

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	21/12/2020
Planning Development Manager authorisation:	SCE	22.12.2020
Admin checks / despatch completed	CC	22.12.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	22/12/2020

Application: 20/01243/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs Halfhide

Address: Good Hall Coggeshall Road Ardleigh

Development: Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.

1. Town / Parish Council

Ms Clerk to 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
30.10.2020

Application No. 20/01243/FUL

Site Location

Good Hall Coggeshall Road Ardleigh Colchester Essex CO7 7LR

Proposal

Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.

The information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that no additional vehicular access will be required and from a highway's perspective the proposals are unchanged from the original application: 18/01816/FUL. There are already three existing vehicular access points from the adjacent road, one providing access to the north of the outbuilding that will serve the new dwelling. The access will lead to two external parking bays, one between the two outbuildings that will provide a secondary access to the new garden and a third access at the southern end of the site that serves, and will continue to serve, Good Hall.

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

Informative:

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

2: No permanent part of a development shall overhang the highway such as doors or windows and no rainwater harvesting, or collection

equipment shall over sail or encroach into the highway.

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

Essex County Council
Heritage
09.12.2020

Built Heritage Advice pertaining to an application for: Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.

This should be read in addendum to my letter of 20th October 2020.

Following the submission of revisions to the application, I am unopposed to this application.

Essex County Council
Ecology
21.12.2020

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 Bat and Barn Owl Survey Report (Liz Lord Ecology, September 2018) and the Addendum (Liz Lord Ecology, December 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We note that the conversion of this building already has consent under 18/01816/FUL which was supported by the Bat and Barn Owl Survey Report (Liz Lord Ecology, September 2018).

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.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 4.4km 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 contribution under a legal agreement.

The mitigation measures identified in the Bat and Barn Owl Survey Report (Liz Lord Ecology, September 2018) and the Addendum (Liz Lord Ecology, December 2020) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority Species. This will include the provision of a copy of the European Protected Species (EPS) licence for bats which will be needed to implement the development.

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 Bat and Barn Owl Survey Report (Liz Lord Ecology, September 2018) and the Addendum (Liz Lord Ecology, December 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 COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR BATS

"The following works to convert the existing outbuilding shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve 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 and s17 Crime & Disorder Act 1998.

3. 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).

4. 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 (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) 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)

Please contact us with any queries.

3. Planning History

00/01518/AGRIC	Farm Building	Inactive Application	31.12.2002
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93/00813/FUL	Close off existing front gate on dangerous bend. Create new front entrance away from bend.	Approved	31.08.1993
13/00081/FUL	Single storey extension & alterations.	Approved	17.05.2013
13/00082/LBC	Single storey extension & alterations.	Approved	17.05.2013
13/00945/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Application Returned	
13/00946/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Application Returned	
13/01054/FUL	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
13/01055/LBC	New vehicular access, removal of a section of garden wall and construction of new boundary wall.	Approved	14.11.2013
14/01035/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved planning application 13/01054/FUL.	Approved	06.08.2014
14/01036/DISCON	Discharge of Conditions 03 (Materials) and 04 (Brickwork) of approved Listed Building Consent 13/01055/LBC.	Approved	08.08.2014
14/01616/NMA	Non material amendment to planning permission 13/01054/FUL to allow alterations to section of wall.	Application Turned Away	30.10.2014
15/00225/FUL	Alterations to boundary wall.	Approved	17.04.2015
15/00226/LBC	Alterations to boundary wall	Approved	01.04.2015
18/01816/FUL	Conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.	Approved	18.12.2018
18/01817/LBC	External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	18.12.2018
19/00342/AGRIC	Additional storage required for machinery, hay, straw & agricultural products.	Application Closed	20.03.2019

19/00354/AGRIC	Proposed steel framed general purpose agricultural building.	Prior Approval Not Required	29.03.2019
20/00173/FUL	Retrospective planning consent to use existing steel framed general purpose agricultural building (19/00354/AGRIC) to accommodate livestock.	Approved	27.05.2020
20/00207/DISCON	Discharge of condition 3 (windows/doors) for approved application 18/01817/LBC.	Approved	20.04.2020
20/00234/DISCON	Discharge of conditions 3 (landscaping), 5 (contamination) and 6 (Construction Method Statement) for approved application 18/01816/FUL.	Approved	19.06.2020
20/01244/LBC	Proposed conversion of existing outbuilding into a single 2-bedroom dwelling.	Approved	10.12.2020
20/01598/FUL	The construction of an outdoor swimming pool with heat pump and shed to house pool equipment.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

EN24 Redundant Listed Agricultural Buildings

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

HP5 Open Space, Sports & Recreation Facilities

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (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 10th 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 26th 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 is an outbuilding within the curtilage of Good Hall, which is located to the eastern section of Coggeshall Road, within the parish of Ardleigh. Good Hall is a Grade II Listed Building. The immediate character is one of a semi-rural appearance; with residential development to the south and west. Further out are large areas of agricultural and paddock land. The site falls outside of a recognised Settlement Development Boundary within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

History

Planning permission was granted under planning reference 18/01816/FUL for the conversion of existing outbuilding into a single 2-bedroom dwelling, including 1.2m high boundary fencing.

Listed Building Consent was granted under planning reference 18/01817/LBC for the external and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling.

Proposal

This application seeks planning permission for the conversion of the existing outbuilding into a single 2 bedroom dwelling.

Assessment

The main considerations for this application are;

- Principle of Development
- Redundant Listed Agricultural Buildings
- Layout, Scale, Character and Impact
- Residential Amenities
- Highway Safety and Parking
- Trees and Landscaping
- Heritage Impact
- Protected Species
- Financial Contributions - Open Space
- Habitat Regulations Assessment
- Other Considerations

1. Principle of Development

The principle of development has been established on this site through the granting of application 18/01816/FUL.

2. Redundant Listed Agricultural Buildings

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

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

3. Layout, Design and Appearance

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

The proposed development will result in only minor alterations to the external appearance of the building such as the replacement of windows.

The materials proposed; Slate tiles existing re-laid or new reclaimed to match the existing, existing red brick, aluminium framed double glazed units in black, black powder coated or painted black gutters and downpipes and black stained fascia's and bargeboards. The materials are considered to be expected of those used within a rural location and are acceptable in terms of design and appearance.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres. The plans provided demonstrate that the garden complies with Policy HG9 and also retains sufficient private amenity space for 'Good Hall'.

4. Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

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

5. Highway Safety and Parking

Essex Highway Authority have been consulted on this application and have stated that the information that was submitted in association with the application has been fully considered by the Highway Authority. It is noted that no additional vehicular access will be required and from a highway's perspective the proposals are unchanged from the original application: 18/01816/FUL. There are already three existing vehicular access points from the adjacent road, one providing access to the north of the outbuilding that will serve the new dwelling. The access will lead to two external parking bays, one between the two outbuildings that will provide a secondary access to the new garden and a third access at the southern end of the site that serves, and will continue to serve, Good Hall. Essex Highways therefore have no objections to this application.

Furthermore, the Council's Adopted Parking Standards require that for a dwelling with two or more bedrooms that a minimum of two parking spaces are required. Parking spaces should measure 5.5m x 2.9 metres and garages, if being relied on to provide a parking space, should measure 7m x 3m internally. The submitted plans demonstrate that there is sufficient parking for two parking spaces in line with Essex Parking Standards and parking retained for 'Good Hall'.

6. Trees and Landscaping

The proposed conversion of the existing outbuilding will not adversely affect any trees or other significant vegetation. On land adjacent to the applicant site to the south east there is an established Pine tree that has moderate amenity value as it can be viewed from a public place. The separation distance between the tree and the outbuilding is such that the tree will not be adversely affected by the development proposal

The proposed site plan shows the retention of existing boundary hedges and the propose Yew hedging to boundary between the site and Good Hall. The landscaping is considered to be acceptable.

7. Heritage Impact

Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Paragraph 196 of the Framework adds 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 securing its optimum viable use.

Paragraph 189 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A detailed Heritage Statement has been submitted with the application. The Heritage Statement outlines the rationale behind the proposals and justifies the alterations from a heritage perspective.

The Historic Environment Officer has been consulted on this application and originally stated that the application site is curtilage listed as part of the curtilage of the Grade II listed Goodhall (List UID: 1147569).

The site has extant permission under 18/01816/FUL and 18/01817/LBC for "External and internal amendments following conversion of existing outbuilding into a single 2-bedroom dwelling," with some conditions discharged under 20/00234/DISCON and 20/00207/DISCON. Conditions 3 to the LBC (materials) and 3 to the FUL (landscaping) were recommended to be discharged. The team have no objections in principle to the proposals, the use of large paned sliding doors is supported over the previously consented subdividing panes. The principle of development here has been established under the above applications. However, the method of moisture management proposed to achieve the conversion of the property to residential use would result in a degree of less than substantial harm to the curtilage listed barn, making paragraph 196 of the NPPF relevant here.

Historic England provide the following guidance on dealing with damp in historic buildings in 'Practical Building Conservation: Building Environment': "Injected 'damp-proofing' systems are not recommended for building conservation: not only is there no evidence that they work, but the risk from the associated cement renders and the damage from drilling multiple holes into the wall through which large quantities of liquid are introduced make them unacceptable" (p387).

The proposed 'injected DPC' would be detrimental to the visual appearance of the building in its permanent implementation. Furthermore, in conjunction with the proposed slab concrete floor, the 'injected DPC' would not prevent the ingress of moisture and would be likely to exacerbate the impacts of the presence of moisture. This item of the proposals is therefore unlikely to be of any long-term effectiveness and provide no benefit, only visual damage to the appearance and potential for further harm to the materials and structure of the curtilage listed barn. These detailed proposals were not established under the previous consent and are new to the site. The team were unable to support the application whilst the item remains proposed.

Amended plans were provided by the planning agent and the Historic Environment Officer was re-consulted. The officer has stated that this should be read in addendum to the letter dated 20th October 2020. Following the submission of revisions to his application, the officer is unopposed to this application.

It is therefore considered that the proposed works will not cause any harm to the historic fabric or character of the Listed Building, and the proposal is therefore acceptable against this criteria.

8. Ecology and Biodiversity

Paragraph 174 of the National Planning Policy Framework 2019 requires Local Planning Authorities to protect and enhance biodiversity and geodiversity.

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. These sentiments are carried forward within draft Policy PLA4 'Nature Conservation and Geo-Diversity' of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

ECC Ecology were consulted on this application and stated that there is a holding objection due to insufficient ecological information on protected species. An A Bat and Barn Owl Report has now been submitted as part of this application. Ecc Ecology have been reconsulted and have stated that there is no objection subject to securing biodiversity mitigation and enhancement measures. The officer has noted that the conversion of this building already has consent under 18/01/16/FUL which was supported by the Bat and Barn Owl Survey Report.

9. Financial Contributions - Open 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 1.70 hectares of equipped play/open space in Ardeigh. Although there is a deficit of play/open space in Ardeigh the development site is situated approve 1.5 miles from the nearest play area. It is felt that a contribution is not required on this application. It is unlikely that there will be any impact on the play/open space deficit.

10. Habitat Regulations Assessment

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

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 new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 2.7km away from Stour and Orwell Estuaries Ramsar and SPA.

New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuary 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 received to secure the financial contribution required to mitigate against any recreational impact from the new dwelling 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.

11. Other Considerations

Ardeigh Parish Council have commented on this application and have stated that the site is outside the settlement development boundary the Parish Council normally objects to applications where this is the case. There is not an identified need for further housing in our Parish during the

current planning period, although we are aware that permission was granted in 2018 for a single residence on this site.

The building in question is in close proximity to Coggeshall Road and the entrance beside it is situated on a blind bend where visibility, when turning in the direction of Dedham, is compromised. Therefore Ardleigh Parish Council wishes to register its concern about this development.

In response to the Parishes concerns, the principle of development was established under planning reference 18/01816/FUL. In regards to the location and highways, Essex Highways Authority have been consulted on this application and have no objections.

There have been no other letters of representation received.

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 documents:

- Drawing No. PW965_BR02 Revision B - Proposed Floor Plan and Elevations
- Drawing No. PW965_BR03 Revision B - Construction Notes and Proposed Section A-A
- Drawing No. PW965-BR04 Revision B - Schedules and Proposed Section B-B
- Drawing No. PW965_BR05 Revision A - Proposed Site Plan
- Drawing No. PW965_BRPL03 Revision E - Proposed Window and Door Design
- Heritage Asset Assessment dated August 2013
- Construction Method Statement dated Oct 2020
- Phase II Contaminated Land Assessment - Reference IE20/002 Date 12/02/2020
- Phase III Remediation Strategy - Reference IE20/002 Date 26/05/2020

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

- 3 If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 2 have been complied with in relation to such contamination.

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

2. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the

requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

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

- 4 Prior to occupation, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat and Barn Owl Report Ref: 1477 dated 15th October 2018 and the Addendum (Liz Lord Ecology, December 2020). 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 in accordance with the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 No means of external lighting shall be erected or installed.

Reason - To ensure adequate safeguarding of the amenity of the nearby property, protected species and to prevent undesirable, disruptive and disturbing effects of light pollution.

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

Reason - In the interests of sustainable development in order to minimise the risk of surface water flooding and discharge onto the private road.

- 7 Prior to commencement of development, the following works to convert the existing outbuilding shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve 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 and s17 Crime & Disorder Act 1998

- 8 Prior to commencement of development, 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)

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Recreational Impact Mitigation

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

Highways

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

No permanent part of a development shall overhang the highway such as doors or windows and no rainwater harvesting, or collection equipment shall over sail or encroach into the highway.

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

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

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