

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	11 th Feb 2021
Planning Development Manager authorisation:	TF	24/02/2021
Admin checks / despatch completed	DB	25/02/2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	25.02.2021

Application: 20/01748/FUL **Town / Parish:** Lawford Parish Council
Applicant: Miss Alice and Mr Ranulph Poole
Address: Dale Hall Coxs Hill Lawford
Development: Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.

1. Town / Parish Council

Lawford Parish Council Council has no objection to this application
03.02.2021

2. Consultation Responses

Natural England Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

Essex County Council Whilst not supportive of development being undertaken without the Heritage requisite consents in place, they are unopposed to the proposals within this application.

ECC Highways Dept The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2019. It is noted that the use is low key with limited vehicular activity and the proposals are provided with adequate parking and turning. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

3. Planning History

TRE/4/82	Remove deadwood and one branch	Current	25.01.1983
94/00490/LBC	(Dale Hall, Lawford) Demolition of existing Victorian Porch	Refused	23.08.1994
99/00525/FUL	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall manor house.	Approved	11.08.1999

99/00756/LBC	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall Manor House	Approved	11.08.1999
13/00452/OUT	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/cycle routes and boundary landscaping. The erection of 'approximately 700m ² ' of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	23.06.2014
14/00744/FUL	Extension and alterations to existing outbuildings that are situated to the side of the front lawn.	Approved	15.09.2014
14/01050/DETAIL	The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/ cycle routes and boundary landscaping. The erection of approximately 700m ² of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.	Approved	17.11.2014
15/00545/NMA	Non material amendment to 14/01050/DETAIL relating to: Plots 4, 18 & 50 (type 11 type 2) - ridge raised by 300mm & gables to rear instead of hips. Plot 17 (type 13) - ridge raised by 300mm, gables amended, front gable windows amended & rear lean-to widened. Plots 113 & 124 (type 9) - widened by 450mm, ridge raised by 250mm & bed 1 window omitted.	Approved	12.05.2015
15/01101/DISCON	Discharge of condition 5 (engineering details to protect below ground National Grid equipment) of planning permission 14/01050/DETAIL	Approved	17.09.2015
16/00017/NMA	Non material amendment application consisting of: - Alterations to Plot 20 (type 10 type 2) so that living areas face onto rear garden.	Approved	08.02.2016

	- Car ports/garages for plots 137, 138, 143, 144, 145 & 146 revised due to changes required to the road layout.		
16/00469/FUL	Construction of garage storage unit used for domestic purposes.	Approved	18.07.2016
17/01689/TPO	1 No. Oak (T1) - Lop branch.	Withdrawn	12.10.2017
20/01748/FUL	Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.	Current	
20/01749/LBC	Continued use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations.	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
- ER11 Conversion and Reuse of Rural Buildings
- ER16 Tourism and Leisure Uses
- TR1A Development Affecting Highways
- TR7 Vehicle Parking at New Development
- EN6A Protected Species
- EN11A Protection of International Sites European Sites and RAMSAR Sites

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

- SPL3 Sustainable Design
- PP8 Tourism
- PP13 The Rural Economy
- PPL4 Biodiversity and Geodiversity

Local Planning Guidance

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10th 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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

Site Description

Dale Hall is a Grade II Listed Building within extensive grounds, although now bereft of its substantial farm estate which is undergoing comprehensive residential development to the south. This application concerns a range of outbuildings to the south west of the Hall. These buildings are within the immediate grounds of the Hall and are clearly associated with the listed building. While not listed in their own right, they are regarded as being curtilage listed. They are domestic in form and clearly associated with the daily life of the Hall rather than as part of the farm estate. The farm and farmyard no longer exist, and the farm buildings which were located immediately to the west of the outbuildings have largely been demolished and this part of the site redeveloped for commercial purposes. The setting of the listed hall has therefore been significantly compromised through the redevelopment to the south and east, although the general setting remains essentially domestic.

Access to the site is via the principal driveway to the Hall. This swings round in front of the Hall, with a lawn to the front of the outbuildings. A separate access driveway also extends to the rear of the outbuildings.

Description of Proposal

The application is retrospective, seeking permission for the use of outbuildings as holiday units and domestic storage, study and garages together with retention of related alterations. The outbuildings in question are those which were extended and altered under planning approval 14/00744/FUL.

The floor plans approved under application 14/00744/FUL helpfully labelled the intended purpose of each area; by comparison – the table below shows the current use of said area:-

14/00744/FUL		20/01748/FUL	
G 1.1	Storage	G 1.1	Living accommodation, Unit 1
G 1.2	Wash-up	G 1.2	Kitchenette; Unit 1
G 1.3	Shower	G 1.3	Shower Room; Unit 1
G 2.1	Workshop	G 2.1	Workshop/Study
G 3.1	Stable	G 3.1	Bedroom; Unit 2
G 4.1	Garage	G 4.1	Living room; Unit 2
G 5.1	Workshop	G 5.1	Kitchenette & Shower Room; Unit 2
G 6.1	Garage	G 6.1	Garage
G 7.1	Garage/Workshop	G 7.1	Garage/Workshop
G 7.2	Wash-up	G 7.2	Wash-up
G 7.3	Shower	G 7.3	Shower
G 8.1	Storage	G 8.1	Storage

Minor internal and external alterations have been undertaken to accommodate these changes. The principal external changes apply to the rear of the building, with only a minor alteration to one door on the elevation fronting the lawn. Two additional windows are shown on the north elevation facing the house.

Assessment

- Principle of Development
- Re-use of Buildings
- Tourism & Leisure
- Landscape Impact
- Amenities of Existing & Future Occupiers
- Highways
- Habitat Regulations Assessment

Principle of Development:

Paragraph 83 of the National Planning Policy Framework 2019 states that planning policies and decisions should enable; the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and other land based rural business, sustainable rural tourism and leisure developments which respects the character of the countryside, the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. For the reasons given below, the proposal is considered to be an appropriate form of development.

Re-use of Buildings:

Policy ER11 of the Tendring Local Plan provides guidance in respect of the re-use and conversion of existing rural buildings and sets a number of criteria against which proposals should be judged. Amongst other things, the policy requires the type and scale of activity proposed to be compatible with the character and surrounding area, the building will be suitable for the use proposed, be acceptable in highway terms and be well located in relation to the highway network. These

sentiments are carried forward in Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In this instance, it is considered that the proposal is generally in accordance with Policy ER11 in so far that it involves the re-use of an existing domestic building for two holiday lets, workshop and garages (partially as originally approved under 14/00744/FUL). The policy also requires the building to be suitable for the use proposed. The Planning & Heritage Statement which accompanies the application includes some internal photographs; the photos show that a conversion of high quality has taken place.

Tourism & Leisure:

Policy ER16 of the Tendring District Local Plan (2007) ER16 states that proposals for tourism and leisure uses will be permitted provided that: the development is accessible to all potential visitors and users, there is suitable vehicular and public transport access to the site and parking provision, especially when the proposal is likely to generate large traffic volumes. Proposals should be located close to the main road network and link to other public rights of way wherever possible; the type of use proposed would not cause undue disturbance by reason of noise. Uses creating high levels of noise should be located well away from residential property and sensitive wildlife areas; there will not be an adverse effect on agricultural holdings and the proposal would not result in an or reversible loss of high quality agricultural land; and where appropriate opportunities are taken to improve damaged and despoiled landscapes and enhance the landscape character of the area. These sentiments are carried forward in Policy PP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The holiday lets are sited a short distance (192m) from the A137 and their own parking is provided immediately forward (west) of the units. The use will produce some traffic, however, it is considered that this is nominal in comparison to the adjacent commercial activity. The policy requires the type and scale of activity proposed and its compatibility with the character of the surrounding area to be acceptable. The building has been used for holiday lets since early 2020 - the workshops and garages were approved in 2014. The area comprises a large, very modern housing development with a commercial activity (adjacent to Dale Hall) which is used as offices with an ancillary small gymnasium. In comparison to the existing residential use of the main property, the wider housing development and the commercial/leisure enterprise the type of use proposed would not cause undue disturbance by reason of noise.

It is therefore, considered that subject to the considerations discussed below, there is in principle, no objection to the continued use of the garage block (subject of approval 14/00744/FUL) as holiday units and domestic storage, study and garages.

Landscape Impact

The landscape is the result of both natural and man-made processes, including historic patterns of settlement. A policy approach based on landscape character assessment enables informed judgements to be made on what is and what is not appropriate development within a particular local landscape. Policy EN1 is therefore particularly concerned with the role of settlement and built development in the landscape. It focuses upon maintaining and enhancing landscape quality and local distinctiveness with the protection of the historic environment including the built heritage as a high priority. It identifies important natural features and views, and the individual character, identity, pattern and setting of settlement within the landscape. It is intended to complement specific landscape or countryside designation policies where these exist in the Tendring District Local Plan 2007.

Whilst this Policy will primarily apply to development proposals in the countryside and on the edge of settlements, any development proposal which could visually detract from key landscape or settlement characteristics of its surroundings would be considered contrary to Policy EN1.

The existing building is single storey is well screened to the west with the boundary wall of Dairy Barn Mews, new planting exists to the south boundaries and the north/east boundaries are within Dale Hall's ownership. Consequently the change of use of the building to a tourism use utilising the existing footprint would have a minimal impact upon the rural character of the locality. In addition,

the site can comfortably accommodate parking in a discrete manner that would not harm the character of the area.

Impact upon Neighbouring Amenities:

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 building is visible to Nos 2, 4 and 6 Florence Gardens – however Unit 2 is almost 65m to the north across an access road. Due to the separation distance to these dwellings it is considered that the existing use will not cause any adverse impact upon neighbouring amenities.

Highway Consideration and Parking Provision:

Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Highways Authority comments that the information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2019. It is noted that the use is low key with limited vehicular activity and the proposals are provided with adequate parking and turning. As such, from a highway and transportation perspective the impact of the development is acceptable to Highway Authority.

The Highway Authority has requested that, prior to the occupation of the holiday lets, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway / Highway Boundary. The application is primarily retrospective and to impose a pre-occupation condition would be unreasonable, contrary to Paragraph 55 of the NPPF.

Habitat Regulations Assessment

Following recent Natural England advice and the introduction of Zones of Influences (ZoI) around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation), within these 'zones' Natural England are now requesting financial contributions to mitigate against any recreational impact from new dwellings. Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the RAMS strategy.

A Habitat Regulations Assessment has therefore been undertaken. Given the scale of development for two tourist units, it is not considered likely to result in significant impacts on statutory designated nature conservation sites or landscapes and a RAMS contribution is not therefore requested.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Sites of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A. Page 2 of 5 Sites of Special Scientific Interest Impact Risk Zones The Town and Country Planning (Development Management

Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. T

Other Considerations:

Lawford Parish Council have no objection to this application.

No letters of representation have been received.

6. Recommendation

Approval - Full

7. Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:- PL01 A and PL02 A, received 23rd December 2020.

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

- 2 The development hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all occupiers of the holiday let accommodation and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure.

- 3 No person shall occupy the site for more than 28 consecutive days and shall not be permitted to return to the site within less than 14 days of vacating the site.

Reason - To prevent the use of the site for permanent accommodation in the interests of the tourism economy and local community infrastructure

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO