

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	26.01.2022
Planning Development Manager authorisation:	JJ	26/01/2022
Admin checks / despatch completed	ER	26/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	26.01.2022

Application: 21/02051/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Roger Wyncoll

Address: 1 & 2 Pavilion Spring Valley Lane Ardleigh

Development: To demolish No 1 & No 2 The Pavilion and replace with a new two bedroomed single storey residential dwelling with parking and amenity provision

1. Town / Parish Council

Clerk to Ardleigh Parish Council
19.01.2022

No objection - on the basis that it does not increase the overall number of dwellings on the site. It is requested that there is a stipulation that the two existing properties are demolished prior to habitation of the new dwelling.

2. Consultation Responses - (Summarised)

UU Open Spaces
17.01.2022

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh. However this is a reduction in dwellings, therefore no contribution is being requested on this occasion.

ECC Highways Dept

No Comments received

Tree & Landscape Officer
23.12.2021

The application site is close to an Ancient Woodland named Wall's Wood. The wood is recorded in the Natural England's Inventory of Ancient Woodland.

Natural England's standing advice in relation to development close to ancient woodlands states that: *For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone may be required.*

It is considered that there is satisfactory separation between the position of the proposed dwelling and the wood and that the development proposal contained in the current application would not adversely affect the wood.

It is necessary to ensure that the buffer zone is not compromised by the development, by vehicular movements or other works, associated with any development that may be granted planning permission. The physical protection of the buffer zone should therefore be secured by a planning condition.

It is considered that a combination of the existing screening provided by the wood and new screening on the southern boundary, which should be secured by a planning condition, means that the dwelling is not considered to have a visually intrusive impact on the appearance of the countryside.

Building Control and
Access Officer
10.01.2022

No adverse comments at this time.

3. Planning History

09/01194/LUEX Existing Use	Erection of building and use as single dwelling house with associated curtilage marked on Plan 1 attached; Erection of building and use as single dwelling house with associated curtilage marked on Plan 2 attached; Residential use of land as curtilage to Nos. 1 & 2 The Pavilion, Spring Valley Lane, Ardleigh.	Split Decision	01.07.2010
11/00005/FUL	To demolish existing pair of 2 bed semi-detached single storey dwellings and erect pair of new 2 bed semi-detached single storey dwellings with associated garages.	Refused	11.04.2011
11/01173/FUL	To demolish existing pair of 2 bed semi-detached single storey dwellings and erect a pair of new 2 bed attached single storey dwellings.	Refused	23.12.2011
12/00893/FUL	To demolish existing pair of 2 bed semi-detached single storey dwellings and erect a pair of new 2 bed semi-detached single storey dwellings.	Refused	14.01.2013
13/01026/LUEX	Car parking spaces, guest car parking spaces and general access area to gardens, sheds and LPG bottles to be included into the curtilage of dwellings at No 1 & No 2 The Pavilion, Woodland Lodge, Spring Valley Lane, Ardleigh, Colchester, CO7 7SD.	Certificate Refused	12.11.2013

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond

Section 1

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

Section 2

SPL3 Sustainable Design
LP7 Self-Build and Custom-Built Homes
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity

PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility

Essex County Council Development Management Policies 2011
Essex County Council Parking Standards Design and Good Practice Guide 2009

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Section 1 (adopted January 2021) and Section 2 (adopted 25th January 2022) of the Tendring District Council 2013-33 and Beyond Local Plan.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 February 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is located on the western side of Spring Valley Lane and is accessed via a track between residential properties Lavender House and Willowell. The site comprises of a single storey building comprising of two self-contained 2 bed dwellings, which were likely built around 1988-1991 and were considered Lawful under application 09/01194/LUEX. The dwellings are part of a wider site that is within the ownership of the applicant, whom currently occupies the adjacent dwelling Woodland Lodge to the south, which is a large dwelling with double garage and swimming pool building and large garden area. Adjacent to Woodland Lodge, to the south are two other dwellings Nos 1 and 2 The Coach House, which are rented out.

The surrounding area is rural in nature with a mix of open land, woodland and farmland surrounding the wider site. The site is not located within a conservation area and is within Flood Zone 1, which has a low risk of flooding. The site also lies outside of any Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033.

Proposal

The application seeks planning permission to demolish the existing building comprising of the two dwellings known as 1 and 2 The Pavilion and to construct a single storey replacement dwelling

with associated parking and amenity space.

The proposed dwelling is sited further west within the site, which comprises of an area of land around the dwelling, providing a new residential curtilage. The site is accessed via the existing track from Spring Valley Road which serves all of the dwellings within the wider site.

Once the existing building is demolished it is proposed to incorporate part of the site into the garden area for Woodland Lodge and construct a new boundary fence.

The proposed dwelling is a detached bungalow, measuring approximately 12.5m x 13m, with an eaves height of some 3m and a maximum height of some 5.2m and comprises of 2 bedrooms, ensuite, cloakroom and open plan kitchen, dining and living area. The gross internal area (GIA) is some 121m².

The proposed materials are Ibstock Leicester Red Stock bricks for the plinth and white self-coloured smooth cement render. The roof is made up of sustainable composite Tapco Synthetic Slate Tile - Coachman Mix and the doors and windows are white aluminium frames with triple glazing.

The application is accompanied by a Design and Access Statement dated 1st December 2021.

Principle of Development

The proposal involves the demolition of the building, known as 1 and 2 The Pavilion, comprising of two dwellings and the building of a replacement dwelling outside of any defined settlement boundary. Due to the size of the proposed dwelling this is considered to be a two for one replacement dwelling.

The design and access statement maintains that the existing building is not capable of reasonable improvement and conversion to form a single dwelling, as it is of a simple flat roof design, with a low ceiling height which does not allow the necessary insulation to be provided to bring the building up to the latest standards, the foundations cannot support a full pitched roof with tiles and the current layout does not lend itself to the conversion to one dwelling. The proposed bungalow is to be a modern energy efficient building.

Under the criteria of Policy LP7, opportunities for constructing Self-Build and Custom-Built Homes and the one-for-one replacement of an existing dwelling, of any size, in the countryside outside of settlement development boundaries with a single unit of Self-Build Housing, is encouraged unless the impacts of development would conflict with other policy requirements in the Local Plan (2013-2033)

Furthermore Policies SPL3 and PPL3 offer support for replacement dwellings in the countryside, subject to meeting certain criteria with regard to size, scale, height, character, design, materials, visual amenity and setting of the replacement dwelling.

Therefore the principal of a replacement dwelling in this location is considered to be acceptable in principle subject to a condition to ensure the existing building to be demolished is completely demolished and demolition materials removed from site prior to first occupation, and the other detailed considerations outlined below.

Layout, Design and Appearance

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).

Policy SP7 states that all new development must meet high standards of urban and architectural design and should reflect the following place shaping principles which are considered to be relevant to this application:

- Respond positively to local character and context to preserve and enhance the quality of existing places and their environs
- Provide buildings that exhibit individual architectural quality within well-considered public and private realms;
- Protect the amenity of existing and future residents and users with regard to noise, vibration smell, loss of light, overbearing and overlooking.

In addition to the overarching policy with regard to design, appearance and local character outlined above, also of relevance are Policies PPL3 which seeks to protect the rural landscape and SPL3 Part A (Design) which is concerned with the design, character and appearance of new development and its impact on local landscape character.

The character of the surrounding area is exceptionally rural in nature with no other dwellings around apart from those with an association to the main dwelling Woodlands Lodge. To the north and west of the site is an area of Ancient Woodland known as Wall's Wood.

The existing building is a low single storey, unassuming form, which is very much subservient in size and scale of the main dwelling of Woodland Lodge with a GIA of around 100-110sqm.

The proposed dwelling is a 2 bed bungalow, which accords with the Technical Housing Standards – nationally described space standards. Given the relatively small increase in floorspace compared to the existing building, this is not considered to be unreasonable.

Overall the proposed dwelling is considered to be of an acceptable size, scale and height, not dissimilar to the existing building, being single storey in nature and maintains a degree of subservience to the main dwelling, Woodland Lodge. The proposed dwelling is set further west of the existing building, and is considered to be of an appropriate design, with the finished appearance of the dwelling, taking reference from the main dwelling, in regards to the external wall finishes which are similar to the wall finishes of Woodland Lodge. The setting of the new dwelling retains sufficient space around the dwelling which protects the setting of the new dwelling and the main dwelling, Woodland Lodge and retains the rural amenity and character of this countryside.

It is considered that the curtilage provided is sufficient for the use of the bungalow and is currently part of the amenity area of the main dwelling and would not therefore result in harm to the open countryside which could occur through the development of a new area of land to residential use and the associated paraphernalia and appurtenances that would occur as a result of residential use of the land. However given the size and sensitive countryside location of the new dwelling, it is considered appropriate to remove permitted development rights for the dwelling for classes A to E to avoid inappropriate extensions, particularly within the roof and a proliferation of outbuildings, which would harm the openness of this countryside location.

A positive element of the proposal is that part of the site, mainly the existing location of the dwelling to be demolished would be returned to residential garden and be incorporated into the amenity area of Woodland Lodge. Therefore a condition to ensure that this, along with the demolition of the existing dwelling is completed before the first occupation of the new dwelling is considered reasonable given that the application is for a replacement dwelling in the countryside outside of a defined settlement development boundary.

Therefore the proposal is considered to be acceptable and policy compliant in these regards.

Impact on Residential Amenity

The NPPF, Paragraph 130 maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy SPL3 seeks new development that is designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents, provision is made for adequate private amenity space, waste storage and recycling facilities and the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The layout of the proposed dwelling is such that all habitable rooms are served by adequate daylight and outlook. There are considered to be no impacts on privacy for both the future occupiers and the neighbouring occupiers at Woodland Lodge, given the separation distance from the new dwelling to the neighbouring property.

The proposed dwelling would utilise the existing refuse collection point which is located in close proximity to The Coach House (the opposite side of Woodland Lodge to the new dwelling), point K on the submitted Location Plan (TP 01-01/12/2021). The track is accessible for the municipal refuse collection vehicles and therefore this is considered acceptable as it is an existing arrangement.

Therefore the proposal is considered to be acceptable and policy compliant in these regards.

Highways and Parking Issues

Policy SPL3 states that for new development, access to the site is practical and the highway network will be able to safely accommodate the additional traffic.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres, garages 7m x 3m.

The provision of a replacement dwelling in this location is not considered to impact on the access arrangements to the site from the main highway or excessively increase vehicle movements on site, given the provision of a single dwelling.

The proposed dwelling is served by two parking spaces and a cycle storage shed and therefore the proposal is policy compliant in these regards.

Trees and Landscaping

Policy PPL3 seeks to protect the rural landscape and avoid development that would cause harm to its character and appearance amongst others, in regard to native hedgerows, trees and woodlands.

The proposed development is close to an area of ancient woodland. Natural England's standing advice seeks to provide a 15m buffer zone to avoid any potential root damage from proposed development. A larger buffer zone is not considered to be required and there are no other impacts identified with the development such as an increase in traffic. It is considered that there is adequate separation between the woodland and the proposed dwelling, and that the proposal would not adversely impact the woodland. However it is imperative that the woodland is not compromised by the development, particularly in the construction phase. Therefore a condition can be added to any grant of planning permission to ensure that the boundary to the buffer zone is marked out for the duration of the construction works and is not accessed or used in anyway.

A landscaping plan has been submitted for the proposed development and largely retains the existing trees and access drive as is along with the existing boundary treatments. The new amenity area to the west of the new dwelling is to be predominately a wild-flower garden to match the surrounding area, with the amenity area to the east being laid predominately to lawn. The landscaping arrangements are therefore deemed to be acceptable.

Biodiversity

Policy PPL4 seeks to protect and enhance the local biodiversity and geodiversity. It is considered that given the rural nature of the site, the retained openness and the planting of the wild flower garden the proposal would have a positive impact on the biodiversity of the site. A further positive aspect of the development is that the site of the existing building will be returned to garden amenity area.

Drainage and Sewerage Provision

Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits. The site is within Flood Zone 1 and is not identified to be within an area of at risk of surface water flooding.

The proposed dwelling is to utilise the existing septic tank (Klargester alpha 2,800 litre) installed to serve No 1 & No 2 The Pavilion. A plan showing the septic tank position and drainage pipe which discharges to ground accompanies the application and surface water dispersal will be by way of soakaways.

Renewable Energy

Policy PPL10 requires proposals for new housing to consider the potential for a range of renewable energy solutions and for proposals for residential development in particular to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

The applicant states that they are seeking a development to achieve high energy performance requirements. In order to achieve this, the proposed scheme will limit emissions through either the use of on-site renewables or low carbon technologies and improvements to the building fabric. Energy efficient technologies will be used in areas such as internal & external lighting. The proposed dwelling will have external areas for naturally drying clothes and cycle storage areas.

The applicant also proposes to install super insulation to the proposed building and to install a total of 15Kw solar electrical panels on the south and east facing roof planes, with a A 10Kw battery backup to be situated in the properties ancillary cupboard in the cloakroom. The property will be heated and provided with hot water by an air sourced heat pump with an electric boiler for boost. A MVHR (Mechanical Ventilation with Heat Recovery) will also be installed.

Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This can reasonably be dealt with by the use of a planning condition.

Conclusion

It is considered that subject to conditions, the proposed development is consistent with the National and Local Plan Policies identified above. In the absence of material harm resulting from the proposal the application is recommended for approval.

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

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 strict accordance with the following approved plans and documents: PL003, PL004, PL005, TP03-01/12/2021, TP04-01/12/2021, TPO02-01/12/2021, Design and Access statement dated 1st December 2021.

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

3. Prior to the first occupation of the dwelling hereby approved the existing building known as 1 and 2 The Pavilion must be fully demolished, including all associated demolition material removed from the site, and the landscaping scheme shown on approved plan TP03-01/12/2021 must be fully implemented.

Reason - In order to control the number of dwellings on the site in this rural location.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding 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 5 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 - To ensure the implementation and maintenance of the approved scheme in the interests of visual amenity.

5. Prior to the commencement of development a 15m buffer zone must be marked out from the edge of the woodland closest to the development hereby approved. This area must be kept clear at all times during the construction phase of the development and must not be subject to any vehicular movements or used for storage purposes.

Reason - To ensure that no damage or harm occurs to the adjacent Ancient Woodland by the development.

6. Notwithstanding the provisions of Schedule 2 Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions or alterations to the roofs of the dwellings hereby approved shall be carried out except where express planning permission has been obtained.

Reason - To ensure that private residential amenities of the neighbouring and future occupiers are protected.

7. Prior to the first occupation of the dwelling hereby approved, an electric vehicle charging point shall be provided.

Reason - In the interests of sustainability and to accord with the requirements of Paragraph 112 e) of the Framework (2021) which states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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.

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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