



Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
(ENGLAND) ORDER 2015

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, DOES HEREBY GIVE NOTICE of its decision to GRANT PERMISSION for the said development subject to additional condition(s) set out below.

APPLICATION NO: 213344

APPLICATION DATE: 6 December 2021

PROPOSAL: Re-use of a traditional Essex barn for residential accommodation, including a small extension to replace a poor quality asbestos structure and the removal of the asbestos open structure. Change of use of small parcels of agricultural land to residential curtilage and creation of a car parking area incorporating 16 no. parking spaces for community use.

LOCATION: Barns at, Hall Road, West Bergholt, Colchester

APPLICANT: Mr And Mrs Strathern, C/O Charter Court, Newcomen Way, Colchester Business Park, Colc, CO49YA

Condition(s)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings L001, P001 Rev A, P002, P100 Rev A, P101 Rev A, P200, P202 Rev A, P300. Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
3. No works shall commence, other than demolition, until precise details of manufacturer, type and colours of the external cladding and roofing materials to be use in the conversion of the barn shall have been submitted to and approved, in writing, by the Local Planning Authority.

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

Such materials as may be approved shall be used in the development unless otherwise subsequently agree, in writing by the Local Planning Authority. Reason: To ensure that suitable materials are used on the development appropriate to the nonheritage status of the barn and the context of it surrounding.

4. Prior to the installation of any new or replacement windows, doors, eaves, verges, cills and arches precise details (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: In the interests of visual amenity and the rural setting, and in the interests of the character and appearance of the building as a non-designated heritage asset.
5. No works shall commence other than demolition, until full details of a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details shall include means of enclosure/ soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate. - details of what ecological enhancements will be incorporated into the site (birds and bat boxes) and where, and - a timetable for implementation. The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed, die, or become seriously damaged or diseased so as to impair their successful establishment, shall be replaced in the next planting season with others of a similar size and species. Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and neighbours' amenity and in order to enhance the biodiversity on the site with regard to Policy DP21 of the local plan.
6. The development shall not be occupied until such time as the turning area and off-street parking has been provided in accord with the details shown in Drawing Numbered P002. The car parking area shall be always retained in this form and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.
7. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan. Reason: To ensure the protection of neighbours' amenities in accordance with Policy DP1 of the Local Plan.
8. The development shall not be occupied until such time as details of the provision for parking/storage of bicycles, 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 promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.
9. Prior to the first use of the community car park hereby approved the vehicular access/connection, turning area and off-street parking shall be provided in accordance with

the details shown in Drawing Numbered P002. The car parking area shall be always retained in this form and shall not be used for any other purpose other than as community car parking purpose and maintained as such thereafter. Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

10. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and at least 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter. Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
11. Prior to the occupation of the new dwelling an Electric charging point/station shall be provided close to the new dwelling proposed car parking spaces to encourage the use of ultra-low emission vehicles. Reason: To prevent air pollution and in the interest of sustainable development and in compliance with paragraph 107 of the NPPF.
12. 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: No working. Reason: To ensure that the construction phase of the development here by permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.
13. No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Reason: To ensure that 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
14. No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Reason: To ensure that 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

15. No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. Reason: To ensure that 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
16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition PART 1 OF CONDITION 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition PART 2 OF CONDITION 12, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition PART 3 OF CONDITION 12. Reason: To ensure that 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.
17. Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 12. Reason: To ensure that 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.
18. The area of land hereby approved as garden land as part of curtilage of Hall Farm Cottages, shall only be used as garden amenity land and Notwithstanding the provisions of Classes E and F 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), ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority. Reason: To avoid cumulative significant enlargement of the built form on the site in the interests of visual amenity and preserving the open character of the countryside.
19. Notwithstanding the provisions of Classes A, B, C, D, E, and F 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, alterations, hardstanding, 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 and to ensure the development avoids an overdeveloped or cluttered appearance that would be detrimental to the character and appearance of the undesignated heritage asset.

Informatives

In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, an appropriate pre-demolition asbestos survey should be undertaken, by suitable qualified and experienced persons, and any relevant identified material managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

The public's rights and ease of passage over Public Footpath Nos. 5&12 (West Bergholt) shall be maintained free and unobstructed at all times.

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.

The applicant is advised that landscaping scheme to be pursuant to condition 4 of this permission shall also include the eastern and southern boundaries of Hall Farm cottages. In preparation of the landscaping scheme the applicant should have regard to the requirements of following: NPPF: Part 12 para 130 & 131, Part 15, para 174-188 and Part 16, para 189-208 (where impacting on a heritage asset). Local Plan: Core strategy: ENV1 - Environment. (Note: application was tested against ENV1, i.e. Colchester Landscape Character Area A5 requirements). UR2 - Built design & character. Development policies: SP6 - Spatial Strategy for North Essex DP1 Design & amenity. DP13 - Dwelling, alteration, extension & replacement. DP14 - Historic environment assets. Landscape planning Guidance: The Council's Landscape strategy for development sites under Landscape Guidance Note LIS/A (this is available on this CBC landscape webpage under Landscape Consultancy by clicking the 'read our guidance' link).

PLEASE NOTE: 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.

Date: 8 February 2022

Signed:



Karen Syrett
Place and Client Manager

Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTES ON YOUR DECISION NOTICE – PLEASE READ THE BELOW IN FULL

Building in Accordance with the Plans

Planning permissions are given on the basis of the details submitted. If you plan to make any changes whatsoever to deviate from the approved plans then you are strongly advised to liaise with Colchester Borough Council Planning Services prior to undertaking any works. You may require a new planning application or a variation to your existing permission. Failure to construct in accordance with the plans could lead to potential Enforcement Action.

Requirement to Comply With Your Conditions

Please read all of your conditions carefully. All of your conditions must be complied with. Failure to comply in full with a planning condition placed upon your permission may result in potential Enforcement Action. Planning conditions require certain things to be done at certain times, often prior to the commencement of any works. If you are in any doubt as to the requirements of your conditions please liaise with Colchester Borough Council Planning Services.

Building Regulations

Did you know that this permission may require Building Regulations approval? For further information please contact the building control team on 01206 282436, or by emailing building.control@colchester.gov.uk or by visiting our website www.colchester.gov.uk/buildingcontrol

Archaeological Advice

Did you know that Colchester enjoys a significant rich and diverse archaeological heritage? To read how we aim to protect our wonderful heritage please visit our website <http://www.colchester.gov.uk/article/13595/Archaeology-and-the-planning-process>

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within the timescales listed below:

- For Householder Appeals – within 12 weeks of the date of the decision notice
- For Minor Commercial Appeals – within 12 weeks of the date of the decision notice
- For Advertisement Appeals – within 8 weeks of the date of the decision notice
- For all other appeal types – within 6 months of the date of the decision

Notwithstanding the above, if the planning application relates to the same (or substantially the same) land and development as is already the subject of an enforcement notice the appeal must be made within 28 days of the date of this notice and not the period set out above.

If an enforcement notice is served relating to the same (or substantially the same) land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within the relevant period set out above, from the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

If you intend to submit an appeal that you would like examined by public inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Rights of Way

The applicant is reminded that the grant of planning permission does not entitle them to obstruct a Right of Way. If it is necessary to stop up or divert a footpath or bridleway in order to enable the development to be carried out, they should, on the receipt of planning permission, apply without delay to the Local Planning Authority for an order under section 257 of the Town and Country Planning Act 1990. In the case of any other right of way, application should be made to the Secretary of State for an order under section 247 of the Act. In either case development shall not be started until a decision has been taken on the application.

Purchase Notice

If either the Local Planning Authority or the Secretary of State refuses permission to develop land, or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonable beneficial use in its existing state, nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990, or section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

You are advised to seek professional advice before embarking on the serving of a purchase notice.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused, or granted subject to conditions, by the Secretary of State on appeal or on reference of the application to him.