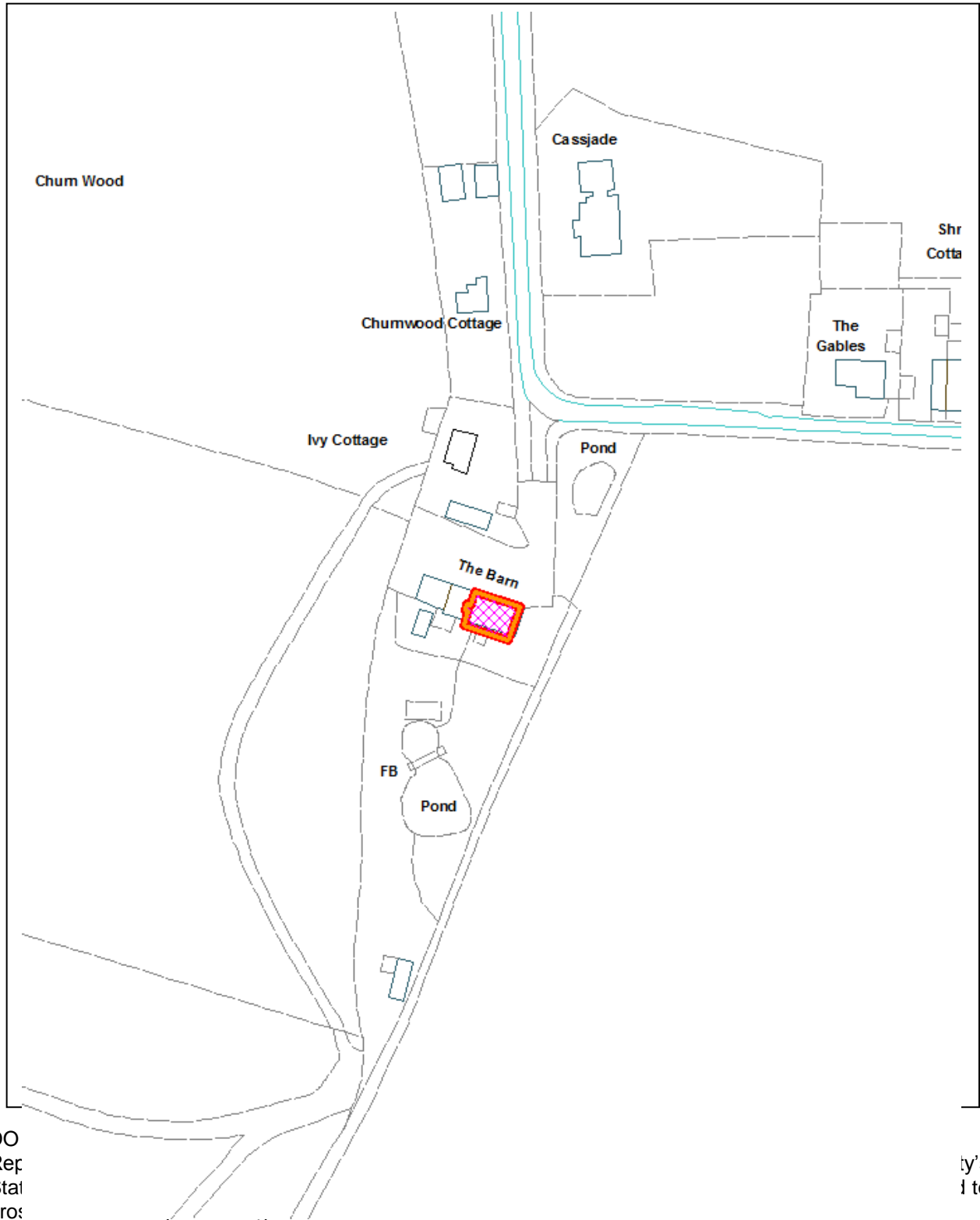


PLANNING COMMITTEE

20<sup>TH</sup> OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

**A.12 PLANNING APPLICATIONS - 15/01138/FUL - IVY COTTAGE CHAPEL LANE, ARDLEIGH, CO7 7BJ**



<b>Application:</b>	15/01138/FUL	<b>Town / Parish:</b> Ardleigh Parish Council
<b>Applicant:</b>	Mr Dudley Bailey	
<b>Address:</b>	Ivy Cottage Chapel Lane Ardleigh	
<b>Development:</b>	Change of use of rural outbuilding to form single dwellinghouse.	

## 1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Cllr. N Stock.
- 1.2 The application seeks full planning permission for the change of use of a domestic outbuilding to a single dwellinghouse.
- 1.3 The application site is situated on the southern side of Chapel Lane, Crockleford Heath and currently accommodates an outbuilding located within the residential curtilage of 'Ivy Cottage', which is a Grade II Listed dwelling sited to the north-west. The site lies outside of any Settlement Development Boundary as defined in the saved and draft local plans, but adjacent to the Settlement Development Boundary within the draft local plan. However, the draft plan has not been adopted by the Council and only has limited weight.
- 1.4 The proposal raises no objection within regard to highways, landscape/heritage impact or impact on neighbours. However, there is considered to be a principle objection to the proposal as it would lead to residential development outside of the defined settlement boundary in the saved and draft local plans in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.

### **Recommendation: Refuse**

#### Reason for Refusal:

- 1). The application site is sited in a location outside of any defined settlement limit.

The nearest established settlements in the saved local plan are Colchester (2 miles), Elmstead Market (2.5 miles) and Ardleigh (3 miles). Crockleford Heath itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Whilst this bus route provides access into Colchester, the lack of a lit public pavement means that it is quite likely that these social destinations would be accessed by private car. On this basis, the proposal would not be considered sustainable in terms of its social impact.

The dwelling would be sited in an unsustainable rural location with regard to access to facilities such as employment and education, which would set an undesirable precedent and be detrimental to the principles of sustainable development.

## 2. Planning Policy

### National Policy:

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

EN1 Landscape Character

EN23 Development within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

SD1 Presumption in Favour of Sustainable Development

SD5 Managing Growth

SD8 Transport and Accessibility

SD9 Design of New Development

PEO1 Housing Supply

PEO4 Standards for New Housing

PLA5 The Countryside Landscape

PLA6 The Historic Environment

PLA8 Listed Buildings

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

94/01061/FUL      Retention of domestic store shed      Approved      11.10.1994

and change of use of agricultural land to form part of residential curtilage

99/00527/FUL	Retain caravan for temporary occupation	Refused	30.06.1999
10/00907/FUL	Use of storage building as residential annexe and related alterations.	Refused	17.11.2010

#### **4. Consultations**

- 4.1 ECC Highways Dept – No objections providing the public's rights and ease of passage over Public Footpath no's 35 and 37 (Ardleigh) are maintained free and unobstructed at all times.
- 4.2 Environmental Health – No comments.

#### **5. Representations**

- 5.1 The proposal has been referred by Cllr. Stock. The material considerations he raises relate to the need for housing in the district and the lack of any objection from the Essex County Council Highways and the local community.
- 5.2 Ardleigh Parish Council objects to the application. The site is outside the Settlement Development Boundary and therefore permission should not be granted because to grant permission would set a most unwelcome precedent for development in rural areas
- 5.3 No further letters of representation have been received.

#### **6. Assessment**

6.1 The main planning considerations are:

- Context;
- Proposal;
- Policy Context/Principle of Development;
- Impact Upon Surroundings and Listed Building;
- Residential Amenity;
- Private Amenity Space; and
- Highway Safety.

#### **Context**

- 6.2 The application site is located at the southern end of Chapel Lane in Crockleford Heath. The application site is located outside of the defined settlement boundary within the saved Tendring District Local Plan (2007) but adjacent to the defined settlement boundary in the Draft Tendring District Local Plan: Proposed Submission Draft 2012 as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014). The application site comprises of an outbuilding within the residential curtilage of Ivy Cottage, which is a Grade II Listed property located to the north-west of the site.
- 6.3 Access to the site is via a gravel driveway which is also a Public Footpath. The outbuilding to which this application relates is single storey in nature and clad in black weatherboarding. Directly to the south of the outbuilding is garden area within the curtilage

of Ivy Cottage. To the west of the site is a large area of woodland. The garden area contains a large pond and several glasshouses. To the front of the outbuilding is a gravel area available for parking purposes.

- 6.4 The retention of the outbuilding as a domestic storage shed and change of use of the land to the south into the residential curtilage of Ivy Cottage was approved in 1994 under reference TEN/94/1061.

### **Proposal**

- 6.5 This application proposes the conversion of the eastern end of the outbuilding to form a one bedroom dwelling. The converted element of the building would measure 12.6m in width and 7.7m in depth. A single parking space is located to the west of the proposed dwelling. It is proposed that all the land to the south of the access track will be given over to the new dwelling to form its residential curtilage.

### **Policy Context/Principle of Development**

- 6.6 The Tendring District Local Plan (2007) is referred to as the saved plan and the Tendring District Local Plan: Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014) is referred to as the draft plan. The 2012 and 2014 plans have not yet been formally adopted and therefore carry limited weight. More weight must be given to the NPPF and the saved policies where in accordance with the NPPF.
- 6.7 The site is located outside of any of the established Settlement Development Boundaries and is therefore subject to the Council's policies on the countryside. Such sites are not normally considered suitable for new housing, but given that the Council does not have an up-to-date supply of housing, such proposals are being considered in accordance with the provisions of the National Planning Policy Framework and if they are to be acceptable in principle, should represent sustainable development.
- 6.8 Sustainable development is composed of three key elements; namely economic, social and environmental. In this instance the provision of one dwelling would provide some, albeit relatively minor, economic benefit.
- 6.9 In terms of its social impact, Crockleford Heath is defined as a "smaller rural settlement" in the Draft Tendring District Local Plan (2012). This settlement is not defined within the Saved Tendring District Local Plan (2007). The nearest established settlements in the saved local plan are Colchester (2 miles), Elmstead Market (2.5 miles) and Ardleigh (3 miles). Given recent case law, the settlements established only in the draft local plan only have limited weight. Crockleford Heath itself has no public services, such as schools or convenience shopping and has no public footpath, which will further discourage walking. Therefore, the nearest social provisions for the site are provided by Colchester, Elmstead Market and Ardleigh. There is a bus route along Bromley Road to the north, with bus stops approximately 0.4 miles from the application site. Whilst this bus route provides access into Colchester, the lack of a lit public pavement means that it is quite likely that these social destinations would be accessed by private car. On this basis, the proposal would not be considered sustainable in terms of its social impact.
- 6.10 The environmental role is about contributing to protecting and enhancing the natural, built and historic environment which is considered below under Impact on Surroundings and Listed Building.

### **Impact Upon Surroundings and Listed Building**

- 6.11 This is an existing building with existing openings as shown on the submitted floor plans. However these openings were not approved under the 1994 planning permission for the original building. The 1994 approval showed an opened fronted building. It is therefore evident that the northern elevation has since been infilled and windows inserted.
- 6.12 In respect of the impact of the proposal, due to the distance separating the two buildings, the absence of any exterior changes to the building and the level of existing screening to Ivy Cottage there is considered to be no adverse impact upon the historic setting of Ivy Cottage or the rural character of the area.
- 6.13 The original curtilage to Ivy Cottage is delineated by a mature hedgerow that runs to its south through to Churn Wood to the west. This extended curtilage, approved via the 1994 planning permission, has limited heritage value as was only brought into ancillary use relatively recently. The sub-division of the curtilage would therefore have only limited impact upon the setting of the listed building.
- 6.14 The proposal is therefore considered to meet the environmental dimension of sustainability.

### **Residential Amenities**

- 6.15 There are no neighbouring dwellings in close proximity of the building and over 25 metres separating the building from Ivy Cottage which shares the access drive. It is therefore considered that there would be no significant adverse impact upon residential amenity.

### **Private Amenity Space**

- 6.16 The proposed dwelling would be served by a large private garden to the south of the outbuilding. This would be significantly in excess of the 50sqm required by saved policy HG9 of the Saved Tendring District Local Plan (2007). Furthermore, Ivy Cottage would retain its original curtilage to the north of the access track which is again in excess of what is required by the saved policy.

### **Highway Safety**

- 6.17 Essex County Council Highways have no objections to the development providing the public's ease of passage over the footpath, which takes in a section of the access track, remains unobstructed.
- 6.18 The submitted block plan shows a parking space for one car, although the whole frontage area is large enough to accommodate several vehicles. This fully accords with the parking standards.

### **Public Open Space Contribution**

- 6.19 This planning application was submitted at a time when the Council, in accordance with national government advice, were not requiring financial contributions towards improved play facilities for sites of under ten dwellings. A Unilateral Undertaking in relation to saved Local Plan Policy COM6 and Draft Local Plan Policy PEO22 is not therefore required.

### **Conclusion**

- 6.20 In summarising the three elements of sustainability, it is considered that the proposal would conflict with the social aims of sustainability to an extent that is not sufficiently outweighed by the economic or environmental elements, and would therefore not constitute sustainable development. Furthermore, the provision of one dwelling would not significantly contribute towards the Council's housing targets. Therefore, whilst the Council does not have an up-

to-date supply of housing, the principle of development would not be supported as it would not constitute sustainable development.

Background Papers

None.