

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/01/2021
Planning Development Manager authorisation:	TF	21/01/2021
Admin checks / despatch completed	DB	22/01/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	22/01/2021

**Application:** 20/01598/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Halfhide

**Address:** Good Hall Coggeshall Road Ardleigh

**Development:** The construction of an outdoor swimming pool with heat pump and shed to house pool equipment.

### **1. Town / Parish Council**

Ardleigh Parish Council      No objection.  
18.12.2020

### **2. Consultation Responses**

Essex County Council      The application site is located within the domestic curtilage of Grade II  
Heritage      listed Goodhall (List UID: 1147569).  
18.01.2021

Following the submission of amendments, ECC Heritage are unopposed to this application in accordance with drawing PW965\_PL102 RevJ,, subject to the following condition:  
- Prior to the landscaping around the pool, a landscaping plan including specification of the proposed stone paving shall be submitted to and approved in writing by the Local Planning Authority, and shall be permanently maintained as such.

### **3. Planning History**

13/00081/FUL	Single storey extension & alterations.	Approved	17.05.2013
13/00082/LBC	Single storey extension & alterations.	Approved	17.05.2013
13/00945/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Application Returned	
13/00946/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Application Returned	
13/01054/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
13/01055/LBC	New vehicular access, removal of a	Approved	14.11.2013

	section of garden wall and construction of new boundary wall.		
14/01035/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved planning application 13/01054/FUL.	Approved	06.08.2014
14/01036/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved Listed Building Consent 13/01055/LBC.	Approved	08.08.2014
14/01616/NMA	Non material amendment to planning permission 13/01054/FUL to allow alterations to section of wall.	Application Turned Away	30.10.2014
15/00225/FUL	Alterations to boundary wall.	Approved	17.04.2015
15/00226/LBC	Alterations to boundary wall	Approved	01.04.2015
18/01816/FUL	Conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.	Approved	18.12.2018
18/01817/LBC	External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	18.12.2018
19/00342/AGRIC	Additional storage required for machinery, hay, straw & agricultural products.	Application Closed	20.03.2019
19/00354/AGRIC	Proposed steel framed general purpose agricultural building.	Prior Approval Not Required	29.03.2019
20/00173/FUL	Retrospective planning consent to use existing steel framed general purpose agricultural building (19/00354/AGRIC) to accommodate livestock.	Approved	27.05.2020
20/00207/DISCON	Discharge of condition 3 (windows/doors) for approved application 18/01817/LBC.	Approved	20.04.2020
20/00234/DISCON	Discharge of conditions 3 (landscaping), 5 (contamination) and 6 (Construction Method Statement) for approved	Approved	19.06.2020

	application 18/01816/FUL.		
20/01243/FUL	Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	22.12.2020
20/01244/LBC	Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	10.12.2020
20/01598/FUL	The construction of an outdoor swimming pool with heat pump and shed to house pool equipment.	Current	

#### **4. Relevant Policies / Government Guidance**

*NPPF National Planning Policy Framework February 2019*

*National Planning Practice Guidance*

*Tendring District Local Plan 2007*

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

PPL9 Listed Buildings

#### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site is Good Hall, which is a Grade II Listed Building. The immediate character is one of a semi-rural appearance; with residential development to the south and west and beyond this large areas of agricultural and paddock 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.

### History

Planning permission was granted under planning reference 18/01816/FUL for the conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing. Listed Building Consent was granted under planning reference 18/01817/LBC for the external and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.

Planning permission was granted under planning reference 20/01243/FUL for the conversion of the existing outbuilding into a single 2 bedroom dwelling. Listed Building Consent was also granted for the conversion of the existing outbuilding into a single 2 bedroom dwelling.

### Proposal

This application seeks planning permission for the construction of an outdoor swimming pool with heat pump and shed to house the pool equipment.

### Assessment

#### 1. Design and Appearance (including Heritage assets)

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 189 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A detailed Heritage Statement has been submitted with the application. The Heritage

Statement outlines the rationale behind the proposals and justifies the alterations from a heritage perspective.

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 submitted plans indicate that the proposed swimming pool shed is located next to an existing outbuilding. The proposed building is single storey with a mono pitched roof. The materials proposed; treated timber featheredge boarding, treated timber door, felt/metal corrugated roofing are materials that are considered acceptable in a rural location. The proposed pool shed will be seen in context with the existing buildings on the application site.

The submitted plans indicate that the proposed swimming pool outbuilding is single storey and it is located approximately 50 metres away from Lawford House to the north west corner of the application site. The design of the proposal reflects a rural outbuilding and although it is fairly large there is sufficient landscaping along Grange Farm to screen the proposal, it is therefore considered the proposal will have a neutral impact upon the character of the area.

The distance of the proposal from the listed building is sufficient enough to ensure that the importance of the listed building is not undermined. The scale, bulk and design of the outbuilding would appear subservient to the main dwelling and as a result would not detract from its setting.

ECC Heritage have been consulted on this application and originally stated that the application site is curtilage listed as part of the curtilage of the Grade II listed Goodhall (List UID: 1147569). ECC Heritage noted that a number of consents are in place at the Good Hall Farm. Whilst they are unopposed to the principle of a proposed pool and associated pool shed, there is a need to mitigate against the potential for less than substantial harm to the significance of the designated heritage asset resulting from cumulative development at the site. This could be achieved by reducing the paving to the minimum necessary for access, which may mean paving at only one or two sides of the pool, and to relocate the pool shed to the south west of the pool, adjacent or in the gap between to the existing two sheds grouped at the south east corner of the farmstead. This is to avoid the accumulation of auxiliary buildings at the site which would detract from the historic arrangement of the farmyard, and also detract from the setting of the curtilage listed buildings through overdevelopment and introduction of incongruous building forms to the farmstead. While these items remain in their current iteration the potential for less than substantial harm to be caused here remains, making paragraph 196 relevant here.

Amended plans were provided by the applicant and ECC Heritage re-consulted. They confirmed that they are unopposed to the amendments, in accordance with drawing PW965\_PL102 RevG (003), subject to the following condition:

- Prior to the landscaping around the pool, a landscaping plan including specification of the proposed stone paving shall be submitted to and approved in writing by the Local Planning Authority, and shall be permanently maintained as such.

It is therefore, considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

## 2. Residential Amenities

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).

Given there is an approximate separation of 50m to the nearest neighbouring property to the south, and that the proposal is in existence and will remain single storey, there is considered to be a neutral impact to neighbouring amenities as a result of the proposed development.

### 3. Other Considerations

Ardleigh Parish Council have no objection to this application.

There have been no other letters of representation received.

## 6. **Recommendation**

Approval - Full

## 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 plan:

Drawing No. PW965-PL102 Revision H  
Heat Pump Details scanned 24 Nov 2020  
Heat Pump Specifications scanned 24 Nov 2020

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

- 3 Prior to the landscaping around the pool, a landscaping plan including specification of the proposed stone paving shall be submitted to and approved in writing by the Local Planning Authority, and shall be permanently maintained as such.

Reason - In the interests of visual amenity and the setting of a Listed Building.

## 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.

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
---	-----	----

**Are there any third parties to be informed of the decision?**  
**If so, please specify:**

YES

NO