

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/12/18
Planning Development Manager authorisation:	ANJ	13/12/18
Admin checks / despatch completed	ANJ	18/12/18

ANJ

Application: 18/01816/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs Halfhide

Address: Good Hall Coggeshall Road Ardleigh

Development: Conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.

1. Town / Parish Council

Ardleigh Parish Council No comment.

2. Consultation Responses

UU Open Spaces

Response from Public Experience
Open Space & Play

Application Details

Application No: 18/01816/FUL

Site Address: Good Hall Coggeshall Road Ardleigh Colchester

Description of Development: Conversion of existing outbuilding into 2 Bedroom dwelling, including 1.2m high boundary fencing

Current Position

There is currently a deficit of 1.70 hectares of equipped play/open space in Ardleigh.

Although there is a deficit of play/open space in Ardleigh the development site is situated approve 1.5 miles from the nearest play area.

Recommendation

It is felt that a contribution is not required on this application. It is unlikely that there will be any impact on the play/open space deficit

Building Control and
Access Officer

No comments at this time.

Environmental Protection

I have reviewed the application and have the following comments to make;

There is no indication of contamination from our potential

contaminated land database register but due to previous use of the site there might be some contamination. Prior to the commencement of the proposed conversion, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. Therefore standard contaminated land condition is to be applied.

In order to minimise potential nuisance to nearby existing residents caused by demolition/construction works, Environmental Protection ask that the following below is conditioned;

' No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

' The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

' No materials produced as a result of the site development or clearance shall be burned on site.

' All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

' Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Natural England

Thank you for your consultation on the above dated 05 November 2018 which was received by Natural England on 05 November 2018. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites¹

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased

recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

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. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

ANNEX A

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Protected Species

Natural England has produced standing advice³ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where

they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 8, 118, 170, 174-175 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Essex Wildlife Trust

No comment.

ECC Highways Dept

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative

i. The access is existing and the use would be comparable to what the current lawful use of the site could generate.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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 Business Park, Colchester CO49YQ.

3. Planning History

00/01518/AGRIC	Farm Building		31.12.2002
93/00813/FUL	Close off existing front gate on dangerous bend. Create new front entrance away from bend.	Approved	31.08.1993
13/00081/FUL	Single storey extension & alterations.	Approved	17.05.2013
13/00082/LBC	Single storey extension & alterations.	Approved	17.05.2013
13/00945/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/00946/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	
13/01054/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
13/01055/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
14/01035/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved planning application 13/01054/FUL.	Approved	06.08.2014
14/01036/DISCON	Discharge of Conditions 03	Approved	08.08.2014

(Materials) and 04 (Brickwork) of approved Listed Building Consent 13/01055/LBC.

14/01616/NMA	Non material amendment to planning permission 13/01054/FUL to allow alterations to section of wall.		30.10.2014
15/00225/FUL	Alterations to boundary wall.	Approved	17.04.2015
15/00226/LBC	Alterations to boundary wall	Approved	01.04.2015
18/01817/LBC	External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

EN24 Redundant Listed Agricultural Buildings

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL9 Listed Buildings

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

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 (2018) 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some 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 general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application site is an outbuilding within the curtilage of Good Hall, which is located to the eastern section of Coggeshall Road, within the parish of Ardleigh. Good Hall is a Grade II Listed Building. The immediate character is one of a semi-rural appearance; with residential development to the south and west. Further out are large areas of agricultural and paddock land. The site falls outside of a recognised Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Good Halls listing is as follows:

House. C18/C19. Gault brick, Hipped grey slate roof. Right rear and left chimney stacks. 2 storeys. Of 3 bays with end and 2 central pilasters. 3 first floor small paned vertically sliding sashes. Ground floor left and right French windows with fanlights, gauged brick arches and shutters. Central 4 panel 2 light door, reveal panels, circular columns with capitals and bases support the flat canopy, frieze and cornice. Lucy Fenn lived here 1796. F.H. Erith "Ardleigh in 1796" 1978.

Proposal

This application seeks planning permission for the conversion of the existing outbuilding located to the north of 'Good Hall' into a residential dwelling serving two bedrooms. The proposal is also for a part conversion of the outbuilding located to the west of the site to be used for storage in relation to the new dwelling.

The proposal will include the erection of a 1.2m high post and rail fence in order to form a new curtilage and sub-divide the site from 'Good Hall' to the south, and an area for bin storage is to be located to the east of the proposed dwelling, screened by 1.2m high close boarded fencing.

There will be some other external works involved, namely the installation of PPC aluminium dark grey doors and windows to the front elevation and the installation of a bat box to the two side elevations. All other works will be internal only.

Assessment

1. Principle of Development

The site lies outside of a recognised Settlement Development Boundary, as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

There would be conflict with Saved Policy QL1 and Emerging Policy SPI1 in terms of the site's location beyond the settlement development boundary. However, while the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. Each is assessed below.

Economic:

It is considered that the proposal for one dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

Social:

Within planning appeal decision APP/P1560/W/17/3179431 at a nearby site (18 Coggeshall Road, Ardleigh), the inspector highlighted that "*Bus services would be available from either Glebe Corner just to the south of the site, or from the Coggeshall Road/Harwich Road junction approximately 100 metres away, providing access to Colchester, Manningtree and Harwich, and rail stations at Colchester and Manningtree with direct services to London.*" In conclusion the Inspector stated "*I conclude that whilst there will be a conflict with LP Policy QL1 in terms of the location of the development, future occupiers would have satisfactory access to services and facilities.*"

Therefore, despite Ardleigh performing relatively poorly within the Established Settlement Hierarchy (2016), which demonstrates it has no defined village centre, defined employment area or railway station, the inspectors view is a material consideration and ensures the site meets the social strand of sustainability.

Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment.

Policy EN24 of the Saved Local Plan states that the conversion of listed barns and other listed farm buildings to uses not associated with agriculture will only be allowed if the detailed scheme would secure its preservation in terms of its historic fabric, character and appearance, and the proposed use would not generate vehicle movements that would cause additional traffic hazards. Further to this, the conversion to residential use is only permissible if every reasonable attempt to secure suitable employment or community re-use has been made.

On this occasion the building in question is not listed in its own right. Whilst it is of considerable historic interest, it is not used for agricultural purposes, and therefore the criterion within Policy EN24 does not need to be met. As shown above, the NPPF supports the conversion of redundant or disused buildings. The building itself is a positive feature within its setting and therefore its conversion, which will include only minimal external changes (most of which not visible from the street scene along Coggeshall Road) will result in a neutral impact to the character and appearance of the surrounding area, whilst also securing an acceptable and sustainable use for the building.

Recent Appeal Decisions:

There have been a number of appeal decisions that have demonstrated that an application site being located outside of a Settlement Development Boundary is not in itself sufficient justification to refuse an application for residential development, some of which are highlighted below.

Within planning reference APP/P1560/W/17/3187802 (Land north of 2 Martins Gate Cottage, Colchester Road, St Osyth) the inspector concluded *"that while there would be some conflict with Policy QL1 of the Local Plan, because the dwelling would be located outside St Osyth's settlement boundary, this site would be an appropriate location for a dwelling. I therefore find that there would be no unacceptable conflict with the Local Plan."*

Within planning reference APP/P1560/W/17/3183189 (Site adj Malting House, Station Road, Thorpe-le-Soken) the inspector stated the following: *"that the appeal site is outside a settlement boundary is not a decisive factor in this appeal and the conflict with Policy QL1 carries only limited weight in the planning balance."*

Further, within planning reference APP/P1560/W/17/3188055 (Land rear of The Laund, Heath Road, Bradfield) the inspector concluded the following: *"I find that the adverse impacts in this case, arising from the location of the appeal site outwith the development boundary for Bradfield, do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole."*

Conclusion:

Therefore, given the above, in this instance the accessibility of services and facilities and the effect of development on the character of the countryside indicate that the site would provide an appropriate location for housing. There would be some intrinsic conflict with Saved Policy QL1 but this would not manifest itself into any harm in terms of its overall objectives or result in social, economic or environmental harm. Notwithstanding the fact that the Council can demonstrate a 5 year housing land supply there is nothing substantive to suggest the Council's ability to manage growth through the plan-led approach would be undermined and limited weight should therefore be given to the policy conflict. The principle of residential development is therefore considered to be acceptable.

2. Layout, Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed development will result in only minor alterations to the external appearance of the building, all of which would be expected with a development such as this. The proposal also includes the erection of 1.2m high post and rail fencing to create a new curtilage. Subject to a condition being attached to this decision to secure details of future soft landscaping, particularly important to the southern boundary, there is not considered to be visual harm as a result. The access and parking provision is as existing so will therefore result in a neutral visual impact, whilst the proposed bin storage area will be screened by 1.2m high close boarded fencing.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres. The information that has been supplied indicates there is significant space to comfortably accommodate the necessary private amenity space.

3. Impact to Neighbouring Amenities

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).

Given there is an approximate separation of 50m to the nearest neighbouring property to the south, and that the proposal is in existence and will remain single storey, there is considered to be a neutral impact to neighbouring amenities as a result of the proposed development.

4. Heritage Impact

Saved Policy EN23 states development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted.

The proposed development will fall within the curtilage of Good Hall, a Grade II Listed Building. However, given that the building proposed to be converted into a dwelling is in existence, that there is an approximate 50m separation distance and that main views of the Grade II Listed Building will remain unaltered, the setting of the Listed Building will be preserved.

5. Highway Safety

Essex County Council Highways have been consulted and have stated they have no objections to the proposal.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted plans show there is comfortably enough space to the front or side of the proposed dwelling to accommodate the necessary parking.

6. Protected Species

A bat and barn owl report has been prepared along with the submitted plans. It has concluded that there is a presence of three separate roosting features and that small numbers of other roosting bat species are possible. Accordingly the plans include two bat boxes, one to each side elevation, and bat brick crevices, as mitigation measures. The report also concludes that barn owls are not currently using the site, and there is no presence of any other habitat or species.

Natural England has expressed concerns that the site falls within the 'Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Natural England recommends that an off-site contribution is obtained to provide mitigation against any perceived impacts. However, for an off-site contribution to be considered reasonable it needs to meet the relevant tests in the NPPF, i.e. it needs to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. At the present time it is clear that Natural England are not at a stage where specific projects and amounts can be identified. Therefore it is considered that the request for a financial contribution does not meet the required tests and therefore it would be against national policy to request such a contribution at this time.

7. Legal Obligations

Following consultation with the Council's Public Open Space team, they have stated that a contribution towards play and open space is not required on this occasion as it is unlikely there will be any impact on the play/open space deficit.

Other Considerations

Ardleigh Parish Council have not commented on the application.

There have been no other letters of representation received.

6. Recommendation

Approval.

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, drawing numbers PW965_PL01, PW965_PL02 and the document titled 'Design & Access Statement & Heritage Impact Assessment for the Conversion of an Outbuilding at Good Hall, Ardleigh to form a few dwelling October 2018'.

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

- 3 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 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 enhance the visual impact of the proposed works.

- 5 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with

a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and
- (iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency Model Procedures for the Management of Land Contamination (CLR 11).

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading plant and materials;
- iii. storage of plant and materials used in constructing the development; and
- iv. wheel washing facilities

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

Reason - In the interests of highway safety.

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.

Environmental Protection:

In order to minimise potential nuisance to nearby existing residents caused by demolition/construction works, Environmental Protection ask that the following below is conditioned;

No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

- No materials produced as a result of the site development or clearance shall be burned on site.

- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.