

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	CC	06.02.2025
EIA Development - Notify Planning Casework Unit of Decision	NO	
Team Leader authorisation / sign off:	AN	07/02/25
Assistant Planner final checks and despatch:	ER	07/02/25

Application: 24/01912/COUNOT **Town / Parish:** Mistley Parish Council

Applicant: Mr Craven

Address: Church Farm Heath Road Mistley

Development: Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an agricultural building into two dwellings.

1. Town / Parish Council

Mistley Parish Council

No comments submitted

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material. It is noted that this application is like a previous application (22/01745/COUNOT) for the conversion of the building into a 5-bedroom dwelling that was previously acceptable to the Highway Authority. Again, the proposal will utilise the existing vehicular access and will remain unaltered for the host and proposed dwellings. When compared with the former agricultural use, the level of activity will be no greater, 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. 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 dwellings shall not be occupied until such time as a domestic car parking for a minimum of three vehicles per dwelling 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. As per the Essex Parking Standards (Essex Parking Guidance and Essex Design Guide) 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.

5. The public's rights and ease of passage over public footpath no. 4 (Mistley_176) shall be maintained free and unobstructed at all times.

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

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:

i) 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

ii) The development should be in accordance with the 2024 Essex Parking Guidance and Essex Design Guide.

iii) 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.

iv) 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

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

Construction Method Statement: I can advise the EP Team have no adverse comments to make in relation to the submitted CMS

REASON: to protect the amenity of nearby residential premises

Contaminated Land: We would 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: The application advises the utilisation of a Sewerage Treatment Plant for the disposal of foul waste, 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

91/01357/FUL	Incorporation of land into garden	Refused	07.01.1992
93/00686/FUL	(Church Farm House, Mistley Heath) Two storey and single storey extensions	Approved	22.07.1993
14/30076/PREAPP	Erection of 3 no. detached dwellings.	Refused	29.05.2014

14/01541/OUT	Erection of two detached dwellings on land adjacent to existing property.	Refused	09.12.2014
16/00392/DETAIL	Erection of two detached dwellings on land adjacent to existing property.	Approved	10.05.2016
16/00905/DISCON	Discharge of conditions 4 (landscaping), 5 (bridging/piping), 6 (vehicular turning facility) and 7 (construction method statement) of planning permission 16/00392/DETAIL.	Approved	15.09.2016
17/00128/DETAIL	Erection of two detached dwellings on land adjacent to existing property. (Variation of 16/00392/DETAIL).	Approved	30.03.2017
17/01355/DETAIL	Variation of condition 2 of 16/00392/DETAIL - to move the proposed cartlodge to Plot 2.	Approved	03.10.2017
19/00768/FUL	Proposed front porch and new cart lodge to rear.	Approved	14.08.2019
20/01225/OUT	Proposed erection of one detached dwelling.	Approved	30.11.2020
21/00125/FUL	Proposed erection of one detached dwelling.	Approved	14.07.2021
22/01443/DISCON	Discharge of condition 12 (landscaping) of approved application 21/00125/FUL.	Approved	26.09.2022
22/01745/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 proposed conversion of a former agricultural storage building into one dwelling.	Determination	12.12.2022

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

Relevant sections of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Technical housing standards – nationally described space standard (2015)

7. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The application site is located towards the west of Heath Road. The site is accessed via a private drive from Heath Road which then forks to serve the host property and the agricultural buildings. The east of the site is largely residential in character whilst the west serves agricultural fields. A development of 100 houses is currently under construction to the north west of the site, allowed under appeal reference 18/01994/OUT).

The site comprises the host dwelling (Church Farm) and a series of agricultural buildings. The building subject of this application is located north of the site and was last used for agricultural machinery storage. The building is of a two-storey nature constructed using timber frame with a part blockwork part black timber cladding to the external walls. The roof utilises profile metal sheeting.

Relevant Site History

The building subject to this application benefits from prior approval for its conversion into one dwelling under application reference 22/01745/COUNOT. The current application is seeking prior approval to convert the same agricultural building into two x 4 bedroom dwellings.

Proposal

This application is submitted under Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to determine whether prior approval of the Council is required for the conversion of an agricultural building into two dwellings.

At the time of assessment there are transitional arrangements for the application of the amended Class Q provisions within the GDPO until the 20th May 2025. The planning Statement, and application form, submitted with this application state that this prior notification has been submitted on the basis of the original legislation (version dated 01.08.2020) which currently remains extant.

Assessment

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

- a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; **[F1or]**
- b) **[F2development referred to in paragraph (a) together with]** building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The site is considered to have been used solely for an agricultural use as part of an established agricultural unit for farming on 20th March 2013. The proposal complies.

(b) in the case of –

(i) a larger dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3;

or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

Interpretation: "larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use

falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

The proposed development will result in a net increase of two dwellings, the floor space of each dwelling will exceed 100 square metres and are therefore considered to be larger dwellinghouses.

There are no other larger dwellinghouses developed under Class Q on site. Therefore the proposal complies.

(c) in the case of –

(i) a smaller dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

Interpretation: "smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

No smaller dwellinghouses are proposed. Therefore the proposal complies.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following –

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3

(dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The current application would result in 2 no. larger dwellinghouses (not exceeding 465spm) on site and no smaller dwellinghouses are proposed, subject of a change of use under Class Q. Therefore, the proposed development under Class Q (together with any previous development under Class Q) within an established agricultural unit would not therefore result in either or both a larger dwellinghouse, or larger dwellinghouses having more than 465 square metres of floor space, and the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the use Classes Order exceeding 5. The proposal complies.

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

The site is not occupied under an agricultural tenancy. The proposal complies.

(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;

An agricultural tenancy over the site has not been terminated within 1 year of this application. The proposal complies.

(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 –

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No 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 since 20th March 2013 or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins. The proposal complies.

(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.

The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point as per the submitted plans. The proposal complies.

(i) the development under Class Q(b) 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, to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

It is proposed to convert the building into two x four bedroom dwellings, each with two parking spaces and private amenity areas. The first floor includes the introduction of a mezzanine floor to accommodate habitable space. The works also include the installation of 12 velux conservation roof lights to provide natural light to the first-floor rooms. The existing staircase will also be replaced with a new staircase to both dwellings. The works proposed are considered necessary for the building to function as dwellinghouses, and are considered to fall within that permitted by Class Q.1 (i)(i). The proposal does not include the extension of the building and therefore does not result in any additional development. The proposal complies.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land.

(k) the site is, or forms part of –

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.

(l) the site is, or contains, a scheduled monument; or

The site is not, nor contains, a scheduled monument. The proposal complies.

(m) the building is a listed building.

The building is not a listed building. The proposal complies.

Conditions

Q.2 - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), 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
- (b) noise impacts of the development
- (c) contamination risks on the site
- (d) flooding risks on the site
- (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 the Schedule to the Use Classes Order.
- (f) the design or external appearance of the building and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) Transport and Highways Impacts of the Development

The site has the benefit of a private drive from Heath Road, which then forks to serve the donor property and the agricultural building subject of this application.

Officers agree with the Planning Statement submitted with this application, that the proposal will have no adverse impact on traffic generation or the existing highway network. When compared with the former agricultural use the level of activity will be no greater. The proposed use for two dwelling houses is unlikely to cause any conflict or danger to other road users.

The highway authority have noted that the proposal will utilise the existing vehicular access and this will remain unaltered for the host and proposed dwellings. When compared with the former agricultural use, the level of activity will be no greater. The highway authority therefore have no objection to the application subject to conditions. However, the Local Planning Authority have not included every condition that has been recommended by the highway authority, for the following reasons;

Suggested Condition	Reason for alteration / not included in the decision notice
<p>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.</p> <p>Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the</p>	<p>The loading / unloading / reception and storage of building materials and manoeuvring of vehicles has been covered in the Construction Method Statement where it states that all loading and unloading of materials will take place on site as to not obstruct traffic. A condition has been implemented to ensure the Construction Method Statement is adhered to, and therefore there is no reason to impose a further condition regarding the loading/unloading of materials.</p>

<p>interest of highway safety in accordance with policy DM1.</p>	
<p>The proposed dwellings shall not be occupied until such time as a domestic car parking for a minimum of three vehicles per dwelling 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.</p> <p>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.</p>	<p>The plans submitted with this application show four parking spaces, two for each proposed dwelling. The highway Authority have raised no objection to this, and the Local Planning Authority deem that adequate parking has been provided.</p> <p>A condition has been imposed on any subsequent approval that the approved plans submitted with this application must be adhered to, thus ensuring the provision of two spaces per dwelling. A condition imposing three spaces per dwelling would conflict with the approved plans and is therefore not possible to include on this occasion.</p> <p>A condition has also been imposed ensuring the approved areas for parking and vehicle manoeuvring are provided and made functionally available before the herby approved dwelling is first occupied. They shall then be retained and remain free of obstruction to ensure that appropriate parking and layout is provided.</p>
<p>As per the Essex Parking Standards (Essex Parking Guidance and Essex Design Guide) 6 metres should be provided behind each parking space to allow for manoeuvring.</p> <p>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.</p>	<p>The plans submitted with this application show at least 6 metres has been provided behind each parking space to allow for vehicle manoeuvring. A condition has been imposed on any subsequent approval to ensure these plans are adhered to and therefore this suggested condition is not necessary.</p>
<p>The public's rights and ease of passage over public footpath no. 4 (Mistley_176) shall be maintained free and unobstructed at all times.</p> <p>Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.</p>	<p>This is added as an informative</p>
<p>Cycle parking</p>	<p>There is sufficient space within the rear gardens for cycle storage</p>

(b) Noise Impacts of the Development

The building is immediately surrounded by other agricultural buildings and large open fields. There are no other residential properties within the immediate vicinity. The proposal complies.

(c) Contamination Risks on the Site

The Planning Statement submitted with this application states there is no known contamination on the site. The building has not been used for any activity that would have necessitated the use of any chemicals or storage of fuels, pesticides or similar material. The building does not contain any asbestos or similar material.

The Councils Environmental Protection team have been consulted on this application and have raised no objections, subject to a contamination watching brief condition and asbestos recommendations. Appropriate conditions and informatives will therefore be imposed.

(d) Flooding Risks on the Site

The site is located within Flood Zone 1, which has a low risk of flooding. The proposal complies.

(e) Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change

Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

On this basis, the Local Planning Authority does not consider that the location or siting of the buildings would make it impractical or undesirable for the proposed change of use. The proposal complies.

(f) The Design or External Appearance of the Building

The proposed change of use does not include the extension of the original building and is considered to retain the existing character and appearance of the building. Whilst a generous number of rooflights are proposed, these will sit flush within the roof and are considered necessary to provide natural light to the first floor. The proposed changes to the building are considered acceptable in terms of design and appearance, with no significant harmful impacts on the visual amenity of the site. The proposal complies.

(g) The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellings and Space Standards.

The conversion of the existing agricultural building would provide two x 4 bedroom dwellings, with the gross internal floor space in excess of the required 117 square metres as per the nationally described space standards. In terms of natural light, Roof lights are

proposed to the first floor to provide adequate natural lighting to this area and there is sufficient glazing to light the ground floor. The building complies.

Other Considerations

One letter of objection has been received by a neighbouring resident. Whilst this application is for prior approval, meaning full planning permission is not required, the concerns / reasons for objection have been summarised and responded to in the below table;

Reason for Objection / Concern	Officer Response
<p>We live at 'Woodlands' The Heath Mistley, CO11 2QH a new bungalow, we moved into it on the 30th September 2022 & are the first owners.</p> <p>Looking at the plan of Church Farm, our bungalow is not shown.</p>	<p>Whilst the bungalow has been missed from the submitted plans officers are aware of the bungalows presence due to relevant mapping systems used throughout this assessment, the site history and the officers site visit. The submitted plan meets validation requirements.</p>
<p>- Our Objection to the plan for two four bedroom dwellings is the noise of the building work, plus</p> <p>the disruption when built of additional traffic, we moved here for the peace & quiet of the area, &</p> <p>feel that this will be comprised by the additional buildings</p>	<p>A construction method statement (CMS) has been submitted with the application detailing the working hours, including hours deliveries will be made. Working hours will be between 08:00 til 18:00 Monday-Friday and 8am – 1pm Saturdays. No work is permitted on Sundays or Bank Holidays.</p> <p>The CMS also states the selection and use of machinery to operate on site will be compliant with the standards laid out in British Standard 528:2014.3.</p> <p>The council's Environmental protection team have been consulted on this application and have no objections to the CMS or concerns raised regarding noise nuisance. Construction work are temporary and would not result in significant harm to amenity given the controls detailed above. The proposal is therefore deemed acceptable.</p> <p>Traffic / Highway Concerns have been responded to below.</p>
<p>- The access to the new buildings is not suitable. The access to the new building would be just by the 'S' bend on Heath Road, it's a single track road into the farm, plus they would need additional parking</p>	<p>Officers agree with the Planning Statement submitted with this application, that the proposal will have no adverse impact on traffic generation or the existing highway network. When compared with the former agricultural use the level of activity will be no greater. The proposed use for two dwelling houses is unlikely to cause any conflict or danger to other road users.</p> <p>The highway authority have been consulted on this application, their comments can be viewed in full above. To summarise, the highway authority have no objection to the application due to the use of the existing vehicular access,</p>

	which will remain unchanged. Furthermore, when compared with the former agricultural use the level of activity will be no greater (subject to the conditions imposed on this planning application)
They are already using part of the farm for a business	This application is for prior approval for the conversion of a barn (currently used for agricultural purposes) into two dwellings. The current use of the land has been taken into consideration.
Church Farm have already sold off land where four detached houses have been built in the last few years, plus our bungalow, we feel that this land has been over developed & we will be losing our precious privacy.	This application has been made under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Full planning permission is not required and the considerations are restricted to those detailed in the report above.

8. **Recommendation**

Prior Approval Not Required

9. **Conditions**

1 COMPLIANCE - TIME LIMIT

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

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 / DETAILS

The development must be carried out (b) where prior approval is not required, or where subparagraph (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.

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 COMPLIANCE - CONSTRUCTION METHOD STATEMENT

The Construction Method Statement accompanying the application shall be adhered to throughout the demolition and construction phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of residential amenity and highway safety.

4 WATCHING BRIEF

CONDITION: If during construction/demolition works evidence of potential 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.

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.

5 PARKING FACILITIES

CONDITION: The hereby approved development shall not be first occupied until such time as the areas for purposes of manoeuvring and parking of vehicles has been provided and made functionally available. The area shall then be retained and remain free of obstruction thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking and layout is provided.

10. Informatives

Essex Coast Recreational disturbance Avoidance & Mitigation Strategy:

Under article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permitted development rights are subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the 2017 Regulations). In particular, regulation 75 provides that it is a condition of any planning permission granted by a general development order on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority (LPA) under regulation 77.

It has already been determined that where there is a net increase in residential dwellings within the Zone of Influence of protected European sites this will have a significant effect on those European sites through recreational disturbance within Tendring, and this has been identified as an issue for all of the Essex coastal Habitat sites through published Habitats Regulations Assessments. Therefore, where permitted development rights under the GPDO permit development which will result in a net increase in residential dwellings, article 3(1) of the GPDO and regulations 75 to 78 of the 2017 Regulations will apply.

Prior to the commencement of the development which is the subject of this prior approval determination an application must be made to the LPA under regulation 77 of the 2017 Regulations

for the approval of the LPA before the development can be commenced. Mitigation has been agreed through The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (Essex Coast RAMS) to protect the integrity of these sites from this type of development, and a standard unilateral undertaking (UU) could secure payment to mitigate the harm arising from the development to the designated site before commencement. Please contact Tendring District Council to make an application under Regulation 77 of the 2017 Regulations and to arrange the required UU prior to commencement of the development.

Foul Drainage:

The application advises the utilisation of a Sewerage Treatment Plant for the disposal of foul waste, the Applicant / Agent should 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.

Highways Informatives

i) 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

ii) The development should be in accordance with the 2024 Essex Parking Guidance and Essex Design Guide.

iii) 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.

iv) 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.

The public's rights and ease of passage over public footpath no. 4 (Mistley_176) shall be maintained free and unobstructed at all times.

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

ASBESTOS

At any time during demolition and construction, in the event of asbestos being found present on the site or in the current buildings, suitable measures should be carried out for the minimisation of asbestos fibres so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Any redundant materials removed from the site shall be transported by a

registered waste carrier and disposed of at an appropriate legal tipping site. Only contractors licensed by the Health and Safety Executive should be employed.

Reason - To protect the health workers and end users of the site.

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:		NO
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Are there any third parties to be informed of the decision? If so, please specify:		NO
Has there been a declaration of interest made on this application?		NO