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Item No: 7.2

Application: 212716

Applicant: Mr Peter Chillingworth

Agent: Mrs Mandy Sexton

Proposal: Barn Conversion to a Dwelling

Location: Barn at, Oak Farm, Vernons Road, Wakes Colne,
Colchester, CO6 2AH

Ward: Rural North

Officer: Hayleigh Parker Haines

Recommendation: Approval subject to completion of Unilateral Undertaking under s.106 of the Act to secure contributions.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Applicant is a Borough Councillor. Furthermore, the site is outside the adopted settlement boundaries in an area defined as countryside and relates to the creation of a dwelling. The proposal is therefore a Departure from policies in the Local Plan which seek to direct new development to within settlements.

2.0 Synopsis

- 2.1 The key issue for consideration is the principle of development; in particular the location of the site outside the settlement boundary. The proposal has accordingly been advertised as a Departure from the Local Plan as the scheme relates to the creation of a dwelling in the countryside. Matters explored within this report are the optimal viable use of a heritage asset, impact on the landscape character of the area and a wildlife mitigation payment
- 2.2 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable, as a Departure from Policy is justified and that approval is recommended. The below report details how this recommendation has been reached.

3.0 Site Description and Context

- 3.1 The application site sits to the eastern side of Vernons Road, in the open countryside situated approximately 1.5km to the west of the Fordham village settlement boundary and 7km from the Colchester settlement boundary. The site is currently occupied by a group of agricultural outbuildings that formed the farmyard of Oak Farm, the farmhouse is situated to the south and is a Grade II Listed building. The group of buildings subject of this application includes a five-bay barn to the west, a stable block in the middle and a workshop to the east. The site benefits from its own access off of Vernons Road which sits to the south of the barn.
- 3.2 The barn is within the same ownership as Oak Farm, it has been resolved that the barn is not within the curtilage of Oak Farm but is considered to be a non-designated heritage asset comprising a traditional timber framed barn.

4.0 Description of the Proposal

- 4.1 Planning permission is sought for the conversion and change of use of the existing barn to a four-bedroom dwelling. This would include some external alterations mainly consisting of the addition and replacement of openings:
- Western elevation (front): Replacement of existing opening with a large glazed panel and 'dummy doors', addition of three windows (one at first floor) and the addition of a rooflight.
 - Eastern elevation (rear): Replacement opening with large glazed panel to the gable, addition of one rooflight to the main roof, three rooflights to the lean-to projection, replacement of the two smaller doors and a new ground

floor window. Also proposed is the extension of the lean to roof to provide a covered area.

- Northern elevation: three new windows (one at first floor) and new door.
- Southern elevation: addition of two new windows; one of which is a high level smaller window.

- 4.2 The ground floor would consist of kitchen with open plan dining and living area, two bedrooms, bathroom, garden room, hall and boot room, utility room and WC. The first floor would provide two bedrooms with ensembles and a mezzanine playroom/office.

5.0 Land Use Allocation

- 5.1 The barn is currently being used as storage by the current owners and occupiers of the Farmhouse, with the last known lawful use being for the storage of memorabilia as there is no evidence that the car valeting business use was ever implemented. Historically the barn and associated land formed part of the wider farmstead.

6.0 Relevant Planning History

- 6.1 97/0254 - Renewal for use of barn for the storage of memorabilia. Non-compliance with Condition 01 of planning permission ref COL/93/1581 restricting use to a temporary period. - Approved

146270 - Prior approval of proposed change of use of agricultural building to a car valeting business (B1 use). – Prior Approval Not Required

201171 – Pre-application enquiry for the proposed change of use and conversion. Objection to the principle of development raised alongside issues in relation to the design and impact on character and appearance of the area and setting of a listed building

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density

H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling
TA1 - Accessibility and Changing Travel Behaviour

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 The site does not fall within a Neighbourhood Plan Area

- 7.6 Colchester Borough Local Plan 2017-2033:

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

The hearing sessions for Section 2 of the emerging Local Plan have now taken place and the Inspector’s modifications have been consulted upon. The consultation has now ended.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan;

- The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is held to be at an advanced stage having been Examined and with the Inspector's suggested modifications having now been consulted upon. It is therefore, considered to carry material weight in the consideration of the application. Further details are set out below and in the main report

7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

External Materials in New Development
 EPOA Vehicle Parking Standards
 The Essex Design Guide
 Sustainable Construction
 Managing Archaeology in Development.
 Developing a Landscape for the Future
 Provision of Community Facilities
 Provision of Open Space, Sport and Recreation

5 Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Annual Housing Position Statement (May 2021) demonstrates a housing supply of 5,597 dwellings which equates to 5.79 years based on an annual target of 920 dwellings which was calculated using Objectively

Assessed Housing Need (OAHN). This relates to the monitoring period covering 1.4.21 to 31.3.26 and will be updated in April 2022.

The LPA's 5YHLS has been tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Landscape Officer originally raised concerns in relation to the proposal due to the fenestration proposed. Amended plans were received on the 26th November which are considered to adequately address the concerns raised as part of the original consultation response and therefore, subject to the inclusion of a condition securing landscaping details, the Landscape Officer no longer raises any objection to the proposal.
- 8.3 The Historic Buildings and Areas Officer has raised no objections in principle to the proposed development and recommended some minor amendments to the design of the proposed dwelling, which have been taken into account with amended plans having been received on 16th December, to date a response has not been received commenting on the amended plans.
- 8.4 Environmental Protection have raised no objection to the proposal subject to the inclusion of two conditions and an informative should the application be approved
- 8.5 The Archaeological Officer has raised no objection to the proposal subject to the inclusion of a pre-commencement condition in relation to a programme of building record and analysis being provided should the application be approved
- 8.6 Essex County Council Highways have raised no objection to the proposal subject to the inclusion of two conditions and an informative should the application be approved
- 8.7 No response had been received from the Bat Conservation Trust at the time of writing this report.
- 8.8 Natural England have raised no objection to the proposal subject to an Appropriate Assessment being carried out which is the LPA's responsibility.

9.0 Parish Council Response

- 9.1 The Parish Council have raised no objection to the proposal.

10.0 Representations from Notified Parties

10.1 The application did not result in any letters of representation from interested third parties including neighbouring properties.

11.0 Parking Provision

11.1 The proposal would provide a minimum of two vehicle parking spaces in line with the minimum requirement for a four bedroom property.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

13.0 Open Space Provisions

13.1 The proposed development includes appropriate provision of private amenity space and there is no need for any public open space to be provided.

14.0 Air Quality

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.2 Notwithstanding the above, should the application be approved a unilateral undertaking would be required to secure contributions for Community Facilities/Sport & Recreation as per our adopted SPD.

16.0 Report

16.1 Principle of Development

16.1.1 The main issue in terms of the principle of the proposal is that the site is located outside the settlement boundary and accordingly the creation of an independent dwelling is a Departure from the Local Plan that needs to be justified. Whilst such development would be acceptable in principle within the settlement boundary (Core Strategy Policy SP1), development outside settlement boundaries is strictly controlled in order to protect and enhance the character of the countryside, as well as safeguard the biodiversity, geology, history, and archaeology of undeveloped sites (adopted Core

Strategy Policy ENV1 and emerging policy SG1). Accordingly, the application has been advertised as a Departure to the Local Plan as it involves the provision of a new residential unit in the countryside. It is important to note, however, that planning policy does not rule out development in the countryside altogether, but there are tighter controls to development in these locations. The main planning considerations for the principle of development in these cases are: whether the proposal represents sustainable development, having either a positive or negligible impact upon economic, social, and environmental factors; and its impact upon the character of the countryside.

16.1.2 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

16.1.3 The NPPF goes on to state that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It also states that to ensure sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

16.1.4 Paragraph 80 of the NPPF states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling;
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

16.1.5 The Villages of Chappel and Wakes Colne are considered to be Sustainable Settlements benefitting from a village shop, post office, public house, three places of worship, a primary school, cricket club, a village hall and other local attractions all within approximately 2 miles / 30 minute walk of the application site. Vernon Road itself does not benefit from a formal footpath or lighting and therefore the journey to local amenities for future occupiers of the dwelling would involve travelling a moderate distance without formal pathing/lighting until they reach the junction with Colchester Road to the north west of the site (approximately 0.9 miles) whereby the closest bus stop is situated an estimated 18 - 20 minute walk from the site and offers a number of irregular services (82B and 83) starting from Colne Engraine and Bures (respectively) to Colchester Town Centre and a regular hourly service from Halstead to Colchester Town Centre (88, 88A and B), between 06:42 and 17:37. The bus services offered overall are considered to be relatively frequent. It should also be noted that Wakes Colne Train station is situated approximately 1.4 miles from the application site whereby there are frequent services to London, Norwich and Clacton however, as with the above this would require walking along an unlit road (Vernon Road) which does not benefit from a formalized footpath along its entirety (0.9 miles). Taking into account the above, it is considered that whilst Chappel and Wakes Colne do benefit from some services, for the majority of services future occupiers would have to travel to Colchester. As the site is relatively remote it is likely most trips would need to be undertaken by personal vehicles but there are services and facilities within a reasonable walking distance.

16.1.6 Paragraph 80 of the NPPF states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would represent the optimal

viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

16.1.7 The National Planning Policy Framework (2021) is an additional consideration. Section 16, Par. 197 (a) states that the determination of applications should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Par. 199 determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

16.1.8 Although the buildings are not afforded listed status as curtilage buildings to the farmhouse, they have been historically associated to the farm, they are present in historic maps and have sufficient heritage interest for their age, agricultural character and contribution to the understanding of the farm's historic development to be regarded as non-designated heritage assets.

16.1.9 The proposals in the current scheme are welcome as they have limited impact on the fabric of the complex, while the treatment of the elevations helps to preserve the agricultural character of the buildings to a great degree. Furthermore, it is noted that other uses of the barn have been explored previously to ensure its retention, however, have not proved overly successful with no great need for such uses in this location. It is therefore, considered that the conversion of the barn to a residential dwelling is a suitable use of the heritage asset to secure its future preservation

16.1.10 The NPPF requires the economic, social and environmental roles of sustainability to be considered together. The proposal is likely to have a positive or negligible social and economic impact. It is considered to have a positive environmental impact.

16.1.11 As stated above Wakes Colne has a village hall, pub, train station, church, primary school and general store. The expenditure by future occupiers would help to support local services in Wakes Colne. Also, in the short term the construction works would generate local employment.

16.1.12 The preservation of the heritage asset will have a positive environmental impact and preserve the setting of the listed farmhouse..

16.1.13 Given the above factors, it is considered that a Departure to Policy has been justified..

16.2 Design and Impact on the Character and Appearance of the Site and Surrounding Area

16.2.1 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet, with Policy DP14 seeking to enhance and protect the historic environment and its setting. These require

new development to be of a high quality and respect the character of the site and its context.

- 16.2.2 As discussed above the application site lies outside of any defined development boundary. Core Policy ENV1 sets out the requirements for conservation and enhancement of Colchester's natural and historic environment. Vernons Road is rural in nature characterised by low density development with soft landscaping and large areas of undeveloped countryside with properties located sporadically along the public highway.
- 16.2.3 The alterations to the building are minimal and consist mainly of the addition, replacement and enlargement of existing openings which are to be inset so as not to be overly prominent features which is a welcomed improvement from the original submission. The 'dummy doors' are considered to reflect the previous nature and design of the original building, alongside the larger glazed panels. Whilst the inherent nature of the proposal would to some extent result in the domestication of the site such as domestic parking, amenity space and the traditional appurtenances of residential living which by its very nature is likely to detract from the character and rural tranquility of the site and the surrounding area, the proposed parking area is to be located within the built form of the site and would not be overly prominent within the surrounding area. Additionally, the amenity space is to be provided to the north of the barn, and whilst limited landscaping details have been provided as part of this application, as discussed below, it is considered that these could be secured via condition with the recommendation that supplementary native planting is provided to the western, northern and eastern boundaries of the site to largely mitigate any views of the domestic paraphernalia within this space. Consequently, it is considered that these impacts could largely be mitigated and would not justify the refusal of the application.
- 16.2.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the setting of listed buildings. Similarly, development policy DP14 of the Local Development Plan seeks to enhance and protect the historic environment and its setting. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 16.2.5 The entire complex has group value for its potential to illustrate the development of the farm. Moreover, the site forms part of the immediate setting of the listed Farmhouse. Although the house has its domestic curtilage defined by a boundary wall separating it from the farmyard, the agricultural buildings provide the context for the farmhouse and the agricultural group complements the listed building in the rural context. It is considered that subject to minor alterations to the proposed openings of the barn, the changes to the character, appearance and spatial configuration of the complex do not harm the setting of the listed property and that these could be overcome by the imposition of clear and concise conditions should the application be approved.

16.2.6 Par.127(c) of the NPPF requires that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting; the comments from the Landscaping Officer were taken on board and amended plans have been received which overcome the initial concerns raised in relation to the impact on the landscape setting

16.2.7 Taking into account the above, it is considered that the design of the proposed conversion, subject to conditions, would be sympathetic to the historic use of the site and neighbouring farmhouse. Whilst the development of the site would introduce residential paraphernalia into the countryside, it is considered, on balance, this could be mitigated by supplementary planting and other measures to ensure minimal impact on the character and appearance of what in policy terms is considered countryside.

16.3 Impact on Neighbouring Amenity

16.3.1 Adopted Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. This is also reflected within emerging policy DM15 which is considered can be afforded significant weight given the minor modification of the addition of one bullet point recommended. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

16.3.2 The closest neighbouring property to the application site also falls within the Applicant's ownership. Within the Design and Access Statement it is advised that the conversion is to provide a new dwelling for the Applicant's daughter, however, any determination must be based on the lifetime of the development and not the current circumstance. The proposal relates to the conversion of an existing building; the proposal would not result in an increase to the height of the building and would result in a very minor increase in built form (extension of lean to roof) therefore, it is not considered that the proposal would result in a further material impact to the neighbouring property in terms of having an overbearing impact or a loss of light than the existing built form on site. Furthermore, the dwelling would sit over 18 metres from Oak Farm and therefore, due to this sufficient degree of separation it is not considered to represent an unneighbourly form of development in relation to this neighbouring property. It is noted that there is one additional small high level window which would face the neighbouring property; however this would serve a bathroom and is therefore, likely to be obscure glazed and would offer, if any, views of the front amenity space/driveway afforded to the dwelling

16.4 Amenity Space and Landscaping

- 16.4.1 Development Policy DP16 requires all new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space. For houses of four bedrooms as proposed a minimum of 100m² of useable amenity space is required.
- 16.4.2 From the block plan provided the amenity space would be provided to the north of the dwelling and attached outbuilding, and this would be in excess of 100m² as required by the standard. The ground slopes down from the barn to the proposed garden area and it is clear that significant landscaping works would be required should the application be approved. However, this is something that could be conditioned should the application be approved. It is recommended that the front boundary (western) utilises some native hedging and supplementary tree planting to achieve the screening and privacy required rather than close boarded fence or a wall. Additionally, it is considered that sufficient high quality amenity space in excess of 100m² could be provided on site as shown and therefore, there are no concerns in relation to this. It is noted that this is denoted on the block plan as an orchard, however as stated above limited details have been provided in relation to this application in relation to the proposed landscaping of the site, but again, this can be dealt with via an appropriately worded condition.
- 16.4.3 It should be noted that a number of trees are present on site and details of the protective barriers to be used to retain all the trees on site have been provided as part of this application. Should the application be approved it is considered that securing this fencing and the protection of the existing trees is essential and can be dealt with via condition

16.5 Parking, Access and Highway Safety

- 16.5.1 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraph 109 of the NPPF confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 16.5.2 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). This policy requires that a minimum of two parking spaces

should be provided for each dwelling of two or more bedrooms. On the proposed block plan provided it shows that parking will be provided to the east of the dwelling between the barn and the outbuilding, it is considered that there is sufficient space to the front of the proposed dwelling to accommodate a minimum of two vehicle parking spaces. Furthermore, the site benefits from an existing access which is to be utilised as part of this application and no objections have been raised by highways in relation to this and therefore, there are no concerns in relation to this aspect of the proposal

16.6 Ecology

16.6.1 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. Additionally, the National Planning Policy Framework states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

16.6.2 A preliminary ecological appraisal and bat survey has been submitted with the application which confirms the presence of brown long-eared bats on the site. It is recommended that the best chance of retaining the roost is to retain the existing loft space within the barn from the southern to northern gable end and an exposed ridge beam. It is also recommended that post-development monitoring is to take place to ensure that the new roosting opportunities continue to be available and to determine whether bats are making use of them. Subject to the proposal being carried out in accordance with the recommendations and mitigation measures as outlined in the report by Essex Ecology Services Ltd. and dated September 2021, no concerns are raised in respect of harm to the bats or other protected species

16.7 RAMS/Habitat Regulations

16.7.1 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site.

16.7.2 It is anticipated that, without mitigation, new residential development in this area could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.

16.7.3 The appropriate payment has been made and therefore it is considered that the appropriate mitigation has been secured.

16.8 UU Contributions

16.8.1 The applicant/Agent has submitted a Unilateral Undertaking therefore the scheme provides the necessary legal agreement with regards to community and leisure provisions which would be triggered by the grant of planning permission. Community have requested £4,101.05 which would contribute to the purchase and installation of four planters (form part of the Jubilee plans for 2022), with each unit costing £657 (looking to provide four) with labour and materials coming to a total of £1368. These would be located at the two bus stops on Colchester Road close to the post office, as shown on the map below:



17.0 Conclusion

17.1 Given the specific circumstances of the proposal described above, the preservation of a heritage asset, the lack of harm to the character and appearance of the area, the proposed development would not conflict with Core Strategy Policy ENV1 which aims to conserve and enhance Colchester's countryside. Overall it would achieve the three dimensions of sustainable development sought by Core Strategy Policies SD1 and H1, and which the Framework promotes.

- 17.2 Whilst the proposal is contrary to Local Plan policy in terms of its location outside the village settlement boundary, planning approval is justified due to the particular site circumstances which would enable a change of use to take place within a building that has some historic value and without any negative impacts. The preservation of the heritage asset is in accordance with national policy and should be given considerable weight. The environmental aspects of the application are considered to be positive and the proposal will also provide limited social and economic benefits by affording a permanent new home for a family. Consequently, a conditional approval is recommended.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the completion and agreement of the unilateral undertaking and the following conditions:

Conditions

1. **ZAA - Time Limit for Permission**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. **ZAM - Development to Accord with Approved Plans**
The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 001 Rev B, 005 Rev H, 007 Rev J, and 009 Rev B
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
3. **ZLY – Listed Building Materials**
Prior to their inclusion in the development hereby approved samples of the materials (including weatherboarding, brickwork and metal roof sheets) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: In order to preserve the historic character of the listed building.
4. **ZMM – Additional Details Windows and Doors**
Prior to their inclusion in the works hereby approved, additional drawings that

show details of any proposed new windows (including reveals, materials and finishes), doors, eaves, verges, extract and flue vent terminals, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. **ZDA - Removal of PD for All Residential Areas**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity, protection of a heritage asset and landscape character.

6. **Z00 - Non Standard Condition – Archaeology**

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

7. **ZLA – Only works within Application**

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the historic building is preserved from any other potentially harmful works.

8. **Z00 - Non Standard Condition – Ecology**

The development shall be carried out in complete accordance the mitigation and enhancement measures set out in the 'Preliminary Ecological Appraisal and Bat Survey' dated September 2021. Enhancement measures shall be retained thereafter.

Reason: In order to safeguard protected wildlife species and their habitats and in the interests of ecological enhancement.

9. **ZLQ – Schedule of Repairs/Works**
Prior to the commencement of any works, a full schedule and specification of works and repairs has been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.
Reason: In the interests of preserving the character and appearance of the listed building and its setting.
10. **ZLH – Extent of Removed Historic Fabric**
Prior to the commencement of any works, the extent of any removal or demolition of original fabric shall have previously be fully recorded by scaled drawings and photographs that shall be submitted to and agreed, in writing, by the Local Planning Authority.
Reason: For the avoidance of doubt as to the scope of these works and to ensure that the amount of historic fabric disturbed by the development is necessary and appropriate.
11. **ZNA – No New Minor Fixtures**
No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building other than those shown on the drawings hereby approved unless otherwise first agreed, in writing, by the Local Planning Authority.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. **ZMX – Rainwater Goods to be coloured Black**
All new rainwater goods or other external pipework shall be finished in metal and coloured black.
Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.
13. **Z00 - Non Standard Condition – Insulation**
Prior to the commencement of any works, details of the methods of insulation for the walls, floors and ceilings, including 1:5 sections through walls and ceilings, shall have been submitted to and approved in writing by the local planning authority. The works of insulation shall be carried out in accordance with the approved details.
Reason – To ensure that the approved works are carried out without detriment to the historic fabric, character and appearance of the listed building where there is insufficient information within the submitted application.
14. **Z00 – Non standard Condition - Mezzanine**
Prior to commencement of any works full details of the new structural frame to support the mezzanine separate from the historic timber frame

shall have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

Reason– To ensure that the approved works are carried out without detriment to the historic fabric of the listed building where there is insufficient information within the submitted application.

15. **Z00 – Non Standard Condition – Limits to hours of work**
No demolition or construction work shall take outside of the following times;
Weekdays: 08:00 – 18:00
Saturdays: 08:00 – 13:00
Sundays and Bank Holidays: Not at all
Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.
16. **ZCJ – Foul Sewage Drainage**
Prior to the first occupation of the development, the foul sewage drainage works shown on the approved drawings shall have been completed in all respects in accordance with the approved details and be available for use.
Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise.
17. **ZFC – Landscaping**
Prior to works above ground level a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.
Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

18. **ZIF – No unbound surface Materials**
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.
19. **ZIE – Turning Areas**
Prior to the first occupation of the development hereby approved, details of a car parking and turning area shall be submitted and approved, in writing by the Local Planning Authority. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.
20. **ZJA – Cycle Parking**
Prior to the occupation of the development hereby permitted details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

Informatives

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT
2. Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)
3. PLEASE NOTE that this permission contains a condition precedent that requires details

to be agreed and/or activity to be undertaken either BEFORE you commence the development or BEFORE you occupy the development. ****This is of critical importance****. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. ****Please pay particular attention to these requirements****. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

4. The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

5. PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.