

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	NH	21/01/2025
EIA Development - Notify Planning Casework Unit of Decision	N/A	21/01/2025
Team Leader authorisation / sign off:	AN	21/01/25
Assistant Planner final checks and despatch:	ER	22/01/25

Application: 24/01780/COUNOT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Day

Address: Gods House Farm Harts Lane Ardleigh

Development: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use and conversion of 1 no. existing agricultural building into one C3 dwellinghouse.

1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council wish to object to this application as we do not feel that the site is suitable for the number of dwellings and conversions already proposed. The application does not comply with either the Tendring District Local Plan or the Ardleigh Neighbourhood Plan which was ratified by Cabinet on 21 October 2024 and is well outside any settlement development boundary. Harts Lane is a rural single track lane, popular with walkers and horseriders- although increasingly hazardous for these users.

We have general concerns about the use of Class Q conversions- which seem to have been used by developers in our Parish to effectively circumvent the full planning process by seeking first a conversion and soon after demolition and new build.

We would urge the local planning authority to carefully review whether the Class Q conditions are fully met and whether these plans on this rural site, outside any settlement development boundary, are suitable. It is important to evaluate whether the proposed development aligns with the broader goals of sustainable development and the preservation of Ardleigh's unique heritage.

If the Planning Officer were minded to approve the application, we would ask that close attention be given to the relevant policies of the Local Plan and Ardleigh Neighbourhood Plan -eg 'Allow for the delivery of a modest amount of specialist new homes only, namely: - Rural workers' dwellings (in accordance with policy PP 13); - Affordable housing on Rural Exception Sites (in accordance with policy LP 6); - Certain types of self-build and custom-built homes (in accordance with policy LP 7).' Ardleigh Neighbourhood Plan policy GDP page 54-55)' and for the design to reflect the rural setting and comply with the Ardleigh Village Design Statement which forms part of the Neighbourhood Plan.

In addition, we request further permitted development rights are removed so that a planning application would be required for any further extension.

2. Consultation Responses

ECC Highways Dept
10.12.2024

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 submitted material. A previous site visit was undertaken in conjunction with an earlier planning application. It is noted that the application is like previous applications: 22/01899/COUNOT, 23/00977/COUNOT and 24/01693/COUNOT that were previously acceptable to the Highway Authority. Again, this proposal will be accessed off Hart's Lane via an existing and long-established entrance and driveway. It was observed during the previous site visit that the site frontage is well maintained either side of the vehicular access. Considering the previous agricultural use, and whilst the site is in the countryside, it is not considered that the conversion of the existing building to a 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, therefore:

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

1. 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.

2. The proposed dwelling shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the

Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

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

3. Prior to occupation of the dwelling and as per the Essex Parking Standards (Parking Standards: Design and Good Practice), 6 metres should be provided behind each parking space to allow for manoeuvring.

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.

4. Cycle 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 parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

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 must 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

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.

4: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK, to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Environmental Protection
21.01.2025

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

Contaminated Land: Given the historic use of the surrounding land and site itself, the EP request 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.

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

Asbestos: If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

REASON: to protect the health of workers and nearby existing residents

***INFORMATIVE Foul Drainage:** I was unable to ascertain the proposal for disposal of foul drainage within the application; as such should the applicant be intending on utilising a Sewerage Treatment Plant as a method, we would request the standard informative be added to any subsequent approval – we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK (www.gov.uk). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

3. **Planning History**

94/00049/FUL	Dirty water lagoon	Approved	25.02.1994
98/01458/FUL	Change of use from livestock building (agriculture) to stabling for horses and use of adjacent land for grazing of horses	Approved	11.03.1999
03/01880/LBC	First floor extension:- timber construction, rendered walls, double cambered clay plain tiles to roof.	Approved	12.11.2003

	Conservatory:- Rendered brickwork, timber fenestrations, glass and timber roof		
03/01895/FUL	Residential first floor extension and conservatory	Approved	12.11.2003
18/30085/PREAPP	Change of use of land from equestrian to residential.		22.06.2018
22/01433/COUNOT	Proposed change of use and conversion of agricultural buildings into 4 dwellings.	Prior Approval Granted	26.10.2022
22/01899/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of 1no. existing agricultural building into 2 dwellinghouses with building operations reasonably necessary to convert the building.	Prior Approval Granted	20.12.2022
23/00977/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended) for the change of use of 1 No existing agricultural buildings into 2 dwellinghouses.	Prior Approval Granted	25.08.2023
23/01152/FUL	Proposed construction of 1no. two bedroom and 2no. three bedroom dwellings with associated boundary treatments, hard and soft landscaping and EV charging points (in lieu of Class Q prior approval for 1no. one bedroom, 1no. two bedroom and 1no. three bedroom dwellings).	Withdrawn	09.10.2023
24/00255/FUL	Planning Application - Construction of one x 2 bedroom and two x 3 bedroom dwellings with associated boundary treatments, hard and soft landscaping and EV charging points (in lieu of Class Q prior approval for one x 1 bedroom, one x 2 bedroom and one x 3 bedroom dwellings). Re-Submission of withdrawn application - 23/01152/FUL.	Approved	21.05.2024
24/01025/COUNOT	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use, conversion and extension of an agricultural building into two dwellinghouses.	Prior Approval Granted	02.09.2024

24/01693/COUNO T	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use, conversion and extension of an agricultural building to create a two bedroom dwelling.	Prior Approval Granted	13.01.2025
24/01780/COUNO T	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use and conversion of 1 no. existing agricultural building into one C3 dwellinghouse.	Current	
24/01929/COUNO T	Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use and conversion of 1 no. existing agricultural building into two C3 dwellinghouses.	Current	

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. Paragraph 78 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market for land, unless the Housing Delivery Test (HDT) demonstrates significant under delivery of housing over the previous 3 years - in which case a higher buffer is required.

On 12th December 2024 the Government published the Housing Delivery Test: 2023 measurement. Against a requirement for 1,466 homes for 2020-2023, the total number of homes delivered was 2,343. The Council's HDT 2023 measurement was therefore 160%, and a buffer of 5% is to be used when calculating the Council's five year land supply position.

The Council demonstrates its supply of specific deliverable sites within the Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in July 2024, and demonstrates a 6.26-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. The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>

As a result, the 'titled 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>

Neighbourhood Plan

The site is located in the parish of Ardleigh however the assessment of this prior approval is limited to the considerations set out under Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Any relevant policies have been considered as part of the officer assessment below.

6. Relevant Policies / Government Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Technical housing standards – nationally described space standard (2015) Paragraph 109 of the National Planning Practice Guidance.

7. Officer Appraisal (including Site Description and Proposal)

Site Description & Context

Gods House Farm is located off Harts Lane in the settlement of Ardleigh. The application site is formed of a number of buildings with varying agricultural and equine uses. The application site is within Floodzone 1, at low risk of flooding.

The site lies outside of the Ardleigh Settlement Development Boundary as defined within the adopted Tendring District Local Plan 2013-2033 and Beyond.

Description of Development

The proposed development seeks the conversion and an extension to an existing agricultural barn from agricultural use to 1 x C3 residential use within the criteria of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class Q buildings on agricultural units and former agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

- a) a change of use of—
 - i. a building that is part of an established agricultural unit and any land within that building's curtilage, or
 - ii. a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

- b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted (officer comment / assessment in bold)

Q.1. Development is not permitted by Class Q if—

- a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
 - i. on 24th July 2023, or

The accompanying planning statement explains that the building subject of this application was in agricultural use on 24th July 2023, and that, other than low level agricultural storage use, no subsequent other use has taken place. The Local Planning Authority has no evidence or reasons to dispute this.

- ii. where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

Not applicable.

- b) in the case of a site that was (but is no longer) part of an established agricultural unit—
 - i. the site was part of an established agricultural unit on 24th July 2023,

Not applicable.

- ii. where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

Not applicable.

- iii. since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

Not applicable.

- c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The development complies with this criterion as the proposed floor space measures approximately 91 sqm.

- d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
 - i. the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

5 units are proposed (6 additional units are proposed however they replace existing units and therefore they cannot all be implemented) The proposal complies with this criterion.

- ii. the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

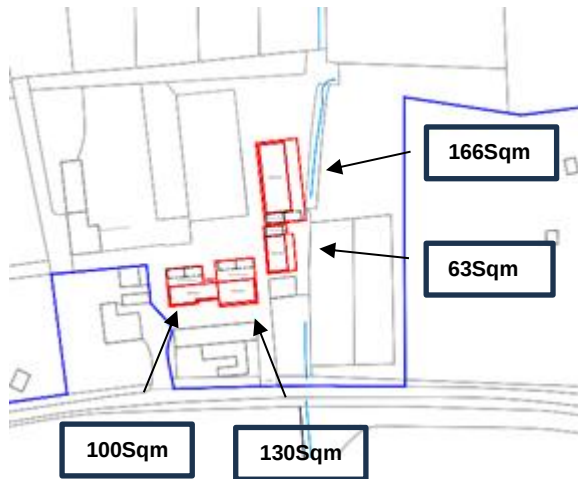
In this case the proposal is for the conversion of one agricultural building to one dwelling which measures approximately 91sqm.

Officers also note that under references:

- 22/01433/COUNOT

Change of use and conversion of agricultural buildings into 4 dwellings.

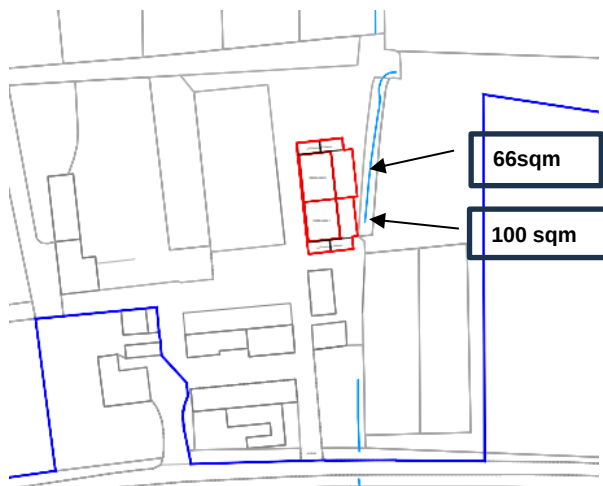
- Two smaller dwellinghouses with a floor area of 100 sqm and 63sqm each.
- Two larger dwellinghouses with a floor area of 130sqm and 166sqm each.



- 22/01899/COUNOT

Change of use and conversion of 1 agricultural dwelling (one of the previously approved larger dwellinghouses under reference 22/01433/COUNOT (166sqm) into 2 dwellinghouses with building operations reasonably necessary to convert the building)

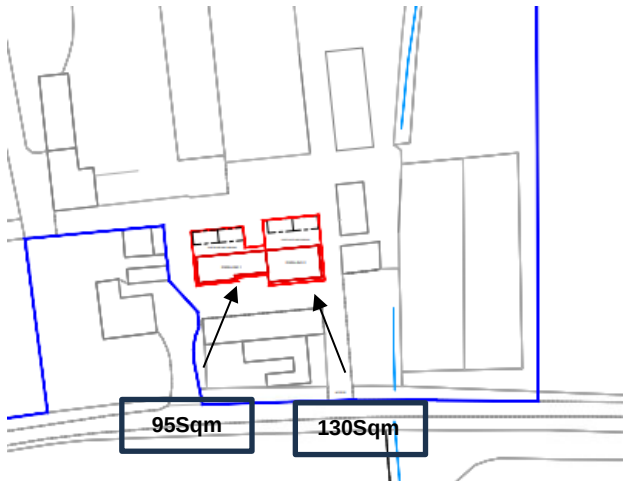
- Two smaller dwelling houses with a floor area of 66sqm and 100 sqm.



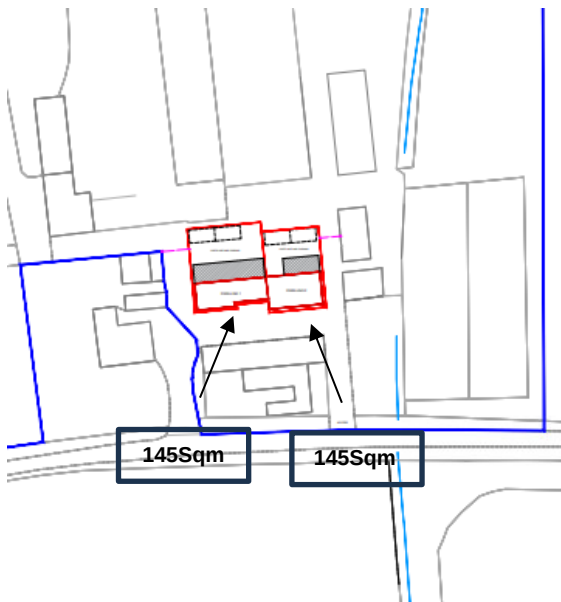
- 23/00977/COUNOT (resubmission of part of application 22/01433/COUNOT relating to Cowshed - resubmission of both dwellings. Dwelling 1 - 100 sqm and Dwelling 2 - 130 sqm)

Change of use of 1 agricultural dwelling into 2 dwellings.

- 1 smaller dwelling house 95sqm
- 1 larger dwellinghouse 130 sqm

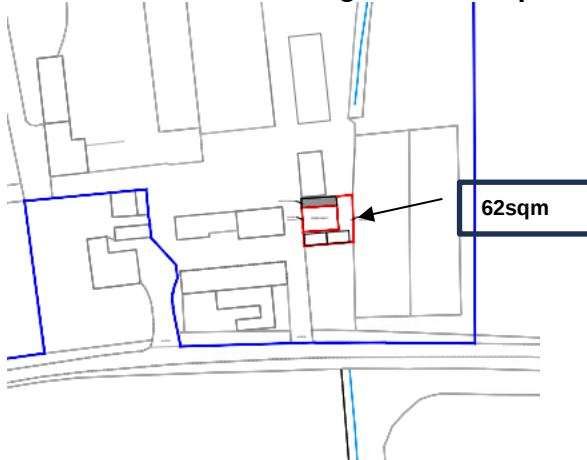


- 24/01025/COUNOT
- 2 larger dwellinghouses 150sqm



24/01693/COUNOT

- 1 smaller dwelling house 62sqm



The cumulative number of separate dwellinghouses does not exceed 10 and the cumulative floorspace does not exceed 1,000sqm. The proposal therefore adheres with this criterion.

- e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

Not applicable.

- f) less than 1 year before the date development begins—
 - i. an agricultural tenancy over the site has been terminated, and
 - ii. the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

Not applicable.

- g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

Not applicable. There is no evidence of planning history that would indicate works falling within the above Classes.

- h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—
 - i. extension of the building allowed by paragraph Q.1(i);
 - ii. protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The development involves an extension and therefore this is assessed under part Q.1 (i) below

- i) the development under Class Q(b) would result in an extension that—
 - i. has more than one storey,
 - ii. is sited anywhere other than to the rear of the existing building,
 - iii. extends beyond the rear wall of the existing building by more than 4 metres,
 - iv. has eaves the height of which exceed the height of the eaves of the existing building,
 - v. is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
 - vi. extends beyond a wall that forms a side or principal elevation of the existing building, or
 - vii. would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

The proposal does not include an extension and therefore this criterion is not relevant.

- j) the development under Class Q (c) would consist of building operations other than—
 - i. the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services,
 - ii. to the extent reasonably necessary for the building to function as a dwellinghouse, and partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

The works comply with this criteria.

- k) the site is on article 2(3) land,

Not applicable.

- l) the site is, or forms part of—
 - i. a site of special scientific interest;

Not applicable.

- ii. a safety hazard area;

Not applicable.

- iii. a military explosives storage area,

Not applicable.

- m) the site is, or contains, a scheduled monument,

Not applicable.

- n) the building is a listed building,

Not applicable.

- o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The plans provided indicate that the proposed dwelling is single storey accommodating three bedrooms. The proposed conversion is capable of complying with the space standards as the dwelling can accommodate up to six people and therefore the development complies.

- p) the building does not have suitable existing access to a public highway

The site benefits from a suitable access to the public highway.

Conditions

Q.2.—

- (1) Where the development proposed is development under Class Q (a) together with development under Class Q (c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to
 - (a) transport and highways impacts of the development,

The access is via the existing access from Hungerdown Lane and along the existing long established driveway. In addition, sufficient parking is provided to serve each of the proposed residential units. Essex County Council Highway Authority raise no objections subject to conditions relating to the storage of building materials, parking provision, Essex parking standards, vehicular turning facilities and cycle parking. A condition will be imposed relating to the vehicular turning facility. The storage of building materials will be imposed as an informative only. The parking provision and cycle parking condition will not be imposed as sufficient space is provided within the site to accommodate parking in line with Essex Parking Standards and there is sufficient space to the rear amenity space to accommodate cycle parking.

- (b) noise impacts of the development,

As a residential dwelling the proposal would not result in any material noise impacts. The proposal complies.

- (c) contamination risks on the site,

Consultation with the Council's Environmental Protection Team (EP) has been undertaken. Due to the historic agricultural use of the site, they raise no objections subject to a watching brief condition being included.

- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

The site is not in an impractical or undesirable location to change buildings from agricultural use to C3 residential use.

- (f) the design or external appearance of the building, and

The minor alterations to the external appearance of the building are considered acceptable in design terms and will improve and enhance the overall appearance of the building.

- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

All habitable rooms would be provided with adequate natural light.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

- (2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The applicant has submitted the necessary information to assess whether the prior approval of the Local Authority is required in regard to the items referred to in sub-paragraphs (1)(a) to (e) and (g).

- (3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

This matter does not apply.

- (4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

This matter can be applied by condition.

Biodiversity and Protected Species:

Paragraph 193 of the NPPF states that, when making planning decisions local planning authorities need to assess whether significant harm to biodiversity could result from the development. The

NPPF goes on to state the hierarchy that should be applied to mitigate any harm to ecology that is identified. TDLP Policy PPL4 states that proposals for new development should be supported by appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.

On this occasion, while Officers do not consider there is likely to be significant harm to protected species, there is an opportunity to provide a scheme of biodiversity enhancements, and as such an informative recommending the applicant is strongly encouraged to improve the biodiversity of the site through appropriate additional planting and wildlife friendly features is included. In addition, Officers note that the building is of solid construction and has been utilised recently, and therefore it is unlikely that protected species would be habiting the space within.

Representations

Ardleigh Parish Council have raised an objection to this application raising the following concerns (summarised below):

- The application site is located outside of the settlement development boundary
- Concerns in relation to Class Q conversions
- The Parish recommend that the proposal needs to comply with the Policies within the Ardleigh Neighbourhood Plan.

The assessment of this prior approval is limited to the considerations set out within the under Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. For example compliance with the Neighbourhood Plan is a matter that cannot be taken into consideration as part of this prior approval application.

These matters, where relevant to this prior notification application, are addressed in the assessment section of the report above.

8. Recommendation

Prior Approval not required

9. Conditions

1 COMPLIANCE: COMMENCEMENT

CONDITION: The development must not begin before the occurrence of the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required.

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development must be carried out (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing, as follows:

- Drawing No. 1.0
- Drawing No. 1.1

REASON: In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

3 WATCHING BRIEF

CONDITION: If during construction/demolition works evidence of contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

In the event that evidence of contamination is encountered, a remediation scheme submitted and approved, and upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

4 ACTION REQUIRED: HIGHWAYS TURNING SPACE

CONDITION: Prior to the first occupation of the development, a vehicular turning facility, details of which shall have been previously approved in writing by the Local Planning Authority, shall be provided. The turning facility shall be constructed, surfaced and thereafter maintained free from obstruction within the site at all times for vehicular use only.

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

10. Informatives

Environmental Protection

Mitigation During Construction

In order to minimise potential nuisance caused by construction, Environmental Protection recommend that the following is adhered to throughout construction:

- 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.

Highways

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.

Ecology and Biodiversity

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

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

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
Has there been a declaration of interest made on this application?	YES	NO