



STANFORDS

Land east of No.60 Harwich Road, Lawford.

Outline application for the erection of one dwelling.



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Stanfords

1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of Peter and John King and is submitted in support of an outline planning application for the erection of a dwelling on land to the east of their property at No.60 Harwich Road, Lawford.
- 1.2 This statement should be treated as forming part of the application, and includes details on the site and its surroundings, the intended scheme and how it relates to adopted and emerging planning policies. Although the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2013 removed the requirement for Design and Access Statements to be submitted with minor planning applications, this statement is submitted to explain the rationale behind the development to assist the Local Planning Authority in making its decision.

2.0 Site and Surroundings

- 2.1 The site measures approximately 0.1 hectares and is situated on the northern side of Harwich Road, and forms one of several properties developed as part of the Foxash Estate, a Land Settlement scheme developed immediately post First World War. The settlement scheme was disbanded in the 1990's since when numerous holdings have developed as alternative commercial businesses. There have also been a number of infill residential schemes in the locality. In March 2021, planning permission was granted for the erection of one dwelling on the land to the west of No.59 Harwich Road, only 100m from the proposed development site (reference: 20/01630/OUT). Additionally, planning permission has recently been granted for two dwellings adjacent to No.58 Harwich Road (reference: 20/00053/OUT and 20/00687/OUT). In November last year, planning permission was granted for the erection of two semidetached dwellings at No.39 Harwich Road, submitted by ourselves (reference: 20/01335/OUT). Furthermore, a dwelling alongside No.43 has been allowed on an appeal obtained by ourselves (reference: 19/00019/REFUSE). Moreover, planning permission was granted for two semi-detached dwellings at No.45 Harwich Road (20/00338/FUL). Most recently, applications have been granted planning permission, submitted by ourselves, for the erection of a dwelling at No.55 and No.46 Harwich Road (references: 20/00935/OUT and 20/01038/OUT).

2.2 The plot itself forms an eastern part of the garden to No.60. A shared access with No.59 Harwich Road leads to the parking area for the host property as well as the entrance to a number of outbuildings to the rear. The entrance is just within the national speed limit zone along Harwich Road. The frontage is enclosed by wooden fencing and a loose sequence of trees. Immediately to the east of the vehicular access is a beech tree and 5m to the east of this tree is an old oak tree. Neither of which will be affected by the proposed development scheme.

2.3 The property is located approximately 2 miles from the village of Ardleigh and 1 mile to Lawford, the latter which forms part of a larger conurbation together with Manningtree and Mistley. Ardleigh contains a primary school, village shop and petrol station as well as a number of employment opportunities. Lawford and Manningtree contains a full range of services and facilities, including a secondary school within Lawford and a mainline railway station to London Liverpool Street with InterCity services stopping on the route between Norwich and London Liverpool Street.

2.4 Harwich Road is the principal A137 road linking Ardleigh, Manningtree, Mistley and Lawford with Colchester. It is served by three bus routes, namely 102, 103 and 104 which provide a half hourly service with 28 buses per day in each direction from 6.51am to 11.17pm from Colchester to Manningtree and Harwich. A public footway is located 300m to the east of the proposed development site, which leads through to Lawford. Some 600m away, on the northern side of Harwich Road, is the Foxash Social Club, the original community centre for the Foxash Estate, which continues to provide social and entertainment facilities. At the Craft Nursery, No.34 Harwich Road, there is a restaurant and café, providing a further facility within a 10-minute walk.

3.0 Relevant Planning History

3.1 Planning permission was granted in March this year by the Council for the erection of one detached dwelling on the land west of No.59 Harwich Road, only 100m from the proposed development site (reference: 20/01630/OUT).

3.2 The following applications, most of which have been submitted by ourselves, have been determined for neighbouring sites:

- Planning permission has been granted for two dwellings adjacent to No.58 Harwich Road (reference: 20/00053/OUT and 20/00687/OUT).
- Planning permission granted on appeal for the erection of a dwelling alongside No.43 Harwich Road in July last year (reference: 19/00019/REFUSE).
- Outline planning permission was granted in March this year for the erection of one dwelling on the land at No.44 Harwich Road (reference: 19/01909/OUT).
- Planning permission has been granted for a dwelling at No.48 Harwich Road in March 2020 (reference: 19/01911/OUT).
- Planning permission was granted at No.45 Harwich Road in July for the erection of two semi-detached dwellings (reference: 20/00338/FUL).
- Planning permission was granted at No.46 Harwich Road for the erection of one dwelling in October 2020 (reference: 20/01038/OUT).
- Planning permission was granted at No.55 Harwich Road for the erection of one dwelling in October 2020 (reference: 20/00935/OUT).
- Outline planning permission was granted in November 2020 for the erection of two semidetached dwellings on land west of No.39 Harwich Road (reference: 20/01335/OUT).

4.0 Policy Context

Current Planning Policy Position

- 4.1 Tendring District Council is in the process of producing a new Local Plan document to replace the Local Plan which was adopted in 2007 (TDLP 2007). Although the draft Local Plan document has completed the consultation process, the development policies and site allocations document is unlikely to proceed to examination and adoption before summer 2021 and autumn 2021 respectively. We have therefore had regard to the

policies contained within the adopted TDLP 2007 when considering this application. However, where there is any conflict between the adopted planning policies and the National Planning Policy Framework (NPPF) we have considered the adopted policy should be given reduced weight in accordance with paragraph 213 of the NPPF.

- 4.2 The Council now states that it has a 6.5-year housing supply, although the Inspector when determining an appeal in January 2021 noted that the 5-year supply was just 6.14 years. Even when the Council was able to produce evidence that a sufficient supply of housing was available, numerous appeal decisions have been allowed on the basis the Council's stance on restricting housing development runs counter to paragraph 11 of the NPPF in respect of the presumption in favour of sustainable development. This statement is unequivocal in requiring development to be approved 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date' unless 'any adverse effects of doing so would significantly and demonstrably outweigh the benefits....' In this case, the Local Plan is now 13 years old. The Council has produced draft replacement plans in 2012, 2014 and 2016, and a date for the Examination of the latest plan has only just been stated. The policies of restraint in this case are out of date. It is considered that there no likely harm can be identified in this case which would 'significantly or demonstrably' outweigh the benefits to the provision of further housing in this parish, thereby adding to the vitality and vibrancy of the community.

National Guidance.

- 4.3 The National Planning Policy Framework advises that in determining planning applications for residential development, local planning authorities should take into account the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier.
- 4.4 The NPPF states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements and should avoid new isolated homes in the countryside, regardless of the 5-year housing supply. Further, it states that

housing applications should be considered in the light of sustainable development. The basic thrust of the guidance is that where local planning authorities cannot demonstrate an up-to-date five-year supply of deliverable sites or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing. It does mean that land being unallocated or located outside defined settlement boundaries could no longer be a sole reason for refusal. In judging whether a residential scheme should be granted, it would be necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall against the harm identified arising from the proposed development.

- 4.5 Paragraph 78 of the NPPF states that in order 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. Meanwhile paragraph 009 of the NPPG considers that 'a wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlements will need to be supported by robust evidence of their appropriateness. Adopted Local Plan Policies (2007).
- 4.6 The application site is located outside the defined development boundary of Lawford as identified in the Policies Map of the adopted Local Plan. Policy QL1 of the adopted Local Plan (2007) directs development to the larger urban areas of the borough and to within the development boundaries of the village. However, as stated in the paragraph 4.2 due to the lack of an up-to-date Local Plan, policy QL1 cannot now be considered to be relevant as a sole reason for refusal.
- 4.7 Policy QL11 ensures that development is located where the proposal will be compatible to the surrounding uses. It should be of a scale appropriate to its setting and protect the privacy daylight and amenity of surrounding occupiers. The proposal should not result in the loss of important buildings of architectural interest or other landscape or ecological value. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents.
- 4.8 The Council stipulate high design standards within Policy QL9 and QL10. As this proposal is submitted in outline form these policies are more applicable to the following reserved matters application.

4.9 The Council's emerging policies as set out within the Local Plan 2013-2033 and Beyond Preferred Options introduces a policy supporting the concept of Self-Build and Custom-Built Homes. This affirms that the NPPF requires Councils to plan for a mix of housing based on the needs of different groups in the community which includes people wishing to build their own homes as a Self-Build or Custom-built home. It further considers that the majority of the new homes that will be built in Tendring up to 2033 will be on sites specifically allocated for development which tend to be acquired by volume house builders and local developers who will aim to deliver new housing to meet the needs of the mass market. This is now evident within the many appeals allowed for developments of more than 50 houses. However, this leaves few opportunities for the construction of individual properties for people wanting to build a home to live in themselves.

4.10 In accordance with the Council's strategic aims to deliver economic, growth, tackle unemployment and deprivation and improve the long-term prospects of future generations, recognition is provided within the Plan for measures to attract businesses, rejuvenate town centres and create more jobs. The Council's Economic Development Strategy therefore suggests that delivering the right mix of housing is critical to the future of the district's economy. By enabling opportunities to deliver self-build homes within the overall mix of new housing over the plan period, the District can go some way in providing attractive high-quality properties that local people can aspire to live in and stay close to their family.

5.0 Proposed Development

5.1 Outline planning permission is sought for the construction of a detached custom-built dwelling with associated off-street parking. The plot is 20m in width and 35m in length. At this stage no consideration has been given to the scale and form of the proposed dwelling, although neighbouring properties are largely chalet style dwellings, and a similar format can be expected.

5.2 The applicants currently live at the site. The proposed dwelling would be seen as part of the ribbon development along Harwich Road in conjunction with approvals 20/00053/OUT, 20/00687/OUT and 20/01630/OUT. All of which were granted planning permission in the last 13 months in between No.58 and No.59 Harwich Road. It will also

be located approximately 800m from a dwelling currently nearing completion at No.43. Planning permission was granted for this dwelling in July 2019 on an appeal submitted by ourselves. In the Inspector's consideration, he held that the site was in a sustainable location for a new dwelling. He considered that 'The proposed dwelling would form part of a clearly-identifiable ribbon of development along Harwich Road and would not constitute an isolated home in the countryside for the purposes of the Framework...For the reasons I have given, there would be no harm caused through the location of the proposed dwelling. The proposal, being situated outside defined settlement development boundaries would be in conflict with Saved Policy QL1 of the Tendring District Local Plan 2007 (LP) which sets out the spatial strategy for Tendring to 2011. However, this policy is several years beyond its defined period of implementation and out-of-date. There would also be no harm caused by reason of the proposal's location. Therefore, I give the proposal's conflict with this policy very limited weight'.

- 5.3 The council granted permission for the 13 dwellings along Harwich Road with consideration to the planning permission granted on appeal at No.43 Harwich Road. They considered that 'the site would provide an appropriate location for housing. There would be some intrinsic conflict with Saved Policy QL1 but this would not manifest itself into any harm in terms of its overall objectives or result in social, economic or environmental harm. The principle of residential development is therefore considered to be acceptable as established by the recent appeal decision.'
- 5.3 The scheme is identical to the circumstances detailed in the appeal decision issued in July 2019 and the planning permissions granted for two plots east of No.58 and one plot west of No.59 Harwich Road. The plot is of a similar width and depth with a new access onto Harwich Road to avoid intensification of the existing access. The new dwelling would have its own turning space within the proposed curtilage. Visibility splays of 2.4m x 210m to the east and 2.4m x 210m to the west are available. Parking for at least 2 cars can be provided together with a garden area in excess of the Council's standards.



2.4m x 210m west.



2.4m x 210m east.

- 5.4 As detailed by the Inspector last July, the National Planning Policy Framework advises that in determining a planning application for residential development, local planning authorities should follow the 'presumption in favour of sustainable development' and encourage the effective use of land, providing that it is not of high environmental value and that development which is sustainable can be approved without delay. It is therefore applicable given the adopted Local Plan is now of some age, to apply the presumption as set out in Paragraph 11 of the NPPF. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.

Economic and Social Context

- 5.5 The scheme is considered to be in a sustainable location as the development is situated within the ribbon of housing along Harwich Road. The aforementioned appeal decision confirms the suitability of a location on the A137 for residential development in terms of its social context. With bus stops only 250m away and the convenience to cycle to Lawford or Arleigh, it is therefore considered to be a sustainable location for growth to support the vitality and vibrancy of the rural area. A continuous footpath exists on the same side of the road from the site through to Lawford.
- 5.6 The proposal would contribute economically to the area by supporting existing construction jobs and also increasing the population within the village to help sustain local services and amenities.

Environmental Context

- 5.7 The proposed development must be examined in the context of the ribbon of housing along Harwich Road and well as the wider landscape. The new access to the site provides adequate visibility splays in both directions. There are existing dwellings in the immediate area. The development will not therefore be obvious against this backcloth and will be seen as part of the linear run of housing along Harwich Road. This site is clearly distinct in character and appearance from the Foxash Social Club. There would be little if any adverse impact upon the character of the locality. It is therefore concluded that the proposal meets the test of the environmental context set out within the definition of sustainable development.

6.0 Conclusion

- 6.1 Having regard to the status of the out-of-date plan, the fact the site is not in an isolated rural location and the Council's acceptance of the sustainability of this location for further housing, it is considered that any opposition to the development of this site would be in conflict with the Inspector's clear views issued within the last 2 years for the land at No.43 Harwich Road. The site is not within any area designated for its landscape character. The scheme would be located where there is recent development of housing in a location which is accessible to local facilities and amenities and would cause no harm to the character of the area. The scheme would therefore be in accordance with the presumption in favour of sustainable development contained within the NPPF and reflect the views of the government's Planning Inspector for the site nearby.