

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	13/08/2019
Planning Development Manager authorisation:	AN	13/08/2019
Admin checks / despatch completed	SB	13/08/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	13/08/19

**Application:** 19/00236/FUL

**Town / Parish:** Tendring Parish Council

**Applicant:** Mr & Mrs Curtis

**Address:** Hill Farm Crown Lane Tendring

**Development:** Replacement of former pig farrowing building with a three bed dwelling and widening of entrance (in lieu of prior approval for a dwelling subject of application 17/01559/COUNOT).

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

Tendring Parish Council      No comments received.

### **2. Consultation Responses**

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is located off the access road leading to Hill Farm. The application makes reference to the widening of the existing access junction with Crown Lane. The proposal allows adequate room and provision for off Rstreet parking and turning, for the proposed dwelling therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The existing access road leading to Hill Farm will become a shared private drive. The applicant has adequate room to provide vehicle passing place adjacent to the proposed access drive shown on the block plan, therefore:

2. Prior to first occupation a suitable vehicle passing place shall be provided within the curtilage with minimum dimensions of 5 metres wide x 6 metres in length. Details to be agreed with the Local Planning Authority

Reason: To ensure that vehicles can pass clear of the limits of the highway in the interests of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the widened vehicular access with Crown Lane within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to the occupation of the proposed dwelling the proposed private drive shall be constructed to a width of 5.0 metres for at least



the first 6 metres from the back of Highway Boundary (at its junction with Crown Lane).

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 in accordance with policy DM1.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

6. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

7. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

8. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: 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

Informative 2: o Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 4: 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](mailto:development.management@essexhighways.org) or by post to:

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

### 3. Planning History

02/00319/CMTR	Removal of minerals and surplus soils associated with the construction of an extension to the agricultural reservoir	Withdrawn	27.02.2002
93/00291/FUL	Retention of mobile home (renewal of TEN/924/90)	Approved	31.03.1993
97/00030/FUL	(Hill Farm, Tendring) Removal of minerals as result of construction of an agricultural reservoir (ESS/01/97/TEN)	Approved	25.03.1997
97/01539/FUL	(Land and building adjacent to Hill Farm, Crown Lane, Tendring) Change of use of livery stables and land to be incorporated into the domestic curtilage of Hill Farm	Approved	14.01.1998
05/00168/CMTR	The continuation of the removal of minerals and surplus soils associated with the construction of an agricultural reservoir at Hill Farm, Tendring, Essex permitted under reference ESS/05/02/TEN without complying with conditions 2 (extend completion date to 31 December 2007) and 3 (amendment of plans to include an interim reservoir)	Determinati on	16.03.2005
05/00235/CMTR	The continuation of the removal of minerals and surplus soils associated with the construction of an agricultural reservoir at Hill Farm, permitted under ESS/06/02/TEN without complying with Conditions 2 (amendment of plans to include an interim reservoir) and 9 (extend completion date to 31 December 2007)	Determinati on	17.03.2005
07/01215/CMTR	Continuation of the removal of minerals and surplus soils associated with the construction of an agricultural reservoir under reference ESS/66/04/TEN, without complying with condition 9 (completion date 31 December	Determinati on	15.08.2007



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07/01215/CMTR	Continuation of the removal of minerals and surplus soils associated with the construction of an agricultural reservoir under reference ESS/66/04/TEN, without	Determination	15.08.2007



complying with condition 9 (completion date 31 December 2007) to allow the extension of the completion date to 30 September 2008 for reprofiling and restoration of the reservoir. (ESS/35/07/TEN)

07/01216/CMTR	Continuation of the removal of minerals and surplus soils associated with the construction of an agricultural reservoir permitted under reference ESS/65/04/TEN, without complying with Condition 2 (completion date 31 December 2007) to allow the extension of the completion date to 30 September 2008 for reprofiling and restoration of the reservoir. (ESS/34/07/TEN)	Determination	15.08.2007
90/00167/FUL	Conversion of barn to form living accommodation with livery stables.	Refused	03.04.1990
17/01559/COUNOT	Conversion of a former pig farrowing building into a two bed dwelling.	Determination	30.10.2017
18/00608/COUNOT	Conversion of an agricultural building (The Tyler building) to a residential dwelling house.	Determination	07.06.2018
19/00476/COUNOT	Conversion and alterations to the Tyler barn and block built barn to create 1 dwelling.	Determination	10.06.2019

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character



EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

HP5 Open Space, Sports & Recreation Facilities

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 (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. 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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Description of Proposal

The application relates to Hill Farm located on the western side of Crown Lane within the Parish of Tendring.

The application site comprises a single storey outbuilding formerly used to house pigs, and now disused and in a state of disrepair. It is surrounded by an area of semi-improved mown grassland, with margins of nettle, red dead nettle and encroaching bramble. A native hedge adjoins the site to the east, and a track accessing both the barn and Hill Farm lies to the west with a collection of outbuildings immediately beyond. Arable fields adjoin the site to the north and south. Beyond is Hill Farmhouse a Grade II listed building.

The site lies outside of the settlement development boundary for the area as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

### Description of Proposal

The application seeks full planning permission for the erection of a 3 bed detached dwelling replacing (but re-siting) the former pig farrowing building subject of a Prior Approval for a dwelling under application 17/01559/COUNOT.

### Assessment

The main considerations in this instance are;

- Planning and Appeal History;
- Principle of Development (including the Impact on the Setting of the Heritage Asset);
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Ecology and Protected Species;
- Financial Contributions - RAMS;
- Financial Contributions - Open /Play Space; and,
- Representations.



## Planning and Appeal History

### *- Site Specific History*

In September 2017, a formal notification was submitted pursuant to Part Q of the Town & Country Planning (General Permitted development) (England) Order 2015 for the conversion of the agricultural building on the site into a dwelling. The Council did not express any concern on the three grounds for consideration of the notification application, namely access, flooding or contamination.

Following consideration of the issues involved, the Council accepted by letter dated 30th October 2017 that Prior Approval was not required (reference 17/01559/COUNOT). This approval was subject to the conversion of the building with a gross floor area of 89m<sup>2</sup>, with a further lean-to of approximately 25m<sup>2</sup> resulting in an overall floor area of 114m<sup>2</sup>. The maximum height of the existing building is 4.4m.

### *- Appeal History*

A copy of the appeal decision in relation to appeal references APP/A1530/W/16/3144635 and APP/A1530/W/16/3144643 for Chesnut Farm, Abberton Road, Layer De La Haye has been submitted with the application in support of the proposal.

These appeals deal with the replacement of buildings where the fall-back position relates to a Prior Notification Application under Part Q of the Town & Country Planning (General Permitted development) (England) Order 2015 (formerly Class MB).

The Inspector accepted that the fall-back position is a material planning consideration and concluded that the proposal would have a very similar effect to the prior approval scheme in relation to its sustainability of location and access to local services and facilities (the occupants would be reliant on private car); would not increase the number of dwellings over the prior approval scheme and would not result in an increase in new isolated homes in the countryside. The Inspector supported the replacement of three poultry sheds with three dwellings with the same floor area subject to conditions (in order to protect the character and appearance of the rural character of the area).

## Principle of Development

As stated above, the site lies outside of the Tendring Settlement Development Boundary as defined within both 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 National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the



weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

#### **- Assessment of Sustainable Development**

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 11 d) of the NPPF and the appeal decision set out above, the fall-back position is of particular relevance when considering circumstances that outweigh the conflict with Saved Policy QL1 and Emerging Policy SPL1.

Paragraph 8 of the National Planning Policy Framework (2019) sets out the criteria of achieving sustainable development as meeting an economic objective, a social objective and an environmental objective. These are assessed below and also take into account the fall back position.

- economic;
- social, and;
- environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### **- Economic**

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the property and from future occupants utilising local services, and so meets the economic arm of sustainable development.

The development now incorporates a demolition stage which has the potential to generate more employment than the fall-back position.

#### **- Social**

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 paragraph 17 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.

Tendring is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging



Local Plan settlement development boundary has been extended but does not include or extent near to the application site.

The proposal will generate the same number of private car journeys in comparison with the fall-back position of the prior approval. The development would be no less sustainable than the permitted scheme.

#### *- Environmental*

The environmental role is about contributing to protecting and enhancing the natural and built environment. The proximity of the site to open fields and agricultural land and the considerable distance to the residential properties along Crown Lane, gives it a strongly rural character.

The Council accepted that the conversion of the building into a dwelling can be undertaken without further prior approval. This approval is subject to the conversion of the building with a gross floor area of 89m<sup>2</sup>, with a further lean-to of approximately 25m<sup>2</sup> and a maximum height of 4.4m. The Council did not raise any concern on the three grounds for consideration of the notification application, namely access, flooding or contamination.

The current application is for the replacement of the building in virtually the same location as the existing building subject of the prior notification approval. The proposed replacement dwelling comprises a gross floor area of 108m<sup>2</sup> and a maximum height of 4.4m.

The building has been moved by 2.5m away from the boundary of the site and the public footpath in order to comply with the Building Regulations, particularly given that the exterior of the building is constructed with timber weatherboarding. With the exception of the minor repositioning of the building and inclusion of some of the floorspace provided within the existing lean-to, the proposed scheme will be virtually equal to the 'fall back' scheme. The external appearance of the replacement building will reflect the existing structure, having a low profile, clad in weatherboarding and with a slate roof. The approved plans condition will ensure that the floor space and overall height of the building are comparable to the existing building therefore not exceeding that of the prior approval.

The proposed replacement building is a modest structure with limited impact upon its surroundings having a comparable impact upon the character and appearance of the area as the fall-back position.

The impact on the setting of the listed building is considered neutral given that the proposed building is of a comparable siting and appearance as the existing/fall-back position.

#### Residential Amenities

The site and proposed dwelling are sited a good distance from the neighbouring farm house and a considerable distance from any other residential properties on Crown Lane. The development will not result in any material harm to residential amenities.

The dwelling would be served by a garden area in excess of policy standards.

The plans show an oil tank and bin store area but no details have been provided. A condition will be added accordingly to ensure the details of any structures or enclosures are assessed by the Local Planning Authority.

Conditions removing permitted development rights are considered necessary in this instance due to the potential impact and harm from extensions and outbuildings to the character and appearance of the area, and given the fact that the proposal represents effectively an alternative permission the already approved Prior Notification application which does not benefit from permitted development rights due to the countryside location.

#### Access and Parking

The proposal is located off the access road leading to Hill Farm. The application makes reference to the widening of the existing access junction with Crown Lane as shown within the blue lined area to 4.8m for the first 6m back from the carriageway. The proposal allows adequate room and



provision for off street parking and turning, for the proposed dwelling. The rebuild of this structure as a modest dwelling will not have any adverse impact on traffic generation, the existing highway network or noise generation when compared with the former agricultural use.

Essex County Council Highway Authority raise no objection subject to conditions which will be imposed where necessary. The recommended conditions relating to the access and provision of a passing place are not considered reasonable in this instance as the fall-back position was considered acceptable in highway terms without these.

#### Trees and Landscaping

There are no trees or there significant vegetation on the application site. As the application site is in a rural location, a dwelling in this location, close to a Public Right of Way has the potential to have an adverse impact on both the character and appearance of the area.

In this regard a condition to secure a comprehensive and detailed soft landscaping plan to soften and screen the development as well as to help assimilate the development into its setting would be imposed.

A condition requiring details of the boundary treatments and enclosures are also considered necessary in this instance due to the potential impact and harm from extensions and outbuildings to the character and appearance of the area.

#### Ecology and Protected Species

Due to the character and condition of the building, officers requested an ecology appraisal to be undertaken. This identified the need for a Bat and Barn Owl Survey which now accompanies the application. The report states that overall bat activity on site was very low, and the surveys indicate that bats are unlikely to be using the building to roost.

Due to the abundance of potential roosting crevices beneath the warped weatherboarding, the report recommends that the removal of the boarding is undertaken by hand and with care and that the wooden barge boards on the gable ends should also be removed by hand, with careful prior inspection for bats. Whilst the building has low suitability for hibernating bats, as a precaution. The report also recommends that the demolition works avoid the period November to mid March inclusive, to avoid disturbance or harm to torpid bats.

The building provides suitable nesting habitat for birds, however no evidence of nesting activity was noted at the time of survey. However, building works should ideally commence during October to February inclusive to avoid the bird nesting season. If this is not possible, immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest.

Barn owls are not currently using the site.

Enhancement recommendations are set out within Section 6.0 of the report which includes new planting of value to wildlife and the provision of purpose built nest boxes for Priority Species such as starling and house sparrow.

Condition will be added to ensure compliance with the recommendations and enhancements set out within the report.

#### Financial Contributions - RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been



undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

#### Financial Contribution - Open / Play Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built". These sentiments are carried forward within emerging Policy HP5.

There is currently a deficit of 1.33 hectares of equipped play/formal open space in the village of Tendring. The closest play area to the development is located on Heath Road which is 1 mile away on country lanes.

Due to the nearest play area being over 1 mile for the development site, it is unlikely to have a significant impact on the play area. Therefore no contribution is being requested.

#### Representations

No comments have been received from Tendring Parish Council.

Nor have any individual letters of representation have been received.

#### Conclusion

The underlying purpose of Class Q is to convert agricultural buildings and increase rural housing without building on the countryside. Total demolition and replacement of buildings falls outside of Class Q. Officers recognise that the approval of this permission could be considered at odds with the purpose and aims of Class Q and also be considered contrary to the principles of sustainable development set out within national and local plan policies. However, the approval of this application will not set a harmful precedent due to the special circumstances under which the application is being assessed. Any future applications for residential development would be considered on its merits at the time of the application.

In considering the overall planning balance, there would be economic benefits arising from the proposal, in particular the additional employment created during the demolition and construction phases, as well as social benefits in respect of the contribution towards the supply of new housing and support for rural communities. The proposal would also meet the requirements of the environmental role, as it would contribute to protecting the natural environment and mitigating and enhancing the ecology credentials of the site, in comparison with the fall-back position of the prior approval scheme. There are no adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Consequently, the proposal would amount to sustainable development and the application is recommended for approval, subject to conditions.

## **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 strict accordance with the following approved plans (including materials details): Drawing No 951/18/2A, Drawing No 951/18/1A and 1:500 Block Plan.

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

- 3 The demolition works shall be carried out in accordance with the Conclusions and Recommendations set out within sections 5.2 and 5.3 of the Bat and Barn Owl Survey Report dated 8<sup>th</sup> July 2019 Ref: 1503.

Reason – To avoid to avoid disturbance or harm to torpid bats.

- 4 Building works shall commence during October to February in accordance with the Conclusions and Recommendations set out within section 5.7 of the Bat and Barn Owl Survey Report dated 8<sup>th</sup> July 2019 Ref: 1503.

Reason – To avoid the bird nesting season.

- 5 Prior the commencement of any above ground works details of the bin storage and oil tank and any screen or structure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agree in writing by the Local Planning Authority.

Reason - In order to protect the rural character and appearance of the area as insufficient details have been submitted with the application.

- 6 No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which 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." The scheme shall incorporate the recommendations set out within section 6.3 of the Bat and Barn Owl Survey Report dated 8<sup>th</sup> July 2019 Ref: 1503.

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

- 7 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 - In the interest of visual amenity and the rural character of the area.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority. The details shall incorporate the recommendations set out within section 6.3 of the Bat and Barn Owl Survey Report dated 8<sup>th</sup> July 2019 Ref: 1503.

Reason - To ensure that the development is appropriate within its rural setting.



- 9 Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwelling hereby permitted shall not be extended or ancillary buildings or structures erected within the curtilage without the prior written approval of the Local Planning Authority following the submission of a planning application.

Reason - In order to protect the rural character and appearance of the area.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those approved under Condition 8, there shall be no provision of fences, walls or means of other enclosures erected on the site.

Reason - To retain the open character of the locality in the interests of visual amenity.

- 11 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason - To ensure adequate off road parking for the dwelling is provided in the interest of highway safety.

- 12 Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the Bat and Barn Owl Survey Report dated 8<sup>th</sup> July 2019 Ref: 1503 shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works before occupation of the hereby approved development.

Reason - To preserve and enhance the biodiversity of the site.

- 13 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To ensure lighting is sensitively designed, minimises light spillage and avoids illuminating bat commuting and foraging routes and to ensure the use of low level, directional lighting to minimise light pollution.

- 14 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

## **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.



## Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## Highways Informatives

Informative 1: 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

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 3: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

Informative 4: 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](mailto:development.management@essexhighways.org) or by post to:

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