2 of the adopted Tendring District Local Plan 2013- 2033 and Beyond is of relevance to the consideration of this application.

Adopted Local Plan Policy LP7 states the following:

"The Council will also consider, on their merits, proposals for small developments of new Self-Build and Custom-Built Homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes. All new dwellings on such developments must either:

- a. be safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', or 'smaller urban settlements';*
- b. be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or*
- c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use."*

The applicant, who will be the owner of the self-build dwelling, has had primary input into the dwellings final design and layout in accordance with Paragraph: 016 Reference ID: 57-016-20210208 (Revision date: 08 02 2021) of the Planning Practice Guidance.

The site is located just over 1km to the west of the Settlement Development Boundary for Lawford and Manningtree. As noted above, Lawford and Manningtree are identified in Policy SPL1 as a 'Smaller Urban Settlement' and given this, the proposal fails to accord with criteria a) of Policy LP7 reinforcing the failure to comply with the housing policies of the development plan and the Council's strategic approach to housing delivery.

The principle of a new dwelling is not acceptable in this location.

It is noted there are no neighbourhood plans to consider.

Scale, Layout and Appearance

Paragraph 131 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy SP7 of the Local Plan states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its height, scale, massing, form, design and materials and should respect or enhance existing street patterns. Policy LP8 sets out criteria that must be met for Backland Residential Development.

Policy PPL3 states that development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Dedham Vale and Suffolk Coast and Heaths AONBs, and their settings and development proposals should have regard to the Council's Landscape Character Assessments, as relevant, and should protect and reinforce identified positive landscape qualities.

The barn to be adapted has a timber structure, with part cement boarded sides and rear with an open front and cement sheeted roof. The barn has aged although it serves its purpose for storage. The proposal to convert or rebuild the barn using the same footprint retains the scale of the structure as it appears now; however, its form will change to a building with four sides as opposed to being an open structure where daylight passes through the wooden slats. The proposed sheeted roofing and natural or black vertical cladding aims to retain an appearance that consciously likens it to an agricultural building although the solid mass created will appear overbearing in this setting. The proposed use of UPVC framed windows and doors, albeit to match the cladding, introduces irregular and discordant features, which would be domestic in appearance and at odds with the rural and agricultural appearance of the building. Consequently, there is no balance or consistency contributing to the design making it unacceptable.

The proposal lies within the Dedham Vale AONB and within the Bromley Heaths Landscape Character Area. The Landscape Character Area characterises the landscape as an exposed and windswept plateau with dramatic and dominating skyline, former heaths largely converted to smallholdings and low density, rural settlement pattern of scattered farms and halls, hamlets, villages and small market towns. The proposal lies at the northern end of a cluster of outbuildings in rural surroundings and although it cannot be seen directly from Harwich Road it has the potential to be a prominent and incongruous feature in its setting contributing to the gradual erosion of the countryside and the rural character of the area. The proposal is not considered to preserve or enhance the special character and appearance of the Dedham Vale AONB and does not protect or reinforce the identified positive landscape qualities.

The proposal meets the Local Plan definition of backland development in that the proposal lies generally behind the line of existing frontage development; has little or no frontage to existing public

highway; and which would constitute piecemeal development in that it does not form part of a large area allocated for development.

Proposals for the residential development of “backland” sites must comply with the following criteria:

- a. where the development would involve the net loss of private amenity space serving an existing dwelling, that dwelling must be left with a sufficient area of private amenity space having regard to the standards in this Local Plan;*
- b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;*
- c. the proposal must avoid “tandem” development using a shared access;*
- d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;*
- e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and*
- f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.*

The proposal is not considered to meet criteria b, c, e and f of Policy LP8.

The vehicular access to the proposed dwelling is approximately 75 metres in length, the single track driveway will pass close to the dwelling of 60 Harwich Road on the eastern side in close proximity to the front door, the hall and study window at ground floor and the private garden currently enclosed by post and wire fencing. This would make for a long and narrow driveway, running directly adjacent to the existing dwelling of 60 Harwich Road causing undue disturbance and loss of privacy to residents by way of the vehicular access passing unreasonably close to the eastern elevation where two windows and door exist causing noise and loss of privacy to the occupiers.

The proposal is considered as “tandem” development using a shared access as the new dwelling will be sited behind the existing dwelling of 60 Harwich Road.

The proposal is considered a form of development out of character with the linear form of development along this part of Harwich Road which has a well-defined settlement pattern and would set a harmful precedent for other similar forms of development.

There are no trees or other significant vegetation on the application site that will be adversely affected by the proposed development. There is a young tree on land owned by the next door neighbour adjacent to the barn proposed for conversion, it is not considered to warrant protection as it does not feature prominently in the public realm however permission from the neighbour would be required for any works to the tree. As a result of the siting of the proposal it is not necessary to secure landscaping as part of the proposal.

Access, Parking and Highway Safety

Local Plan Policy SPL3 Part B 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.

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.

The Highway Authority has been consulted on the application; however, they have returned no comments. It is considered that the addition of one dwelling sharing the existing access will not adversely affect highway safety. The application site is of a size that comfortably accommodates space for off road car parking for at least two cars on the existing hardstanding located opposite the proposed dwelling. There is ample space within the site for the turning of vehicles to enable them to leave the vehicular access in a forward gear.

As a result of the extensive works required to facilitate the conversion, potential demolition or rebuild and close proximity to neighbouring properties it is considered reasonable and necessary to impose a pre-commencement condition securing a construction method statement on the grant of planning permission.

Impact to Residential Amenities

Paragraph 135 f) of the National Planning Policy Framework states that planning should ensure that developments create places with a high standard of amenity for existing and future users.

Policy SPL3 states that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents; and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Policy SPL3, Part B of the Adopted Local Plan states that provision is made for adequate private amenity space. The supporting text to Policy LP3 reinforces the need for appropriate levels of internal floor space and external private amenity space, while the Policy itself confirms that residential development must comply with the government's latest 'Technical housing standards - nationally described space standard'.

As a result of the siting of the proposal there will be no significant loss of light to any neighbouring dwellings.

Due to the design of the proposal, two first floor windows face west overlooking the land at 59 Harwich Road. The plans do not show what rooms the windows serve. Although the windows do not overlook private sitting out areas close to the house of 59 Harwich Road, the windows are located directly on the boundary and the windows will have views into the neighbour's land which will have a significant impact on the privacy of the neighbouring residents.

A grassed area in front of the proposal could provide sufficient private amenity space although the plans do not show this specifically it could be used for this purpose.

The nationally described space standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. A two bedroom, three person two storey dwelling requires a minimum of 70 square metres of gross internal floor space which includes built in storage of 2 square metres. From the plans submitted the proposal meets the requirements of the space standards. Notwithstanding the floor plans are not annotated with the room uses it is considered that the internal layout is appropriate, with all habitable rooms having adequate natural light.

Drainage and Sewerage

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage.

The sewerage from the proposed dwelling will be connected to the mains sewer which is considered the preferred approach and acceptable. A private pumping station is proposed to be installed to aid the flow of waste to the mains sewer.

There is a very low risk of surface water flooding on the application site and therefore no interventions are required.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

Protected Species

Given the nature of the existing building, a barn to be converted or rebuilt, there is a potential for wildlife and their habitats, in this case the barn provides a likely habitat for bats and a Preliminary Ecological Survey is required in order that the impacts to wildlife and their habitats can be properly assessed.

Policy PPL4 states that any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

Paragraph 180 of the National Planning Policy Framework requires that planning decisions protect and enhance sites of biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

National Planning Practice Guidance for the Natural Environment confirms that an ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Standing advice from Natural England confirms that if there is suitable habitat on the site to support protected species a survey is required. In this case the Natural England standing advice verifies that buildings with features suitable for bats, or large gardens in suburban and rural areas as likely habitats for protected species. No such information has been provided with this application and therefore the effects on protected species and their habitats are not able to be fully considered. As such, the proposal is in conflict with the afore-mentioned policies, guidance, advice and the Framework.

The applicant has not provided a preliminary ecology survey and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to Policy PPL4. In this case it is unknown whether significant harm will be caused.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).

The application is not considered to be a householder planning application and neither is the application considered to be self-build as it does not comply with the Local Plan policy and therefore the relating exemptions do not apply. The condition of the application site however and the way it will be developed means that the area impacted is considered de minimis (under the threshold) and therefore this development is not applicable for Biodiversity Net Gain.

Protected Designated Habitats

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast 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.

A Habitat Regulations Assessment has been completed for the proposal. The new development would be likely to increase the number of recreational visitors to the designated area and, in combination with other developments, it is likely that the proposal would have significant effects on the designated site. Prior to commencement of any development, a S106 Legal Agreement/Unilateral Undertaking will be sought via condition to secure the necessary financial contributions for RAMS to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Renewable Energy

Chapter 14 of the National Planning Policy Framework supports the transition to a low carbon future in a changing climate while Policy PPL10 of the Local Plan supports renewable energy generation and energy efficiency measures for residential development.

No energy efficiency measures have been submitted with the planning application and therefore a condition to secure minimum measures of an electric vehicle charging point, scheme for water conservation including greywater recycling and rainwater capture/re-use, a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day, agreement of heating for the new dwelling, agreement of a scheme for waste reduction and provision of a fibre optic broadband connection would be secured on any grant of planning permission to reduce the demand for fossil fuels which are a finite resource and release carbon into the atmosphere and accelerate global warming contributing to climate change.

Other considerations

The Council's Environmental Protection team have been consulted and they recommend the imposition of a condition for construction and demolition management that specifically controls noise and emissions from the site. A pre-commencement condition securing a construction method statement on any grant of planning permission will be imposed as noted earlier in the report. The Environmental Protection team also refer to the potential presence of asbestos on the site and legal responsibilities of the applicant of disposing of this if found.

Lawford Parish Council object to the planning application on grounds of additional residential development outside of the settlement development boundary.

Three representations have been received which raise the following concerns:

- a) Overlooking/loss of privacy
- b) Discrepancy with boundary line
- c) Tree close to shared boundary
- d) The presence of asbestos in the building and nearby
- e) Protected species specifically bats
- f) Out of character and unacceptable siting

Points a), c), d), e) and f) have been addressed in the report. Point b) is not a material planning consideration and the submission of information with the application is taken in good faith with the applicant or agent declaring any facts stated are true and accurate. A boundary dispute is a civil matter to be taken up directly with the applicant or neighbour.

No further representations have been received.

8. Recommendation

Refusal - Full

9. Reasons for Refusal

- 1 Although described as an annexe, this proposal constitutes a self-contained dwelling by way of its size and separation from the host dwelling and has been assessed in accordance with local and national policies that relate to such developments.

The Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

The application site is located just over 1km to the west and outside of the nearest settlement development boundary for Lawford and Manningtree in the Adopted Local Plan. Lawford and Manningtree are categorised as a Smaller Urban Settlement as defined in Adopted Policy SPL1.

Due to the location of the application site, outside of the settlement development boundary in the Local Plan and having regard to the spatial strategy and place shaping principles set out in the Local Plan Policy SP3 and Policy SP7 this is not considered an appropriate site for the proposed dwelling. The proposal also fails to accord with criteria a) of Policy LP7 for a Self Build reinforcing the failure to comply with the housing policies of the Tendring District Local Plan 2013-2033 and Beyond and the Council's strategic approach to housing delivery.

The proposal fails to comply with the statutory plan-led approach to the location of future housing.

- 2 The proposed sheeted roofing and natural or black vertical cladding aims to retain an appearance that consciously likens it to an agricultural building although the solid mass created will appear overbearing in this setting. The proposed use of UPVC framed windows and doors, albeit to match the cladding, introduces irregular and discordant features, which would be domestic in appearance and at odds with the rural and agricultural appearance of the building. Consequently, there is no balance or consistency contributing to the design making it unacceptable.

The proposal lies at the northern end of a cluster of outbuildings in rural surroundings and although it cannot be seen directly from Harwich Road it has the potential to be a prominent and incongruous feature in its setting contributing to the gradual erosion of the countryside and the rural character of the area. The proposal is not considered to preserve or enhance the special character and appearance of the Dedham Vale AONB and does not protect or reinforce the identified positive landscape qualities.

The proposed backland development is considered as "tandem" development using a shared access as the new dwelling will be sited behind the existing dwelling of 60 Harwich Road. The development creates a long and narrow driveway, running directly adjacent to the existing dwelling of 60 Harwich Road causing undue disturbance and loss of privacy to residents by way of the vehicular access passing unreasonably close to the eastern elevation where two windows and door exist causing noise and loss of privacy to the occupiers.

Further, the proposal is considered a form of development out of character with the linear form of development along this part of Harwich Road which has a well-defined settlement pattern and would set a harmful precedent for other similar forms of development.

The proposed development is therefore contrary to Policy SP7, SPL3, PPL3 and LP8 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- 3 Due to the design of the proposal, two first floor windows face west overlooking the land at 59 Harwich Road. The plans do not show what rooms the windows serve. Although the windows do not overlook private sitting out areas close to the house of 59 Harwich Road, the windows are located directly on the boundary and the windows will only have views into the neighbour's land which will have a significant impact on the privacy of the neighbouring residents.

The proposed development is therefore contrary to Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- 4 Given the nature of the existing building, a barn to be converted or rebuilt, there is a potential for wildlife and their habitats, in this case the barn provides a likely habitat for bats and a Preliminary Ecological Survey is required in order that the impacts to wildlife and their habitats can be properly assessed.

Policy PPL4 states that any proposed development on sites which may support protected species will require a relevant survey(s), undertaken by a suitably qualified ecologist. If protected species are present, a suitable mitigation plan will be required prior to planning permission being granted.

Paragraph 180 of the National Planning Policy Framework requires that planning decisions protect and enhance sites of biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".

National Planning Practice Guidance for the Natural Environment confirms that an ecological survey will be necessary if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Standing advice from Natural England confirms that if there is suitable habitat on the site to support protected species a survey is required. In this case the Natural England standing advice verifies that buildings with features suitable for bats, or large gardens in suburban and rural areas as likely habitats for protected species. No such information has been provided with this application and therefore the effects on protected species and their habitats are not able to be fully considered. As such, the proposal is in conflict with the afore-mentioned policies, guidance, advice and the Framework.

The applicant has not provided a preliminary ecology survey and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on a species protected by Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 and would therefore be contrary to Policy PPL4. In this case it is unknown whether significant harm will be caused.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and

is also willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

- Plan 1 Site location plan 1:1250
- Plan 2 Block plan 1:500
- Plan 3 Elevations proposed 1:100
- Existing and proposed floor plans 1:100
- Existing and proposed roof plans 1:100
- Existing elevations
- Internal section plan 1:50
- Planning Application Statement
- Letter dated 13/7/2024 titled Supplementary Information

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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