

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	20/09/18
Planning Development Manager authorisation:	AN	27/9/18
Admin checks / despatch completed	[Signature]	28/09/18.

Application: 18/01162/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs Derby

Address: Lodge Farm Barn Lodge Lane Ardleigh

Development: Conversion & linking of former stables & shelter shed to create single dwelling including erection of 1.8m high walls.

1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council objects to this planning application as it proposes a site that falls outside of the settlement development boundary and the parish and Tendring does not need further detached housing.

Additionally the site is located down a very narrow single track land (Lodge Lane) and traffic meeting would constitute congestion. The lane is one way in and the same way out.

Furthermore Lodge Lane empties only onto the busy A137.

2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the first occupation of the proposed dwelling, vehicular visibility splays of site maximum by 2.4m by site maximum as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Tree & Landscape Officer There are several mature trees in the vicinity of the proposed

development that could be affected by the proposal to link the buildings, formerly used as stables and a shelter shed, to create a single dwelling.

Immediately to the south of the former shelter shed there are two multi-stemmed Willows. They are mature specimens that have decay in the lower sections of some of their main stems. At some stage the trees have been pollarded to a height of approximately 2m and have re-grown strongly to reach maturity. The works to the building may affect the roots of these trees that will almost certainly be beneath the existing structure. Although they make a significant positive contribution to the appearance of the area the condition of the trees is such that they do not merit formal legal protection by means of a Tree Preservation Order.

The Oak on the other side of the metalled surface of Lodge lane to the south west of the application site will not be affected by the development proposal.

The tree most likely to be affected by the development is the Walnut situated to the west of the former stables. It is approximately 5m from that building and it appears that the structure linking the stables and the former shelter will be within part of the Root Protection Area (RPA) of this tree. Lower branches also appear to be within the airspace of the proposed link.

Taking account of the proximity of the tree to the proposed structure it is likely that the degree of the incursion into the RPA is unlikely to cause significant harm to tree roots and the removal of lower branches similarly would not affect its long term viability.

Whilst it is not considered necessary for the applicant to provide a full tree survey and report it would be desirable to secure details of the construction method of the foundations of the proposed link and measures that will be put in place to protect tree roots for the duration of the construction phase of the development.

It is not considered necessary or expedient to make a new Tree preservation Order in respect of this tree.

Additional soft landscaping is not required in order to make the development proposal acceptable.

3. Planning History

01/00378/FUL	Proposed conversion and extension of existing cartlodge to form garden room and changing facilities	Approved	27.04.2001
01/00382/LBC	Proposed conversion and extension of existing cartlodge to form garden room and changing facilities	Approved	27.04.2001
97/00806/FUL	Proposed insertion of first floor to form bedroom. Proposed erection of purpose made conservatory with slate roof over	Approved	01.08.1997

97/00807/LBC	Proposed insertion of first floor to form bedroom, proposed erection of purpose made conservatory with slate roof over	Approved	07.08.1997
18/01163/LBC	Conversion & linking of former stables & shelter shed to create single dwelling including erection of 1.8m high walls.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

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)

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application relates to two buildings to the west of Lodge Farmhouse which are curtilage listed in relation to both the farmhouse and barn at Lodge Farm, both of which are Grade II Listed. The site is situated to the south-eastern section of Lodge Lane within the parish of Ardleigh. The buildings in question are currently separated, although evidence suggests they were once linked until 1897, and are constructed with black timber weatherboarding.

The site falls 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, with the nearest settlement being Ardeigh approximately 0.5 miles to the north-east. The character of the surrounding area beyond the site in question is largely rural, with large areas of grassed and agricultural land to all sides. That notwithstanding, there are examples of residential properties to both the north-east and south-west along Colchester Road.

The two building's listing is as follows;

1. Barn Approx. 40 Metres North West of Lodge Farmhouse

Barn. C19. Timber framed and weatherboarded, brick plinth, grey slate roof. 2 midstreys. An intact frame incorporating some re-used timber. Side purlin ridge board roof. Through bracing to walls. Unusual features are the cast iron hanging knees and bolted halved and bladed top plate scarfs. Included for group value.

2. Lodge Farmhouse

House. Early C19 front range, C15/C16 rear range. Red brick front range and other extensions and alterations. Plaster to rear timber framed range. Red plain tiled roofs. End left chimney stack to front range. Rear left and right stacks to rear range. 2 storeys. Front range. Dentilled eaves cornice, 3 window range of tripartite small paned vertically sliding sashes, gauged brick arches excepting first floor central round headed single light. Central 4 panel 2 light door, reveal panels, moulded surround, flat canopy. Rear left range with roof, hipped and sprocketed to left with gable, 2 window range of vari-light C19 style casements, C20 glazed door to right. Right range, single range of vertically sliding sashes with glazing bars. The early C19 front range has a stick baluster staircase with wreathed handrail. C15/C16 rear range with end chimney stacks, that to ground floor left C16 with repaired inglenook and first floor chamfered brick fireplace, pointed segmental head, semi-circular back. Inglenook fireplace to ground floor right stack. Some brick flooring. Stop Chamfered bridging joists and heavy flat section ceiling beams. One arched brace remains to tie beams. Halved and bridled top plate scarf. Complete roof structure with simple 2 armed crown posts. Farmed by Benjamine Southgate in partnership with Benjamine Day 1796. F H Erith "Ardeigh in 1796", 1978.

Proposal

This application seeks planning permission to convert a pair of mid-nineteenth century buildings, located to the south-western corner of the application site, into a single detached residential dwelling that will serve four bedrooms.

The application is in conjunction with 18/01163/LBC, which will assess the impacts of the proposal to the Listed Buildings.

Assessment

1. Principle of Development

The site is not situated within a Settlement Development Boundary, as defined by both the adopted Tendring District Local Plan (2007) and emerging Publication Draft (2017). However, whilst the dwelling is sited within a location not usually acceptable for residential development, on this occasion more weight is attached to the preservation of the Listed Building as opposed to the unsustainable location. Further, due to the likely high volume of traffic that would be associated with the building should it be converted to a commercial use, this residential use proposal is preferable. Therefore, on balance, the principle of residential development in this location is acceptable subject to the detailed considerations as set out below.

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 proposed works will see the conversion of a pair of mid-nineteenth century buildings, located to the south-western corner of the application site, into a single 1.5 storey detached residential dwelling, constructed of black painted weatherboarding with a brick plinth, and natural slate tile. Given the majority of the structures are currently in situ and that the layout will remain in a similar form to that existing, there is no identifiable harm with regard to the siting or layout.

The design is considered to be of good visual merit, making great effort to incorporate the design within the surrounding landscape and minimise the harm to the existing buildings, and will therefore be a positive addition in reinvigorating the protected buildings.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that this will just be achieved.

Therefore, it is considered that the siting and design of the proposed dwelling is acceptable within this location.

3. Heritage Impact

Paragraph 194 of the National Planning Policy Framework (2018) requires applicants to provide clear and convincing justification for any harm to, or loss of, the significance of any heritage asset. Saved Policy EN22 states that a proposal to extend or alter a listed building will only be permitted where, amongst other things, it would not result in damage to or the loss of features of special architectural or historic interest and the special character and appearance of the building would be preserved or enhanced. Saved Policy EN23 states proposals for development that would adversely affect the setting of a Listed Building will not be permitted. The sentiments of these policies are carried forward within Emerging Policy PPL9.

The buildings in question have been Grade II listed in their own right since 1987, whilst there are two other Grade II Listed Buildings to the north and east. Accordingly the applicant has submitted a detailed Heritage Statement that has highlighted the buildings (and surrounding sites) history and detailed how the proposed works have been carefully considered to ensure the harm to the protected buildings is negligible.

The proposed works will help to revitalise two protected buildings whilst ensuring the harm to them is minimised. The materials proposed are in-keeping with both the existing buildings and other buildings within the larger application site. It is therefore concluded that the works will result in a positive impact to the setting of the listed buildings and will result in no significant harm to the buildings themselves, thereby according with the aspirations of the above policies.

4. Impact to Neighbours

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).

Whilst there are neighbouring properties located to the north and east. The neighbour to the east, Lodge Farm House, however is sighted approximately 25m away, thereby reducing impacts such as the dwelling appearing imposing or significant loss of light, whilst there will be no first floor windows sited that could overlook.

The neighbouring property to the north, Lodge Farm Barn, is more closely related, approximately 4m. However, given that the majority of the proposal site is currently in situ, the additional elements will not result in significant loss of light or appear imposing. It is acknowledged there is a first floor

window (serving bedroom 2) that has the potential to result in a degree of overlooking. However, given that there is an existing pitched roof car port and brick wall that will block most, if not all, views from this window to the private amenity area, there is not significant additional overlooking caused as a result of the proposal and, on balance, will be acceptable.

5. Highways Impacts

Essex County Council as the Highways Authority have stated they do not object to the proposal, subject to conditions relating to visibility splays and the use of no unbound materials.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans demonstrate a significant area sited between the proposed dwelling and Lodge Farm Barn to the north that will accommodate the necessary parking requirements for both dwellings.

6. Tree and Landscapes Impacts

There are several mature trees in the vicinity of the proposed development potentially impacted as a result of the proposed works. To the south are two multi-stemmed Willows where works may affect the roots of these trees, whilst an Oak to the south-west will not be affected by the development.

The tree most likely affected is the Walnut sited to the west of the former stables, where works to create the structure linking the two buildings together will be partly within the Root Protection Area. It is likely the degree of incursion is unlikely to cause significant harm to tree roots; however details of the construction method of the foundations of the proposed link and measures in place to protect tree roots for the duration of the construction phase will be required and accordingly will be added as a condition to this decision.

Additional soft landscaping is not required in order to make the development proposal acceptable.

7. Biodiversity

Given the impacts of the proposal to an area that has the potential to be occupied by bats and barn owls, a Phase 1 Habitat Survey has been submitted. The survey concluded that so long as the mitigation measures within Section 5 were implemented, no significant residual effects would be anticipated as a result of the proposed scheme, whilst enhancement opportunities including the mounting of bird and bat boxes to boundary trees should be included. Accordingly, a condition to adhere to these mitigation measures and enhancement opportunities will be included as a condition to this decision.

Other Considerations

Ardleigh Parish Council object to the proposal as the site falls outside of a recognised Settlement Development Boundary and will create traffic congestion.

In answer to this, point 1 has been addressed within the main body of the report above whilst with regards to point 2, the additional traffic associated with one additional dwelling is not considered to result in significant congestion. Further, Essex Highways have not objected to the scheme.

6. **Recommendation**

Approval.

7. **Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 4717-01, 4717-02, 4717-03, 4717-04, 4717-05, 4717-06, 4717-07, 4717-08, 4717-09, and the documents titled 'Heritage Impact Assessment' and 'Ecological Survey Report'.

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

- 3 Prior to the first occupation of the proposed dwelling, vehicular visibility splays of site maximum by 2.4m by site maximum as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 4 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 5 The mitigation measures and enhancement opportunities as highlighted within Section 5 of the Ecological Survey Report shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

- 6 No development shall take place until details are supplied and agreed by the Local Planning Authority of the construction method of the foundations of the proposed link and measures that are to be put in place to protect tree roots for the duration of the construction phase of the development.

Reason - In order to protect the existing trees on site potentially harmed as a result of the proposed development.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.