

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	13/01/2021
Planning Development Manager authorisation:	SCE	15..01.2021
Admin checks / despatch completed	DB	15.01.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	15.01.2021

**Application:** 20/01247/FUL **Town / Parish:** Ardleigh Parish Council

**Applicant:** Mr and Mrs Mark Heasman

**Address:** Bloomfields Farm Wick Lane Ardleigh

**Development:** Proposed conversion of barn into a dwelling.

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

Ardleigh Parish Council  
13.10.2020

Ardleigh Parish Council wishes to undertake a site visit before commenting fully on this application.

### **2. Consultation Responses**

ECC Highways Dept  
28.10.2020

Application No. 20/01247/FUL

Site Location

Bloomfields Farm Wick Lane Ardleigh Colchester Essex CO7 7RF  
Proposal Proposed conversion of barn into a dwelling.

The information submitted with the application has been carefully considered by the Highway Authority. The conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2009. It is noted that the proposed dwelling will utilise the existing established vehicular access for Bloomfields Farm. There appears to be adequate provision for turning and parking within the confines of the site, therefore:

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

1. Prior to the occupation of any of the proposed dwelling, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary.

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.

2. The 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.

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: As the vehicular access is existing, the use would be comparable to what the current lawful use of the site could generate.

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

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

Essex County Council  
Ecology  
21.10.2020

Thank you for consulting Place Services on the above application. No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the Ecological Survey and Assessment (Essex Mammal Surveys, August 2020) 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. As no mitigation measures are included in the Ecological Survey and Assessment (Essex Mammal Surveys, August 2020) we have included informatives that we recommend are included in any consent. We note that this application will require the LPA to prepare a project level HRA Appropriate Assessment as the development lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 5.3km from the Stour and Orwell Estuaries SPA and Ramsar, 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. A proportionate financial contribution will need to be secured from the applicant under a legal agreement. We also recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. A Biodiversity Enhancement Strategy for protected and Priority Species should be secured as a condition of any consent. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent. It is recommended that this could also include provision of bird and bat boxes and native species planting. 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, August 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. Precautionary measures for protected and Priority species are to be implemented during this period. 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).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME "A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external

lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority." Reason: To 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) 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  
Heritage

The application concerns the following designated heritage assets: Grade II listed Bloomfield's Farmhouse (List UID: 1253915), and Grade II listed Barn Approximately 40 Metres North East of Bloomfield's Farmhouse (List UID: 1253915).

This letter should be read in addendum to my letters of 21<sup>st</sup> April and 23<sup>rd</sup> December 2020.

Following the submission of amendments, I am unopposed to the applications in accordance with the amended drawings; 445 106 C Proposed Plans, 445 107 C Proposed Elevations, and 445 108 B Timber Frame Repairs, subject to the following condition:

Installation of windows and doors shall not be commenced until additional drawings that show details of proposed windows and doors including rooflights, have been submitted to and approved in writing by the local planning authority. These details shall include, in section and elevation, at scales between 1:20 and 1:1 as appropriate, the detail of; glazing type, the profiles of; cills, mullions, transoms, and frames. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Essex County Council  
Archaeology  
12.11.2020

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 are designated heritage assets. The historic farmstead dates from the 16th century and possibly earlier, the farmhouse is a listed building. The Heritage Statement describes the main barn as preserving some historic frame with later additions and alterations. There is potential for further features and fabric to survive which will inform on the origin and evolution of the barns. 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, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

2. 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 and agreed in the WSI .

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.

If you have any questions about this advice, please do not hesitate to contact me.

### 3. **Planning History**

98/01187/LBC	Two storey extension	Approved	08.10.1998
98/01188/FUL	Two storey extension	Approved	08.10.1998
20/01247/FUL	Proposed conversion of barn into a dwelling.	Current	
20/01248/LBC	Proposed conversion of barn into a dwelling.	Current	

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

QL1 Spatial Strategy

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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN22 Extensions or Alterations to a Listed Building

EN23 Development Within the Proximity of a Listed Building

EN24 Redundant Listed Agricultural Buildings

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26<sup>th</sup> January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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 technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government’s ‘standard methodology’ – a figure that is significantly higher than the ‘objectively assessed housing need’ of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector’s confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

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

### Site Description

The application site relates to Bloomfields Farm, Wick Lane, Ardleigh. The application site is located outside of the settlement boundary of Ardleigh. The existing complex of barns is comprised a mix of redundant agricultural buildings adjacent to Bloomfield Farm House and are situated within a site of approximately two acres. The complex of barns is of mixed age and style and situated approximately 40metres to the North East of Bloomfield Farm house which is Grade II Listed. The neighbouring properties, on Wick lane are approximately 350metres to the south of the barn.

### Proposal

This application seeks planning permission for the conversion of the Listed Barn into a dwelling.

### Assessment

The main considerations in this instance are;

- Principle of Residential Development and Impact on Heritage Assets;
- Archaeology;
- Residential Amenities;
- Trees, Landscaping and Boundary Treatments;
- Access, Parking and Highway Safety;
- Biodiversity and Protected Species;
- Financial Contribution - Open Space and Play Space;
- Financial Contribution - Recreational Disturbance; and,
- Representations.

#### 1. Principle of Residential Development and Impact on Heritage Assets

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.

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 decision, the supply of deliverable housing sites that the Council can demonstrate technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

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

Development should be plan led unless material considerations indicate otherwise. In line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. For completeness, these are assessed below.

#### - Economic

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

Ardleigh is a Smaller Rural Settlement which has much less in the way of job opportunities, local services, and facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel distances either by public transport (if it is available) or, more often than not, by private car. Because of this, 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.

However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to any ageing population. 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 the villages and thus enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic and natural environment.

In this instance, the site is located approximately 1.3 km from the Colchester fringe and approximately 2.5 km from the defined Ardleigh Settlement Development Boundary. Almost the full length of both routes are not served by footpaths or street lighting or are unsafe for pedestrians due to the nature of the road. There are no bus stops near the site.

In this regard, there is no access to day to day needs within a practical or safe walking distance. Therefore, the occupants of the proposed dwelling would be car dependant failing to promote sustainable modes of transport and failing to meet the social strand of sustainable development.

## - Environmental

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

The application refers to a Grade II Listed Barn and is within the setting of Bloomfields Farm House which is Grade II Listed.

The adopted Tendring District Council Local Plan Policy EN24 is of primary relevance in this instance. This policy deals with the conversion of redundant listed agricultural buildings. This is a permissive policy where conversion to residential use to secure the preservation of a redundant listed building is supported provided it can be demonstrated that the detailed scheme for conversion of the barn to the new use would secure its preservation in terms of its historic fabric, character and appearance, and its contribution to the group value of any building nearby and/or to the landscape of the area in general.

Paragraph 79 of the National Planning Policy Framework 2019 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would represent the optimal viable use of a heritage asset. When considering potential impacts upon heritage assets, Paragraph 192 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. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It goes on to say at Paragraph 196 and 197 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application is accompanied by a statement explaining the history and evolution of the site together with an explanation of the development options for site ultimately justifying the proposal for residential development and how this secures the conservation of the heritage asset in the most appropriate and sympathetic manner thus being the optimum viable use.

Furthermore, Policy EN22 of the adopted Tendring District Local Plan 2007 states that development involving proposals to extend or alter a listed building will only be permitted where; it would not result in the damage or loss of features of special architectural or historic interest; and the special character and appearance or setting of the building would be preserved or enhanced. These requirements are carried forward to Policy PPL9 of the emerging Tendring District Local Plan Publication Draft 2017 which also requires the use of building materials, finishes and building techniques that respect the listed building and its setting.

The Historic Environment Officer were originally consulted on this application and stated that the proposal is supported in principle, however the following items require resolving within the application which were discussed previously in a phone call with the architect. While these items remain outstanding the scheme has the potential to result in less than substantial harm to the significance of the listed building which would make paragraph 196 relevant here:

- There is still a requirement for the applicant to demonstrate that the barn's optimum viable use as storage (its current and historic use) is no longer viable, and that conversion to a dwelling is the appropriate change of use here in accordance with paragraph 196 of the NPPF.
- Several windows are proposed that are larger and more domestic in form than the existing openings to the barn, particularly the two windows to the east gable elevation. The enlargements would result in an unnecessary loss of historic fabric. New window and door openings in too many numbers would result in an over-domestication of the barn which would be detrimental to the agrarian architectural interest of the listed building. Removal of windows W15, W28, W29, and the reduction in height of the windows of the midstrey to the existing height of the barn doors should reduce this detrimental impact.
- To further mitigate against this potential for over-domestication, the barn doors to the southern elevation shown as existing should be retained, pinning them at right angles or concertinaing them may overcome the challenge of limited space to pin back the doors at either side of the midstrey opening.
- Regarding the remaining windows and doors, the proposed framing is overly domestic. The proposed slender framed window proposed at W13 similar to the utilitarian windows featured on the building and pictured below are preferable to the thicker framed windows and doors that would result in a more domestic appearance.

Were the above minor items to be resolved within the application, the team would be supportive of the proposals subject to the following conditions:

- Prior to the installation of conservation rooflights, a drawing showing the typical sectional profiles of the rooflight and sections showing its positioning in the roof shall be submitted to and approved by the Local Planning Authority and permanently maintained as such.
- Rainwater goods shall be black painted or powder-coated metal and permanently maintained as such

- Prior to the commencement of above ground works, drawings showing barn doors and hatches to be retained and reinstated shall be submitted to and approved by the Local Planning Authority and permanently maintained as such.
- Prior to the commencement of landscaping and boundaries, a plan showing boundary treatment to the south of the pool, landscaping to courtyard and surrounding the barns shall be submitted to and approved by the Local Planning Authority and permanently maintained as such.

Following the comments from the Historic Environment Officer, amended plans were provided by the agent and the officer was re-consulted. The Officer stated that this letter should be read in addendum to my letter dated 23<sup>rd</sup> December 2020.

Following the submission of amendments, the officer is unopposed to the applications in accordance with the amended drawings; 445 106 C Proposed Plans, 445 107 C Proposed Elevations, and 445 108 B Timber Frame Repairs, subject to a condition being imposed to ensure that details of the proposed windows and doors including rooflights are submitted to the local planning authority.

Whilst the proposal is considered to be socially unsustainable in this location, this is outweighed by the environmental benefit of securing conservation of a heritage asset.

## 2. Archaeology

Essex County Council Archaeology have commented on the application and have stated that

The proposed application is for the conversion of a range of historic barns which are designated heritage assets. The historic farmstead dates from the 16th century and possibly earlier, the farmhouse is a listed building. The Heritage Statement describes the main barn as preserving some historic frame with later additions and alterations. There is potential for further features and fabric to survive which will inform on the origin and evolution of the barns. 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 officer's recommendations include a number of conditions relation to historic building record and archaeological monitoring which will be imposed as necessary.

## 3. Residential Amenities;

The NPPF, in 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, Policy HG9 of the adopted Local Plan provides standards of minimum gardens sizes.

Officers consider that ample space is available on site to provide a development that could achieve a good standard of living and private garden space for all future occupants. Window design and placement ensures that no harmful overlooking or loss of privacy will occur.

#### 4. Trees, Landscaping and Boundary Treatments;

Saved Policy EN1 relates to landscape character and states that development management will seek to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

The proposed conversion of the existing barn will not adversely affect any important trees on the land or close to the barn. There is a small Fig to be removed which does not contribute to the amenity of the locality.

Although not directly affected by the development proposal to the east of the barn site there is a mature Lombardy Poplar and several small Flowering Cherries.

The Poplar is over-mature and in a state of partial collapse. Its removal should be considered on safety grounds. It does not merit retention or protection by means of a tree preservation order. The Flowering Cherries are small and also do not merit retention.

In terms of the appearance of the completed development, details of new planting by way of the provision of a detailed soft landscaping scheme will be secured by condition together with full details of the hard landscaping and boundary treatments. It is acknowledged that any new planting would benefit future residents and will unlikely to have a significant impact on the wider public realm. However the hard and soft planting is essential to the quality of the development and setting of the listed buildings.

#### 5. Access, Parking and Highway Safety;

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 this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Furthermore, the Essex County Council Parking Standards 2009 state that for a 1 bedroom dwelling 1 parking space should be provided and for dwellings of 2 or more bedrooms, 2 off-street parking spaces should be provided. In addition, 0.25 spaces per dwelling should be provided for visitors.

In addition, a criterion set out within Policy ER24 Redundant Listed Agricultural Buildings states that the development will only be acceptable providing it would not generate vehicle movements that would cause additional traffic hazards and/or damage to minor roads.

Essex Highways Authority have been consulted on this application and have stated that the information submitted with the application has been carefully considered by the Highway Authority. The conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth photo dated April 2009. It is noted that the proposed dwelling will utilise the existing established vehicular access for Bloomfield's Farm. There appears to be adequate provision for turning and parking within the confines of the site. The Highways Authority therefore have no objection subject to conditions relating to the construction of the private drive and cycle parking. The cycle parking condition will not be imposed as it is considered that there is sufficient room to store bikes to the rear of the application site.

The plans provided demonstrate that at least two parking spaces are achievable for both the proposed and the existing dwelling in line with Essex Parking Standards.

#### 6. Biodiversity and Protected Species;

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 Preliminary Ecology Appraisal or extended Phase 1 Habitat Survey should be conducted to assess the site and the results of this used to inform (the need for) subsequent species specific surveys.

A Bat, Owl and Great Crested Newts Survey accompanies this application. Essex County Council Ecology have been consulted on this application and have reviewed the Ecological Survey and Assessment. The team are satisfied that there is sufficient ecological information. A condition will be imposed as recommended by the officer to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

#### 7. Financial Contribution - Open Space and Play Space;

Policy COM6 of the adopted Tendring District Local Plan 2007 states that 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 -1.70 hectares of equipped play/open space in Arleigh. No contribution is being requested from open spaces on this occasion.

#### 8. Financial Contribution - Recreational Disturbance; and,

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 contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 5.7km away from Stour and Orwell Estuaries RAMSAR, SAC and SPA. New housing development within the Zol would be likely to increase the number of recreational visitors to 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.

## 9. Representations.

Ardleigh Parish Council wishes to undertake a site visit before commenting fully on this application. The site is outside the settlement development boundary the Parish Council normally objects to applications where this is the case. However, in this case we are mindful that the building is of historic interest and should be preserved, we are advised that efforts to use the building for agricultural or business purposes have not been successful, and that the intention is for the applicant to occupy the building as their main residence. On balance, although the council does not feel able to support the application neither does it object.

One letter of representation has been received and has stated that as a neighbour of Bloomfields, I support this application, it's good to bring new life into the old barn.

## 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:

- Drawing No. 445.108 Revision B – Proposed Internal Elevations and Timber Frame Repairs
- Drawing No. 445.107 Revision C – Proposed Elevations
- Drawing No. 445.106 Revision C – Proposed Plans
- Structural Survey – Project Ref – SS20104 dated 29/05/2020
- Envirosearch Survey scanned 14 Sept 2020

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

- 3 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation.

Reason -The proposed development is located within an area with potential for below ground archaeological deposits

- 4 No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the Written Scheme of Investigation.

Reason -The proposed development is located within an area with potential for below ground archaeological deposits

- 5 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 preservation and enhancement of the heritage assets.

- 6 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 preservation and enhancement of the heritage assets.

- 7 No above ground works shall take place until precise details of the provision, siting, height, design and materials of all new screen walls and fences have been submitted to and agreed in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the first occupation of the approved dwellings and shall be retained thereafter in the approved form.

Reason - In the interests of visual, residential amenity and the preservation and enhancement of the setting of the heritage assets.

- 8 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat, Owl and Great Crested Newt Survey, August 2020 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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).

- 9 Prior to the above groundworks, 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).

- 10 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the



specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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)

- 11 Prior to the occupation of any of the proposed dwelling, the existing private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Highway Boundary.

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

## **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.

### 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.

### Highways

As the vehicular access is existing, the use would be comparable to what the current lawful use of the site could generate.

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.

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 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO