

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	21/07/2021
Planning Development Manager authorisation:	JJ	23/07/2021
Admin checks / despatch completed	CC	23.07.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	23/07/2021

Application: 21/00554/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs Nick and Sharon Pond

Address: Pond House Hunters Chase Ardleigh

Development: Variation of Conditions 4 (Ancillary Use of Bungalow) and 10 (Approved Plans) of Approved Planning Permission ref: 19/01949/FUL (Proposed construction of new two storey dwelling, conversion of bungalow to form garage/office, upgrading of existing vehicular access & landscaping to include change of use of paddock land to vineyard with modified access to vineyard & parking & turning area facilities). Changes to include retention of more of existing structure and re-cladding of bungalow

1. Town / Parish Council

Ardleigh Parish Council
12.05.2021

The Council supports this application as it would retain more of the existing structure. The proposed development is intended for (and should be restricted to) domestic use ancillary to the main dwelling.

2. Consultation Responses

n/a

3. Planning History

92/00758/FUL	Change of use of land from agriculture (horticulture) to use as a touring caravan site	Withdrawn	03.09.1992
96/00003/FUL	Change of use of part horticultural holding to touring caravan site with service block	Withdrawn	20.02.1996
84/01451/FUL	Det. single storey dwelling in assoc - with horticultural business	Approved	12.02.1985
85/00371/FUL	Temp siting of residential caravan	Approved	21.05.1985
85/00372/FUL	One agricultural dwelling (details under TEN/1451/84)	Approved	21.05.1985
89/00267/FUL	Det. agricultural dwelling for private residential in assoc with agricultural business	Refused	04.07.1989
08/00858/FUL	Single residential bungalow with	Approved	

	outbuildings/garage without agricultural restriction.		
18/01218/LUEX	Occupation of the Site address in non-compliance with condition 4 of planning permission TEN/1451/84 - Agricultural occupancy condition.		21.09.2018
19/30107/PREAPP	Demolition of existing bungalow and construction of a new two storey replacement dwelling and cartlodge/ancillary outbuilding.		17.07.2019
19/01949/FUL	Proposed construction of new two storey dwelling, conversion of bungalow to form garage/office, upgrading of existing vehicular access and landscaping to include change of use of paddock land to vineyard with modified access to vineyard and parking and turning facilities.	Approved	23.03.2020
20/00659/DISCON	Discharge of condition 2 (Landscaping) of approved application 19/01949/FUL.	Approved	18.06.2020
21/00554/FUL	Variation of Conditions 4 (Ancillary Use of Bungalow) and 10 (Approved Plans) of Approved Planning Permission ref: 19/01949/FUL (Proposed construction of new two storey dwelling, conversion of bungalow to form garage/office, upgrading of existing vehicular access & landscaping to include change of use of paddock land to vineyard with modified access to vineyard & parking & turning area facilities). Changes to include retention of more of existing structure and re-cladding of bungalow	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2021
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

EN6 Biodiversity

EN6A Protected Species

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

SP7 Place Shaping Principles

SPL1 Managing Growth

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Design Guide

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. 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 adopted 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.

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

The application site forms an extensive area of land located on the southern side of Hunters Chase and to the west of Coggleshall Road. The site is situated approx. 1.2 miles north-east of Ardleigh and 1.5 miles to the south-west of the centre of Dedham. The site is clearly defined with a distinct boundary fronting Hunters Chase to the north & Coggleshall Road to the east. The western and southern boundaries are equally clearly defined by extensive conifer and native species hedging with scattered broad leaved trees. Within the site boundary, the site is generally 'open' in nature; the vineyard has been planted to the south of the site and is starting to establish itself, the replacement residential dwelling is also well underway with the main structure almost complete. The existing dwelling known as The Bungalow will be converted as part of the development proposal for ancillary use and lies to the north-eastern corner of the site, to the east of the main domestic vehicular access.

Proposal

This application seeks planning permission to vary conditions 4, the ancillary use of 'The Bungalow' and condition 10, the approved plans of planning permission 19/01949/FUL for the proposed construction of new two storey dwelling, conversion of bungalow to form garage/office, upgrading of existing vehicular access & landscaping to include change of use of paddock land to vineyard with modified access to vineyard & parking & turning area facilities.

The changes proposed relate only to the existing dwelling known as 'The Bungalow' and are detailed as follows:

- Retention of more of the existing structure of 'The Bungalow' which will be clad with stained weatherboarding and whereby the ground floor space will include the Vineyard office, wine store, wine tasting room with kitchen, shower room and home gym. The first floor will be used for storage.
- Removal of roof lights from the northern roof slope of 'The Bungalow'
- Addition of two pitched roof dormers to the southern roof slope of 'The Bungalow'
- Approved clay pantiles on 'The Bungalow' replaced with natural slate
- Changes to the fenestration following the internal layout reconfiguration
- Brickwork plinth beneath stained weatherboarding
- Render to the chimney breast

Assessment

This application is considered as a minor material amendment to application 19/01949/FUL. A minor material amendment is one whose scale and nature result in a development which is not substantially different from the one which has been approved. The main considerations will be the use of 'The Bungalow', visual impact and the impact on neighbouring amenities.

The proposed amendment does not modify the proposed use of 'The Bungalow' which will remain ancillary to the residential dwelling. The application site remains an individual private residence with private vineyard as approved under 19/01949/FUL. The proposed changes to 'The Bungalow' as explained by the applicant, are for the domestic use and benefit of the owners and their private guests only. 'The Bungalow' will not be used for any commercial operation and a condition is recommended should the application be approved to ensure its use remains ancillary in the interests of the surrounding rural area and protection of neighbouring residential amenities.

The proposed changes to 'The Bungalow' retain the main structure and modernise it for continued use contributing to the aims of sustainable development. The external materials proposed are considered acceptable in this rural location with the overall scale and footprint of the existing building remaining the same. The refurbished building will complement the new residential dwelling and improve its appearance in the street scene. The design and scale of the proposed changes is acceptable and would result in no material harm to visual amenity.

The two pitched roof dormers face south into the application site and therefore they do not increase the risk of overlooking neighbouring private gardens or homes. The proposal is a significant distance to neighbouring properties and there is not considered to be any adverse impacts to existing neighbouring amenities.

There are no other impacts in comparison to the previously approved scheme.

Other Considerations

Ardleigh Parish Council supports the application, although they note that the proposed development is intended for (and should be restricted to) domestic use ancillary to the main dwelling. This matter has been addressed in the report.

No other 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 hard and soft landscaping shall be in accordance with details approved under reference 20/00659/DISCON on 18 June 2020.

Reason - In the interest of visual amenity and the character of the area.

- 2 All planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interests of visual amenity and the character and appearance of the area.

- 3 The existing bungalow on the site shall be converted and adapted for ancillary use (as shown on approved plan no. 06C) prior to the first occupation of the new dwelling. The building shall remain ancillary to the new dwelling thereafter and shall not be used as a separate independent unit of accommodation at any time.

Reason - The site is within a locality where the creation of an additional dwelling would not be permitted unless there were exceptional circumstances to merit its retention.

- 4 The existing bungalow on the site shall be converted and adapted for ancillary use (as shown on approved plan no. 06C) prior to the first occupation of the new dwelling. The building shall remain ancillary to the new dwelling thereafter and shall not be used for any commercial operation at any time.

Reason - To restrict the use of the existing bungalow to one that is compatible with the surrounding rural area and to satisfactorily protect the residential amenities of nearby occupiers.

- 5 In accordance with drawing no's. 04D and 05B; and prior to the occupation of any of the proposed dwelling, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway with Hunters Chase.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 6 In accordance with revised drawing no's. 04D and 05B and prior to occupation of the dwelling, an informal vehicle passing place shall be provided within Hunters Chase with minimum dimensions:

- 1.5 metres wide x 6 metres in length (Overall length 14 metres)

Reason - To ensure that vehicles can pass and re-pass within the highway in a controlled manner in the interest of highway safety to ensure accordance with safety.

- 7 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8 As indicated on drawing nos. 04D and 05B the proposed gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting, December 2019) as already submitted with planning application 19/01949/FUL and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during demolition/construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

19/01949/FUL
1319-01E, 1319-03B, 1319-04D and 1319-05B.

21/00554/FUL
1319-06C

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

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.

Highways Informatives

On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

For the proposed vehicle access and prior to first use it would be advisable to cut back the existing hedge adjacent to the current field access and bordering the neighbouring property, 'Kalm Oak House' to improve visibility to the west of the access.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO

