

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	09/10/18
Planning Development Manager authorisation:	AN	15/10/18
Admin checks / despatch completed	SB	15/10/18

Application: 18/01390/FUL **Town / Parish:** Little Clacton Parish Council

Applicant: Mr & Mrs K Clarke

Address: Bovills Hall St Osyth Road West Little Clacton

Development: Change of use of storage building into ancillary living accomodation.

1. Town / Parish Council

Little Clacton Parish Council This may be in a conservation area and listed. Little Clacton Parish Council recommend approval of this application, if conditions are put in place to link the property to the main property and ensure that it cannot be used as an independent property. This property can only be used as part of the residential property and not used on a commercial basis.

2. Consultation Responses

Building Control and Access Officer No comments at this stage.

3. Planning History

93/00442/FUL	(Bovills Farm, Little Clacton) Filling with surface material from Little Clacton Bypass	Determination	08.07.1993
94/00742/CMTR	(Bovills Farm, Little Clacton) ESS.36.94.TEN - Construction of screen bond and infilling with surplus material from the Little Clacton and Weeley Heath By-Pass	Determination	13.10.1994
08/00907/FUL	Change of use of existing traditional buildings to B1 office use (Bovills Hall Farm Barn).	Withdrawn	28.07.2008
08/00908/LBC	Change of use of existing traditional buildings to B1 office use (Bovills Hall Farm Barn)	Withdrawn	28.07.2008
09/00483/FUL	Change of use from agricultural farm yard to temporary storage compound for utility works.	Approved	23.07.2009
09/00697/FUL	Change of use of existing Grade II traditional buildings to a B1 office	Approved	03.11.2010

	use.		
09/00698/LBC	Alterations to the fabric and structure of the building in connection with planning application for change of use.	Approved	18.01.2010
12/00187/FUL	Change of use of existing Grade 2 traditional buildings to a B1 light industrial use, B2 general industrial use and B8 storage.	Refused	16.04.2012
12/00188/LBC	Alterations to the building in connection with planning permission for a change of use.	Approved	16.04.2012
14/01705/FUL	Change of use of agricultural barn to two dwellings and associated amenity space.	Approved	08.01.2015
14/01706/LBC	Change of use of agricultural barn to two dwellings and associated amenity space.	Approved	08.01.2015
15/00181/LBC	To replace the asbestos guttering on two outbuildings to the south west of Bovills Hall, which are believed to be curtilage listed, and outlined blue on the attached plan. Replacement gutters to be cast iron 115 half-round painted black.	Approved	
15/01694/COUNO T	Conversion of barn to single dwelling.	Determination	14.01.2016
17/00409/LBC	Removal of attached hoods within inglenook fireplaces to fit pot hanger cowl to external chimneys.	Approved	15.05.2017
18/00106/FUL	Change of use from Sui Generis to B2, and installation of a cesspit.	Approved	18.04.2018
18/01391/LBC	Alterations to a curtilage listed building, including additional doors and windows.	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

EN23 Development Within the Proximity of a Listed Building

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

PPL9 Listed Buildings

SPL3 Sustainable Design

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.

5. Officer Appraisal

Site Description

The application site is an outbuilding within the curtilage of Bovills Hall, which is located to the north-eastern section of St Osyth Road West, within the parish of Little Clacton. Bovills Hall is a Grade II Listed Building. The immediate character is one of a semi-rural appearance; with residential development to the north and south. Further out are large areas of agricultural land. The site falls outside of a recognised Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

This application seeks planning permission for the conversion of the existing storage building within the curtilage of Bovills Hall into ancillary living accommodation.

The proposal will see the removal of the lean-to roof, inclusion of patio doors, a replacement front door, one obscure glazed rear elevation window, one side elevation window, replacement front windows, the replacement of the existing front elevation double doors with windows and repair works to the cupola.

Appraisal

1. Visual Impact

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 amendments are largely a reformed internal layout, however the plans do make provision for additional doors and windows. Whilst there were some initial concerns the proposed windows in particular were of a more modern design not in-keeping with the existing building, amended plans have been submitted by the agent for the application that have addressed this. Given this and that the works involved are minor in nature, the visual impact of the proposal is considered to be slight and does not warrant a reason for refusal.

2. Impact upon Neighbours

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).

The nearest neighbouring property is approximately 75m to the west, and therefore there will be a neutral impact to their existing amenities as a result of the proposed changes.

3. Heritage Impact

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The building subject to the proposed amendments is sited within the curtilage of Bovills Hall, a Grade II Listed Building. Accordingly the applicant has submitted a Heritage Statement to justify how the proposed works will not adversely affect the Listed Building. It is considered that following the submission of amended plans, the proposal is now more sympathetic in this location. Furthermore, given the minor nature of the changes proposed, main views of Bovills Hall will be retained, whilst the works will provide a small enhancement to the listed buildings setting.

Other Considerations

Little Clacton Parish Council recommend approval so long as measures are in place to ensure the proposal is connected to Bovills Hall and does not become an independent residential dwelling or used for commercial purposes.

In answer to this, the proposal is for living accommodation ancillary to Bovills Hall; a condition will be attached to this decision to ensure that is enabled. Further, there is no suggestion the proposal will be used for commercial use, however this would require planning permission if it were to occur in the future.

There has been one letter of objection received, with concerns that the building should be preserved in its current form.

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 1 and 2 Revision B, and the untitled Block Plan and Site Location Plan.

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

- 3 The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bovills Hall, St Osyth Road West, Little Clacton.

Reason - The site is unsuitable for an additional independent residential unit.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.