

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	22/06/2021
Planning Development Manager authorisation:	JJ	23/06/2021
Admin checks / despatch completed	DB	24.06.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	24.06.2021

**Application:** 21/00072/FUL **Town / Parish:** Ardleigh Parish Council  
**Applicant:** Mr and Mrs Vermont  
**Address:** Hungerdowns Hungerdown Lane Ardleigh  
**Development:** Proposed conversion of existing outbuilding to form a swimming pool building.

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

No comments received

### **2. Consultation Responses**

Essex County Council  
Heritage  
23.04.2021

Built Heritage Advice pertaining to an application for: Proposed conversion of existing outbuilding to form a swimming pool building.

Hungerdowns Farmhouse is a Grade II listed building (List UID: 1112091). The development site is curtilage listed to the farmhouse.

Following the submission of additional information I am unopposed to this application, to be carried out in accordance with the revised drawing 3472-PA-11-E, subject to the following conditions:

- Prior to commencement of above ground works, a schedule of external finish materials, including the specification of any new and replacement weatherboarding, bricks, and slates shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- Prior to installation, a schedule of drawings that show details of proposed windows, doors, and any new barn doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, cills, pentice boards, and ironmongery, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Prior to commencement of internal fit out and internal alterations, plans and elevation drawings showing the locations of flues, extract vents, and their routing, to be installed shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- Prior to commencement of internal fit out and alterations, a schedule of internal finish materials, including insulation and any covering materials, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

- Rainwater goods shall be black painted or powder-coated metal and shall be permanently maintained as such.

### **3. Planning History**

01/00006/FUL	Greenhouse, next to existing outbuilding for personal use	Approved	21.03.2001
01/01758/FUL	New barn for car parking at ground level and playroom at first floor	Approved	21.11.2001
01/01759/LBC	New barn for car parking at ground level and playroom at first floor	Current	17.10.2001
92/00326/FUL	(Hungerdowns, Hungerdowns Lane, Ardleigh) Single storey building for storage and restoration of furniture	Approved	03.09.1992
94/00151/FUL	Extension and alterations	Approved	24.03.1994
94/00152/LBC	Extension and alterations	Approved	24.03.1994
91/00018/LBC	Renovation of roof ( in part ) and reinstatement of dormer.	Approved	15.02.1991
12/00827/LBC	Repairs to main roof (including repairs to dormer windows) and repair of crack damage on front elevation.	Approved	06.09.2012
13/01058/DISCON	Discharge of condition 02 of Listed Building Consent 12/00827/LBC - Details of materials to be used. - FOR INFORMATION ONLY	Approved	14.11.2013
21/00067/LBC	Proposed conversion of existing outbuilding to form a swimming pool building.	Current	
21/00072/FUL	Proposed conversion of existing outbuilding to form a swimming pool building.	Current	

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

NPPF National Planning Policy Framework February 2019  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN22 Extensions or Alterations to a Listed Building

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

### **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 26<sup>th</sup> 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 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> 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.

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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## 5. Officer Appraisal

### Site Description

Hungerdowns is a Grade 2 listed farmhouse located outside of any settlement development boundary in a rural location along Hungerdown Lane in Ardleigh. The main dwelling of Hungerdowns is set back from the lane and partially visible beyond the formal gardens and mature trees. The outbuilding subject of this application is set on the boundary fronting Hungerdown Lane to the west functioning as part of the boundary wall and curtilage listed to the farmhouse.

### Description of Proposal

The application proposes the conversion of the outbuilding currently used for storage and swimming pool plant to be used as a pool house that overlooks the pool and garden and enables the occupiers to spend a day by the pool with the facilities required to do this. The form of the building will be retained with changes to the fenestration and repairs or replacement as necessary to the structure. The layout internally will be accustomed with shower room, kitchen and sitting areas.

The application is being considered alongside application 21/00067/LBC.

### Design and Appearance

The proposal seeks to change the use of the outbuilding from storage to pool room with no extensions to the existing building. The outbuilding will be restored using the existing materials if possible and where new materials are required matching materials will be sourced in order to retain the overall character and appearance of the building. The small changes will be to the south facing window which will be reduced in width but increased in height to enable views of the formal garden from inside. In addition two small windows will offer light into the building on the northern and eastern elevations. The two small windows have been incorporated in this way so as to preserve the character of the building and to prevent the introduction of profiles which do not complement the outbuilding or the setting of the listed building.

The alterations will not alter the view of the street scene and will only be visible from within the grounds of Hungerdowns. The pool plant will remain in its current location to ensure additional structures albeit low level would not become established within the curtilage of the listed building.

The proposals are considered to complement the appearance of the listed building and preserve the character and appearance of the setting of the listed building.

### Impact upon Residential Amenity

The dwelling of Hungerdowns and the outbuilding subject of this application are sited a considerable distance to the nearest neighbours ensuring the proposal will not result in a material loss of light, privacy or outlook and is not considered to result in any significant harm to neighbouring amenity.

The space currently used for car parking will be unaffected by the proposal.

### Heritage

The listed description of Hungerdowns in the main describes the architectural features that are unmistakable at the front and road facing side elevation of the farmhouse which are however unaffected by the proposals in this application. It is however wholly important to ensure that the character of the listed building is preserved when alterations to the outbuilding in its curtilage are proposed.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that 'Proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The change of use of the outbuilding will include its repair and restoration using traditional timber weatherboarding materials which if parts are needed to be replaced with new will match the profile of the existing. Painted timber framed windows and doors will replace existing and form new openings. The original double barn doors will remain and will be fixed shut. The slate roof will be repaired and where necessary replaced with matching slate.

In this case, the traditional methods and materials employed in the restoration and renovation of the outbuilding will bring the old building back to life and in turn will enhance the setting of the listed building.

The applicant has submitted a heritage and design and access statement to support their application which confirms the nature of the proposed development and "judged to cause no harm". Heritage advice was sought from Place Services at Essex County Council and they confirmed that they were unopposed to the application along with the listed building consent for Hungerdowns subject to five conditions relating to:

1. Schedule of external finish materials including specification for approval
2. Schedule of drawings that show details of proposed doors and windows at scale 1:20 and 1:1.
3. Schedule of internal finish materials
4. Plans and elevation drawings of flues, extracts, vents and their routing.
5. Rainwater goods shall be black painted or powder-coated metal

Points 4 and 5 have been included as a condition as the rainwater goods and any necessary flues, extracts and vents are not shown or detailed on the approved drawing. Officers consider that it is not necessary to impose the first three conditions which request detailed information of the finish and materials. The amended submitted drawing PA-11-E confirms the traditional materials to be used in the exterior finish, shows the fenestration and internal layout of the building. The proposal is not considered to have a detrimental effect on the listed building of Hungerdowns as the alterations externally serve to restore the building for its new use while preserving its character and charm and enhancing the setting of the listed building.

#### Other Considerations

No letters of representation have been received.

#### Conclusion

In the absence of any material harm resulting from the development, the application is recommended for approval.

### **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 Ref. PA-11-E.

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

- 3 Notwithstanding Drawing Ref. PA-11-E, the rainwater goods shall be black painted or powder-coated metal and shall be permanently retained in this form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the special architectural or historic interest, character, appearance of the outbuilding.

- 4 Prior to commencement of internal fit out and internal alterations, plans and elevation drawings showing the locations of flues, extract vents, and their routing, to be installed shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason - To safeguard the special architectural or historic interest, character, appearance of the outbuilding.

## 8. **Informatives**

The use of the outbuilding hereby approved will be for the occupiers of Hungerdowns only and no other use. If the intention is to use the outbuilding and/or swimming pool for purposes other than for the enjoyment of the occupiers of Hungerdowns then a separate pre-application enquiry/planning application should be submitted to the Local Planning Authority for consideration/advice.

### 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
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO