

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AN	13/06/24
Team Leader authorisation / sign off:	ML JPG	13/06/2024
Assistant Planner final checks and despatch:	ER	21/06/2024

**Application:** 23/01729/FUL **Town / Parish:** Bradfield Parish Council

**Applicant:** Mr Ben Rhys-Lewis

**Address:** Pinocchios Mill Lane Bradfield

**Development:** Erection of replacement dwelling linked to existing workshop (following demolition of existing stable block). Conversion of existing barn dwelling into store/workshop to be used ancillary to new dwelling.

### 1. Town / Parish Council

Bradfield Parish Council No comment. The Parish Council discussed the application on 09/01/24.

### 2. Consultation Responses

UU Open Public Realm Assessment  
Spaces  
08.01.2024 Play Space - current deficit:

- Deficit of 0.83 hectares of equipped play in Bradfield

Formal Play - current deficit:

- Adequate formal open space in the area to cope with some future development

Settlement provision:

- Bradfield Play area, The Street, LEAP 0.7 from the development,

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?  
to comply with CIL Regs\*

- No contribution is requested on this occasion, the current facilities are adequate to cope with this development

Identified project\*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- None

ECC Highways Dept  
03.01.2024 The information submitted with the application has been assessed by the Highway Authority and conclusions have been drawn from a desktop study with the observations below based on the submitted material. No site visit was undertaken in conjunction with this planning application. It is noted that the application is similar to previous planning applications: 16/02023/FUL and 19/00999/FUL, that the Highway Authority did not raise an objection to. As with the previous

applications, vehicular access will be taken from an existing established access from Mill Lane, with no new or altered means of access proposed as part of this application. Adequate off-street parking is being provided as part of the new application; as with the previous applications, it is not considered that the replacement dwelling would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

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

1. Prior to occupation of the dwelling a minimum size 5 vehicular turning facility, (8m x 8m) shall be provided, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

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

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

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

3. The cycle / powered two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

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

4. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

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

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

Informative:

1: 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)

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: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway

Authority against such compensation claims a cash deposit or bond may be required.

Environmental  
Protection  
08.01.2024

With reference to the above application, please see below for comments from the EP Team:

Contaminated Land: Given the sites surrounding areas historical use for agriculture, we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in

question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

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

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Should you have any queries concerning this, please do not hesitate to contact me.

Tree  
Landscape  
Officer  
04.01.2024

& The application site is set back from the highway and cannot be clearly seen from a public place.

No trees or other significant vegetation will be adversely affected by the proposed development.

There will be little public benefit to be gained by new soft landscaping associated with the proposed development.

The Hornbeam is an attractive and well-formed specimen but its position is such that it does not make a positive contribution to the public realm and consequently does not merit formal legal protection. Although it would be desirable for the tree to be retained – for its own sake – its amenity value is low and therefore I do not consider it to be a significant constraint on the development potential of the land.

Essex County  
Council  
Ecology  
08.03.2024

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the submitted documents, including the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) relating to the likely impacts of

development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We note that buildings 1 and 2 have "high" and "moderate" potential for roosting bats, as identified within Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024). However, it is confirmed by the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) that building 1 will be retained and the potential roosting features upon the southern aspect of building 2 will not be impacted by the proposed development.

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

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

The mitigation measures identified in the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024), which includes a non-licensed precautionary method statement for Great Crested Newts within Appendix 3, should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, Great Crested Newts, and nesting birds.

We also support the proposed reasonable biodiversity enhancements of two bat boxes, and three bird boxes, which have been recommended by the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

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

We recommend that 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 measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) 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 (as amended)

### 2. PRIOR TO ANY WORKS ABOVE 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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 prior to occupation 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 NPPF December 2023 and s40 of the NERC Act 2006 (as amended).

And if any external lighting is proposed;

### 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 (through the provision of appropriate lighting plans, 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 (as amended).

Suffolk Coast and Heaths Area of Outstanding Natural Beauty 08.01.2024 I have reviewed the application documents and have the following comments to make.  
The site is located approximately 400m south of the boundary to the Suffolk & Essex Coast & Heaths National Landscape. The Essex Way follows this same boundary to the north of the site as well.

Due to the presence of mature landscaping around the water bodies that lie to the north, intervisibility between the application site and the national landscape will be limited. From a national landscape perspective impacts landscape and visual impacts and impacts on the natural beauty features will also be very minimal.

### 3. Planning History

99/01518/FUL	Change of use of barn to residential accommodation in connection with main dwelling	Approved	24.11.1999
04/01111/FUL	Two storey extension to existing habitable barn and detached garage	Refused	27.07.2004
04/01822/FUL	Removal of Condition 02 of planning consent 99/01518/FUL, to allow use of Annexe as independent and separate dwelling house	Refused	08.12.2004
08/00455/FUL	Change of use of existing barn from residential accommodation in connection with main dwelling to holiday let accommodation.	Approved	16.06.2008
16/02023/FUL	Change of use of barn building to residential dwelling and extensions.	Refused	30.06.2017
19/00999/FUL	Proposed change of use of barn building to residential dwelling, and extensions.	Approved	27.09.2019
23/00047/FULHH	Proposed single storey side extension, first floor rear extension, open porch canopy and alterations for private use.	Approved	28.03.2023
23/30164/PREAPP	Proposed removal of derelict stable building to be replaced with new build house. Change of use of existing barn from dwelling to storage. Improve layout, insulation and installation of air source heat pump supported by solar panels.	Rejected	23.10.2023

### 4. Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the

Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19<sup>th</sup> December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

## **5. Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There is currently no Neighbourhood Plan for this area.

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

### **National:**

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

### **Local:**

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs



## SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond [Section 2](#) (adopted January 2022)

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP5 Open Space, Sports and Recreation Facilities  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
LP8 Backland Residential Development  
PPL1 Development and Flood Risk  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL10 Renewable Energy Generation and Energy efficiency Measures  
CP1 Sustainable Transport and Accessibility  
CP3 Improving the Telecommunications Network  
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

[Essex Design Guide](#)

[Technical housing standards](#): nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

### Proposal

The application proposes surrendering the existing dwelling use of a converted barn (approved under 19/00999/FUL) and building a replacement dwelling deeper into the site, linked to an existing workshop building. The converted barn would then be used for storage/workshop ancillary to the new dwelling.

This is an unusual situation as typically the original dwelling would be demolished to allow for the replacement dwelling given the unsustainable location of the site. However, the converted barn is a non-designated heritage asset which should be retained for its historic and architectural merit. A legal agreement has therefore been completed to ensure, upon commencement of the development, the residential use of the converted barn (19/00999/FUL) is lapsed, and the residential extension planning permission (23/00047/FULHH) is lapsed; and upon occupation of the new dwelling the existing barn shall cease to be occupied as a dwelling and shall only be occupied for storage and workshop purposes or domestic storage ancillary to the new dwelling and ancillary to the use of Pinocchios. The proposal can therefore be assessed as a replacement dwelling.

The application has been amended to reduce the red-lined application site area, so it relates only to the proposed dwelling and its proposed residential curtilage, including the converted barn. The remaining land including the neighbouring dwelling Pinocchios (occupied by the applicant's parents) and land in its ownership are blue lined and notice has been served. Proposed floor plans showing the existing converted barn being used for storage and woodwork/pottery workshop have been provided. A Preliminary Ecological Appraisal has also been provided.

### History

An application for the conversion of the existing barn into a three-bedroom dwelling was submitted (16/02023/FUL) and refused and dismissed at appeal (APP/P1560/W/17/3181215).

The plot was subdivided from Pinocchios in 2019 under planning permission 19/00999/FUL, which was for the “proposed change of use of barn building to residential dwelling, and extensions.” 23/00047/FULHH then granted extensions to the converted barn resulting in a dwelling with three very generous double bedrooms. The applicant states investigations relating to the approved extensions revealed that significant structural works would be required which would significantly alter the internal appearance and features of the barn so were abandoned. The barn also proved much too cold to live in due to its thin walls and the applicant and his young family moved into Pinocchios with his parents.

### Context

The application site is located to the north of Mill Lane, Bradfield behind Pinocchios, which is a large, rendered dwelling fronting Mill Lane in a setback location. The application site accommodates a traditional black clad barn with plain tiles to the roof which was converted to an independent dwelling. However, at the time of the case officer’s site visit (18/12/23) the kitchen and bathroom had been removed, there was no flooring and inspection holes shows the very thin walls and shallow foundations.

To the north of the barn is a large shed used by the applicant’s wife and mother as a home working art studio and domestic storage. Beyond are stable buildings proposed for demolition and paddock land beyond. To the west of the site boundary lies an area of woodland which is protected by a group Tree Preservation Order. Beyond the red lined site but within the blue lined land the eastern boundary is marked by mature trees.

The site lies outside of any settlement development boundary in the adopted Tendring Local Plan and is therefore generally considered an unsustainable location for growth.

### Principle of development

Proposed floor plans have been provided showing the existing converted barn being used for general storage, pottery workshop, WC and lobby at ground floor with woodwork area/tool store at first floor have also been provided. As explained above, given the S106 agreement, the proposal is for a 1:1 replacement dwelling and is therefore acceptable in principle subject to the detailed considerations below. The existing stable buildings to be demolished are of no historic or architectural merit and there is therefore no objection to their loss (ecology is addressed separately below).

### Visual impact/Design

Paragraph 135 of the NPPF requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place. Local Plan Policy SPL3 confirms all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. New buildings must be well designed, and the design and layout of the development must respect or enhance important existing site features of heritage value.

The design of the proposed dwelling reflects the proportions, materials and character of the existing barn. The proposed materials are black stained featheredged cladding under a used terracotta clay peg tile roof with natural slate to the single storey elements. Conservation roof lights are proposed to the front and rear roof slopes (large rooflights appear on the existing barn). Although pre-application discussions encouraged a single storey building, the height and bulk of the proposed dwelling is not excessive and given its siting would not be prominent in any public views. The proposed siting is partly on the footprint of the existing stable buildings and is screened by mature woodland to the immediate west. Further to the east and north across paddock land in the applicant’s/Pinocchio’s ownership further mature planting provides screening to the proposed dwelling ensuring it would not be prominent or harmful to the surrounding landscape character. There is therefore no objection to the detailed design of the proposed dwelling.

### Heritage impact

Paragraph 209 of the NPPF confirms: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local Plan Policy SPL3 confirms all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. The following criteria must be met; the design and layout of the development maintains or enhances important existing site features of heritage value.

The proposal retains the converted barn which is considered to be a non-designated heritage asset for its historic and architectural merit. Given the unsustainable location, the residential use of the barn is surrendered in the S106 to allow for the proposed new dwelling as a replacement. Retaining the barn for ancillary storage and workshop (in relation to the applicant's wife and mother's employment as artists) ensures the barn remains in use but will not require such extensive alteration and insulation as for residential use which would have harmed its character.

There is therefore no objection to the proposal on heritage grounds.

### Landscape impact

Local Plan Policy PPL3 states the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance. Development proposals affecting protected landscapes must pay particular regard to the conservation and enhancement of the special character and appearance of the Suffolk Coast and Heaths AONB, and its setting, including any relevant AONB Management Plan objectives. New development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

The site lies outside of the settlement development boundary for Bradfield and around 400 metres south of the boundary to the Suffolk & Essex Coast & Heaths National Landscape (formerly known as AONBs). The Essex Way also follows this same boundary to the north of the site. The site lies within a loose cluster of buildings comprising the retained barn and workshop building, with Pinocchios beyond.

Due to the mature landscaping surrounding the site intervisibility between the application site and the national landscape will be limited and there is no objection in this regard. The proposed dwelling will be set far back from Mill Lane and will not be publicly prominent in any views. No trees or other significant vegetation will be adversely affected by the proposed development. There is a mature Hornbeam shown for retention to the rear of the proposed dwelling. It is an attractive and well-formed specimen, but its position is such that it does not make a positive contribution to the public realm and consequently does not merit formal legal protection. There will be little public benefit to be gained by new soft landscaping associated with the proposed development, however there will be ecological benefits as detailed below. A condition will be imposed ensuring approval of any external lighting in the interests of reducing light pollution to the landscape and to protect biodiversity.

### Residential amenity

The proposed dwelling is sufficiently isolated from any dwelling to ensure no harm to neighbouring outlook, light or privacy.

Conditions are imposed restricting hours of work/construction traffic to limit disturbance during construction.

### Highway safety

The proposal utilises the existing vehicular access, shared with Pinocchios and set well back from Mill Lane. The 1:1 replacement of the existing dwelling use of the converted barn with the proposed

dwelling is unlikely to result in a material change to the number or character of vehicle movements to the site. There is a large area of driveway to the front of the proposed dwelling with ample space for parking and turning.

The Highway Authority have no objection to the proposal subject to conditions as detailed above. Conditions requiring provision of adequate parking and turning are accepted. However, it is not considered necessary to condition cycle/powered two wheeler parking given the large storage area within the retained barn.

### Drainage

The site lies within Flood Zone 1 at lowest risk of flooding and is not within any identified area of surface water flood risk. The site area falls below 1 hectare so a flood risk assessment is not required.

The application form confirms drainage will be to mains sewer. The proposal therefore raises no flood risk or drainage concerns.

### Ecology and Biodiversity

This report addresses the distinct legal requirements, ensuring a comprehensive analysis of the ecology and biodiversity impacts of the proposal in line with regulatory standards.

### **General duty on all authorities**

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

The submitted Preliminary Ecological Appraisal (PEA) details mitigation and enhancement measures including two bat boxes and 3 bird boxes. Conditions are included securing this mitigation plus a Biodiversity Enhancement Strategy, and wildlife friendly lighting scheme. Therefore, the development on balance and with consideration of the impact of the development and baseline situation on site, does conserve and enhance biodiversity interests.

### **Biodiversity net gain**

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals. The application was submitted prior to the introduction of BNG and is not therefore applicable.

### **Protected Designated Habitats**

The site falls within the recreational Zone of Influence (ZOI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). However, the proposal does not represent any increase in residential units as explained in the report and would not therefore have a significant effect or an adverse effect (alone or in combination) on a European designated site requiring mitigation.

## **Protected Species**

In accordance with Natural England's standing advice the application site and surrounding habitat have been assessed for potential impacts on protected species. The submitted Preliminary Ecological Appraisal (PEA) has been reviewed by Place Services Ecology who note buildings 1 and 2 have "high" and "moderate" potential for roosting bats however building 1 is retained and the southern aspect of building 2 will not be impacted by the proposed development so they have no objection subject to conditions. It is likely bats could be foraging/commuting within and around the site so external lighting is also restricted by condition. Mitigation includes the timing of works to protect nesting birds. The PEA was not at the appropriate time of year to include Great Crested Newts, so a precautionary method statement is included and given the very low potential for this species no further surveys are recommended.

Conclusion: In accordance with the overarching duty outlined above, this development is committed to actively contributing to the conservation and enhancement of biodiversity as set out above and within the planning conditions. In conclusion, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

### Sustainable construction and energy efficiency

Paragraph 116 (e) of the NPPF states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. Policies PPL10 and SPL3 require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

No details are provided with the application, so a condition is imposed to secure details and the delivery of energy efficiency measures for the development.

### Other considerations

The Environmental Protection team request a contamination watching brief condition which is accepted given the historical use for agriculture. They also provide guidance in relation to potential asbestos and limiting disturbance and pollution during the construction process.

Comments have been received from the Open Spaces team in relation to the current facilities being adequate to cope with the proposed development. However, as this is a replacement dwelling there is no policy requirement for a contribution towards public open space as no additional dwellings are proposed.

The Parish Council confirmed no comment on the application, and no other representations have been received.

### Conclusion

As detailed in the report above, given the restrictions of the completed S106, the proposal represents a replacement dwelling so is acceptable in principle. No detailed concerns arise which cannot be addressed by conditions so the application is recommended for approval.

## **8. Recommendation**

Approval - Full

## **9. Conditions**

1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT

CONDITION: The development hereby permitted shall be begun not later 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

NOTE/S FOR CONDITION:

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the permission becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk Enforcement Action proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

## 2 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

The approved red line plan drawing is 29-2023-01PA received 26.02.2024

Drawing numbers 29-2023-01PA, 29-2023-04P, 29-2023-05P, 29-2023-06P, and 29-2023-08P

Preliminary Ecological Appraisal Ref 1891 date 24th February 2024.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTES FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: Prior to occupation of the hereby approved dwelling a minimum size 5 vehicular turning facility, (8m x 8m) shall be provided, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 4      CONDITION: Prior to occupation of the hereby approved dwelling a minimum of two off street parking spaces of minimum dimensions 2.9 metres x 5.5 metres shall have been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

5      HIGHWAYS RESTRICTION

CONDITION: No development before any works on foundations shall commence until the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic have been provided clear of the highway.

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

- 6      CONDITION: Should contamination/unexpected ground conditions be encountered during construction the following minimum requirements shall apply:

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.

2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.

3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.

7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or treatment of material on site to meet compliance targets so it can be re-used; or removal from site to a suitably licensed landfill or permitted treatment facility.

12. Prior to occupation a Verification Report shall have been submitted to and approved in writing by the Local Planning Authority.

Asbestos: Should any asbestos containing materials be present on the development site, or used within the original construction of the building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

REASON: to protect the amenity of nearby residential premises.

- 8      **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**

**CONDITION:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Liz Lord Ecology, March 2024) 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 (as amended).

- 9      **PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY**

**CONDITION:** 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 or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights 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 prior to occupation 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 NPPF December 2023 and s40 of the NERC Act 2006 (as amended).

#### 10 PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

CONDITION: Prior to installation of any external lighting 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 plans, 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 (as amended).

#### 11 AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point per dwelling
- Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings.
- Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings.
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction
- Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.)

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

## **10. 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

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: Surrendering existing planning permissions for residential use and extensions of existing barn, and upon commencement of development existing barn to be used for storage and workshop purposes only ancillary to the approved dwelling and/or Pinocchios.

### Highways informatives:

1: 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)

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: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **11. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B.

Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

**12. Notification of Decision**

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