

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 01 March 2016

Time: 19:15

**Venue: Council Chamber , Braintree District Council, Causeway House,
Bocking End, Braintree, Essex, CM7 9HB**

Membership:

Councillor J Abbott

Councillor R Bolton

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor R Ramage

Councillor Mrs W Scattergood (Chairman)

Councillor Mrs G Spray

Members are requested to attend this meeting, to transact the following business:-

Page

PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 16th February 2016 (copy to follow).

4 Public Question Time

(See paragraph below)

5 Planning Applications

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined 'en bloc' without debate.

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 15 01321 FUL - Former Riverside Pool, St Johns Avenue, BRAINTREE | 5 - 22 |
|
 | | |
| 5b | Application No. 15 01470 FUL - The Swan Public House, 1 Station Hill, BURES HAMLET | 23 - 41 |
|
 | | |
| 5c | Application No. 15 01471 LBC - The Swan Public House, 1 Station Hill, BURES HAMLET | 42- 47 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|--|----------------|
| 5d | Application No. 16 00140 FUL - Maurice Rowson Hall, Church Road, GOSFIELD | 48 - 51 |
|
 | | |
| 5e | Application No. 15 01064 FUL - 24 Temple Lane, SILVER END | 52 - 56 |
|
 | | |
| 5f | Application No. 15 01535 FUL - 84 Highfields Road, WITHAM | 57 - 60 |

6 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

8 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Cont'd

E WISBEY
Governance and Member Manager

Contact Details

If you require any further information please contact the Governance and Members team on 01376 552525 or e-mail demse@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Governance and Members team on 01376 552525 or email demse@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Contact Details:

AGENDA ITEM NUMBER 5a

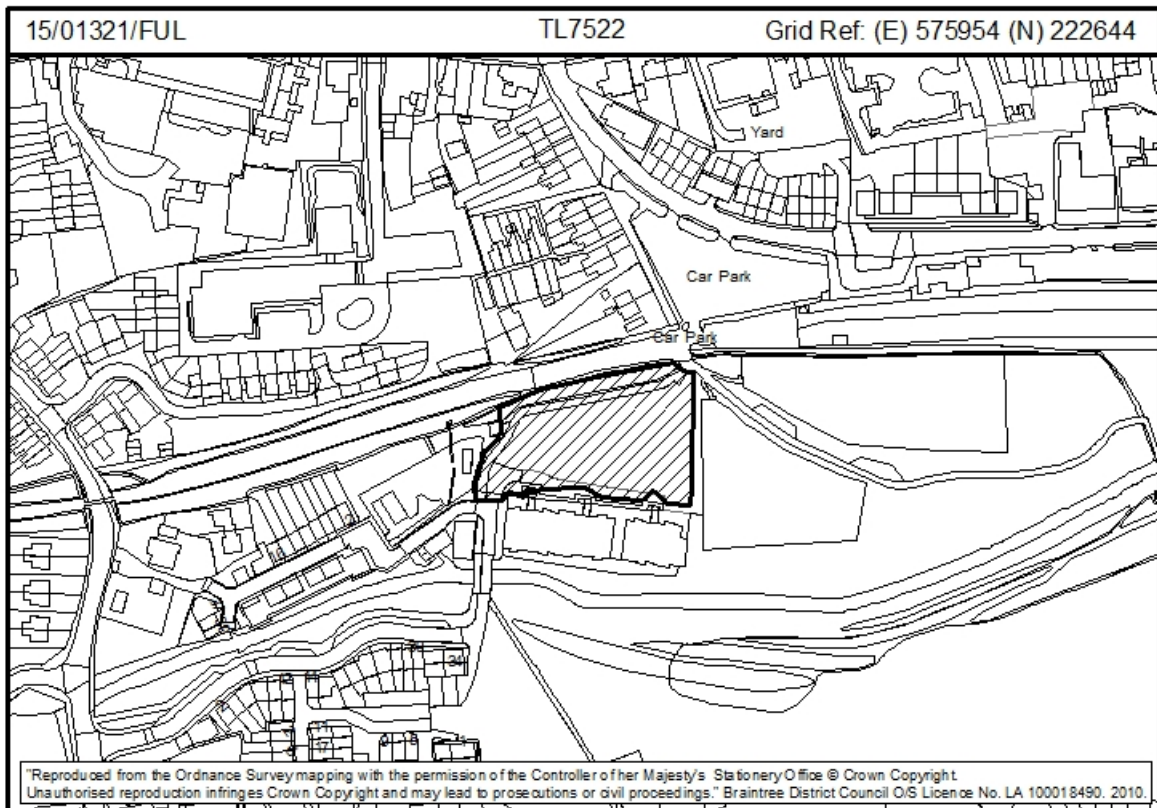
PART A

APPLICATION 15/01321/FUL DATE 29.10.15
NO: VALID:
APPLICANT: Parkland Developments Riverside Ltd
Mr Robert Crow, Unit 3 Park Farm, Witham Road, Black
Notley, Braintree, Essex, CM77 8LQ
DESCRIPTION: Erection of 48 no. one and two bedroom apartments
LOCATION: Former Riverside Pool, St Johns Avenue, Braintree, Essex

For more information about this Application please contact:

Miss Nina Pegler on:- 01376 551414 Ext. 2513

or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

10/00187/FUL	Erection of 121 no. dwellings, comprising 27 x 1 bed flats, 57 x 2 bed flats, 19 x 2 bed houses, 13 x 3 bed houses, 5 x 4 bed houses and a 62 bed residential care home	Granted with S106 Agreement	23.07.10
12/01605/FUL	Revision to current phase of approved development (10/00187/FUL) from a development of 48 no two bed private apartments in a single block, to a proposed scheme of 55 no one and two bed 100% affordable apartments, formed in two blocks.	Granted with S106 Agreement	11.04.13

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking

RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments
RLP140	River Walks/Linear Parks and Disused Railway Lines

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards

Urban Space Supplement

Open Space SPD

INTRODUCTION

This application is brought before the Planning Committee as the development is considered significant in the terms of the Scheme of Delegation.

NOTATION

The site falls within the town development boundary and is allocated for residential development in the adopted Local Plan Review.

SITE DESCRIPTION & PROPOSAL

The site is located to the south of Braintree town centre. It is located adjacent the Flitch Way & close to the train station. It is a vacant site which previously formed part of the Braintree swimming pool site. The River Brain is located to the south of the site and John Ray Park is located to the east of the site.

The site forms part of the 'Riverside Development' which was originally given planning permission for the erection of 121 no. dwellings (comprising 27 x 1 bed flats, 57 x 2 bed flats, 19 x 2 bed houses, 13 x 3 bed houses, 5 x 4 bed houses) and a 62 bed residential care home. The houses and flats have been constructed and are occupied. The site to which this application relates is the site of the approved care home, which has not been built. This is the final part of the overall development. The applicant is seeking planning permission to build a block of residential (open market) flats instead of the care home. Information within the planning application indicates that the proposed change is driven by a lack of commercial interest in the care home.

CONSULTATIONS

Essex Police – No response at the time of writing.

Anglian Water – No response at the time of writing.

SUDS Approval Body (ECC) – No objection. The drainage infrastructure is already in place. The building would be built on the same footprint as approved in the previous drainage strategy.

ECC Education Dept – Not seeking a contribution.

Environmental Health – No objection subject to the submission of a contaminated land survey and conditions to protect neighbouring amenity during construction.

Waste Services – No response at the time of writing.

Landscape Services – No response at the time of writing.

Community Safety – No response at the time of writing.

Housing – Affordable housing contribution not requested. Satisfied that it has been adequately demonstrated that the scheme is not financially viable to provide a policy compliant contribution.

Engineers – No objection. The drainage strategy has been approved previously.

REPRESENTATIONS

Site notices were displayed and neighbouring properties were notified by letter. Three letters of objection have been received raising the following points:

- The cycle parking is away from the entrances, too small and open to the elements;
- The turning area and parking facility are on the access route to the building opposite for emergencies. There is not enough parking on the estate as this emergency route is already blocked by cars;
- There will be noise and light pollution from the building;
- The building will block views and light from the existing apartment block;
- Will increase vehicles on the already busy roads;
- The development will be damaging to the landscape and wildlife;
- There will be noise and dirt during construction;
- Understood the building on this site would be a single storey care home;
- There is insufficient space on the site for a building of the proposed size;

- Poor design of elevations;
- The Council should be requiring affordable housing from the development.

REPORT

Principle of Development

The site is located within the Town Development Boundary and is allocated for residential development in the Local Plan Review. It is a brownfield site which benefits from an extant planning permission for a care home. The principle of the redevelopment of the site for residential purposes has therefore previously been established. Accordingly there is no objection to the principle of this proposal.

Design and Layout

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

With regard to amenity space, guidance set out in the Essex Design Guide indicates that similar provision is welcomed for one-bedroomed flats as for two bedroomed flats (25sqm per flat). However, it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. In addition a balcony or terrace over 5 sq m in extent will count towards the total garden provision for the flats. In an urban situation on sites of less than 0.1ha such a balcony or terrace would be acceptable as the only outdoor amenity space for a flat.

Currently the site does not make a positive contribution to the area. Its development would result in the completion of the final phase of the Riverside development. The site is located in a sustainable yet prominent location, given its proximity to the town centre, railway station, Flitch Way and public open space.

The proposed building would be sited on approximately the same footprint as the approved care home. The scale of the development (four storeys) would also remain the same as previously approved. Although some alterations have been made to the external design, it is not dissimilar to what was previously approved. The building would have a large footprint. However, efforts have been made to break up its mass and give the building more of a

vertical emphasis through articulation by having two vertical projecting elements and the use of full height windows/doors.

The external materials comprise white and grey panelled cladding. This has been used on other parts of the Riverside development. Having viewed this, Officers consider that this is less successful in its visual appearance and that smooth render presents a higher quality finish, particularly for a building of this scale and in a prominent location. This can be ensured by condition.

An amenity area to the east of the building (labelled 'D' on the submitted plans) would provide a useable amenity area solely for the benefit of the occupants of the flats. This area could be screened and therefore serve as a purposeful area for amenity purposes, drying clothes etc. A condition can be imposed requiring further details of the landscaping and enclosure of this area. The site is also located adjacent John Ray Park and therefore residents would have easy access to this area of public open space.

The existing ground levels would be lowered slightly to provide for the basement parking. The finished floor level of the ground floor accommodation would be approximately the same level as the highest part of the footpath/cycleway adjacent. Therefore views out of the ground floor windows on the northern side would be across the footpath and beyond and would not be restricted by the proposed retaining wall. An enclosure to the edge of the footpath will be required. In this case railings which allow views through, rather than a solid enclosure such as a fence or wall would be expected. Details of the position, design and height can be required by condition.

A bin store is proposed within the basement, close to the entrance. Details of the proposed hard and soft landscaping around the site can be required by condition.

On the basis that a building of similar design and layout has previously been approved on this site it is considered that, subject to the aforementioned conditions, there is no objection in regard to design and layout.

Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The building would have the same relationship with the block of flats opposite (to the south) as the care home building which was approved in 2010. The relationship between the buildings was considered acceptable at that time and therefore it would be unreasonable to reach a different conclusion now. The proposed development would be between approximately 18 metres (at the

closest point) and 33 metres (at the furthest point) from the north facing elevation of the flats opposite. Whilst it is accepted that the development would alter the outlook from the flats opposite, purchasers of these flats should have been made aware of the extant planning permission for the care home as both buildings were approved as part of the same planning permission.

Concerns have been raised in the submitted representations about noise and dirt arising from the construction of the development. Whilst it is inevitable that there will be some disturbance during construction, conditions are proposed to minimise impacts on neighbouring amenity during this time.

None of the surrounding dwellings would be affected to an extent that would justify the refusal of the application.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for one bedroomed dwellings one off road parking space should be provided. Visitor spaces on the basis of 0.25 spaces per dwelling should also be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m.

The site would be accessed via St Johns Avenue which serves the rest of the Riverside development. This is currently not an adopted highway. There is a public footpath/cycleway which passes along the western and northern sides of the site. This connects the residential areas to the south of the town with the Flitch Way, town centre and railway station. This would remain unaltered. A retaining wall would be required to the north of the proposed building. Details of this can be dealt with by condition.

The majority of the residents parking (38 out of the 48 spaces) would be provided at basement level. Although the parking standard requires 2 spaces for 2-bed units, the level of provision is not considered justifiable in this case because of the town centre location. The size of parking spaces would accord with the above requirement. Six visitor parking spaces are proposed. Whilst this is below the Council's requirement, it is acknowledged that there is an existing public 'pay and display' car park extremely close to the site (to the north). Accordingly, car parking provision is considered to be acceptable.

No objection is raised to the principle of the underground parking. The access, layout and gradient have been considered by the Highways Officer who is satisfied with these details.

Two tier secure cycle parking for 48 cycles would also be provided in the basement area, close to the entrance. This would accord with the Council's requirements.

Environmental Considerations

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Reports submitted with applications for other parts of the Riverside development indicated that there were parts of the overall site which were contaminated and required remediation. A Remediation Method Statement has been submitted with the application. The Council's Environmental Health Officer has considered this report and considers this acceptable subject to a condition requiring a verification report to confirm that the proposed remediation has been carried out prior to the commencement of development.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 086 of the Planning Practice Guidance (PPG) states that when considering major development (i.e. developments of 10 dwellings or more) the local planning authority should consult the Lead Local Flood Authority (LLFA).

Policy RLP 69 of the Local Plan Review states that where appropriate, the District Council will require developers to use sustainable drainage techniques. Policy RLP 71 states that planning permission will not be given where there is inadequate water supply, sewerage or land drainage systems available to meet the anticipated demands of the development, unless there is an agreed phasing arrangement between the developer and the relevant service provider, for the provision of the necessary infrastructure.

A SUDS checklist and Flood Risk Assessment has been submitted with the application. The proposed building would be located on the highest part of the Riverside development and falls within Flood Zone 1 (lowest risk of flooding). A condition was imposed on the previous permission to ensure that finished floor levels would be at or above 43.60AOD. The submitted plans indicate that the finished floor level of the basement would be 45.00AOD and the finished floor level of the ground floor would be 48.394AOD.

A drainage plan has been submitted with the application. This indicates that the foul drainage for the site would connect to the existing sewers. The plan shows the sewers and surface water storage tanks. The applicant has stated that these have been installed as part of an earlier phase of development. This will form one of the approved plans.

S106 Requirements

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in District.

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. The SPD states that, in this case, a financial contribution in lieu of on-site provision is required for public open space.

In this case a contribution will be sought (at a value in excess of £50,000) for surfacing and amenity improvements within John Ray Park, which are identified in the Council's Open Spaces Action Plan.

Policy CS2 states that affordable housing will be directly provided by the developer within housing schemes. 30% affordable housing provision is required on sites in Braintree. This is based on a threshold of 15 dwellings or 0.5ha.

In this case the applicant considers that the development would not be financially viable if a contribution towards affordable housing were to be sought. Criteria 6 of Policy CS2 states that the Local Planning Authority will take economic viability into account where it is proved to be necessary to do so. The site has a complex history which has been developed in phases, with amendments being made to the original planning permission. This history is summarised below.

In July 2010 a planning application was approved for a development of 121 no. dwellings and a 62 bed residential care home. This included 55 affordable housing units. This number of affordable units (46%) exceeded the proportion required (30%) to comply with the Council's affordable housing policy. The care home element did not form part of affordable housing calculations. This level of affordable housing presented the Council with an opportunity to deliver additional affordable housing at a time when affordable delivery through planning gain was difficult due to the severe downturn in market activity. During the years 2011/12 the Riverside development formed the major part of the Council's affordable housing delivery programme.

As the project progressed the applicant took a business decision to offer an additional block of 18 flats (originally intended for open market sale) for affordable housing. These flats were purchased by an affordable housing provider.

The 2010 permission also included a block of 48 flats intended for open market sale. With construction very much stalled on this part of the site due to the economic downturn, the applicant invited interest from housing associations for further affordable housing. The Council supported this approach as affordable housing delivery was still at this point very limited. A further application, with a revised design for this block, which delivered 55 units, all affordable was approved in April 2013 (reference 12/01605/FUL).

Officers consider the current application that seeks permission to substitute the 62 bed care home element for a further residential block of 48 units, is felt to be a departure from the original permission and in accordance with adopted policy triggers a requirement for additional affordable housing. The approved care home was exempt under policy from affordable housing contributions whereas the change to general needs residential activates a requirement.

The Council's Housing Officer has advised that the development would not be suitable for on-site affordable housing because all flats would share common parts and be accessed by communal corridors. This is not considered appropriate because of likely management difficulties if affordable housing units are mixed in this way with private units. In this case, it was therefore recommended that a commuted payment of £360,000 in lieu of affordable housing should be sought.

Whilst it is acknowledged that the existing Riverside development has provided 100% affordable housing to date, this is as a result of business decisions made by both the applicant and the Council having regard to economic and market conditions at the time and in order to prevent development of this site from stalling.

The applicant has submitted a 'Financial Viability Report' in respect of this application. This has been carried out by a professional, independent, affordable housing consultant using the latest version of the Homes & Communities Agency Development Appraisal Tool. The report states that if the residual value of a proposed scheme is reduced to significantly below an appropriate viability benchmark sum, it follows that it is commercially unviable to pursue such a scheme, and the scheme is therefore unlikely to proceed.

The submitted results include financial modelling. This demonstrates that based on GDV and costs, the scheme has a deficit of £813,574. If the affordable housing financial contribution is removed and the developers' return on risk (profit) is reduced to from 20% to 10.9% the development would just be viable. The applicant has advised that they are prepared to proceed and deliver the 48 units with a reduced level of profit.

The Council's Housing Enabling Officer has thoroughly examined the findings of the Report along with considering the matter through the Council's own viability software, and is satisfied that it has been adequately demonstrated that the scheme would not be financially viable were it to provide a policy

compliant affordable housing contribution as outlined above. On this basis a contribution towards affordable housing is not being sought.

CONCLUSION

The site is located within the Town Development Boundary and is allocated in the Local Plan Review for residential development. The principle of new residential development is therefore acceptable. The siting, scale and design of the proposed flats is not significantly different to the previously approved care home and on this basis it is not considered that the development would have a greater visual impact upon the character of the area or the amenity of residents nearby. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc can be adequately dealt with by condition. A development of this scale would normally be expected to deliver 30% affordable housing. However, in this case, the applicant has adequately demonstrated that such a contribution would result in the proposal being unviable. The granting of permission on this site would enable the final phase of the Riverside development to be completed.

RECOMMENDATION

It is RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) within one calendar month of this resolution (or any mutually agreed later date) to cover a financial contribution towards public open space that the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed by the aforementioned date the Development Manager may use her delegated authority to refuse the application on the basis of the failure to make provisions in accordance with the relevant policies.

APPROVED PLANS

Site Plan	Plan Ref: 1182/P48/01	Version: A
Elevations	Plan Ref: 1182/P48/02	Version: B
Floor Plan	Plan Ref: 1182/P48/03	Version: B
Floor Plan	Plan Ref: 1182/P48/04	Version: A
Floor Plan	Plan Ref: 1182/P48/05	Version: A
Section	Plan Ref: 1182/P48/06	Version: B
Site Plan	Plan Ref: 1182/P48/07	Version: A
Site Plan	Plan Ref: 1182/P48/08	
Site Plan	Plan Ref: 1182/P48/09	
Drainage Plan	Plan Ref: 14-010/300	
Other	Plan Ref: Remediation Method Statement	
	Version: September 2010	

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall comprise 40 no. 1 bedroom and 8 no. 2 bedroom flats only.

Reason

To ensure that adequate off-road parking is provided.

- 4 Construction of the building shall not be commenced until a schedule and details of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. This shall include smooth self coloured render to all external elevations, not panelled cladding. The development shall be implemented in accordance with the approved details.

Reason

In the interests of visual amenity.

- 5 All service intakes to the flats shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 6 All flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority prior to first occupation. Satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. The aerials and satellite dishes shall be installed in accordance with the approved details.

Reason

In the interests of visual amenity.

- 7 All soil and waste plumbing shall be run internally and shall not be visible on the exterior.

Reason

In the interests of visual amenity.

- 8 Prior to installation of any meter cupboards on the external elevations details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

In the interests of visual amenity.

- 9 Prior to installation, details of the colour and materials for all windows and doors shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details.

Reason

In the interests of visual amenity.

- 10 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 11 No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - All means of enclosure including the design, height and materials of railings to the front of the building and along the edge of the cycle/footpath to the rear of the building, and enclosure of the amenity area to the east of the building. The boundary feature for the footway/cycleway shall be designed and built to an adoptable

specification.

- Detailed drawings at an appropriate scale showing the height, depth, materials and means of construction of the proposed retaining wall which shall hold up the 3 metre footway/cycleway to the rear of the building and any steps within the site. The retaining wall shall be designed and built to an adoptable specification.
- Boundary treatment[s].
- Colour and type of material for all hard surface areas and method of laying.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

The completed scheme shall be maintained in accordance with an approved scheme of maintenance which shall be submitted and approved in writing by the local planning authority prior to first occupation of the development.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 12 The development shall not be occupied until the car parking areas indicated on the approved plans have been hard surfaced, sealed and marked out in parking bays. The car parking areas shall be retained in this form at all times. The car parking areas shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided.

- 13 All vehicular parking spaces shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

In accordance with the Council's adopted Car Parking Standards.

- 14 The bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 15 The development shall not be occupied until the area for bin storage indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 16 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 17 The development hereby permitted shall not be occupied until the drainage scheme as shown on Drawing No.14-101/300 listed above has been completed in accordance with the submitted details.

Reason

To ensure a satisfactory method of foul and surface water drainage.

- 18 Prior to the commencement of development the approved Remediation Method Statement for contamination listed above must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the approved Remediation Method Statement, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local

Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

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. The requirements of the Remediation Method Statement need to have been undertaken prior to the commencement of development because they relate to exploratory work at and below ground level.

- 19 The existing footpath/cycleway to the western and northern sides of the proposed building shall be kept open and free of obstruction at all times.

Reason

In the interests of promoting sustainable travel and providing connectivity links between the residential development and other facilities and services.

- 20 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- Turning and off-loading facilities for delivery/construction vehicles within the limits of the site,
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding,
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations ;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. These details are required prior to the commencement of development because the measures need to be in place at the point that development commences.

- 21 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 22 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 23 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, details of which shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason

In the interests of sustainable development and sustainable means of travel and to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the

foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

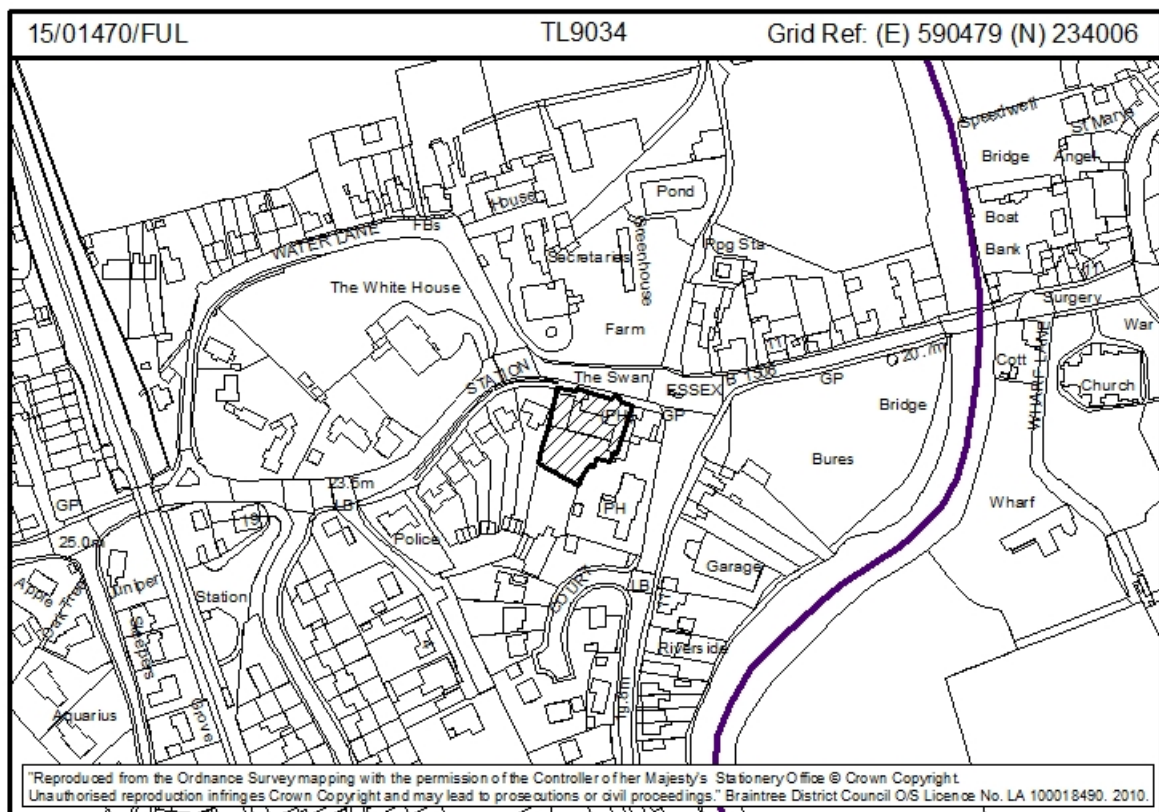
- 3 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 4 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01470/FUL DATE: 30.11.15
 VALID:
 APPLICANT: Repton Heritage Restoration Ltd
 Saling Grove, Great Saling, Essex, CM7 5DD
 AGENT: Andrew Martin-Planning
 Mr Andrew Martin, Town Mill, Mill Lane, Stebbing, Dunmow,
 Essex, CM6 3SN
 DESCRIPTION: Change of use from public house/restaurant to two
 residential dwellings and conversion of an
 outbuilding/garage to one residential dwelling with
 associated parking and amenity space.
 LOCATION: The Swan PH, 1 Station Hill, Bures Hamlet, Essex, CO8
 5DD

For more information about this Application please contact:
 Miss Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

99/01167/ADV	Display of additional pub amenity signing and associated lighting	Granted	31.01.00
99/01168/LBC	Display of additional pub amenity signing and associated lighting	Granted	31.01.00
07/00824/FUL	Erection of timber framed shelter	Refused	26.06.07
07/00834/LBC	Erection of timber framed shelter	Refused	18.06.07
12/00989/LBC	Installation of fire alarm, detection system and emergency lighting system, upgrading of 2 doors to FD 30 standard and replacement of 2 no. existing doors with FD 30 doors	Granted	06.09.12
15/01471/LBC	Change of use from public house/restaurant to two residential dwellings and conversion of an outbuilding/garage to one residential dwelling with associated parking and amenity space.	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP51	Cycle Parking

RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP128	Maintenance of Rural Services and Facilities
RLP138	Provision of Open Space in New Housing Developments
RLP151	Protection of Community Services

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards

Open Space SPD

INTRODUCTION

This application is brought before the Planning Committee as the development is considered significant in the terms of the Scheme of Delegation.

NOTATION

The site falls within the village envelope.

SITE DESCRIPTION & PROPOSAL

The site is located within the centre of Bures. It comprises a vacant Grade II listed public house which dates from the 16th Century with a garage/outbuilding to the side. The site falls within the Conservation Area and the majority of the site falls within Flood Zone 2.

The site benefits from an existing vehicular access between the public house and outbuilding which leads to a car park, garden and recycling area.

This application seeks planning permission and listed building consent for the conversion of the public house to two no. dwellings and the conversion of the outbuilding to one no. dwelling. The application for Listed Building Consent is the subject of a separate report (15/01471/LBC) on this same agenda.

CONSULTATIONS

Parish Council – Do not object to the application but make the following points:

- There are not currently six existing parking spaces on site but accept that six new parking spaces will be created;
- No secure, covered cycle parking is shown;
- The premises have been vacant for some considerable time;
- The loss of the semi-mature oak tree would seem unnecessary;
- To demonstrate that a business premises is not being unnecessarily lost to the community, Councillors should satisfy themselves that all reasonable steps were taken to sell the property as a viable concern before being minded to grant a change of use under Policy CS11.
- An application to list the Swan Public House as an 'Asset of Community Value' has been submitted by Bures Parish Council.

Historic Buildings Advisor – No objection. The proposal would involve little alteration to the listed building and no damage to its historic fabric. A number of conditions are recommended.

Environmental Health – No objection subject to the submission of a contaminated land survey and conditions to protect neighbouring amenity during construction.

Waste Services – No response at the time of writing.

Landscape Services – Do not support the loss of tree T2 (Oak tree).

Engineers – No objection. The buildings already exist and therefore the proposal will not significantly affect surface water flooding.

Environment Agency – No response at the time of writing.

Historic Environment Officer – Recommends a historic building record is carried out before the building is converted.

REPRESENTATIONS

A site notice was displayed at the site and neighbouring properties were notified by letter. 21 letters of objection have been received raising the following points:

- The space within the gardens does not meet the planning policy of sheltered and secure cycle storage;
- The pub was put up for sale for a low value and locals were not given a chance to bid for the property;
- The mismanagement of the business over several years led to the demise of the business. Under different management the establishment could be revived and serve the locals and tourists;
- The road junction where Station Hill joins Colchester Road is dangerous and needs to be considered if the development results in more children coming to the area;
- It would be a shame to lose mature trees, especially to create a parking space;

- The proposal is contrary to the national planning policy framework and local plan which promotes the retention and development of local services and community facilities;
- Limited marketing which was unlikely to attract meaningful interest from other possible purchasers;
- The current owner has made no attempt to establish a business or market the property and the pub has remained closed;
- The suggestion that the pub has not proved viable is unsubstantiated;
- The loss of another business property would be detrimental to the local community;
- The change of use will devalue the historic significance of the listed building, deny locals and visitors access which will become irreversible.

The neighbouring Parish Council (Bures St Mary Parish Council) has objected to the application on the grounds of loss of amenity for the village of Bures.

REPORT

Principle of Development

The site falls within the village envelope and has no specific land-use designation in the adopted Local Plan Review. In accordance with Policies RLP 2 and 3, the principle of residential development in such locations is acceptable, providing it satisfies amenity, design, environmental and highway criteria and subject to compliance with other relevant Local Plan policies.

The NPPF refers to public houses as community facilities. It seeks to guard against the loss of valued facilities, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available.

Policies RLP128 and RLP151 seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The public house was previously owned by Greene King. Information within the application indicates that the previous landlord was unable to sustain a viable business and therefore Greene King decided to sell the freehold as a public house in April 2013. It was marketed at a price officers consider to be reasonable by a specialist leisure property agent between April 2013 and March 2014.

The property was advertised on the internet and a 'For Sale' board was erected in September 2013. During this period there was a great deal of interest in the property. 169 people requested sales particulars and 19 viewings took place. The application indicates that prior to the applicant

purchasing the property there was one other party who proceeded to draft contract stage but following a survey of the fabric and condition of the building and an assessment of costs to refurbish the premises, decided not to proceed. Following this, the applicants made an offer which was accepted and the sale completed in March 2014.

In this case, although details of the marketing of the property have been submitted, no information regarding the economic viability of the public house prior to closure has been provided. This issue was raised by the Case Officer with the applicant's agent. The site is obviously no longer owned by Greene King. Despite requests, information regarding financial viability has not been forthcoming. With Greene King no longer having an interest in the property, or an interest in the planning application, it is acknowledged that it is not possible to obtain such information. The applicant's agent has advised that at the time of marketing, the public house was closed and although still living there, the tenant had defaulted on the payment. There was also an outstanding water bill of over £5000. It is understood that prior to closure the tenant had tried to change the image of the public house to a bistro and pub and also a wine bar, but these failed. Due to the decline in trade the former tenant could not justify or afford the expense of undertaking improvements or the costs of maintaining the property and as a result the building deteriorated. The marketing agent has advised that Greene King will only consider the sale of premises when it is not profitable and there is no potential to increase trade.

Information within the application states that following the purchase of the property, the applicants obtained an estimate for the necessary repair works to bring the premises up to standard to be able to run as a public house. This is indicated in the submitted schedule as being in excess of £300,000 plus VAT. The costs are considered to be prohibitive and not viable for a small business to be able to sustain in order to make it functional and then successful.

It is considered relevant to note that there is another public house (The Eight Bells) just around the corner from this site. In fact, the curtilages of both premises abut each other. Therefore, within the village there is an existing public house which provides a satisfactory alternative available to the public. It may be the case that the existence of two such facilities within such close proximity to each other in a rural area would be difficult to sustain.

Furthermore, regard must be had to the listed status of the building. The building is a heritage asset. The NPPF states that it should be recognised that heritage assets are an irreplaceable resource. 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. The proposal would enable much needed repairs to be carried out and secure a long term viable use for the building.

Therefore, having regard to the above policies, it is considered that the public house has been adequately marketed, there is an alternative facility available within the village and it would ensure the re-use of a heritage asset. It is

acknowledged that information regarding viability is limited. Taking all of these factors in to account, on balance, it is considered that the proposal is acceptable and that refusing planning permission would be difficult to substantiate.

The outbuilding dates to the 19th Century and was used by the National Fire Service during World War 2. The appearance of the existing outbuilding is poor and has no features which are of particular architectural merit but its importance lies in its relationship to the site and the former pub and also the surviving external doors which are of historical interest and maintain the physical reminder of its former function. No objection is raised to its conversion.

Design and Layout

The NPPF indicates that when determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy CS 9 states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

Furthermore it promotes the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development.

Policies RLP 10 and 90 seek to protect the existing character of the settlement and the street scene. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved

within a satisfactory layout and the need to provide landscaping for the development.

Policy RLP 74 indicates that space should be provided for the separation, storage and collection of recyclable waste.

Policy RLP90 states that developments shall be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas.

Policy RLP95 seeks to preserve and enhance the character and appearance of designated Conservation Areas. Policy RLP97 states the change of use of a building within a Conservation Area will only be permitted if the change of use, and any associated alteration to the appearance or setting of the building, preserves or enhances the character and appearance of the area.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Guidance set out in the Essex Design Guide indicates that dwellings with three bedrooms or more should be provided with a minimum of 100 square metres of private garden space.

The building is Grade II listed and it must be ensured that any proposal would not be harmful to the historic character and setting of the building. Only minor additions and repairs to the existing public house building are proposed. These include a new internal staircase, a new door and window on an existing single storey extension to the rear of the building, removal of an internal wall, existing windows and a door to be sealed and re-rendered on the existing single storey extension to the side of the building. New roof lights and doors are proposed to the outbuilding. The existing garage doors on the front elevation would be retained but new windows would be inserted within these doors.

The proposal has been considered by the Council's Historic Buildings Advisor who has raised no objection to the proposal and indicates that there would be no damage to the historic fabric of the building. Little information has been provided regarding the repair or replacement of the windows on the front elevation of the building which are an important feature. The preference would be for repair. Detailed matters such as this can be controlled by condition.

It is not considered that the proposal would have an adverse impact upon the character or appearance of the Conservation Area or the street scene given the limited external alterations that are proposed.

Gardens which accord with the size standards set out in the Essex Design Guide would be provided and there is adequate space to the rear of the proposed dwellings for the storage of waste and recycling bins.

Accordingly, it is considered that the proposal would comply with the policies set out above.

Impact on Neighbouring Amenity

The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP 3 and RLP 90 of the Local Plan Review seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

No additional windows or openings are proposed and the first floor of the building has been used for residential purposes (ancillary to the Public House). The proposal would therefore not give rise to a greater impact upon neighbouring residential amenity than already exists. Furthermore, it may be the case that residential use will create less noise and activity than when the building was used as a public house.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for dwellings with two bedrooms or more two off road parking space should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m.

Six parking spaces are proposed to the rear of the site which would accord with the above requirement.

The site is served by an existing access which would remain. It is considered that the vehicle movements associated with the residential use of the site are unlikely to have a greater impact upon the local road network or highway safety than if the building continued to operate as a public house.

Policy RLP51 requires new development proposals to provide cycle parking facilities. None are shown on the submitted plans but this is a matter which can be addressed by way of condition.

Landscape Considerations

The proposal includes the removal of four trees from within the site. One of these is a semi-mature Oak tree located close to the south eastern corner of the site.

The submitted Arboricultural Report refers to this tree and its contribution to the setting as “visible from adjacent dwellings, public house, B1508 Colchester Road within the context of T1 and T3”. The Council’s Landscape Officer advised that the amenity offered by the tree group as an assemblage along with their contribution to the character of the conservation area will be lost. The particular loss of a semi-mature Oak within the heart of the conservation area is regrettable and not a proposal which the Officer would want to support. The preference would be:

1. A layout that allows T2 (the Oak tree) to be retained with a no dig approach to the car park provision. A method statement and tree protection plan would need to be approved by condition and in place before commencement of works on site;
2. The provision of a suitable landscape scheme which should also provide for at least one replacement tree (a broadleaf tree) for the removal of the sycamores.

Information within the application indicates that a Building Surveyor Consultant has considered the proposal and is concerned about the potential impact of the Oak tree as it matures on the existing historic brick wall and the nearest single storey element of the eastern-most unit, which will have shallow foundations. It is proposed to remove the oak and plant a mountain ash at 3-4m high to replace it. This would have shallower roots and smaller overall mature growth. The applicant considers that this would be an appropriate alternative.

The submitted Arboricultural Report does not indicate that this tree would need to be removed and no evidence has been received which indicates that the future stability of the wall is in doubt. In the absence of any such information or evidence it is considered that the tree should be retained. Appropriate construction methods can be used to ensure that the roots of the tree will not be damaged and measures can be put in place to ensure that the tree is protected during construction. These can be ensured by condition.

Flood Risk

The majority of the site is located within Flood Zone 2 (medium probability of flooding). The western side of the outbuilding and a small area along the western boundary of the site fall within Flood Zone 1 (lowest risk of flooding). A dwelling is classified as a ‘More Vulnerable’ use.

The Planning Practice Guidance states that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use. The broad approach of assessing, avoiding, managing and mitigating flood risk should be followed.

For this type of development local authorities must follow the relevant Standing Advice issued by the Environment Agency. This relates to:

- surface water management
- access and evacuation
- floor levels

A Flood Risk Assessment (FRA) has been submitted with the planning application and addresses these points.

Surface water management

The proposal would not result in an increase in impermeable areas. A new grassed area would be provided to the rear of the building and cellular underground storage areas are proposed. The FRA states that there will be no increase in discharge from the site and likely betterment. The proposed development will also continue to use existing connections to the existing sewers in adjacent roads. The proposals will incorporate new low-water demand devices where necessary.

A condition can be imposed requiring all areas of hardstanding to be constructed of porous materials. The cellular underground storage areas would be controlled by Building Regulations.

Access and evacuation

The FRA states that fluvial flooding in this location and surface water flooding are unlikely to be of a long duration. It is therefore considered likely that there would be sufficient time to seek refuge and/or evacuate to an area outside of the site. A Preliminary Evacuation / Refuge Plan is included within the FRA which states that evacuation is usually the preferred response and is feasible at this site for the single storey dwelling. Refuge could be taken at first floor level within the former public house. It states that floodwaters are not likely to reach the entrances given that the highway is a preferential pathway.

It is recommended that occupants of the ground floor should ensure a flood safety evacuation pack is kept in a safe and easily accessible place.

Floor levels

The PPG states that ground floor levels should be a minimum of whichever is the higher of:

- 300millimetres (mm) above the general ground level of the site
- 600mm above the estimated river flood level.

If this isn't possible, the applicant needs to consider extra flood resistance and resilience.

The FRA indicates that raised ground floor levels are not considered necessary nor feasible given the listed nature of the main property. Safe evacuation and dry access to upper levels for the lifetime of the development are both achievable in emergencies.

A list of potential flood resilient measures is included in the FRA. This includes waterproofing to be installed above ground level as appropriate / where feasible, plasterboards to be installed in horizontal sheets rather than conventional vertical installation methods to minimise the amount of plasterboard that could be damaged in a flood event, wall sockets will be raised to as high as is feasible and practicable in order to minimise damage if flood waters inundate the property.

It is considered that flood risk can be appropriately managed in terms of resilient measures, precautionary mitigation measures and flood response management. Details of these measures can be ensured by condition.

S106 Requirements

Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.

Policy CS10 of the Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space, including allotments and publicly accessible natural green space, to meet a wide range of recreation, outdoor sport and amenity needs in the District.

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. The SPD states that, in this case, a financial contribution in lieu of on-site provision is required for public open space.

In this case a contribution will be sought for improvement and maintenance works to Bures Common and facilities thereon, Station Hill, Bures. The Parish Council has requested that Bures Common be included in the Open Spaces Action Plan and that the existing barn on this land could be repaired and used for community purposes. The Council is in receipt of a planning application for the restoration of a derelict 18th/19th Century cattle shed/barn and change of use from agricultural use to a community building (to provide toilet and refreshment facilities) at Bures Common (ref:16/00167/FUL).

Other Matters

The NPPF indicates that LPA's should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. The County Council Historic Environment Officer has commented on the historical significance of the building. The Officer indicates that public houses are facing a high rate of loss from conversion. Its conversion may result in the loss of fixtures and fittings that provide evidence of the evolution of this building over the last 300 years or so. It is therefore considered reasonable to impose a condition for the recording of the building as part of this application.

The site was recently submitted to the Council as a nomination to be considered as an asset of community value by a group known as 'Save the Swan'. The Council has however taken the decision not list the property as an asset of community value.

The Council's Environmental Health Officer has requested a condition requiring a contaminated land survey. This was queried by the Case Officer as the proposal is for the conversion of buildings, rather than new development. The Environmental Health Officer has advised that the requirement relates to the outbuilding/garage as this has not had a public use or been used for residential accommodation previously. There is the potential that chemicals, fuel, oil, etc. may have been stored in there previously, or even that a past use in the garage may have existed that is not immediately obvious. It is therefore considered that a minimum of a phase 1 survey would be necessary. However, the survey could be specific to the garage and the Officer would accept a minimum of a "walkover" in the site by the applicant (looking for signs of storage tanks, spillages, etc.), some photographs and a review of historic maps for potential past uses, as well as any other background that may be provided. This would then determine the need for a phase 2 survey or otherwise.

CONCLUSION

The site is located in a sustainable location within the village envelope where the principle of residential development is acceptable. Whilst the loss of the public house as a community facility is regrettable, another public house and other community facilities remain within the village. The building is a heritage asset, being Grade II listed and located within the Conservation Area. Limited alterations to the building are proposed and accordingly it is not considered that the conversion of the buildings would have an adverse impact upon the character and appearance of the listed building or the conservation area. The proposal would provide sufficient parking and amenity space to accord with the Council's adopted standards and it would not give rise to adverse impact upon neighbouring residential amenity, highway safety or flood risk.

RECOMMENDATION

It is RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) within one calendar month of this resolution (or any mutually agreed later date) to cover a financial contribution towards public open space that the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed by the aforementioned date the Development Manager may use her delegated authority to refuse the application on the basis of the failure to make provisions in accordance with the relevant policies.

APPROVED PLANS

Existing Site Plan	Plan Ref: P15-328/P001
Existing Floor Plan	Plan Ref: P15-328/P002
Existing Elevations	Plan Ref: P15-328/P003
Proposed Site Plan	Plan Ref: P15-328/P004
Proposed Floor Plan	Plan Ref: P15-328/P005
Proposed Elevations	Plan Ref: P15-328/P006

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans listed above except in respect of the removal of tree T2 shown on Drawing No. P15-328/P004. This tree shall be retained unless otherwise agreed in writing by the local planning authority.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 No conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason

To enable full recording of this site of historic importance.

- 4 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for

all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 5 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

To enhance the appearance of the development and in the interests of visual amenity and privacy.

- 6 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 7 The development shall not be occupied until the car parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided.

- 8 The vehicular hardstanding shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

In accordance with the Council's adopted Car Parking Standards.

- 9 Prior to occupation of any part of the development hereby approved a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-
- (a) Details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,
 - (b) Details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

Reason

In the interest of promoting sustainable forms of development and minimising the environmental and amenity impact.

- 10 Prior to the occupation of any part of the proposed development a flood evacuation plan, including details of how this will be made available to occupants, and details of proposed flood proofing measures shall be submitted to and approved in writing with the Local Planning Authority. The measures shall be carried out in their entirety prior to the occupation of the development hereby approved.

Reason

To ensure the appropriate protection of the development and /or occupants from flood risk.

- 11 Prior to the commencement of the conversion of the outbuilding a Phase 1 Survey (and any subsequent surveys which may be required) shall be undertaken to assess the nature and extent of any contamination within the existing outbuilding/garage. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land

Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with 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.

- 12 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 13 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 14 Prior to the occupation of the development the details of the number, location and design of a covered parking facility for bicycles shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before prior to occupation and retained at all times.

Reason

To ensure appropriate bicycle parking is provided in accordance with the Council's adopted Parking Standards.

- 15 Development shall not be commenced until an Arboricultural Method Statement and Tree Protection Plan providing details of the means of protecting tree T2 as shown on Drawing No. P15-328/P004 from damage during the carrying out of the development have been submitted to the local planning authority for approval.

The Method Statement shall include details of the means of construction of the hardstandings around tree T2 in order to protect the tree from damage during construction and ensure its future retention.

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the protection and retention of an existing Oak tree. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

INFORMATION TO APPLICANT

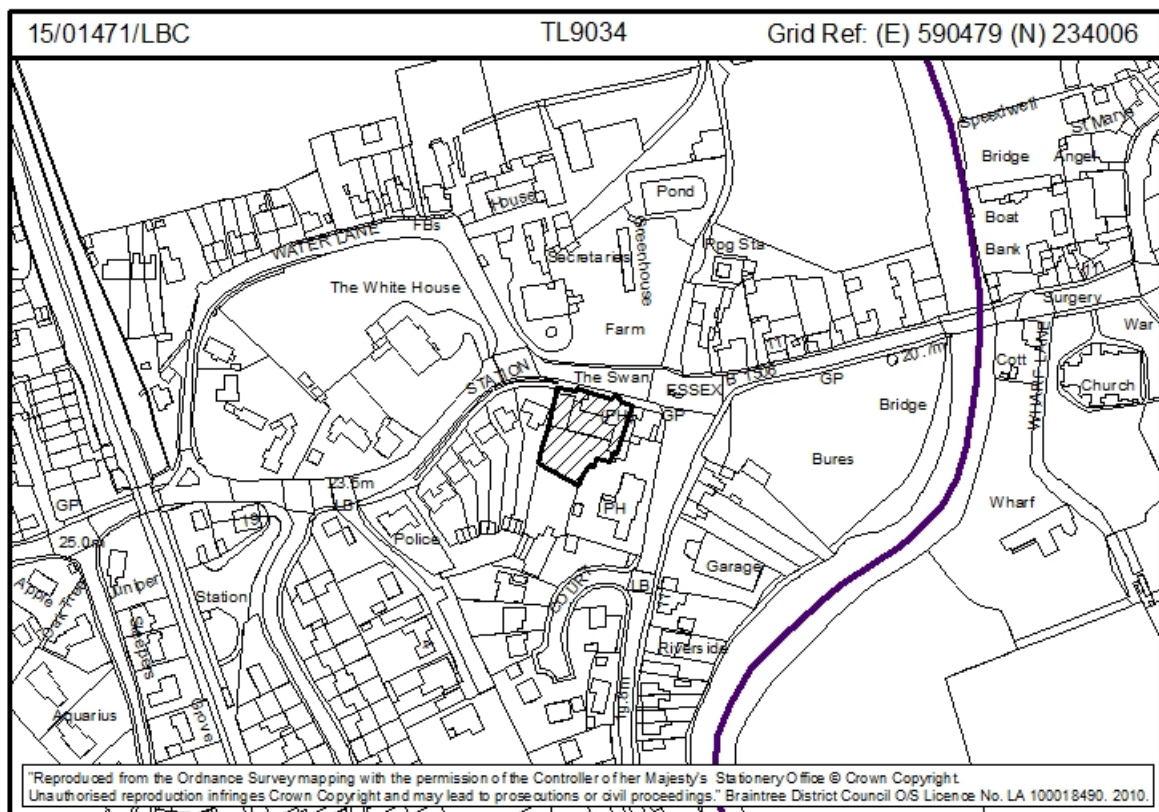
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).
- 4 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the Local Planning Authority prior to the formal submission of details.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01471/LBC DATE: 30.11.15
 VALID:
 APPLICANT: Repton Heritage Restoration Ltd
 Saling Grove, Great Saling, Essex, CM7 5DD
 AGENT: Andrew Martin-Planning
 Mr Andrew Martin, Town Mill, Mill Lane, Stebbing, Dunmow,
 Essex, CM6 3SN
 DESCRIPTION: Change of use from public house/restaurant to two
 residential dwellings and conversion of an
 outbuilding/garage to one residential dwelling with
 associated parking and amenity space.
 LOCATION: The Swan PH, 1 Station Hill, Bures Hamlet, Essex, CO8
 5DD

For more information about this Application please contact:
 Miss Nina Pegler on:- 01376 551414 Ext. 2513
 or by e-mail to: nina.pegler@braintree.gov.uk



SITE HISTORY

15/01470/FUL	Change of use from public house/restaurant to two residential dwellings and conversion of an outbuilding/garage to one residential dwelling with associated parking and amenity space.	Pending Decision
--------------	--	------------------

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Planning Practice Guidance

Draft Development Management Plan

INTRODUCTION

This application is brought before the Planning Committee as the development is considered significant in the terms of the Scheme of Delegation.

NOTATION

The site is located within the village envelope.

SITE DESCRIPTION

Please refer to preceding report for 15/01470/FUL.

PROPOSAL

Listed Building Consent is sought for the proposed works to the listed building as part of the conversion of the vacant public house to two no. dwellings and

the conversion of the adjacent garage/outbuilding to one dwelling. Further details can be found in the preceding report for 15/01470/FUL.

CONSULTATIONS

Please refer to preceding report for 15/01470/FUL.

REPRESENTATIONS

None

REPORT

Design, Layout & Impact Upon Listed Building

The NPPF indicates that when determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Policy CS 9 states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas and areas of highest archaeological and landscape sensitivity.

Furthermore it promotes the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building and changes of use will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building (or structure);

and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The building is Grade II listed and it must be ensured that any proposal would not be harmful to the historic character and setting of the building.

Only minor additions and repairs to the existing public house building are proposed. These include a new internal staircase, a new door and window on an existing single storey extension to the rear of the building, removal of an internal wall, existing windows and a door to be sealed and re-rendered on the existing single storey extension to the side of the building. New roof lights and doors are proposed to the outbuilding. The existing garage doors on the front elevation would be retained but new windows would be inserted.

The proposal has been considered by the Council's Historic Buildings Advisor who has raised no objection to the proposal and indicates that there would be no damage to the historic fabric of the building. Little information has been provided regarding the repair or replacement of the windows on the front elevation of the building which are an important feature. The preference would be for repair. Detailed matters such as this can be controlled by condition.

It is considered that the proposed alterations which require listed building consent are acceptable and would not have an adverse impact upon the character, fabric, stability or setting of the listed building. Accordingly the proposal complies with the aforementioned policies.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Existing Site Plan	Plan Ref: P15-328/P001
Existing Floor Plan	Plan Ref: P15-328/P002
Existing Elevations	Plan Ref: P15-328/P003
Proposed Site Plan	Plan Ref: P15-328/P004
Proposed Floor Plan	Plan Ref: P15-328/P005
Proposed Elevations	Plan Ref: P15-328/P006

- 1 The works hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to their installation, additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 4 Prior to the commencement of works a repair schedule for the windows on the front elevation of the existing public house shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 5 All new works, repairs and making good, whether internal or external, shall be finished to match the methods, materials, colour, texture and profile of the original work.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 6 No part of the fabric of the building, including any timber framing or infill panels, shall be removed without the prior written approval of the local planning authority unless specifically approved by this consent.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

- 7 The roof lights shall be of low profile conservation type, the specification of which shall be submitted to and approved in writing by the local planning authority. The roof lights shall be installed in accordance with the approved details and permanently maintained as such.

Reason

To ensure the proposed works do not prejudice the architectural or

historic merits of the listed building.

- 8 All rainwater goods shall be black and made of cast metal.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

TESSA LAMBERT
DEVELOPMENT MANAGER

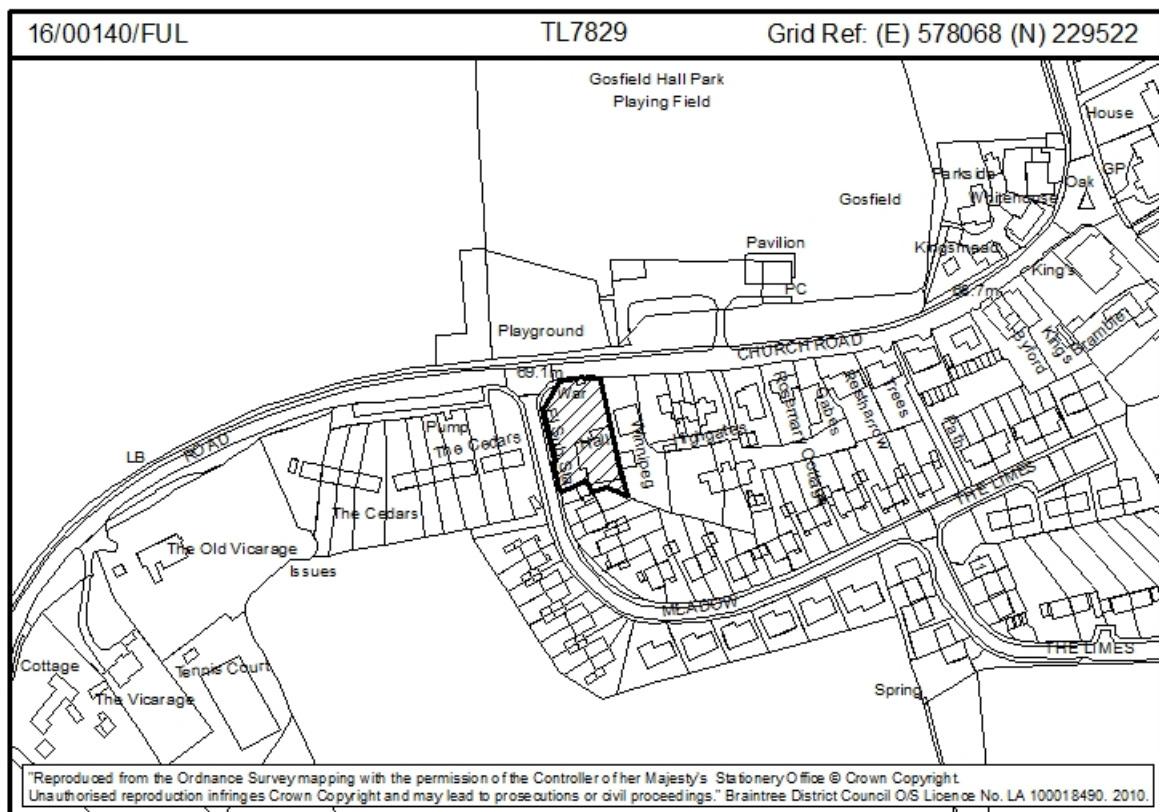
PART B

APPLICATION NO:	16/00140/FUL	DATE VALID:	27.01.16
APPLICANT:	Maurice Rowson Hall Management Committee Mr William Pasfield, Orchard Cottage, Hedingham Road, Gosfield, Essex, CO9 1PJ		
AGENT:	Mr David Jarvis 33 Highlands, Gosfield, Essex, CO9 1PH		
DESCRIPTION:	Erection of flat roof canopy to rear of building		
LOCATION:	Maurice Rowson Hall, Church Road, Gosfield, Essex, CO9 1TL		

For more information about this Application please contact:

Mrs H Reeve on:- 01376 551414 Ext. 2503

or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

90/00751/PFHN	Extension Of Gosfield War Memorial To Incorporate 410th Bomb Group (USAF) Memorial	Granted	17.07.90
---------------	--	---------	----------

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

INTRODUCTION

This application is brought before the Planning Committee due to the agent being a member of staff.

SITE DESCRIPTION

The site is located towards the centre of Gosfield village, within the development boundary and Conservation Area.

The site comprises 'Maurice Rowson Hall' - the village community hall with car parking. The hall is located is sited within a predominantly residential area, on the corner of Church Road and Nun's Meadow. Opposite the site is Gosfield Hall Park playing field and play equipment.

The hall itself is sited in the southern-most corner of the site and as a result this part of the hall is not widely visible.

PROPOSAL

The proposal is for a flat roof canopy to the rear of the Hall, projecting 1.7 metres from the rear wall and 2.8 metres above ground level. The overall width would be 9.3 metres and would provide shelter for 2 no. doors on the rear elevation, serving the main hall and 'Bernard Brooks' room. The canopy would be supported by 90mm diameter hollow steel poles. The materials would match an existing canopy on the side elevation.

CONSULTATIONS

Historic Buildings Adviser – No objection raised. The hall is a modern building in the Gosfield Conservation area. The canopy would be inconspicuous and barely visible from the roadside. As such, it would not affect the Conservation Area.

Gosfield Parish Council – no response at time of writing report

Environmental Health - no objection raised on environmental health grounds

REPRESENTATIONS

A site notice has been displayed on a telegraph pole outside the site, on Nun's Meadow.

Adjacent residential neighbours have been consulted – 'Winnipeg' and 40 Nuns Meadow. No responses received at time of writing report.

REPORT

Principle of Development

The site is located within the Gosfield Village Envelope and Conservation Area. This is a relatively minor proposal and the principle of carrying out alterations to the hall is an acceptable one, subject to compliance with relevant policies, which are detailed below.

Design, Appearance and Impact on Conservation Area

RLP 95 states that the Council will seek to preserve and encourage the enhancement of the character and appearance of designated Conservation Areas. Any new development must be situated in harmony with the existing street scene and building line and is sympathetic in size, scale and proportions with its surroundings. Building materials should also be authentic and complimentary to the building's character.

Given the location of the hall in the southern corner of the site and the siting of existing outbuildings, it is difficult to view the rear elevation from any public vantage point. The proposed canopy on the rear elevation will therefore be barely visible from the wider street scene. As such, the proposed alterations will have minimal visual impact on the character and appearance of the Conservation Area or the hall itself. Having said that, the proposed materials would match an existing canopy on the site and it is considered that the proposed canopy is sympathetic in scale and proportions to the hall itself.

Impact on Neighbouring Residential Amenity

RLP 90 states that planning permission will only be granted providing there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposal may be just visible from the rear garden of 'Winnipeg', but in terms of any overbearing or overshadowing concerns, it is not considered the proposal would have any impact and is therefore acceptable in this respect.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan

Block Plan

Photograph

Plan Ref: NO. 1

Photograph

Plan Ref: NO. 2

Photograph

Plan Ref: NO. 3

General Plans & Elevations

Plan Ref: MH/1

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

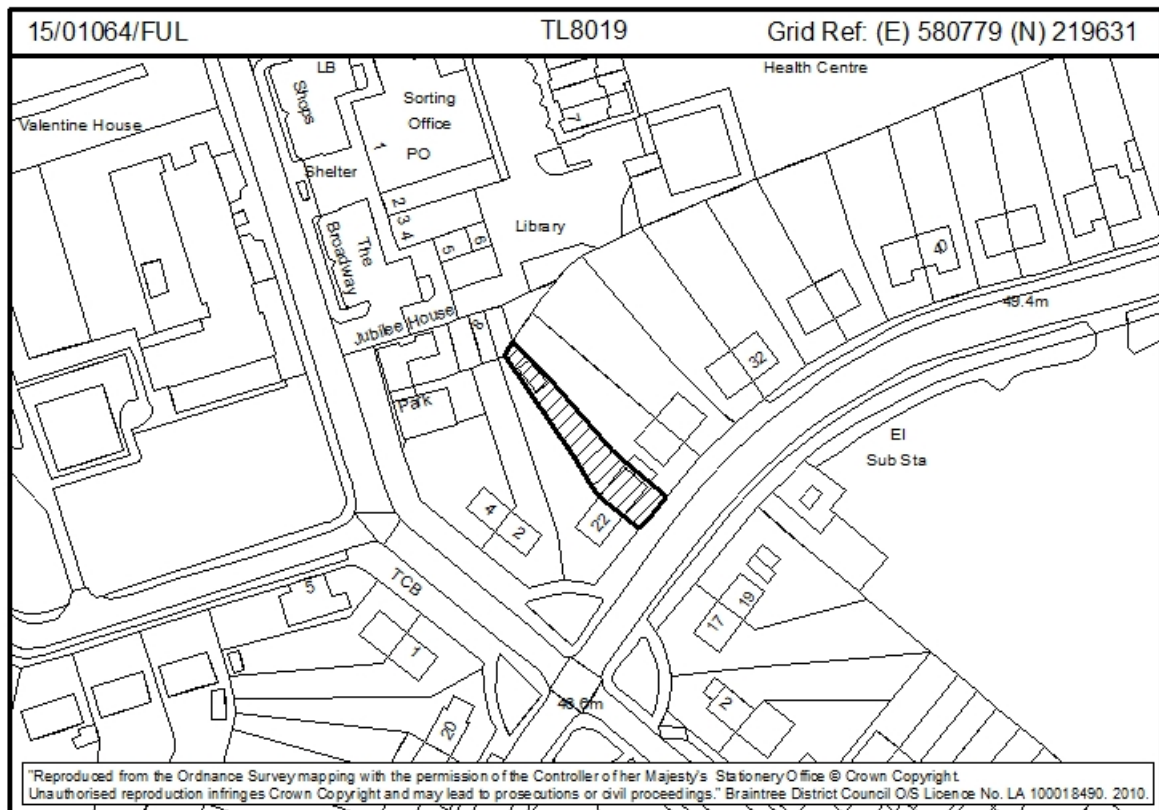
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 15/01064/FUL DATE: 17.08.15
 VALID:
 APPLICANT: Mrs Joan Browne
 24 Temple Lane, Silver End, Essex, CM8 3RP
 AGENT: Mr Alan Williams
 7 Bower Hall Drive, Steeple Bumpstead, Essex, CB9 7ED
 DESCRIPTION: Application for variation of condition no. 3 of approved application 13/00803/FUL - (Replace all 4 front windows with double glazed Crittall Homelite Windows) - Duration Heritage windows to be installed instead of Crittall Homelite.
 LOCATION: 24 Temple Lane, Silver End, Essex, CM8 3RP

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

11/00105/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Cut down 1 Tree of Heaven tree	Refused	15.06.11
13/00803/FUL	Replace all 4 front windows with double glazed Crittall Homelite Windows.	Granted	02.09.13
13/00295/TPO	Notice of intent to carry out works to a tree protected by Tree Preservation Order 15/11 - Remove lowest branch back to main stem from 1 Tree of Heaven and Reduce the branch overhanging No22 back to first break nearest the tree	Granted	24.01.14
14/00127/TPOCON	Notice of intent to carry out works to a tree in a Conservation Area - Fell to ground level 1 Yew tree	Granted	11.06.14

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This planning application is being presented to the Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

SITE DESCRIPTION

24 Temple Lane is a two storey dwelling house located within the original garden village founded by Crittall Window Company which is a designated Conservation Area, which is also subject to an Article 4 Direction.

PROPOSAL

The application seeks to vary condition No. 3 of approved application No. 13/00803/FUL which specifies Crittall Homelite windows are to be used when replacing the existing windows in the front elevation. The proposal wishes to vary this condition so that Duration Heritage windows can instead be used when replacing these windows.

CONSULTATIONS

Historic Buildings Consultant – No objections. The Historic Building Consultant commented that the windows provided by this company have been approved for use elsewhere within the Conservation Area. Therefore, it is considered that the proposed windows would be acceptable for use within the Conservation Area.

REPRESENTATIONS

Parish Council – Objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Area Guide.

REPORT

Principle of Development

In this location, as set out in Policy RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In addition, Policy RLP95 states that the Council will reserve, and encourage the enhancement of the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designates areas. Proposals within Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon amenity and highway considerations.

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. This means the replacement of windows, which would normally constitute 'permitted development' under Schedule 2, Part of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), requires consent in this instance. The Silver End Conservation Guide (1999) gives details of appropriate window designs and materials within this area.

Design, Appearance and Layout

As referenced above, planning permission has been granted to replace the existing windows with Crittall Homelite windows. This application seeks permission to vary this condition and install metal framed windows provided by Duration as an alternative. Any replacement window must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section shows a thickness of 24mm which is considered to be acceptable and reflects consents granted in recent years for replacement windows. The principle of replacing Crittall windows with windows of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Buildings Consultant has raised no objections to the proposal. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Window details

- 1 The development hereby permitted shall be begun before 2nd September 2016.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

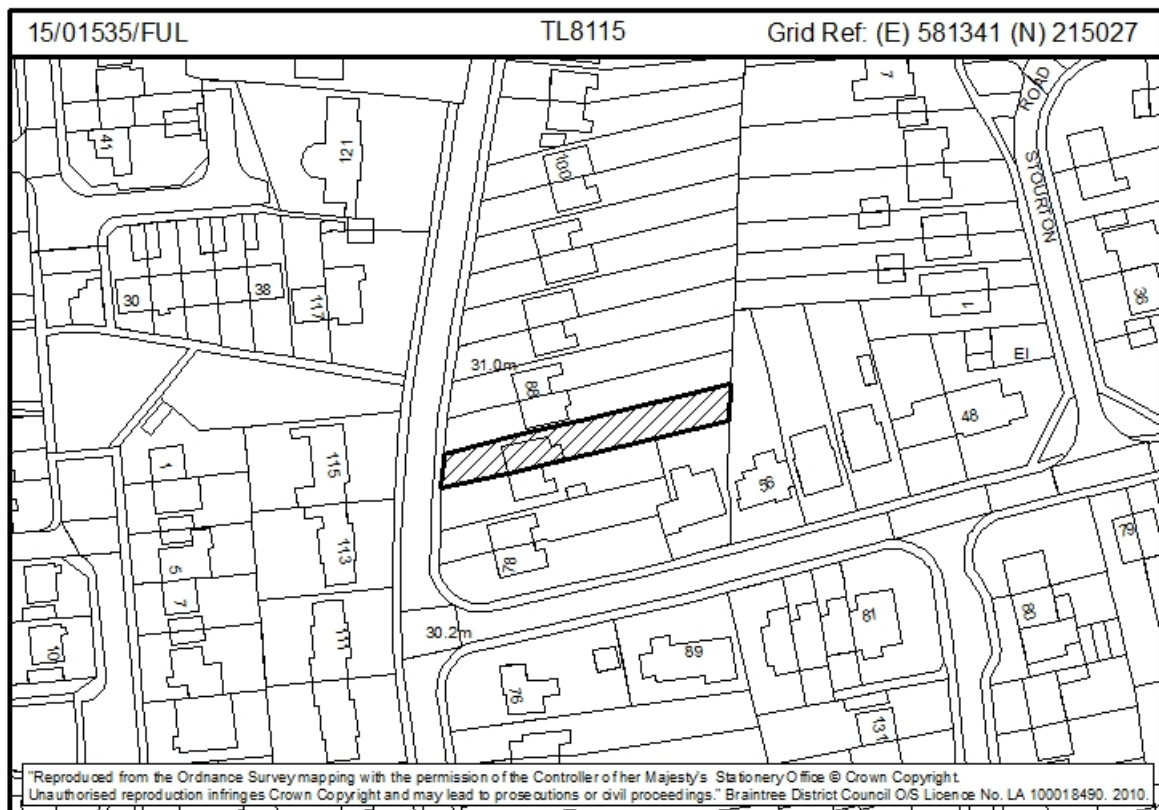
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 15/01535/FUL DATE 16.12.15
 NO: VALID:
 APPLICANT: Mr & Mrs Grant
 84 Highfields Road, Witham, Essex, CM8 2HH
 AGENT: Mr M May
 Michael H May, 252 Broad Road, Braintree, Essex, CM7
 5NJ
 DESCRIPTION: Erection of orangery style single storey rear extension
 LOCATION: 84 Highfields Road, Witham, Essex, CM8 2HH

For more information about this Application please contact:
 Mrs Liz Williamson on:- 01376 551414 Ext. 2506
 or by e-mail to:



SITE HISTORY

88/00535/P	Erection Of Extension	Refused	15.04.88
89/00209/P	Erection Of Extension	Granted	14.03.89
14/01363/FUL	Erection of single storey rear extension	Withdrawn	16.12.14

POLICY CONSIDERATIONS

National Planning Guidance

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and Villages
RLP90 Layout and Design of Development

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is brought to Committee for consideration as the Agent's wife is employed by Braintree District Council.

SITE DESCRIPTION

The application site comprises a two storey, semi-detached property located within the town development boundary of Witham and located within a quiet residential area. The property has off road parking to the front and has a 90 metre long garden to the rear. The rear garden is enclosed by 1.8m high boundary fence.

PROPOSAL

The application proposes an orangery style single storey rear extension. The proposed extension would measure 4760mm in depth, 3960mm in width and 3500mm in height. The extension would be positioned to the rear of the existing dining area and would provide for additional living accommodation. French doors are proposed on the rear elevation to allow direct access to the garden.

Materials and finishes are proposed to match the existing; face brickwork; concrete tiles, upvc windows and doors.

CONSULTATION

Parish Council raised no objection to the proposal.

REPRESENTATIONS

None

REPORT

Principle of Development

In this location, as set out in Policy RLP3 and RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon amenity and highway considerations.

Design, Appearance and Layout

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in RLP17.

The proposed extension, would be in keeping with and enhance the character and appearance of the existing dwelling and would not have a detrimental impact on the character of the house or wider character of the area.

Impact on Neighbouring Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light,

overshadowing, overbearing or in terms of overlooking. Furthermore no comments from neighbouring properties have been received.

Highway Issues

It is not considered that there would be any highway implications associated with this application, as the existing parking spaces would be retained at the front of the property.

CONCLUSION

In conclusion, it is considered that the proposal is acceptable and would comply with the aforementioned planning policies. The application is therefore recommended for approval.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan

Block Plan

Existing Floor Plan	Plan Ref: 2014/038	Version: A
Proposed Floor Plan	Plan Ref: 2015/038	Version: B
Existing Elevations	Plan Ref: 2014/038	Version: C
Proposed Elevations	Plan Ref: 2015/038	Version: D
Proposed Elevations	Plan Ref: 2015/038	Version: E

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The works hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT - DEVELOPMENT MANAGER