

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/06/18
Planning Development Manager authorisation:	AN	14/6/18
Admin checks / despatch completed	M	15/6/18

WMC

Application: 18/00649/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mrs Maureen Alcock

Address: 43 Harwich Road Lawford Manningtree

Development: Proposed new detached dwelling.

1. Town / Parish Council

Ardleigh Parish Council

The Parish Council objects to this application to build a dwelling within the grounds of an existing dwelling.

Firstly, this falls outside the settlement development boundary for Ardleigh.

Additionally, It represents strip or ribbon development on green space between houses and settlements which TDC state in the emerging Local Plan should be avoided to protect the green space between villages.

It is felt that other housing owners along the Harwich Road would apply for something similar if permission was granted. To avoid this precedent the application should be refused.

2. Consultation Responses

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

Prior to occupation of the development the vehicular turning facilities, as shown on the submitted plan 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 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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 in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Each property shall be provided with 2 parking spaces and 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 in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 ' Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

INF02 Cost of Works - 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.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

The application site currently forms part of the residential curtilage of the above property.

The construction of the dwelling would necessitate the removal of an early mature Oak situated to the south west of the existing dwelling. The tree is an early mature specimen of approximately 12 -15m in height. When inspected visually from the ground it appears to be in good health. It has no obvious structural defects and there is no indication of any significant pest or disease infestation or attack.

In terms of the amenity value of the tree it is noted that the area is generally well treed and that the subject tree is set back from the highway by something in the region of 50 metres. The tree can be seen from the highway and adjacent footway although this viewpoint offers only fleeting views and the foot traffic along the road is thought to be low. Therefore the tree makes only a moderate contribution to the amenity of the locality.

It is considered that the tree does not meet the criteria under which it merits formal legal protection by means of a tree preservation order.

Should planning permission be likely to be granted then consideration should be given to the retention of trees elsewhere on the site and to

carry out new planting between the dwelling and the highway to soften and enhance the appearance of the development.

3. Planning History

99/01032/FUL	Demolition of single storey extension and erection of two storey extension to rear	Approved	07.09.1999
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

CP1 Sustainable Transport and Accessibility

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the

NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is land adjacent to the south-west of 43 Harwich Road, which falls within the parish of Lawford. The site currently forms part of the side and rear garden of 43 Harwich Road. The character of the surrounding area is quite mixed; the site is located on a busy road with numerous development to the south-west and north-east, however further out, particularly to the north, are large areas of agricultural and grassed land. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

The application seeks full planning permission for the erection of a single detached 1.5 storey dwelling, serving two bedrooms.

Assessment

1. Principle of Development

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Whilst the site falls within the parish of Ardleigh, it lies equidistant between Ardleigh (approximately 1 mile away) and Lawford (approximately 1.10 miles away). Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. Lawford is categorised in emerging Policy SPL1, along with six

other villages, as a 'Smaller Urban Settlement' in recognition of its population size and relatively large range of local services.

With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for both Ardleigh and Lawford have been extended. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh and Lawford have been extended. The growth envisaged for both Ardleigh and Lawford over the plan period have already been allowed for within the extended defined boundary, but does not include this site. As such the location is not considered to be within a sustainable location for growth, and development will only serve to increase the number of people having to rely on cars to go about their everyday lives, thereby failing to meet the socially sustainable strand of sustainability.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside of any defined settlement development boundary, is not considered sustainable. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

Economic:

It is considered that the proposal for one dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

Social:

The site is located outside of a Settlement Development Boundary and is located within a semi-rural location. The nearest settlement is Ardleigh, which is approximately 1 mile away, and within the Established Settlement Hierarchy (2016) performs poorly, with no defined village centre, defined employment area or railway station, whilst the site does not benefit from good footpaths or street lighting to link the site to Ardleigh.

It is also acknowledged that the site is located approximately 1.10 miles from Lawford to the east. However, whilst Lawford offers some amenities, this is not considered to be within reasonable walking distance and there are not consistent footpaths or street lighting between the two.

Therefore it is considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities, and therefore the proposal fails to meet the social arm of sustainable development.

Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment and is assessed below.

Impact to Surrounding Area

The site is located in a semi-rural area, with large open fields and agricultural land to the north. However, it is also acknowledged that the surrounding area sees numerous residential dwellings and commercial properties, including immediately adjacent. Against this backdrop, whilst there will be a small loss of some existing garden area, the impact to the surrounding area is not significant.

Furthermore, the Council's Tree and Landscapes Officer has noted the proposal would result in the removal of an early mature Oak to the south-west of the existing dwelling, however as it is well set back it makes only a moderate contribution to the amenity of the locality and does not warrant legal protection via a tree preservation order.

Therefore, whilst it is acknowledged there is some identifiable harm in respect of the environmental strand of sustainability, it is not enough to warrant a reason for refusal.

2. Layout, Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The submitted plans show that the proposed dwelling is to be sited to the south-west of 43 Harwich Road, with access coming via the existing access point to the north of the site. The immediate character to this section of Harwich Road sees a number of semi-detached properties, each pair being spaciouly separated. Whilst the introduction of a single dwelling within this backdrop will create a slight imbalance, the dwelling will maintain the existing building line and maintain appropriate distance to each boundary, and on balance will not significantly alter the areas character to the extent it would warrant a reason for refusal.

The dwelling itself is to be of a traditional 1.5 storey design. Whilst the design is not considered to be of a great standard, particularly the fenestration, it is noted that key features to break up the overall bulk have been incorporated, including a front porch, brick plinth and a rear dormer. Further the materials are considered to be acceptable in this semi-rural location, and therefore on balance the identified harm is not so significant as to warrant a reason for refusal.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres, and a dwelling of three bedrooms or more should be a minimum of 100 square metres. The plans submitted show that this level of amenity space can comfortably be provided for both the new dwelling and for 43 Harwich Road.

3. Impact upon Neighbouring Amenities

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In terms of the impact on neighbouring amenities, the only adjacent neighbour is Number 43 Harwich Road to the north-east. However, whilst it will be visible, there is an approximate separation distance of 7.5 metres which will ensure no significant impacts in terms of the dwelling appearing imposing or resulting in a significant loss of light. Furthermore, the dwelling has been designed with no first floor side elevation windows that could directly overlook, whilst the one rear elevation Juliet balcony will only have views to bottom of the neighbouring garden, an area less likely to be occupied.

Therefore, there is considered to be only a minimal impact to existing neighbouring amenities and not enough to warrant a reason for refusal.

4. Highways

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to vehicular turning facilities and the use of no unbound materials.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7

metres by 3 metres internally. The submitted plans clearly demonstrate there is significant space to the front of each property to accommodate the necessary parking.

Other Considerations

Lawford Parish Council have objected to the application, for the following reasons:

1. Falls outside of a Settlement Development Boundary;
2. Upsets the green space in between villages; and
3. Will set a precedent.

In answer to this, point 1 has been addressed within the main body of the report above. With regards to point two, the area has a number of commercial and residential properties and it is therefore not considered that one additional dwelling will significantly harm the areas character. Point 3 is not a material planning consideration.

6. Recommendation

Refusal.

7. Reason for Refusal

- 1 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Whilst the site falls within the parish of Lawford, it lies equidistant between Ardleigh (approximately 1 mile away) and Lawford (approximately 1.10 miles away). Ardleigh is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Ardleigh and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. Lawford is categorised in emerging Policy SPL1, along with six other villages, as a 'Smaller Urban Settlement' in recognition of its population size and relatively large range of local services.

With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for both Ardleigh and Lawford have been extended. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh and Lawford have been extended. The growth envisaged for both Ardleigh and Lawford over the plan period have already been allowed for within the extended defined

boundary, but does not include this site. As such the location is not considered to be within a sustainable location for growth, and development will only serve to increase the number of people having to rely on cars to go about their everyday lives, particularly given the absence of consistent footpaths linking the site to these two settlements. The proposal thereby fails to meet the socially sustainable strand of sustainability.

The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development, due to its siting outside of any defined settlement development boundary, is not considered sustainable. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

8. 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.