

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	12/01/2022
Planning Development Manager authorisation:	SCE	12.01.2022
Admin checks / despatch completed	ER	12/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.01.2022

**Application:** 21/01970/FUL **Town / Parish:** Alresford Parish Council

**Applicant:** WSM Farming

**Address:** Alresford Hall Ford Lane Alresford

**Development:** Proposed installation of timber sculpture.

### 1. Town / Parish Council

No comments received

### 2. Consultation Responses

Essex County Council  
Heritage  
22.12.2021

The application is for proposed installation of timber sculpture.  
There is no objection to this application.

### 3. Planning History

01/00154/FUL	New private drive and entrance wall/piers to Alresford Hall and the estate	Approved	25.04.2001
91/00962/FUL	Change of use of private residence to residential home for the elderly plus new sewage treatment plant.	Approved	15.10.1991
96/00927/LBC	Repairs and renovations as per schedule of works	Approved	03.03.1997
04/00910/FUL	Erection of lean-to extension, chimney and enclosure of existing covered way	Approved	25.06.2004
04/00911/LBC	Erection of lean-to extension, chimney and enclosure of existing covered way	Approved	25.06.2004
04/01125/FUL	Erection of brick wall in kitchen garden	Approved	10.12.2004
04/01204/LBC	Erection of brick wall in kitchen garden		29.11.2004
05/00444/FUL	Renovation, conversion and	Approved	01.06.2006

	change of use of barn to form two dwellings and all ancillary works.		
05/00472/LBC	Renovation, conversion and change of use to form two dwellings.	Approved	01.06.2006
83/00006/FUL	Dwelling house	Approved	12.04.1983
83/00219/FUL	Continued use and extn of part as wholesale nursery garden, retention of two multispan polythene tunnels	Approved	12.04.1983
88/01172/FUL	Retention of polythene tunnels and potting shed related to horticultural nursery ( part of renewal of 83/00219/FUL )	Approved	09.08.1988
93/00001/AGRIC	Agricultural Glasshouses	Determination	18.02.1993
10/01245/FUL	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	24.01.2011
10/01246/LBC	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	24.01.2011
11/00403/FUL	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	13.06.2011
11/00406/LBC	Alterations to the north east wing of house including replacement of roof coverings, internal alterations to the kitchen, alterations to the main bathroom, reinstatement of chimney to courtyard and other ancillary works.	Approved	31.05.2011
11/01305/FUL	Installation of 10kw ground mounted solar pv system.	Approved	04.01.2012
12/01328/FUL	Installation of community biomass	Approved	17.01.2013

	system, to include a new plant room/fuel store building.		
12/01329/LBC	Installation of community biomass system, to include a new plant room/fuel store building.	Approved	
19/30144/PREAPP	Proposed farm diversification to create a childrens adventure playland within Alresford Hall Estate.		09.10.2019
19/01856/FUL	Proposed farm diversification to create a childrens adventure playland within Alresford Hall Farm	Approved	17.08.2020
20/01151/DISCON	Discharge of condition 7 (reptile mitigation) of approved application 19/01856/FUL.	Approved	08.09.2020
20/01404/DISCON	Discharge of conditions 2 (gates) and 3 (walls and piers) of approved application 01/00154/FUL.	Approved	08.12.2020
20/01523/FUL	Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)	Approved	19.03.2021
20/01524/LBC	Proposed swimming pool in the south side of the walled gardens. Proposed repair of walls, the raising of the east wall, a flight of brick steps, and the reinstatement of the original and new gates to the existing openings of the garden. (Part retrospective.)	Approved	19.03.2021
20/01603/DISCON	Discharge of conditions 3 (Materials), 5 (Play Equipment), 8 (Biodiversity Enhancement Layout), 9 (Lighting), 11 (Construction Traffic Management Plan), 20 (Mitigation Strategy), 21 (Contamination), 22, 25 and 26 (Foul and Surface Water) of approved planning application 19/01856/FUL.	Approved	14.09.2021
21/00060/AGRIC	Proposed development for the creation of a concrete pad for agricultural use.	Determination	08.02.2021
21/00653/DISCON	Discharge of condition 3 (Brick Material, Mortar Mix, Profile and Finish) of approved planning application 20/01523/FUL	Approved	21.06.2021

21/00825/FUL	Proposed siting of ground mounted solar array	Approved	01.07.2021
21/01103/DISCON	Discharge of condition 4 (Archaeological Investigation Report) of approved application 20/01523/FUL.	Approved	12.08.2021
21/01136/FUL	Variation of condition 2 (Approved Plans) of application 19/01856/FUL to substitute a revised site layout plan, and elevations, for a redesign of the main building to remove the galleon ship feature and install as a standalone play feature alongside, along with other minor updates to the siting of play areas.	Approved	15.09.2021
21/01970/FUL	Proposed installation of timber sculpture.	Current	
21/02066/FUL	Proposed erection of signage, gates and stock proof fence.	Current	
21/02067/ADV	Erection of two non-illuminated signs.	Current	

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

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Adopted Tendring District Local Plan 2007 (part superseded)  
QL11 Environmental Impacts and Compatibility of Uses (part superseded)  
COM11 Formal Recreation Facilities in the Countryside  
EN1 Landscape Character  
EN3 Coastal Protection Belt  
EN23 Development Within the Proximity of a Listed Building

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

SP7 Place Shaping Principles  
SPL3 Sustainable Design  
PP13 The Rural Economy  
PPL3 The Rural Landscape  
PPL9 Listed Buildings

#### **Status of the Local Plan**

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26<sup>th</sup> January 2021 Section 1 of the 2013-2033 Local Plan was adopted and

now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24<sup>th</sup> November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report is due to be considered by the Planning Policy and Local Plan Committee on 11<sup>th</sup> January 2022 which is likely to recommend adoption of the Section 2 Local Plan to Full Council on 25<sup>th</sup> January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

## **5. Officer Appraisal**

### Proposal

The application seeks planning permission for the erection of a timber sculpture within the children's adventure play site at Alresford Hall approved under application reference 19/01856/FUL.

### Assessment

The proposed development is for the installation of a high-quality timber sculpture within the previously consented outdoor play area at Alresford Hall. The proposed sculpture is intended to take the form of a dragon and enhance the arrival experience of guests at the adventure play attraction. A fallen dead oak tree discovered within the estate will be hand carved by a master craftsman. The sculpture would be up to 5-metres in height, with a width of up to 9 metres at its widest point. The finished installation will be carved from the trunk and limbs of the dead oak tree into the shape of a resting dragon with its wings out-stretched.

The sculpture will be in keeping with the theme and natural material palette for the children's adventure play attraction and will reinforce the sense of place. The origins of the tree from the estate itself also reinforce that further.

The proposal is not considered to give rise to any additional heritage harm in relation to the Listed Building of Alresford Hall. It is sited within the already consented area for the play scheme and will be seen in the context of taller and more prominent structures including the timber galleon & castle structures adjacent, which are sited between the listed Hall and the proposed structure. The sculpture is also completely removable and so would have no permanent impacts. Essex County Council Place Services have been consulted for heritage comments and they have no objections to the proposal.

### Other considerations

No comments have been received from Alresford Parish Council.

No other representations have been received.

Conclusion

The proposal is considered a minor addition and is in line with the principles for the overall adventure play scheme therefore 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 plans: Site Framework Plan Rev E, Drawing Number 663-100 Revision E and Information Sheet titled 'Dragon Carving' dated November 2021.

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.

<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