

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	03/10/19
Planning Development Manager authorisation:	TF	04/10/19
Admin checks / despatch completed	SB SB	04/10/19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	EN	04/10/19

Application: 19/01110/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs Derby

Address: Lodge Farm Barn Lodge Lane Ardleigh

Development: Removal of condition 6 and variation of condition 2 of planning permission 18/01162/FUL to reflect minor material amendments to window sizes, boundary treatments, site subdivision, and window/door details.

1. Town / Parish Council

Ardleigh Parish Council No comment.

2. Consultation Responses

ECC Highways Dept It is noted that this application only concerns removal of condition 6 and variation of condition 2, the Highway Authority does not object to the proposals as submitted and in accordance with the proposed block plan 4717-109.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Essex County Council
Heritage (Initial
comments)

The application is for the conversion & linking of former stables & shelter shed to create single dwelling (minor revisions to previous approval 18/01163/LBC).

The above concerns Lodge Farm Barn, a curtilage listed structure associated with Lodge Farmhouse, a Grade II Listed (HE Ref: 1322614) building.

Whilst the proposed remains largely unchanged from the scheme approved under 18/0163/LBC and the proposed revisions to fenestration, landscaping and boundary treatments appear acceptable, the impact of the proposed air source heat pump (ASHP) is not fully understood and it is recommended that further details are submitted pertaining to its effect on the traditional setting of the historic group of farm structures.

As noted in Historic England's Energy Efficiency and Historic Buildings: Heat Pumps (2013), ASHPs can produce noise, which can be noticeable in a quiet environment. Guidance also notes potential for visual intrusion, where a grille or louvres can minimize this, noting: Some manufacturers colour the external units so that they blend into their surroundings more easily. It is also possible to screen the unit - providing manufacturers' guidelines are followed - so as not to

interfere with the air intake.

In short, whilst the installation of an ASHP is possible, the inclusion concealment solutions decreasing prominence would be needed prior to determination, along with confirmation that pipe or ductwork will not disturb historic fabric/timber frame.

Should this information be forthcoming and appropriate steps be taken, I would have no objections subject to conditions including a schedule of materials used for hardstanding (i.e. the gravel and stone terrace, where natural materials appropriate to the region would be recommended) samples of materials used on external finished, details of insulation (where studs and plinth are recommended to be exposed), and details of rooflights (conservation range and installed flush with the roof cladding advised). The applicant may wish to submit these at an earlier stage to avoid conditions.

Essex County Council
Heritage (revised
comments)

The heat pump cover looks good, I'd be happy to support subject to conditions as outlined in the original response [details to local planning authority approval: a schedule of materials used for hardstanding (i.e. the gravel and stone terrace, where natural materials appropriate to the region would be recommended) samples of materials used on external finishes, details of insulation (where studs and plinth are recommended to be exposed), and details of rooflights (conservation range and installed flush with the roof cladding advised)].

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
18/01162/FUL	Conversion & linking of former stables & shelter shed to create single dwelling including erection of 1.8m high walls.	Approved	28.09.2018
18/01163/LBC	Conversion & linking of former stables & shelter shed to create single dwelling including erection of 1.8m high walls.	Approved	28.09.2018
19/01088/LBC	Conversion & linking of former	Current	

stables & shelter shed to create
single dwelling (minor revisions to
previous approval 18/01163/LBC)

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

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. Paragraph 213 of the NPPF (2019) 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

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 Ardleigh 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 gablet, 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 "Ardleigh in 1796", 1978.

Site History

Under planning reference 18/01162/FUL planning permission was granted 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 would serve four bedrooms.

The application was in conjunction with 18/01163/LBC, which granted Listed Building Consent, and assessed the more detailed impacts of the works to the Listed Buildings.

Description of Proposal

This application initially seeks planning permission for the removal of Condition 6 of planning permission 18/01162/FUL, which reads as follows:

"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."

The application also seeks permission for the variation of Condition 2 of 18/01162/FUL, with the following amendments:

- Retention of existing boundary treatments instead of the previously approved new 1.8m high brick wall;
- Removal of one louvred window from the south elevation;
- Additional air source heat pump;

- Re-siting and larger design of 4 x roof windows to the eastern elevation; and
- Removal of 1 x ground floor window to the south elevation;

The application is in conjunction with 19/01088/LBC, which is separately seeking Listed Building Consent for the impact of the proposed works on the listed buildings.

Assessment

1. 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 a number of minor alterations to that previously approved under planning permission 18/01162/FUL. However the site is well set back from the street scene, significantly reducing any impacts to the character of the surrounding area. The amended window design and layout involve minor changes, while the retention of the existing boundary treatments at the expense of the previously approved 1.8m high brick wall will result in a small gain to the sites historical importance. While the air source heat pump is not necessarily considered to be an attractive addition, amended plans have shown it to be screened, thereby reducing any visual impacts.

The design is therefore largely in-keeping with that previously approved, and is still 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.

2. Heritage Impact

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.

While the Council's Historic Environment consultant initially felt the proposed works remains largely unchanged from the scheme previously approved, and the proposed revisions to fenestration, landscaping and boundary treatments appear acceptable, the impact of the proposed air source heat pump (ASHP) was not fully understood and it was recommended that further details are submitted pertaining to its effect on the traditional setting of the historic group of farm structures.

Whilst the installation of an ASHP was considered possible, a form of concealment to decrease its prominence was required. Accordingly the agent for the application provided additional information to show the screening of the ASHP, which the Historic Environment consultant has confirmed is acceptable. Therefore, subject to conditions relating to a schedule of materials used for hardstanding and details of external materials, and details of rooflights the proposal is acceptable. A further condition was requested for details of insulation, however the original planning application was supported by a Design and Access Statement and Schedule of Works which noted "*The existing timber framed walls and roof will be insulated and receive a plain plastered finish internally, with the common structural elements covered up but the principal members, along with the inverted knee braces, remaining exposed.*" Given this, it is not considered reasonable to attach this condition to this decision.

3. 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).

There are neighbouring properties located to the north and east. The neighbour to the east, Lodge Farm House, 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 changes proposed are minor and will not result in any additional impact to existing amenities as a result, there is no harm identified.

4. Tree and Landscapes Impacts

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 tree report identifies the removal of one of the Crack Willows although it is listed as a Goat willow in the list of proposed works to trees. 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. The tree report describes the removal of some of the lower branches and the need for careful excavation within the trees Root Protection Area (RPA)

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.

The tree survey and report submitted by the applicant accurately describes the health and condition of the trees on the application site. It describes works, to trees, that will be necessary to implement the planning permission and works to physically protect retained trees for the duration of the construction phase of any development for which planning permission may be granted. Therefore the requirements of Condition 6 of 18/01162/FUL have been met.

Other Considerations

Essex Highways Authority raise no objections.

While the proposal will result in an additional dwelling, it is a variation to previously approved 18/01162/FUL, which is extant. As such it not considered reasonable to request a financial contribution towards RAMS.

Ardleigh Parish Council have not commented on the application. There have been no other letters of representation received.

6. Recommendation

Approval.

7. Conditions

- 1 The development hereby permitted shall be begun prior to 28 September 2021.

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:

18/01162/FUL - Drawing numbers 4717-01, 4717-02, 4717-03, 4717-04, 4717-05, 4717-07, and the documents titled 'Heritage Impact Assessment' and 'Ecological Survey Report'.

19/01110/FUL - Drawing numbers 4719-109 Revision A, 4717-106, 4717-108, 4717-33, 4717-34, 4717-35, 4717-36 and 4717-37 and documents titled 'Arboricultural Method Statement' and 'Design and Access Statement and Schedule of Works'.

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 Prior to the development of any above groundworks, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

- 7 No development above slab level shall be commenced until precise details of the manufacturer and types and colours of the hardstanding materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

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.