

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	11/11/2020
Planning Development Manager authorisation:	TC	11/11/2020
Admin checks / despatch completed	ER	11/11/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	11/11/2020

Application: 20/00854/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mr B Day

Address: Blue Gates Farm Carringtons Road Great Bromley

Development: Proposed conversion of vacant barn into a four bedroomed dwelling with associated garaging and landscaping works.

1. Town / Parish Council

Great Bromley Parish
Council
13.08.2020

Great Bromley Parish Council had no objection to the application.

2. Consultation Responses

ECC Highways Dept
08.09.2020

Due to COVID-19 restrictions, no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated March 2010. It is noted that the proposed dwelling will utilise the existing vehicle access for Blue Gates Farm and the proposal provides adequate parking and turning within the development, 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. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. The proposed dwelling shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

3. The public's rights and ease of passage over public footpath no.25 (Great Bromley_166) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

4. At no point shall gates be provided at the vehicular access. The accesses shall remain open and free for use in perpetuity.

Reason: To give public footpath no.25 (Great Bromley_166) free and unhindered access and safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

5. 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.

6. 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: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

Essex County Council
Heritage
22.09.2020

The application is for the proposed conversion of vacant barn into a four bedroomed dwelling with associated garaging and landscaping works.

I have no objection to this application which can provide a sympathetic and sustainable reuse for this non-designated heritage asset.

Should this application be permitted I recommend conditions are attached pertaining to:

- Requirement for a 'Level 3' scheme of archaeological building recording as outlined in Historic England Guidance Understanding Historic Buildings:
- A repair schedule for all buildings within the site;
- Samples of all new external materials, including surface treatments;
- Requirement for landscaping plan;
- Details of DPC and insulation;
- Details (plans/elevations) showing services;
- Details of new fenestration, doors and glazing; and
- Details of interior features such as stair and first floor construction in barn.

Essex County Council
Ecology
02.09.2020

Thank you for consulting Place Services on the above application.

No objection subject to

- a. A proportionate financial contribution in line with the Essex Coast RAMS tariff to deliver mitigation measures to avoid adverse effects on the integrity of the Stour and Orwell SPA and Ramsar mitigation and enhancement measures
- b. securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), the relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

However, no mitigation measures are included in the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020). We therefore recommend informatives that should be included in any consent. This is necessary to conserve and enhance protected and Priority Species.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 6.2km from the Stour and Orwell Estuaries SPA and Ramsar site. Therefore this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also note that Tendring DC will secure the Essex Coast RAMS financial contribution under a legal agreement.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined

within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

Recommended informatives:

1. NESTING BIRDS IN BUILDINGS

The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings on-site are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present in the buildings stated in the above reports between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

2. PRECAUTIONARY MEASURES FOR BATS

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a Bat is found during the works, the ecological consultant or National Bat Helpline should be contacted for advice on 0345 1300 228.

Essex County Council
Archaeology
28.07.2020

The above planning application has been identified on the weekly list as having the potential to harm non-designated heritage assets with historic interest.

The proposed application is for the conversion of a range of historic barns which predate c.1870 and may be earlier in origin. The historic farmstead is visible on the 1st edition OS map and the Heritage Statement describes the main barn as a seven bay traditional storage barn. No further information has been submitted to allow an assessment of the potential survival of historic features within the barn, however the structural report describes the frame as intact. A historic building record should be made to assess the survival of the historic frame and interior and produce a permanent record prior to the conversion.

Recent work published in the East Anglian Archaeology: Research and Archaeology: A Framework for the Eastern Counties 2. Research Agenda and Strategy states that the East Anglian Farmstead (1750-1914) are a crucial, but understudied component of the East Anglian Landscape. The area was of major international importance in the development of the 'Victorian High Farming tradition' when new ideas culminated in significant alterations in the design and layouts of buildings. The conversion of farm buildings to new uses will ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: Historic building record.

1. No demolition or conversion can commence until a historic building record has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2. Following completion of the historic building record, the applicant will submit to the local planning authority a report ready for deposition with the EHER.

Further Recommendations:

A brief outlining the level of historic building recording will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

3. Planning History

15/00403/COUNO T	Change of use of agricultural building to residential use (C3)	Determinati on	06.05.2015
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL7 Rural Regeneration

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER11 Conversion and Reuse of Rural Buildings

HG1 Housing Provision

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

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL7	Archaeology
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Historic barn Conversions - A Way Forward

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, with further hearing sessions in January 2020. The Inspector issued his findings in respect of the legal compliance and soundness of the Section 1 Plan in May 2020. He confirmed that the plan was legally compliant and that the housing and employment targets for each of the North Essex Authorities, including Tendring, were sound. However, he has recommended that for the plan to proceed to adoption, modifications will be required – including the removal of two of the three Garden Communities 'Garden Communities' proposed along the A120 (to the West of Braintree and on the Colchester/Braintree Border) that were designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033.

The three North Essex Authorities are currently considering the Inspector's advice and the implications of such modifications with a view to agreeing a way forward for the Local Plan. With the Local Plan requiring modifications which, in due course, will be the subject of consultation on their own right, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications – increasing with each stage of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will progress once modifications to the Section 1 have been consulted upon and agreed by the Inspector. 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 (which applies until such time that the figures in the new Local Plan are adopted).

In addition, the actual need for housing (as set out in the emerging Local Plan) 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, as recently endorsed by the Local Plan Inspector. Therefore, in weighing the benefits of residential development against the harm, the Inspector's endorsement of the lower housing requirement figure is a strong material consideration which tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing to address the perceived shortfall – given that, against the Local Plan housing requirement there is, in fact, a surplus of supply as opposed to a shortfall.

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The application relates to Blue Gates Farm located almost equidistant from the built up area of Bromley Cross to the north west and the defined Great Bromley Settlement Development Boundary to the south east; being approximately 1.5km in both directions. The application site forms part of a traditional farmstead to the south of Carringtons Road and is south of a recently converted barn benefitting prior approval for a dwelling.

The site itself amounts to approximately 0.4hectares in size and comprises a range of 'L' shaped barns around a central courtyard with open landscape to the south, east and west. There is an existing outbuilding to the east which become ancillary residential accommodation (cart lodge). There is a further barn to the western boundary of the application site which is separated from the courtyard buildings and will remain unaltered. The site is accessed via a concrete private road and lies approximately 160 metres to the south of Carringtons Road. Public footpath no.25 (Great Bromley_166) runs the length of the private access road through the site to the west of the main range of barns.

The principal farmhouse is located at the entrance to the farm on the junction with Carringtons Road. There are further outbuildings to the west of the earlier approved agricultural building, now a separate dwelling in its own right. These buildings fall outside the application site.

Description of Proposal

The application seeks full planning permission for the conversion of the barns into a single 5 bedroom dwelling (small mezzanine area and store at first floor level) with associated garaging and landscaping works.

The application has been amended to minimise intervention into the historic fabric by utilising existing openings as much as possible thus reducing the number of new openings including new rooflights.

Assessment

The main considerations in this instance are;

- Principal Policy Considerations;
- Principle of Development (including the impact on the non-designated heritage asset);
- Trees and Landscaping;
- Biodiversity and Protected Species;
- Residential Amenities;
- Highway Safety and Parking (including consideration of the PROW);
- Financial Contribution – Recreational Disturbance;
- Financial Contribution – Open Space and Play Space;
- Representations, and;
- Other Considerations – Fall-back Position.

Principal Policy Considerations

The site lies outside of any 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.

Of particular relevance in this instance is Paragraph 79 of the National Planning Policy Framework 2019 (NPPF) which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless, inter alia, the development would re-use redundant or disused buildings and enhance its immediate setting.

Furthermore, the proposed application is for the conversion of a range of historic barns which predate c.1870 and may be earlier in origin. The historic farmstead is visible on the 1st edition OS map and the accompanying Heritage Statement describes the main barn as a seven bay traditional storage barn. The application therefore has the potential to harm non-designated heritage assets with historic interest. Paragraph 197 of the NPPF is therefore of relevance which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Principle of Development (including the impact on the non-designated heritage asset)

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.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, social objective and environmental objective are therefore assessed below having regard to Paragraphs 70 and 197 of the NPPF as mentioned above.

Economic:

The proposal 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, therefore meeting the economic objective of sustainable development.

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 8 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.

Great Bromley is categorised as a Village within the adopted Local Plan and as a Smaller Rural Settlement within the emerging Local Plan. These smaller villages are considered to be the least sustainable locations for growth due to the lack of services and amenities. However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and historic character of the settlement can help people to continue to live in the area, keep local shops and services viable and help bring balance to any ageing population.

Environmental:

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

When considering potential impacts upon heritage assets, Paragraph 192 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The proposal will preserve and enhance the redundant historic buildings in a manner appropriate to their character and significance. The range of conversion works is not excessive and through

amendments have been further reduced or altered to minimise the impact on the historic fabric, integrity and appearance of the development. Consideration has been given to the potential for commercial uses for the building, however, any commercial use would likely generate noise, disturbance and be at odds with the established residential uses around the site. Whilst it is recognised that the dwelling is located some distance from the built up area and defined settlement development boundary, the buildings are associated with existing nearby dwellings and any potential harm to social sustainability is outweighed by the benefits of the scheme. This is not only attributed to the asset's conservation but also the contribution of its conservation to the sustainability of the community through the economic benefits and positive contribution to the local area through a well-designed scheme.

Essex County Council Place Services Historic Environment raise no objection to this application on the basis that it will provide a sympathetic and sustainable reuse for this non-designated heritage asset.

The proposal is therefore considered to meet the aims and requirements of the aforementioned paragraphs of the NPPF and adopted and emerging Local Plan policies. The benefits of the scheme attributed to the economic benefits and conservation of the heritage asset outweigh the harm in regard to the social objective of sustainable development.

Trees and Landscaping

The existing barn is overgrown, in places, with self-sown Elder (*Sambucus nigra*) and brambles. None of this vegetation merits retention or formal legal protection. There are no other trees or vegetation on the application site. In order to secure the indicative soft landscaping shown on the Proposed Block Plan a condition will be imposed. The boundary hedgerow could be improved by the planting of small trees at approximately 7m centres for the full length of the proposed hedge which will be advised by an informative.

Biodiversity and Protected Species

Saved Policies EN6 'Biodiversity' and EN6a 'Protected Species' of the adopted Tendring District Local Plan 2007 state that development proposals will not be granted planning permission unless existing local biodiversity and protected species are protected. A similar approach is taken in draft Policy PPL4 Biodiversity and Geodiversity of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Paragraph 170 of the National Planning Policy Framework 2019 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 174 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information". Standing advice from Natural England recommends that an initial scoping or extended Phase 1 habitat survey should be conducted to assess the site and the results of this used to inform (the need for and carrying out of) subsequent species specific surveys.

The application is accompanied by an Ecological Survey and Assessment (Essex Mammal Surveys, June 2020), assessing the likely impacts of the development on designated sites, protected species and Priority species & habitats. Officers are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

Essex County Council Place Services Ecology have no objection subject to conditions.

Residential Amenities

Paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Furthermore, Saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings and saved Policy HG9 sets out the private amenity space requirements for new dwellings.

Having regard to the spacing around the buildings, the distance retained to existing dwellings and the compliance with amenity and parking provision requirements, the impact of the development on will result in a good standard of amenity for both existing and future occupants.

Highway Safety and Parking (including consideration of the PROW)

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of these policies are carried forward within draft Policy SPL3 and draft Policy CP1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.

There is sufficient space available on site for parking and turning associated with the new development. The development will be served by a suitable and safe means of access via an established track a significant distance from the public highway. It is considered the level of traffic generated by the creation of 1 additional dwelling would not be significant and will not result in any material harm to the local highway network or pedestrian safety from use of the Public Right of Way.

Essex County Council Highway Authority has been consulted on the application and raise no objection to the development subject to conditions relating to the provision of vehicular parking and turning, cycle parking and no obstruction to the Public Right of Way. The conditions will be imposed where necessary having regard to the space available on site for parking, turning and cycle storage.

Financial Contribution – Recreational Disturbance

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.

The application scheme proposes a residential development on a site that lies within the Zone of Influence (Zol) being approximately 6200 metres from the Stour and Orwell Estuaries SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

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 Space and 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".

There is currently a deficit of -1.15 hectares of equipped play and formal open space in Great Bromley.

However, due to the nature of the proposal an distance to the nearest public open space, no contribution is being requested on this occasion.

Representations

Great Bromley Parish Council have no objection to the application.

No individual letters of representation or objection have been received.

Other Considerations – Fall-back position

Under application number 15/00403/COUNOT, prior approval was provided for the conversion of a barn north of the application site under the Class Q Assessment/ Permitted Development Criteria.

It is likely that a Class Q Prior Approval development could be applicable to the buildings being considered as part of this application. However, the agent argues that the full application route and minor departure from this regulation enables a more worthwhile outcome allowing the opportunity to procure a more attractive and beneficial scheme.

Conclusion

In the absence of any material harm resulting from the development, and having regard to the benefits of the scheme securing the preservation of a non-designated heritage asset and contributing positively to the setting of the building, 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 accordance with the following approved plans and surveys (including boundary treatments):

07A Amended Proposed Ground Floor Plan
09A Amended Proposed North and East Elevations
10A Amended Proposed South and West Elevations
06 Proposed Block Plan
08 Proposed First Floor Plan
Structural Survey FOLIO REF: 5556 SURVEY REPORT
Ecological Survey and Assessment (Essex Mammal Surveys, June 2020)

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

- 3 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 all boundary treatments and 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 soften and enhance the development in the interests of visual amenity and the enhancement of the non-designated heritage asset.

- 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 and the enhancement of the non-designated heritage asset.

- 5 The development hereby approved shall be carried out in strict accordance with the findings, precautionary measures, mitigation and enhancements set out within the accompanying Ecological Survey and Assessment (Essex Mammal Surveys, June 2020).

Reason - To conserve and enhance Protected and Priority species.

- 6 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2016 (as amended) (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwelling, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the character and appearance of the proposed dwelling and its surroundings is retained in the interests of protecting the rural character of the area.

- 7 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 the boundary treatments shown on the approved plans, no provision of fences, walls, gates or other means of enclosures, shall be erected on the boundary of the site or within the grounds of the development hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity, landscape impact and the setting of the non-designated heritage asset.

- 8 Prior to slab level construction works, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species/habitats.

- 9 The proposed dwelling shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the Parking Standards. The agreed car parking shall be retained at all times for such purpose.

Reason - To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided.

- 10 The public's rights and ease of passage over public footpath no.25 (Great Bromley_166) shall be maintained free and unobstructed at all times.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

- 11 At no point shall gates or any enclosures be provided at the vehicular access. The accesses shall remain open and free for use in perpetuity.

Reason - To give public footpath no.25 (Great Bromley_166) free and unhindered access and safe passage of the public on the definitive right of way and accessibility.

- 12 No demolition or conversion can commence until a programme of historic building recording has been secured and undertaken in accordance with a Written Scheme of Investigation (WSI) to be submitted by the applicant, and approved in writing by the Local Planning Authority. The applicant will submit to the Local Planning Authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified in the Written Scheme of Investigation.

Reason - In the interests of the historic character of the non-designated heritage asset.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

1. 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.

2. 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.

3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

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

Landscaping Informative

In connection with Condition 3 above, please note that the boundary hedgerow shown on the proposed plans could be improved by the planting of small trees at approximately 7m centres for the full length of the proposed hedge. It is advised that the recommended enhancements be incorporated into the landscaping scheme.

Archaeology Informatives

A brief outlining the level of historic building recording can be issued by Essex County Council Place Services on request. Please note that the archaeology requirements may be subject of financial implications.

Ecology and Biodiversity Informatives

- Nesting Birds in Buildings

The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings on-site are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present in the buildings stated in the above reports between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

- Precautionary Measures for Bats

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately, and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a Bat is found during the works, the ecological consultant or National Bat Helpline should be contacted for advice on 0345 1300 228.

