

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 16 January 2018 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Acting Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

### **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 2nd January 2018 (copy to follow).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

To consider the following planning applications.

#### **PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 17 00789 FUL - 76-78 High Street, BRAINTREE</b>	<b>5 - 21</b>
<b>5b</b>	<b>Application No. 17 00790 LBC - 76-78 High Street, BRAINTREE</b>	<b>22 - 31</b>
<b>5c</b>	<b>Application No. 17 01209 FUL - Westwoods, Halstead Road, COLNE ENGAINE</b>	<b>32 - 48</b>
<b>5d</b>	<b>Application No. 17 01862 FUL - Land Between 1 and 3 Long Gardens, WICKHAM ST PAUL</b>	<b>49 - 61</b>
<b>5e</b>	<b>Application No. 17 01958 FUL - Police Station, High Street, GREAT YELDHAM</b>	<b>62 - 76</b>

#### **PART B**

Minor Planning Applications:-

There are no applications for consideration under Part B.

**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**

**Page**

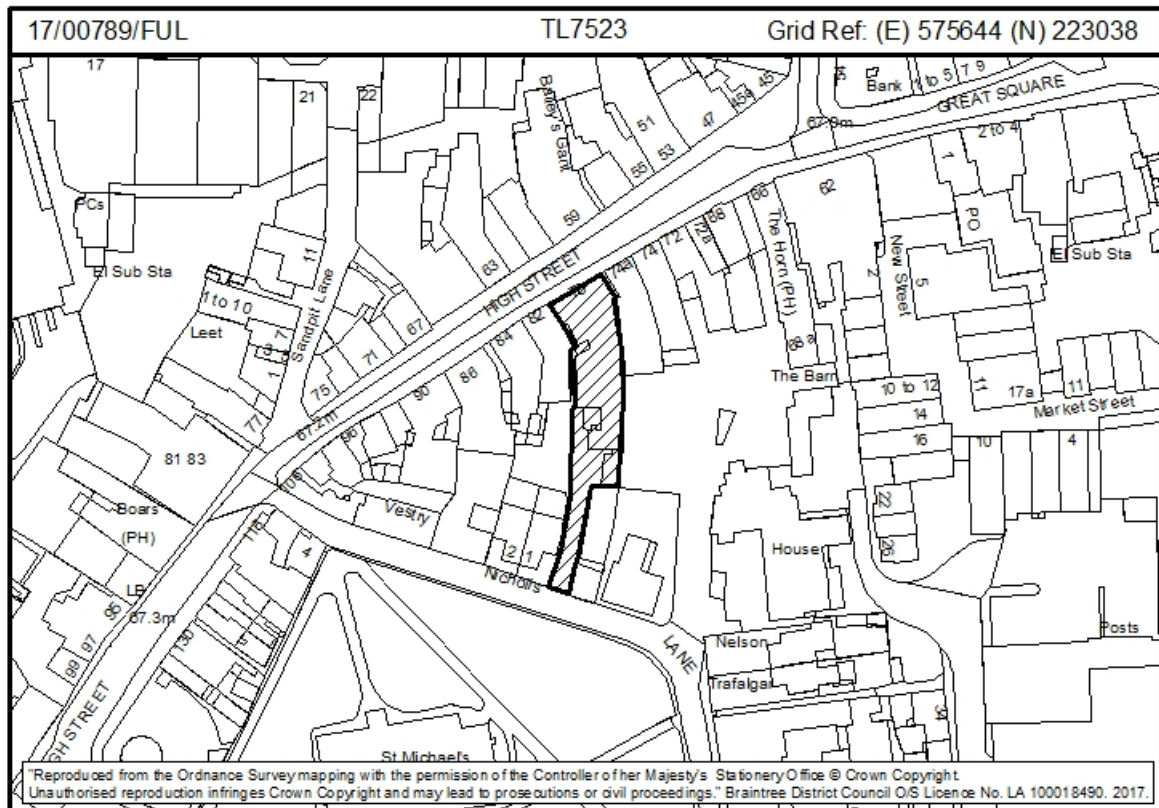
**8 Urgent Business - Private Session**

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.

PART A

APPLICATION NO: 17/00789/FUL  
 DATE: 31.05.17  
 VALID:  
 APPLICANT: Stallan Braintree Ltd  
 Mr David Whittaker, 58A High Street, Hoddesdon, EN11 8ET  
 AGENT: Mr John Douglas  
 C/o Suite 113, 268 Bellsizes Road, London, NW6 4BT  
 DESCRIPTION: Works, extensions and change of use of existing building to form a single A1/A2/A3 unit at ground floor, creation of 3 no. 1 bedroom flats at first and second floor, a demolition of existing rear extension and erection of replacement two storey rear extension to create additional 5 no. 1 bedroom flats, with associated parking and landscaping.  
 LOCATION: 76-78 High Street, Braintree, Essex, CM7 1JP

For more information about this Application please contact:  
 Mathew Wilde on:- 01376 551414 Ext. 2512  
 or by e-mail to: [mathew.wilde@braintree.gov.uk](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

89/00795/P	Installation Of New Shopfront	Granted	13.07.89
91/00044/PFBN	Proposed External Fire Escape To Existing Shop	Granted	21.03.91
91/00045/PFBN	Proposed External Fire Escape To Existing Shop	Granted	21.03.91
95/00097/COU	Proposed change of use of part of ground floor for newspaper offices	Granted	07.03.95
95/00267/LBC	Removal of internal staircase and partitions under. Erection of block partitioning both plastered to form office accommodation.	Granted	07.04.95
95/00995/COU	Proposed change of use of first floor from commercial retail to offices, with new entrance	Granted	29.09.95
95/00996/LBC	Proposed change of use of first floor from commercial retail to office with new entrance	Granted	29.09.95
17/00790/LBC	Works, extensions and change of use of existing building to form a single A1/A2/A3 unit at ground floor, creation of 3 no. 1 bedroom flats at first and second floor, a demolition of existing rear extension and erection of replacement two storey rear extension to create additional 5 no. 1 bedroom flats, with associated parking and landscaping.	Pending Decision	

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for

submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP95	Preservation and Enhancement of Conservation Areas

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP112	Town Centre Uses

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP11	Primary Shopping Areas
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

#### Other Relevant Guidance and Supplementary Planning Documents

Essex Design Guide (2005)  
Essex Parking Standards (2009)

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Development Manager in consultation with the Chairman and Vice Chairman of Planning Committee considered it to be of significant public interest due to the level of objections received.

It should be noted that the applicant has lodged an appeal against the non-determination of this application. Accordingly officers are seeking to establish the Council's position for the purposes of that appeal.

#### SITE DESCRIPTION

The application relates to No's 76-78 High Street in Braintree which comprises a mixture of Class A1 (shop) at ground floor and ancillary office/retail at first/second floor. The core of the building dates back to the seventeenth century, but incorporates a nineteenth century shop front, an earlier apparently fifteenth century range to the rear, as well as later twentieth century additions. The site also falls within the boundary of the Braintree



Conservation Area. St Michaels Church is located some distance at the rear of the site.

The application property is located on the High Street, but rear vehicular access can be taken from St Michaels Lane. The land ownership encompasses an entrance to the site but does not include a garage fronting onto St Michaels Lane, or a commercial storage unit behind it. The building forms the party wall with the adjoining parking courtyard to the east.

## PROPOSAL

The application proposes various works and alterations to the Listed Building which can be summarised as follows:

- (1) The internal partitions in the shop units are proposed to be removed to form a single open plan shop at ground floor level of 76-78 High Street. The application also proposes to change the use of the ground floor from A1 to a flexible permission between Use Classes A1, A2 (Financial and Professional Services) and A3 (Restaurant / Café).
- (2) The change of use with internal alterations of the first and second floors from commercial offices and retail areas to residential to form 3 one bedroom flats.
- (3) Removal of 20<sup>th</sup> century ground and first floor extensions to the rear of the Listed Building.
- (4) Removal of other modern additions to historic extensions to the building, and replacing them where appropriate with new frontages.
- (5) The provision in this space of 5 one bedroom flats over two floors with a further two storey rear extension, and the creation of amenity space in the rear courtyard.

## CONSULTATIONS

### Braintree District Council Environmental Health Officer

No objection to the principle of the development, but raised concerns with regard to a lack of adequate amenity space for future occupiers and requested a noise mitigation scheme to protect future occupiers from commercial activities on the High Street.

### Braintree District Council Waste Services

No objection providing waste bins are provided no more than 20m from the public highway.

## Essex County Council Highways Authority

No objection providing that the development provides 8 cycle/powered two wheeler parking spaces. In addition, recommends a condition to provide travel information pack.

## Essex County Council Historic Buildings Consultant

Supports the redevelopment of the site, but objects to the proposal as currently submitted:

*“The range at the front of the plot is relatively well preserved externally, but its use as offices on one side, and as a shop on the other has meant that the internal floorplan has been considerably altered in a manner which has denuded the contribution which the internal fabric and configuration makes to the significance of the building. The reconfiguration of the interior of the building therefore has the potential to have a relatively low impact on the significance of the building, and what is proposed as part of this application is not considered to result in harm to the significance of the listed building. The removal of the signage from the front elevation is also considered to better reveal the architectural character of the building. All replacement plasterboard internal walls should be specified as wood/wool or woodfibre board as opposed to gypsum based plasterboard.*

*The modern extensions to the rear of the building almost completely obscure the older range of the building, and are in places of an eccentric and visually detrimental form. Their removal would therefore be strongly supported, as would the opening up of the internal finishes to better reveal the historic frame. Again the internal space has been altered considerably, and the proposed reconfiguration is not considered to harm the significance of the listed building. However the proposed design is considered to be overly domestic in design, creating a mews character, as opposed to allowing an understanding of the range forming part of a large listed structure and allowing an understanding of its historic form and function. Most importantly the visual subdivision externally does not relate to the historic subdivision of the building, or give a readable understanding of the size and formation of the historic bays. The applicant should look to visually subdivide the building on the line of the internal trusses, which would allow a much better understanding of the historic appearance of the building and the historic form of construction. Other aesthetic points relate to the formation of the apertures, which would seem to be overly horizontal in emphasis. The reconfiguration of the external form would probably lead to a need to utilise windows of greater vertical emphasis, but in any instances these would be more in keeping with the character of the building. The positioning of the door in the left hand unit from its central location would also reduce the domestic mews nature of the appearance.*

*The applicant also seeks to demolish an existing single storey building, and to replace it with a two storey element with an open car port area at ground floor. The result is to create an increasing sprawling built form on the site, which is*

*verging on the overdevelopment of the plot. In particular the unit will distort the appreciation of the historic form of the building which the applicant is otherwise seeking to better reveal. The proposal would also require the removal of a single storey timber constructed and brick clad element, which would appear to be of historic significance and elucidates an understanding of the historic built form on the plot, and the configuration and hierarchy of the buildings on the site. I therefore would not want to see it lost from a conservation perspective, unless the benefit of its removal on other planning matters is considered to outweigh this harm.*

*I therefore cannot support the application from a conservation perspective, as I do not believe that the proposed design for the rear section of the site appropriately preserves the significance of the listed building, albeit I also recognise that there is also benefit accrued from the proposed works on this section of the site. I would not object in principle, and if the applicant could reconfigure the proposed design of this element, I believe that the application could have a net beneficial impact on the significance of the heritage asset.”*

### Historic England

No comment – refer the Local Planning Authority to local heritage advice.

### REPRESENTATIONS

8 objections have been received from 47 Greene View, 60 West Street, 6 Oaklands Close, 2 Nicholls House, 1 Nicholls House, Ringers (267) London Road, 82 High Street and 101 Trotters Field outlining the following summarised objections:

- Noise issues during conversion works negatively affect nearby businesses / residential premises
  - Noise during other conversion works disruptive
  - Condition relating to location of works vehicles should be included
- Town centre should not be lost to residential uses
  - Noise from future residents filter through to commercial uses adjacent - disruptive
- Highway issues
  - Lead to significant increase in local traffic
  - St Michaels Lane very narrow in places – dangerous to pedestrians
  - Insufficient parking provided – lead to parking on street
  - Possible damage to access track
  - Access difficult at rear – construction vehicles find difficult
- Neighbour issues – overlooking of housing and garden (No.1 and 2 Nicholls House)
  - Shared access could be compromised
  - Loss of light to No.82 High Street
- Pollution incurred from cars using the spaces + bin location close proximity to coffee bar at rear

- Bin location seemingly 30m from roadway
- Time restrictions should be imposed for use of courtyard area
- Overdevelopment of the site
- Impact on landscaping/vegetation

## REPORT

The National Planning Policy Framework (NPPF) states in (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking.

The application site is located within Braintree the Town Development Boundary. The general principle of development is therefore supported by Policy RLP2. Policy RLP3 however states that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptable impact in terms of neighbours' amenity, landscaping and protected trees.

The proposals are involve the change of use of a building within the town centre and a primary shopping area where retail policies seek to retain shops and town centre uses. The development will also have implications for the form and fabric of a listed building in a Conservation Area where relevant heritage policies apply.

Notwithstanding the above, the NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing. The Council currently has a shortfall in its housing supply.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

In this case, an assessment will be required as to whether there are any specific policies in the framework that indicate that development should be restricted, and thus whether the tilted balance in favour of sustainable development is applied or not. The Committee report henceforth considers what the development offers in terms of benefits and balances that against any identified harm associated with the development.

### Works to Building

The Grade II Listed Building is formed of two distinct elements, a seventeenth century timber framed range fronting onto the High Street, and a long fifteenth century range set at right angles to the rear. The exterior front of the building has been relatively well preserved and the application proposes to remove the existing signage at the front of the building which would better reveal the architectural character of the building. However, internally at ground floor, the use of the building as offices on one side and as a shop on the other has meant that the internal floorplan has been considerably altered in a manner which has denuded the contribution which the internal fabric and configuration makes to the significance of the building. As such, the Historic Buildings Consultant has no objection to the proposed reconfiguration of the interior of the building as the works would not result in harm to its significance.

In contrast, the rear of the building has been subject to a number of modern extensions which are considered to almost completely obscure the older range of the building, and in places are of an eccentric and visually detrimental form. The overall form of the rear extensions would span approx. 19m in depth from the original rear of the Listed Building, then stepping down by 1.5m to a 1 ½ storey element for approx. 3.7m in depth and then the height reduces again to a single storey rear element that measures approx. 6.8m in depth. It adjoins a single storey commercial building outside of the application site. There would therefore be a public benefit of the removal of the modern “accretions” to the building.

The proposal in this case would retain the historic core of the two storey extension range but would replace the existing more modern extensions with new “frontages” that would span the entirety of the length of the rear additions. This would facilitate the creation of 4 of the 5 one bedroom flats. It is considered however that the way in which these rear additions would be replaced would completely change the form and character of the rear range, creating a mews character, as opposed to allowing an understanding of the range that forms part of the large listed structure and its historic form and function. As such, it is considered that the proposed visual subdivision externally does not relate to the historic subdivision of the building, or give a readable understanding of the size and formation of the historic bays. It is therefore considered the proposed replacement frontages would cause harm to the significance of the Listed Building. This concern is shared by the Historic Buildings Consultant.

The application also proposes to demolish the existing 1 ½ storey extension and single storey building at the furthest rear point of the site and replace it with a two storey extension with an open car port at ground floor. This section would be an extension to the two storey range of buildings proposed. This is where the final one bedroom flat would be located. It is considered that this extension element would create a sprawling built form on the site which gives an appearance of overdevelopment of the plot. As such, it is considered that the two storey extension would distort the appreciation of the historic form of the building further.

In addition to the above, it is considered the single storey building at the rear is of historic significance and elucidates an understanding of the historic built form on the plot, and the configuration and hierarchy of the buildings on the site. The proposed two storey extension would require this part of the historic building to be removed which would be contrary to national and local policies which seek to protect and preserve heritage assets.

In addition to the harm identified above, concerns have also been raised by 2 and 1 Nicholls House in respect of possible overlooking / overbearing / overshadowing as a result of the proposal. The garden areas for both No.2 and No.1 are small and run parallel to the shared access from St Michaels Lane. The existing two storey range at its closest point would be approx. 14.6m away from the rear garden boundary of No.1, while a single storey element would project to the site boundary approx. 6m away from No.1. The proposed two storey rear extension would replace the single storey element and increase its height to form a two storey addition for a flat. As such, the proposed two storey rear extension would reduce the first floor distance to approx. 6m at the closest point to the garden of No.1. In terms of positioning, the two storey rear extension would not run parallel with the rear gardens of No.1 or No.2 but would be at a very similar line.

The proposed two storey rear extension would therefore increase the height of built development in closer proximity to the small gardens of No.1 and No.2. It is considered this increase in height due to its proximity would have a possible

detrimental impact on the amenity of No.1 by virtue of overshadowing and possible indirect overlooking.

Concerns have been raised in respect of loss of light to No.82 High Street. However, the existing two storey range is proposed to be unchanged in height while actually reduced in depth. As such, it is considered that the impact would likely be reduced for No.82 High Street. Concerns have been raised in respect of increased pollution and smells from cars and the bin store on surrounding commercial premises. However, the Environmental Health Officer has no objection to the proposal in respect of possible pollution or other contaminants. In any case, the bin store would largely contain any smells that may arise from storage bins. These details could be secured via condition.

As such, while there would be a benefit of the removal from the existing modern additions, it is considered the works as proposed would cause harm to the significance of the Listed Building and result in the loss of a building of historic value and importance to understanding the hierarchy of buildings on the site. In addition, the works to the building are considered to cause detriment to neighbouring properties by virtue of overshadowing. It is considered the harm would outweigh the public benefit of the removal of the modern additions in this case.

### Commercial Use of Building

The application site is located within Primary Retail Frontage as set out in the Adopted Local Plan and Publication Draft Local Plan. Within primary retail frontages the Local Plan seeks to resist the creation of continuous frontages of non-retail uses. In this case, the application proposes to merge the two A1 units and change the use to a flexible use between A1 (shop), A2 (financial and professional services) and A3 (restaurant). The proposal in this case would not break up a row of A1 uses and would not result in three non-A1 uses in a row. It is therefore considered in principle that an A1, A2 or A3 use would be acceptable in this location, while the shop units merging would also not incur a policy objection. As such, the overall flexible commercial re-use of the building would be a public benefit to the Listed Building to help secure its future longevity.

However, it should be noted that an A3 use would likely require an extraction unit to be provided for a kitchen area. The Local Planning Authority would therefore expect some form of passive extraction to be considered in any proposal for an A3 use as a retrospective extraction unit fitted to the rear of the building would potentially harm the character and significance of the Listed Building and the wider Braintree Conservation Area. As such, while the introduction of a flexible use could be a benefit to the Listed Building, it is considered that there would be practical difficulties with an A3 use in this location without passive extraction provision. In addition, the proposed residential 'mews' at the rear of the Listed Building as discussed in the 'works to building' section above would result in the loss of rear servicing for the ground floor commercial unit which would not only impact upon the future operation the unit, but consequently narrow down what businesses could

occupy the commercial unit. It is therefore considered that the public benefit of securing a future use to the building is counter-balanced by the detriment to rear servicing and the potential for harm associated with the installation of extraction equipment.

Concerns have been raised about residential accommodation in the town centre. However, residential above the shop units is not uncommon in town centres and will not result in the loss of the commercial units.

### Residential Use of Building

In addition to the commercial use, the application in its totality proposes 8 flats; three within the core of the existing building with two on first floor (Flat 6 and 7), and one on second floor (Flat 8). Four flats would also be created within the amended two storey extension range (Flats 1,2 and 4,5). The last flat (Flat 3) would be located in a two storey rear extension above 3 car spaces. All of the flats would be accessed from St Michaels Lane through the rear courtyard area; Flat 1 and Flat 2 would take direct access from the courtyard area, while Flat 5-8 would be accessed via a shared internal staircase at the rear of the historic core of the Listed Building. Flats 3 and 4 would be accessed from a new internal staircase in the proposed two storey rear extension element. A small building would also be created to serve as a bin store in the courtyard area. All of the 5 one bed flats at the rear of the building would be single aspect facing onto the courtyard area. It is understood this is to protect the existing historic fabric of the building while respecting the privacy of the car park/courtyard behind.

There would therefore be a public benefit of the re-use of the building for residential purposes providing 8 flats in a town centre location. However, in accordance with the above parking standards, the proposed 8 flats would require 8 parking spaces. In this case, it is proposed that 3 car port parking spaces are to be included, measuring 2.7m in width (in between support columns) and 4.7m in depth. The proposed 8 flats would therefore fall far short of the stated standards for parking, and those spaces that are to be provided are too small to meet the size for spaces set out in the adopted Parking Standards. Moreover, manoeuvring into and out of the parking spaces would be difficult due to the narrowness of the site.

In addition, there is no opportunity to park on the High Street, and there are also parking restrictions on St Michaels Lane that restrict parking between certain times of the day. This is in part due to the narrowness of the lane. There is not sufficient space on the site to facilitate any further forms of car parking without compromising access to other units utilising the shared access. Essex Highways in this case do not object to the lower provision of parking spaces, but insist that high quality cycle storage for 8 cycles is provided to off-set the shortfall in parking space. No cycle storage provision however is shown. As such, the proposed development has the potential to introduce highway conflict and inconvenience for both prospective residents and neighbouring users.



It is acknowledged that the site is in a town centre location where there is some expectation that parking and amenity space provision may be more limited. However, in this case, it is considered the extent of the shortfall of parking and amenity space would be excessive in the context of the scale of new residential development proposed.

Furthermore, in accordance with the above amenity standards, 8 flats should be provided with 200sq.m of communal garden amenity. In this case, it is proposed that the courtyard area would serve as the amenity space for future residents. The courtyard area would measure approx. 120sq.m. As such, future residents of the proposed flats would have sub-standard amenity space. In addition, single aspect flats would provide a low quality of amenity for future occupiers, particularly those in the flats in the rear “mews.”

In addition, the Environmental Health Officer has suggested that a condition be imposed to ensure that adequate mitigation of possible noise from the commercial units is achievable. It is considered that this information would however be necessary up-front to determine whether sufficient mitigation can be put in place to protect future residents of the flats. No noise survey has been completed to date. In any case, depending on the level of alteration proposed, any future soundproofing may be at odds with the preservation of the Listed Building. As such, without noise information and possible mitigation measures/information, it is considered Local Planning Authority cannot be reasonably satisfied that the amenity of future occupiers would be adequately safeguarded by the proposals.

Furthermore, the proposed bin store would be located approx. 32m away from the adopted highway. This would exceed the 20m stipulated by the Waste Services team. No details have been provided of how this waste will be disposed of and collected. The access from St Michaels Lane is narrow and shared with other residential/commercial properties. As such, waste will not be able to be stored in closer proximity to the road entrance as it would obstruct access. In addition to the above, no details have been provided as to where any possible commercial waste would be stored or collected. It is therefore considered a lack of necessary information has been provided in this case in order demonstrate adequate waste disposal can be achieved.

Taking into account all of the above, it is considered that whilst the introduction of a residential use at the premises would be acceptable in principle, the number and size of units proposed results in a development that would provide a poor quality of amenity for prospective residents.

#### Other Issue: Construction Activity & Control of Amenity Space/Car Parking

Concerns have been raised with regard to the noise of construction activity and possible damage to the access track from commercial vehicles at the rear of the property. Construction activity however is a temporary disturbance that is associated with any development. The Local Planning Authority cannot reasonably refuse an application because construction works may temporarily disturb neighbouring properties/commercial premises. A condition would

however be imposed to ensure that construction works would not occur outside of unreasonable hours. Any damage caused by construction vehicles would be a civil matter and not something that the Local Planning Authority would be involved with.

### Heritage & Planning Balance

As set out in Paragraph 7 of the NPPF, sustainable development has three dimensions; an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

The proposed development in its totality would bring benefits including the removal of unsightly modern extensions to the rear of the Listed Building, the possibility of bringing vacant shop units back into use and the creation of flats in a town centre location. However, as the application proposes 10 or less dwellings the Planning Practice Guidance indicates that the Local planning Authority should not generally seek to secure community benefits (e.g. affordable housing, public open space improvements) through planning obligations. In terms of the three dimensions of sustainable development, the provision of 8 dwellings would be relevant to the economic and social roles, although these benefits would be moderate due to the scale of the development and would also be counter-balanced by the poor quality of amenity afforded to prospective residents of some of the proposed flats and lack of parking provision.

In terms of environmental considerations, while there would be a benefit of removing the modern extensions on the Listed Building, the replacement additions would be at odds with the historic character and special interest of the listed building and compromise the understanding of its historic form, adaptation and extension. Furthermore, the proposed two storey extension would create a sprawling built form on the site which would give an appearance of overdevelopment of the plot. As such, it is considered that the replacement works and two storey extension would distort the appreciation of the historic form of the Listed Building and subsequently harm its significance. This harm would be compounded by the loss of the single storey element at the rear which elucidates an understanding of the historic built form on the plot, and the configuration and hierarchy of the buildings on the site. The building itself is also considered to be of historic value which would be completely lost by the proposal.

Paragraph 134 of the NPPF states that where a proposal would result in less than substantial harm to a designated heritage asset, this should be weighed against the public benefit of the scheme, including securing its optimum viable use. In this case, it is considered the harm to the historic significance of the Listed Building, coupled with the overdevelopment of the plot and loss of a single storey building also of historic significance would outweigh the public benefits of bringing the building back into use and the removal of modern additions. As such, having regard to the criteria set out in footnote 9 of Paragraph 14 in the NPPF, it is considered that the 'tilted balance' would not apply.

Even if it were not considered that the proposal failed an "untilted balance", the Local Planning Authority must consider proposals in the context of the "tilted balance" as set out in Paragraph 14 of the NPPF. This is explored below.

The provision of 8 No. flats would represent a limited benefit in the context of the housing shortfall. However, In addition to the heritage impacts identified above, the proposal is also considered to constitute an overdevelopment of the plot in relation to the high level of deficiency regarding car parking, cycle parking and amenity space for future residents. Furthermore, no details of how refuse bins would be managed taking into account the distance of the proposed bin store to the adopted highway. Also, no evidence has been submitted to demonstrate that future residents of the proposed flats would not be detrimentally affected by commercial noise in the High Street location. In addition no details of passive extraction provision have been provided to the possible future detriment of the character and significance of the Listed Building with the need for a retrofitted unit. Finally, the proposed two storey rear extension would have a detrimental impact on the amenity of No.1 Nicholls House. As such, even if the tilted balance were to be applied, it is considered that the adverse impacts of the development identified above would significantly and demonstrably outweigh the aforementioned benefits.

## CONCLUSION

As such, due to all of the above, when considering the heritage balance, Officers have concluded that the harm to the historic significance of the Listed Building would outweigh the public benefits. Accordingly, it is recommended that the application be refused. Notwithstanding the above, even if the titled balance were to apply, Officers consider the overdevelopment of the site, detrimental neighbouring impact, and lack of evidence/detail in relation to noise, bins and passive extraction and would significantly and demonstrably outweigh the economic and social benefits which have been discussed above.

## RECOMMENDATION

It is RECOMMENDED that were Members in a position to determine this application, the following decision be made:  
Application REFUSED for the following reasons:-

- 1 In this case, the proposed works would completely change the form and character of the rear range of the Listed Building, creating a mews character, as opposed to allowing an understanding of the range that forms part of the large listed structure and its historic form and function. This harm to the historic significance of the Listed Building, coupled with the overdevelopment of the plot and loss of a single storey building also of historic significance, would outweigh the public benefits of bringing the building back into use and the removal of modern additions. The proposal would therefore be contrary to the provisions of Paragraphs 131-134 of the National Planning Policy Framework, contrary to Policy RLP3, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005) and Policy CS9 of the Braintree District Core Strategy (2011) and Policies SP1, LPP50, LPP55 and LPP56 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
- 2 In this case, the proposal would constitute an overdevelopment of the plot in relation to the high level of deficiency regarding car parking, cycle parking, single aspect units and amenity space for future residents that would have a detrimental impact upon the quality of accommodation for future residents, impact upon neighbouring properties and the surrounding highway network. Furthermore, no details have been provided of how refuse bins for future residents or the commercial unit would be managed taking into account the distance of the proposed bin store to the adopted highway. The proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policy RLP3, RLP56 and RLP90 of the Braintree District Local Plan Review (2005) and Policy CS9 of the Braintree District Core Strategy (2011) and Policies SP1, SP3, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan (2017).
- 3 In this case, no evidence has been submitted to demonstrate that future residents of the proposed flats would not be detrimentally affected by commercial noise in the High Street location. In addition, no details of passive extraction provision have been provided to the possible future detriment of the character and significance of the Listed Building with the need for a retrofitted unit. The proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policy RLP3, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005) and Policy CS9 of the Braintree District Core Strategy (2011) and Policies SP1, SP3, LPP50, LPP55 and LPP56 and LPP60 of the Braintree District Publication Draft Local Plan (2017).

## SUBMITTED PLANS

### Location Plan

Topographical Survey      Plan Ref: 1576-001

Existing Floor Plan      Plan Ref: 1576-002

Existing Floor Plan      Plan Ref: 1576-003

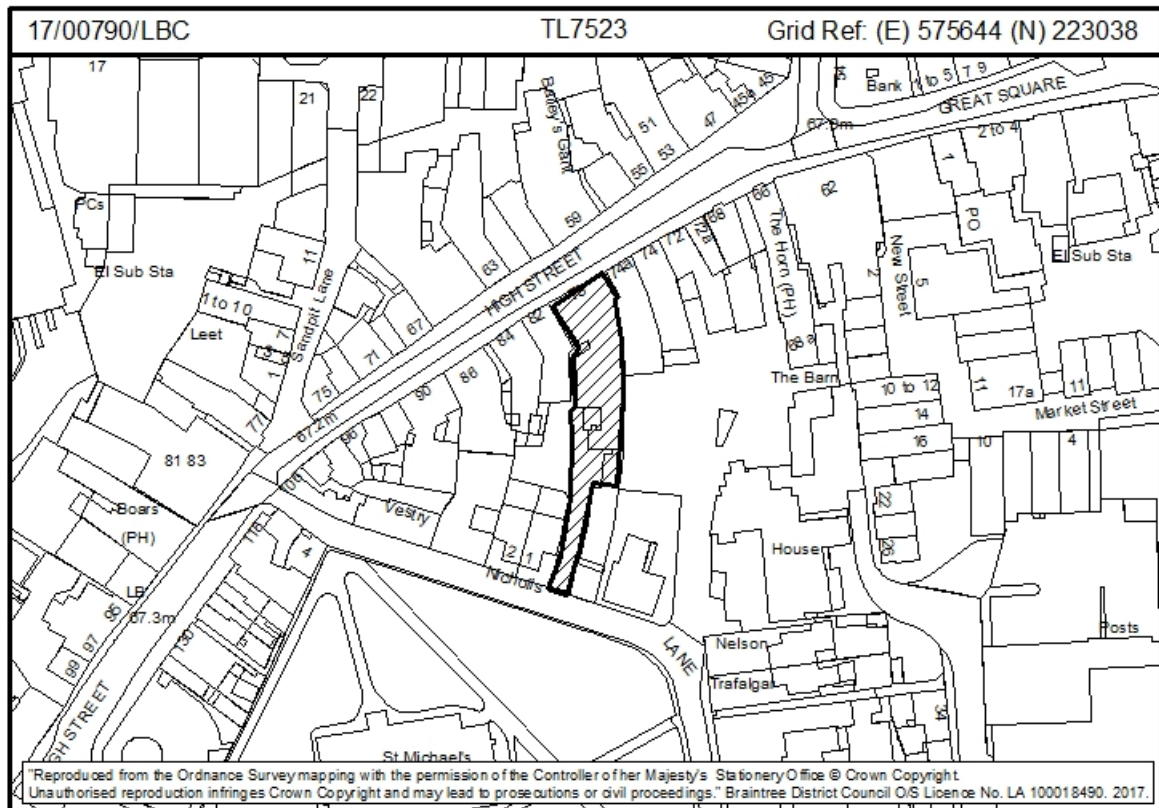
Existing Elevations	Plan Ref: 1576-004
Existing Elevations	Plan Ref: 1576-005
Proposed Floor Plan	Plan Ref: PA20
Proposed Floor Plan	Plan Ref: PA21
Proposed Floor Plan	Plan Ref: PA22
Proposed Roof Plan	Plan Ref: PA23
Proposed Elevations	Plan Ref: PA24
Demolition Plan	Plan Ref: PA25
Block Plan	Plan Ref: PA26

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/00790/LBC DATE: 31.05.17  
 VALID:  
 APPLICANT: Stallan Braintree Ltd  
 Mr David Whittaker, 58A High Street, Hoddesdon, EN11 8ET  
 AGENT: Mr John Douglas  
 C/o Suite 113, 268 Bellsizes Road, London, NW6 4BT  
 DESCRIPTION: Works, extensions and change of use of existing building to form a single A1/A2/A3 unit at ground floor, creation of 3 no. 1 bedroom flats at first and second floor, a demolition of existing rear extension and erection of replacement two storey rear extension to create additional 5 no. 1 bedroom flats, with associated parking and landscaping.  
 LOCATION: 76-78 High Street, Braintree, Essex, CM7 1JP

For more information about this Application please contact:  
 Mathew Wilde on:- 01376 551414 Ext. 2512  
 or by e-mail to: [mathew.wilde@braintree.gov.uk](mailto:mathew.wilde@braintree.gov.uk)



## SITE HISTORY

89/00795/P	Installation Of New Shopfront	Granted	13.07.89
91/00044/PFBN	Proposed External Fire Escape To Existing Shop	Granted	21.03.91
91/00045/PFBN	Proposed External Fire Escape To Existing Shop	Granted	21.03.91
95/00097/COU	Proposed change of use of part of ground floor for newspaper offices	Granted	07.03.95
95/00267/LBC	Removal of internal staircase and partitions under. Erection of block partitioning both plastered to form office accommodation.	Granted	07.04.95
95/00995/COU	Proposed change of use of first floor from commercial retail to offices, with new entrance	Granted	29.09.95
95/00996/LBC	Proposed change of use of first floor from commercial retail to office with new entrance	Granted	29.09.95
17/00789/FUL	Works, extensions and change of use of existing building to form a single A1/A2/A3 unit at ground floor, creation of 3 no. 1 bedroom flats at first and second floor, a demolition of existing rear extension and erection of replacement two storey rear extension to create additional 5 no. 1 bedroom flats, with associated parking and landscaping.	Pending Decision	

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for

submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Development Manager in consultation with the Chairman and Vice Chairman of Planning Committee considered it to be of significant public interest due to the level of objections received.

It should be noted that the applicant has lodged an appeal against the non-determination of this application. Accordingly officers are seeking to establish the Council's position for the purposes of that appeal.

### SITE DESCRIPTION

The application relates to Nos. 76-78 High Street in Braintree which comprises a mixture of Class A1 (shop) at ground floor and ancillary office/retail at first/second floor. The core of the building dates back to the seventeenth century but incorporate a nineteenth century shop front, an earlier apparently fifteenth century range to the rear, as well as later twentieth century additions. The site also falls within the boundary of the Braintree Conservation Area. St Michaels Church is located some distance at the rear of the site.

The application property is located on the High Street, but rear vehicular access can be taken from St Michaels Lane. The land ownership encompasses an entrance to the site but does not include a garage fronting onto St Michaels Lane, or a commercial storage unit behind it. The building forms the party wall with the adjoining parking courtyard to the east.

### PROPOSAL

The application proposes various works and alterations to the Listed Building which can be summarised as follows:

(1) The internal partitions in the shop units are proposed to be removed to form a single open plan shop at ground floor level of 76-78 High Street. The application also proposes to change the use of the ground floor from A1 to a flexible permission between Use Classes A1, A2 (Financial and Professional Services) and A3 (Restaurant / Café).

(2) The change of use with internal alterations of the first and second floors from commercial offices and retail areas to residential to form 3 one bedroom flats.

(3) Removal of 20<sup>th</sup> century ground and first floor extensions to the rear of the Listed Building.

(4) Removal of other modern additions to historic extensions to the building, and replacing them where appropriate with new frontages.

(5) The provision in this space of 5 one bedroom flats over two floors with a further two storey rear extension, and the creation of amenity space in the rear courtyard.

## CONSULTATIONS

Essex County Council Historic Buildings Consultant

Supports the redevelopment of the site, but objects to the proposal as currently submitted:

*“The range at the front of the plot is relatively well preserved externally, but its use as offices on one side, and as a shop on the other has meant that the internal floorplan has been considerably altered in a manner which has denuded the contribution which the internal fabric and configuration makes to the significance of the building. The reconfiguration of the interior of the building therefore has the potential to have a relatively low impact on the significance of the building, and what is proposed as part of this application is not considered to result in harm to the significance of the listed building. The removal of the signage from the front elevation is also considered to better reveal the architectural character of the building. All replacement plasterboard internal walls should be specified as wood/wool or woodfibre board as opposed to gypsum based plasterboard.*

*The modern extensions to the rear of the building almost completely obscure the older range of the building, and are in places of an eccentric and visually detrimental form. Their removal would therefore be strongly supported, as would the opening up of the internal finishes to better reveal the historic frame. Again the internal space has been altered considerably, and the proposed reconfiguration is not considered to harm the significance of the listed building. However the proposed design is considered to be overly domestic in design, creating a mews character, as opposed to allowing an understanding of the range forming part of a large listed structure and allowing an understanding of its historic form and function. Most importantly the visual subdivision externally does not relate to the historic subdivision of the building, or give a readable understanding of the size and formation of the historic bays. The applicant should look to visually subdivide the building on the line of the internal trusses, which would allow a much better understanding of the historic appearance of the building and the historic form of construction. Other aesthetic points relate to the formation of the apertures, which would seem to*

*be overly horizontal in emphasis. The reconfiguration of the external form would probably lead to a need to utilise windows of greater vertical emphasis, but in any instances these would be more in keeping with the character of the building. The positioning of the door in the left hand unit from its central location would also reduce the domestic mews nature of the appearance.*

*The applicant also seeks to demolish an existing single storey building, and to replace it with a two storey element with an open car port area at ground floor. The result is to create an increasing sprawling built form on the site, which is verging on the overdevelopment of the plot. In particular the unit will distort the appreciation of the historic form of the building which the applicant is otherwise seeking to better reveal. The proposal would also require the removal of a single storey timber constructed and brick clad element, which would appear to be of historic significance and elucidates an understanding of the historic built form on the plot, and the configuration and hierarchy of the buildings on the site. I therefore would not want to see it lost from a conservation perspective, unless the benefit of its removal on other planning matters is considered to outweigh this harm.*

*I therefore cannot support the application from a conservation perspective, as I do not believe that the proposed design for the rear section of the site appropriately preserves the significance of the listed building, albeit I also recognise that there is also benefit accrued from the proposed works on this section of the site. I would not object in principle, and if the applicant could reconfigure the proposed design of this element, I believe that the application could have a net beneficial impact on the significance of the heritage asset.”*

### Historic England

No comment – refer the Local Planning Authority to local heritage advice.

### REPRESENTATIONS

8 objections have been received from 47 Greene View, 2 Nicholls House, 1 Nicholls House, Ringers (267) London Road, 82 High Street and 101 Trotters Field and Patel Associates outlining the following summarised objections:

- Noise issues during conversion works negatively affect nearby businesses / residential premises
  - Noise during other conversion works disruptive
  - Condition relating to location of works vehicles should be included
- Town centre should not be lost to residential uses
  - Noise from future residents filter through to commercial uses adjacent - disruptive
- Highway issues
  - Lead to significant increase in local traffic
  - St Michaels Lane very narrow in places – dangerous to pedestrians
  - Insufficient parking provided – lead to parking on street

- Possible damage to access track
  - Access difficult at rear – construction vehicles find difficult
  - Lorries cause issue
- Neighbour issues – overlooking of housing and garden (No.1 and 2 Nicholls House)
  - Shared access could be compromised
  - Loss of light to No.82 High Street
- Pollution incurred from cars using the spaces + bin location close proximity to coffee bar at rear
- Bin location seemingly 30m from roadway
- Time restrictions should be imposed for use of courtyard area
- Overdevelopment of the site
- Impact on landscaping/vegetation

## REPORT

### Heritage, Design and Appearance

Paragraph (1) of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF states that it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17). When considering the impact of development on a designated heritage asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Where a proposal would result in harm, this should be weighed against the public benefit of the scheme, including securing its optimum viable use, (paragraph 134).

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy and Policy LPP 60 of the Emerging Draft Publication Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will 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.

Policy RLP95 of the Braintree District Local Plan Review and Policy LLP 56 of the of the Braintree District Publication Draft Local Plan states that the Council will preserve, 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 designated areas. Proposals within/adjoining Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

The Grade II Listed Building is formed of two distinct elements, a seventeenth century timber framed range fronting onto the High Street, and a long fifteenth century range set at right angles to the rear. Both areas have been heavily altered, including a number of large modern extensions to the rear. The overall form of the rear extensions would span approx. 19m in depth from the original rear of the Listed Building, it then steps down by 1.5m to a 1 ½ storey element for approx. 3.7m in depth and then goes down further to a single storey rear element that measures approx. 6.8m in depth. It adjoins a single storey commercial building outside of the application site.

It is considered the exterior front of the building has been relatively well preserved. However, internally at ground floor, the use of the building as offices on one side and as a shop on the other has meant that the internal floorplan has been considerably altered in a manner which has denuded the contribution which the internal fabric and configuration makes to the significance of the building. As such, the Historic Buildings Consultant has no objection to the proposed reconfiguration of the interior of the building as the works would not result in harm to its significance. The application also proposes to remove the existing signage at the front of the building which is considered would better reveal the architectural character of the building. An advertisement application has not been received for any replacement signs on the building.

In contrast, the rear of the building has been subject to a number of modern extensions which are considered to almost completely obscure the older range of the building, and in places are of an eccentric and visually detrimental form. As such, it is considered the removal of the modern additions would be beneficial to the character and significance of the Listed Building, as would the proposed opening up of the internal finishes to better reveal the historic frame.

The proposal in this case would retain the historic core of the two storey extension range but would replace the existing more modern extensions with new “frontages” that would span the entirety of the length of the rear additions. This would facilitate the creation of 4 of the 5 one bedroom flats. It is considered however that the way in which these rear additions would be replaced would completely change the form and character of the rear range, creating a mews character, as opposed to allowing an understanding of the range that forms part of the large listed structure and its historic form and function. As such, it is considered that the proposed visual subdivision

externally does not relate to the historic subdivision of the building, or give a readable understanding of the size and formation of the historic bays. It is therefore considered the proposed replacement frontages would cause harm to the significance of the Listed Building. This concern is shared by the Historic Buildings Consultant.

The application also proposes to demolish the existing 1 ½ storey extension and single storey building at the furthest rear point of the site and replace it with a two storey extension with an open car port at ground floor. This section would be an extension to the two storey range of buildings proposed. This is where the final one bedroom flat would be located. It is considered that this extension element would create a sprawling built form on the site which gives an appearance of overdevelopment of the plot. As such, it is considered that the two storey extension would distort the appreciation of the historic form of the building further.

In addition to the above, it is considered the single storey building at the rear is of historic significance and elucidates an understanding of the historic built form on the plot, and the configuration and hierarchy of the buildings on the site. The proposed two storey extension would require this part of the historic building to be removed which would be contrary to national and local policies which seek to protect and preserve heritage assets.

As such, while there would be a benefit of the removal from the existing modern additions, it is considered the totality of works proposed would cause harm to the significance of the Listed Building and result in the loss of a building of historic value and importance to understanding the hierarchy of buildings on the site.

### RECOMMENDATION

It is RECOMMENDED that were Members in a position to determine this application, the following decision be made:

Application REFUSED for the following reasons:-

- 1 In this case, the proposed works would completely change the form and character of the rear range of the Listed Building, creating a mews character, as opposed to allowing an understanding of the range that forms part of the large listed structure and its historic form and function. The resulting harm to the historic significance of the Listed Building renders the proposals contrary to the provisions of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 132-134 of the National Planning Policy Framework, contrary to Policy RLP3, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005) and Policy CS9 of the Braintree District Core Strategy (2011) and Policies SP1, LPP50, LPP55 and LPP56 and LPP60 of the Braintree District Publication Draft Local Plan (2017).

## SUBMITTED PLANS

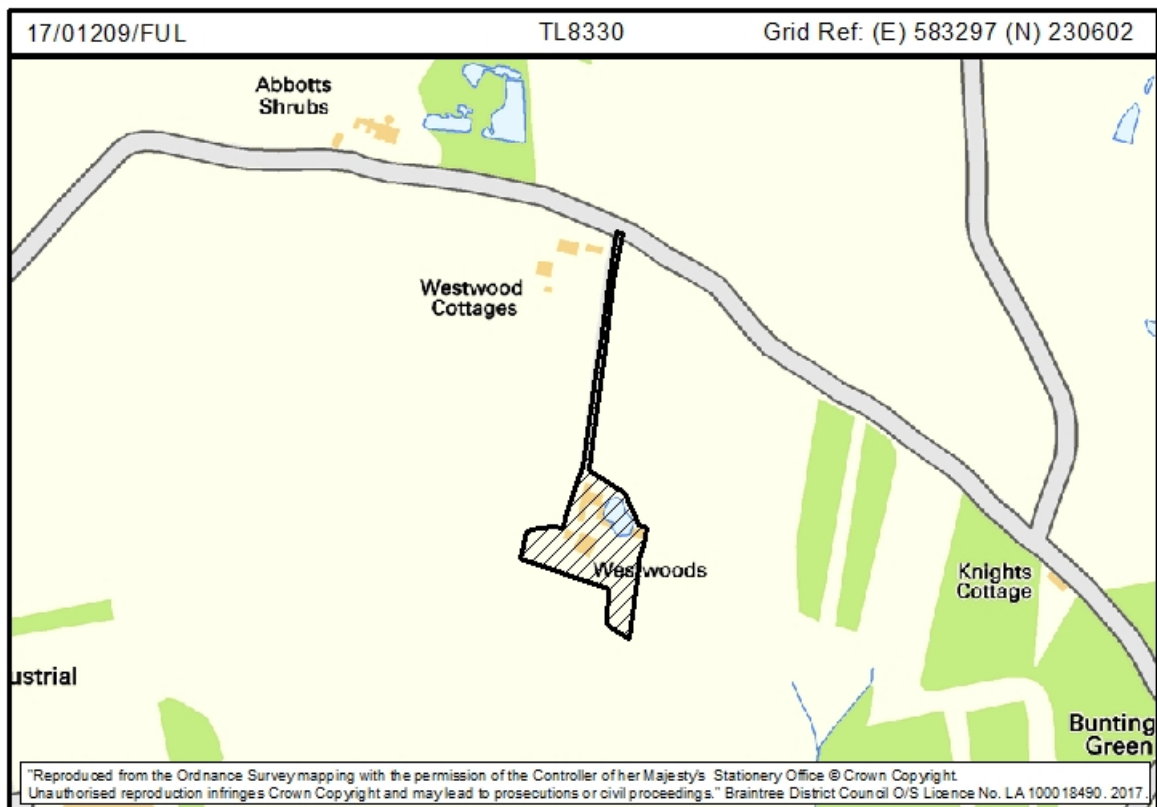
Location Plan	
Topographical Survey	Plan Ref: 1576-001
Existing Floor Plan	Plan Ref: 1576-002
Existing Floor Plan	Plan Ref: 1576-003
Existing Elevations	Plan Ref: 1576-004
Existing Elevations	Plan Ref: 1576-005
Proposed Floor Plan	Plan Ref: PA20
Proposed Floor Plan	Plan Ref: PA21
Proposed Floor Plan	Plan Ref: PA22
Proposed Roof Plan	Plan Ref: PA23
Proposed Elevations	Plan Ref: PA24
Demolition Plan	Plan Ref: PA25
Block Plan	Plan Ref: PA26

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01209/FUL DATE: 03.07.17  
 VALID:  
 APPLICANT: Mr & Mrs Wendt  
 Westwoods, Halstead Road, Colne Engine, Essex, CO6 2JH  
 AGENT: Oswick Ltd  
 Mr Damian Lockley, 5/7 Head Street, Halstead, Essex, CO9 2AT  
 DESCRIPTION: Proposed conversion of existing barn into two bedroom dwelling  
 LOCATION: Westwoods, Halstead Road, Colne Engine, Essex, CO6 2JH

For more information about this Application please contact:  
 Mathew Wilde on:- 01376 551414 Ext. 2512  
 or by e-mail to: [mathew.wilde@braintree.gov.uk](mailto:mathew.wilde@braintree.gov.uk)





## SITE HISTORY

00/00051/FUL	Alterations to existing residential property to form larger conservatory, new stair and associated enclosure, guest rooms to existing garage	Granted	08.02.00
17/00597/FUL	Conversion of existing barn into two bedroom annexe	Withdrawn	27.06.17

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent

with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP84	Protected Species
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council have objected to the application contrary to the officer's recommendation.

## SITE DESCRIPTION

The site comprises a former agricultural building located off of a long private drive from Halstead Road in Colne Engaine Parish. The building at present forms an ancillary outbuilding to the dwelling known as Westwoods which is located on the site. Other outbuildings are located on the site, although some have recently been demolished. Historic mapping definitively shows the farmstead in roughly its current configuration as far back as the 1st edition OS map of 1876, and the earlier Chapman and Andre map of 1777 shows that the farmstead existed in something like its current form at this earlier date.

Specifically focussing on the barn which is the subject of this application, the documentation and photographic evidence submitted would suggest that the building is of considerable historic and architectural interest, and must be considered to be a “non-designated heritage asset”.

The site is physically isolated and is surrounded by arable fields/countryside. A public footpath also runs along the access route that provides some pedestrian access to Halstead Road.

## PROPOSAL

The proposal in this case seeks to convert the existing building to a single two bedroom dwellinghouse.

## CONSULTATIONS

### Essex Historic Buildings Consultant

Had an initial objection to the application in respect to the over domestication of the barn in relation to fenestration, design of single storey outshot, proposed flues and rooflights. Subsequent revised plans were received reducing the amount of glazing proposed, removing the proposed cart lodge and reducing the number of rooflights. The Historic Buildings Consultant raised no objections to the revised proposals.

### Highways Authority

No comments to make.

### Braintree DC Ecology

No objection to submitted ecological survey – recommend series of conditions and informatives.

### Essex Archaeology

No objection subject to condition regarding building recording due to age of building.

## Colne Engaine Parish Council

No objection subject to condition that building would be ancillary to main house. However, as this is an application for a new dwelling, the Council could not reasonably impose this condition, and as such the Parish's comments must be treated as an objection.

## REPRESENTATIONS

None received.

## REPORT

### History

The site was previously subject to an application to change the use of the barn to an annexe in connection with the dwelling on the site known as Westwoods. The amount of accommodation proposed was not considered to be commensurate with an annexe and would have instead been tantamount to a new dwelling in the countryside. If this application was approved, it would have meant that the usual condition tying the annexe to the house would have failed the 6 tests of planning conditions as set out in the NPPF. As such, this application was withdrawn and an application for a new dwelling submitted for consideration.

### Principle of Development

### Overview

The National Planning Policy Framework (NPPF) states in (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. More specifically, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

Currently the Council's statutory development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The site is located outside Colne Engaine's village envelope and as such is on land designated as 'Countryside' by the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy. Policy RLP2 states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Spatial Strategy outlined in the Braintree District Core Strategy sets out in Paragraph 4.15 that new development should preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment and; to concentrate the majority of new development and services in the main towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages (Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End).

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks to convert an existing outbuilding to a residential dwelling outside of the village envelope. Although the National Planning Policy Framework sets out a 'presumption in favour of sustainable development', Paragraph 55 is clear that for development to be considered sustainable in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes unless there are special circumstances such as the essential need for a rural worker to live permanently at the site, where development would represent the optimal viable use of a heritage asset, would re-use redundant or disused buildings or the design of the development is of exceptional quality.

Exceptions to the abovementioned policies of restraint are set out in Policy RLP38 and Policy LPP42. Policy RLP38 states that the conversion of rural buildings to residential use will only be acceptable where the applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made; or residential conversion is a subordinate part of a scheme for business re-use of the building. In addition, emerging Local Plan Policy LPP42 states that the conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re-building to residential use will be permitted where they meet all the following criteria;

- A. The location of the site is accessible and sustainable in the terms of the framework
- B. There is no unacceptable impact on protected species or heritage assets and their settings
- C. The site is served by a suitable existing access
- D. There is no unacceptable impact on residential amenity
- E. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value

Policy RLP38 also states that applications for such proposals must be supported by a frame survey, structural survey and, where listed, a heritage statement setting out the implications of the development on the special architectural or historic interest of the subject building/s and their setting.

Where considered appropriate surveys will be required for protected species that may include but is not limited to, bats and barn owls.

The proposal in this case seeks to convert an existing former agricultural building to a single residential dwelling. It has been supported by the submission of a structural survey which demonstrates that the building would be capable of conversion with minimal works required structurally. This application is not however supported by any marketing to justify that an alternative use could not be secured for the building. However, the requirement for marketing has been removed in emerging Policy LPP42 because there is no requirement in the NPPF for such justification to allow conversion of rural buildings to residential use. As such, in this case, Officers consider that this application to convert the building to residential would not require any form of marketing for justification.

The above criterion of Policy RLP38 and emerging Policy LPP42 will consequently be discussed in the sections below and will form a material consideration in the planning balance.

#### Site Location

Paragraph 71 of the Core Strategy states that one of the core objectives is to “reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space”.

The site in this case is located within Colne Engaine Parish boundary but is in reality closer to Halstead, approx. 1.3km away utilising the road network to the edge of Halstead. The site does not benefit from any close by services or facilities other than a small rural forestry/plant business close by the vehicle access to the site from Halstead Road. As such, it is considered that the future occupiers of the proposed dwelling would be heavily reliant on a private vehicle to gain access to shops, facilities and services in these other settlements and further afield. It is therefore considered that the site would be functionally isolated from services and facilities. The building would not however be entirely physically isolated, as it would be in close proximity to the existing dwelling at the site.

Notwithstanding the above, Members are asked to note a recent High Court Judgement in respect of a proposal for development of two houses near Blackmore End. The District Council had challenged the Inspector's decision to grant permission for two dwellings, taking particular issue with the Inspector's view on whether the proposal would create isolated homes in the countryside. The High Court decision gives a legal interpretation of the definition of “isolated” in the context of its use in the NPPF. This interpretation is that isolated should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the function and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to

other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council is currently seeking leave to appeal this Judgement and therefore this has an impact on the weight given to this decision.

#### Heritage, Design, Appearance and Layout

The site is not in close proximity to any designed heritage assets. However, while the building is not listed or located in a Conservation Area, it still represents a traditional agricultural barn. Due to its character and apparent existence on maps before 1876, the Local Planning Authority would consider the dwelling would represent a non-designated heritage asset. The National Planning Policy Framework aims to protect non-designated heritage assets. In paragraph 135 of the NPPF, it states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Taking into account the above, it is considered the development would also in part trigger bullet point 2 of Paragraph 55 which states:

*“where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;”*

Furthermore, Paragraph 56 the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 55 of the Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedrooms should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The building in this case would be converted in its entirety. It would comprise a large hall, kitchen, dining, utility and music room at ground floor. A mezzanine will be created in the first floor space to facilitate two bedrooms either side, with a void in the middle. The conversion also necessitates the requirement for additional fenestration. The Historic Buildings Consultant initially objected to the application on the level and type of fenestration sought. Following negotiation with the applicants, the amount of fenestration was reduced by a considerable margin to better retain the historic character of the barn, while some fenestration was also given a more vertical emphasis. In addition, a number of roof lights have been removed on the rear single storey element and main two storey roof space. A small single storey side extension was also removed. The Historic Buildings Consultant considered the changes improved the overall design of the barn and as such consequently withdrew his objection.

Finally, the application initially proposed a large cart lodge to go with the proposed conversion. However, Officers considered that the cart lodge would go beyond what was referred to as 'conversion' and as such would not be supportive of this element. It was consequently removed from the proposal. The works proposed to the building would therefore be purely in relation to conversion rather than extending the footprint of the building in any way.

The barn would also benefit from 260sq.m of private amenity space that would be enclosed on one site by store buildings. The proposal also includes a gravel driveway to the front of the barn which would facilitate two parking spaces in accordance with the standards.

### 5 Year Land Supply

Notwithstanding all of the above, the NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of



housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Local Planning Authority accepts that it cannot currently demonstrate a 5 year land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach. The Local Plan is currently submitted to the Planning Inspectorate and the Public Enquiry is expected in mid-January.

Paragraph 14 of the NPPF states that At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore a material consideration which must be a significant factor in the consideration of the planning balance as set out at paragraph 14 of the NPPF. The planning balance is concluded below.

### Planning Balance

As set out in Paragraph 7 of the NPPF, sustainable development has three dimensions; an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant. In this particular case there are not considered to be specific policies in the Framework that indicate that development should be restricted. Accordingly, it is considered the tilted balance as set out in Paragraph 14 of the NPPF would apply.

In terms of benefits, the proposal would convert an otherwise disused agricultural building of historic value and thereby help secure its future longevity. It would also not enlarge the building and not result in any significant contextual changes that would harm the wider character of the site. The development would also provide a small economic benefit during construction.

In terms of adverse impacts, the site is in a location in the countryside where the introduction of a residential unit would result in some environmental harm, by virtue of a heavily reliance on the private car to access services and facilities in other settlements. In addition, the proposal would only represent a negligible contribution to the housing land supply.

As such, although the tilted balance in paragraph 14 of the Framework is triggered, it is considered that the proposed development would be in accordance with National and Local Policies in respect to the conversion of rural buildings and protection/enhancement of heritage assets. It is therefore considered that the benefits of the development in this case would outweigh any environmental harm arising from the less than ideal access to service and facilities. Therefore, when conducting the planning balance in the context of Paragraph 7 and 49 of the NPPF, it is considered that the development in this case is acceptable.

## Other Issues

### Landscape & Ecology

Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by emerging Policy LPP68.

A biodiversity assessment has been completed (Skilled Ecology, April 2017) and submitted. The report has been completed by suitably qualified ecologists, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups to investigate any wildlife roosting in the barn. The survey outlines that the barn has a very low potential for the presence of roosting bats and a low potential to impact on a protected species. A number of conditions and informatives have however been included to ensure that during construction works, any roosting bats not identified by the survey are not disturbed.

### Highway Issues

The Council's Adopted Parking Standards: Design and Good Practice (2009) state that for two or more bedroom dwellings at least two off street car parking spaces should be provided. A parking space for new residential development should be 5.5m by 2.9m. Two spaces should be provided for a unit of 2 bedrooms or more.

The site benefits from an existing access from Halstead Road. Essex Highways have raised no objection in respect of one additional dwelling utilising this aspect. As such, it is considered there would be no detrimental access issues associated with the proposal.

### Impact on Neighbour Amenities

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties

Due to the site's location, it is considered the proposed conversion would not have a detrimental impact upon neighbouring amenities.

## CONCLUSION

Having considered the detail of the proposals against relevant local and national policy, it is concluded that the benefits of the proposed conversion of the rural building outweigh the adverse impacts and, accordingly, approval is recommended.

## 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	Plan Ref: 17-029-AS-1	Version: A
Proposed Elevations	Plan Ref: 17-029-AS-4	Version: C
Proposed Floor Plan	Plan Ref: 17-029-AS-5	Version: C
Proposed Floor Plan	Plan Ref: 17-029-AS-6	Version: C

- 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 No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. These shall also include the paint finish for the render and weatherboarding. The development shall only be carried out in accordance with the approved details.

### Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house /

provision of any building within the curtilage of the dwelling-house, as permitted by Classes A and E of Part 1; of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

**Reason**

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 5 No above ground development shall be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such 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. The plan shall also show which trees shall be retained and the methods of protecting those trees that will be employed at the site.

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 demolition of the existing dwelling.

The landscaping scheme shall also detail the levels and construction techniques of all areas of hard surfacing at the site. All hard surface areas agreed as part of the scheme shall be carried out within 1 month of the demolition of the existing dwelling or prior to the occupation of the proposed dwelling, whichever is the later.

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.

**Reason**

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

- 6 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 retained as such.

**Reason**

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 7 The existing access shall be maintained and kept free of obstruction throughout the construction process.

Reason

To ensure that the proposed development does not restrict access to the neighbouring property during the construction process.

- 8 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

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

- 9 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.

- 10 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 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Bank Holidays - no work

Reason

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

- 11 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. All lighting shall be installed, maintained and operated in accordance with the approved details.

Reason

To ensure there is no disturbance or harm caused to protected species.

- 12 Prior to first occupation of the dwelling hereby approved details of a scheme for the provision of bats and bird boxes has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the dwellinghouses and thereafter so retained.

Reason

In the interests of habitat and species protection and achieving enhanced

biodiversity through a range of measures.

- 13 No demolition or conversion shall commence until a programme of historic building recording has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority. The applicant will submit to the local planning authority an approved historic building report (to be submitted within six months of the completion of fieldwork)

Reason

The site may be of archaeological interest.

INFORMATION TO APPLICANT

- 1 From the information supplied it does not appear that the proposal will affect Footpath 3 Colne Engaine. However, it is the applicant's/landowner's responsibility to ensure that Footpath 3 is not obstructed at any time and that its full width is available for the public to use at any time - except in the event of a closure for development. If a closure is required a Temporary Traffic Regulation Order (TTRO), which has a 6 week lead in time, will need to be applied for. See: <http://www.essexhighways.org/Transport-and-Roads/Applications/For-contractors/Temporary-Traffic-Regulation-Order.aspx>

In order to be certain of the width of the footpath the applicant can request a Highway Records search from [HighwayRecords@essexhighways.org](mailto:HighwayRecords@essexhighways.org) to show the extent and width of Footpath 3 Colne Engaine.

- 2 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. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO4 9YQ.
- 3 The barn has been assessed as having very low potential for the presence of roosting bats and the potential to impact on a protected species. However, as a precautionary measure and to ensure that any residual risk is minimized the removal and restoration of the roof should occur by hand and that if bats are found during this process a suitably qualified ecologist must be contacted immediately for advice.

Reason: To ensure there is no disturbance or harm caused to protected species

- 4 The lighting details required in condition 11 shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example for foraging ( NB: the biodiversity report recommends that mature trees and the pond remain unilluminated at night).
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications ) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- 5 To avoid disturbance to nesting birds the person the construction works should commence outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.

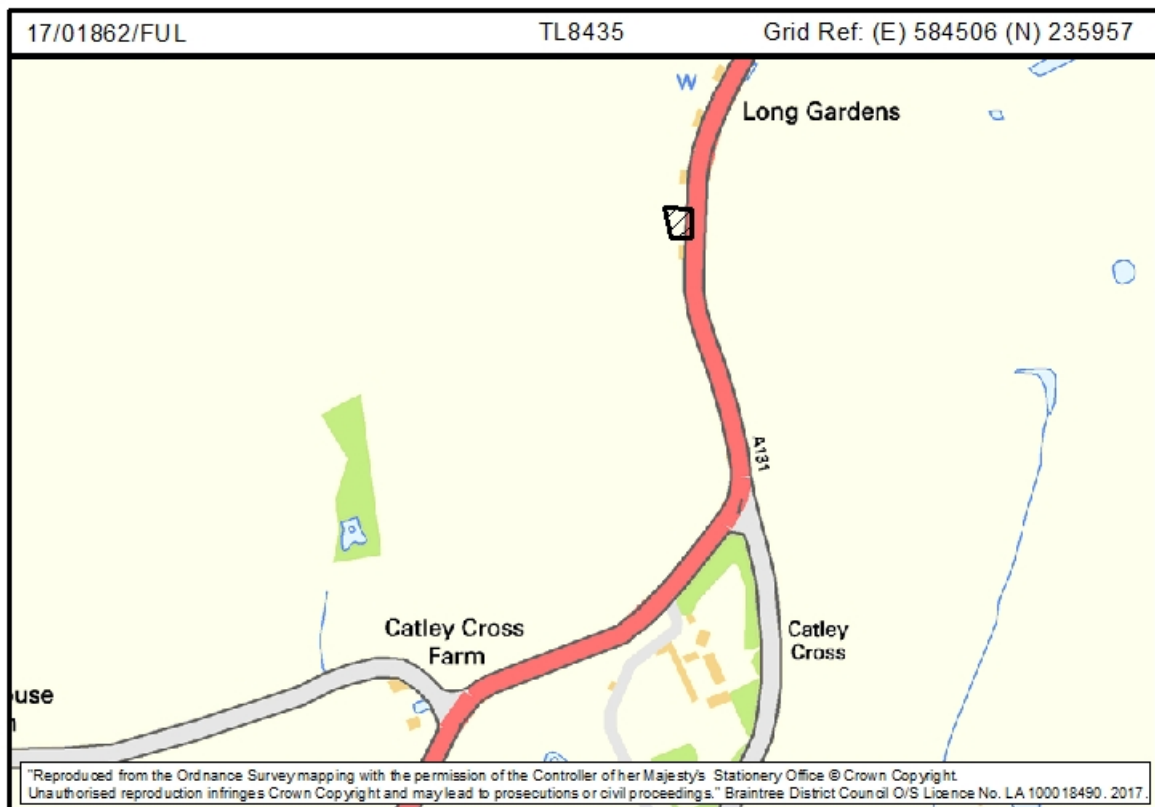
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 17/01862/FUL  
 DATE: 13.10.17  
 VALID:  
 APPLICANT: Mr J Campbell  
 Two Hoots Barn, Envilles Barn, Little Laver, Ongar, CM5 0JH, UK  
 AGENT: Mr Nigel Chapman  
 Nigel Chapman Associates, Kings House, Colchester Road, Halstead, CO9 2ET, United Kingdom  
 DESCRIPTION: Erection of four bedroom house and single detached garage and associated ground works  
 LOCATION: Land Between 1 and 3, Long Gardens, Wickham St Paul, Essex

For more information about this Application please contact:  
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558  
 or by e-mail to: [juliet.kirkaldy@braintree.gov.uk](mailto:juliet.kirkaldy@braintree.gov.uk)



## SITE HISTORY

99/01444/OUT	Erection of one dwelling	Refused	16.11.99
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## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP16	Hamlets and Small Groups of Dwellings
RLP90	Layout and Design of Development
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats

## Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
CS5	The Countryside
CS9	Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP41	Infill Developments in Hamlets
SP3	Meeting Housing Needs
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the agent is related to a member of staff at Braintree District Council.

## SITE DESCRIPTION

This site is located outside of a defined development boundary and is therefore considered as being in the countryside. The site is situated within a ribbon development of approximately 10 residential dwellings on the west side of the A131. The residential dwellings are predominately semi-detached dwellings and are situated on wide plots, with large spaces in between the dwellings fronting the road.

The residential dwellings are known as 'Long Gardens'. Wickham St Paul is situated to the west of the site. The site measures approximately 0.04 hectares. The site is currently vacant and has previously been used in association with the adjacent dwelling.

## PROPOSAL

The application seeks planning permission for the erection of a detached two storey dwelling with associated vehicular access, a detached garage and associated ground works.

## CONSULTATIONS

Essex County Council Highways – This is a section of de restricted road (60mph).

Insufficient information has been submitted to demonstrate that the application can provide the required visibility of 2.4 x215m in both directions for the proposed access.

I note the submitted material shows 2m x 90m.

The applicant may wish to consider a speed survey to ascertain the 85<sup>th</sup> centile speed, which may reduce visibility requirements.

## REPRESENTATIONS

Wickham St Paul Parish Council – No representation received.

Neighbours -

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties. 1 letter of objection has been received in response to the application, the contents of which are summarised below:

- Design is not in keeping with surrounding area
- Concern about the proposed access with vehicles reaching in excess of 60 mph. There would be restricted lines of sight from the curve of the road. Delivery of material is a concern.

## REPORT

### Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the development boundary for Wickham St Paul and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5<sup>th</sup> June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF)’.*

*taken as a whole; or specific policies in this Framework indicate development should be restricted’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6<sup>th</sup> September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the ‘decision taking’ section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

Para.55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local

Plan: “That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead”.

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

The policies set out above seek to protect the countryside and direct new residential development to locations where the development would provide good access to services and facilities. The proposal in this case seeks to erect a single dwelling unit outside of a village envelope which would be a departure from the adopted Development Plan. Although the National Planning Policy Framework sets out a ‘presumption in favour of sustainable development’, Paragraph 55 is clear that for development to be considered sustainable in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes unless there are special circumstances such as the essential need for a rural worker to live permanently at the site, where development would represent the optimal viable use of a heritage asset, would re-use redundant or disused buildings or the design of the development is of exceptional quality’.

In relation to Paragraph 55, Members are asked to note a recent High Court Judgement in respect of a proposal for development of two houses near Blackmore End. The District Council had challenged the Inspector’s decision to grant permission for two dwellings, taking particular issue with the Inspector’s view on whether the proposal would create isolated homes in the countryside. The High Court decision gives a legal interpretation of the definition of “isolated” in the context of its use in the NPPF. This interpretation is that isolated should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the function and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council are currently seeking leave to appeal this Judgement and therefore this has an impact on the weight given to this decision.

Policy RLP 16 Hamlets and Small Groups of Dwellings of the Braintree District Local Plan Review 2005 provides an exception to the above policies of rural restraint and permits the filling in of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings. This policy does not apply to extension of ribbon development and will not apply to gaps, which could accommodate more than one dwelling. Proposals which would set a precedent for the consolidation of sporadic or ribbon development or further infilling of large gaps will be resisted.

The existing residential development at Long Gardens comprises of ribbon development. There is no defined nucleus of dwellings as the properties are on large wide plots with large gaps in between them. This proposal would further consolidate the ribbon development and would be contrary to RLP 16 and RLPP 41 of the emerging Local Plan.

A previous application (99/01444/OUT) for a similar character of development was refused in 1999. The decision notice stated that, *'the proposed development is contrary to policy as there is no defined nucleus of at least ten dwellings and would both consolidate the existing ribbon development and set a precedent for further development to the detriment of the character and appearance of the countryside. The slowing and turning of vehicles associated with the use of the access would lead to conflict and interference with the passage of through vehicles to the detriment of that principle function and introduce a further point of possible traffic conflict, being detrimental to highway safety. There is insufficient land within the applicant's control to provide an access with sufficient visibility to provide reasonable safety and convenience for all road users'*.

In addition to the Settlement Hierarchy outlined above, Para.71 of the Core Strategy states that one of the core objectives is to "reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space".

As stated in the Design and Access Statement the *'site is located approximately 6km from Sudbury and 6.4km from Halstead. Public transport is limited to a taxi service'*. The Design and Access Statement refers to the farm shop at Wickham St Paul which is 1.9km from the site. However, this is not accessible by sustainable modes of transport. There are no bus stops within Long Gardens.

The site is considered to be remote as future residents will be reliant on travelling to larger centres such as Halstead or beyond for many of their day to day needs.

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Wickham St Paul itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings the Planning Practice Guidance indicates that the Local planning Authority should not generally seek to secure community benefits (e.g. affordable housing, public open space improvements) through planning obligations. In terms of the three dimensions of sustainable development, the provision of one dwelling would be relevant to the economic and social roles, although these benefits would be very limited due to the scale of the development. The scale of the development for 1 No. dwelling would represent a negligible contribution towards the District's 5 year housing supply.



In terms of environmental considerations, whilst village envelopes can only be attributed limited weight, it is nonetheless a useful starting point in considering the relationship between a development proposal and the built form of a defined settlement and the character of the countryside. In this case the site is located within a cluster of existing ribbon development along the A131. It is situated over half a mile away from the settlement and development boundary of Wickham St Paul. The existing development is characterised by wide gaps in between the properties providing glimpses into the countryside at the rear. Development of this site would erode this established pattern of development, to the detriment of the character and appearance of the countryside.

### Design, Appearance and Layout

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development. Policy RLP 90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Policy RLP9 states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings.

As stated above, the surrounding area of the application site is characterised by large wide plots fronting onto A131. The character of Long Gardens is defined by 10 semi-detached dwellings of similar scale and proportion with similarly shallow pitched roofs and rendered elevations. A number of the dwellings have been extended and adapted and as such there is not strict uniformity amongst the dwellings.

The width of the proposed detached dwelling is 10.2 metres with a depth of 6.3 metres. Although this is a detached property it is of a similar footprint to the surrounding properties.

The submitted plans indicate a brick plinth with red stocks to match the house. A wood float smooth cream render is proposed with a slate roof. A brick chimney stack is proposed on the north elevation.

The application proposes 230m<sup>2</sup> of rear garden amenity space. This is in accordance with the Essex Design Guide 2005 which refers to 100sqm of amenity space provision for 3 or more bedroom dwellings.

The application proposes a detached garage measuring 7.4 metres in depth and 3.4 metres in width with the side elevation fronting onto the road. This siting 'closes' the large gap which is a characteristic feature of the dwellings in Long Gardens, detracting from the character and appearance of the site and its surroundings. It is noted that the detached garages/outbuildings associated with other properties in Long Green are at the side of the properties and set back from the road frontage.

### Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Given the size, design, scale and form of the development it is considered that the proposal would not have any adverse impact on neighbouring amenity including by way of overlooking, visual intrusion or a loss of privacy.

### Highway Issues

The site is proposed to be accessed off the A131 via a new access road.

Policy RLP 56 states that parking should be provided in accordance with the Councils adopted parking standards. For new dwellings with two bedrooms or more the standards indicate that a minimum of two off road parking spaces should be provided. The standards also state that parking spaces should measure 2.9m x 5.5m. Two parking spaces are proposed for the dwelling. This therefore accords with the above standard. It is noted that vehicle turning area has been proposed therefore reducing the likelihood of vehicles reversing on to the highway. Insufficient information has been submitted with the application to demonstrate a safe highway access can be provided. In the absence of this information it is considered that the proposal would be contrary to Policy DM1 of the Highway Authority's Development Management Policies and Policy RLP90 (viii) of the Braintree District Local Plan Review which promotes safe and secure designs and layouts.

In addition, given the status of the A131 as a Strategic Route in the County hierarchy, the Highway Authority would have a policy objection to the introduction of a new access onto such a Route.

### CONCLUSION

As set out above, the development of new housing bring benefits but those benefits need to be weighed against any adverse impacts of a development. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be afforded less weight if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted as set out in paragraph 14 of the NPPF.

In this case, there is not considered to be a specific policy in the NPPF that indicates that development should be restricted (as set out in the Footnote to Paragraph 14). Accordingly, the “tilted” balance of the assessment against paragraph 14 applies.

It is acknowledged that the provision of one market dwelling would provide some economic benefit throughout the construction phase and some support for local facilities. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be very limited due to the scale of the development. One dwelling would also contribute to the housing shortfall in the district, but again would only represent a very limited contribution.

With regards to its impacts on the countryside, it is considered that the proposed dwelling and garage would reduce the openness of the site and intensify the existing ribbon development, eroding the characteristic wide gaps evident between the existing properties in Long Gardens. The site would be located in a location remote from day-to-day services and facilities which will require high use of the private car to meet the needs of future residents.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the environmental harm of residential development within the countryside and its remote location would demonstrably outweigh the limited economic and social benefits which have been discussed above. There is also insufficient information submitted to demonstrate that visibility splays can be achieved and that there is safe highway access and egress into the proposed site. Accordingly, refusal is recommended.

### RECOMMENDATION

It is **RECOMMENDED** that the following decision be made:  
Application **REFUSED** for the following reasons:-

- 1 The site is located in the countryside and falls outside any defined village envelope as identified in the Local Plan Review and adopted Core Strategy. The proposal would intensify the existing ribbon development and reduce the openness of the site, eroding the wide gaps that exist between the existing pairs of dwellings in Long Gardens, harming the character and appearance of this rural area. The proposal would erode the function of settlement boundaries to control inappropriate development within the countryside, with the character and nature of the countryside diminished as a result. The proposal results in a form of development which fails to respect or enhance local distinctiveness or the character of the countryside location.

Furthermore, the site is divorced from facilities and amenities, it is well beyond walking distance of Wickham St Paul and there are no safe

walking routes, there are no local bus services therefore development in this location would undoubtedly place reliance upon travel by car.

Cumulatively the adverse impacts of the development outweigh the limited benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies CS5, CS7 and CS9 of the Core Strategy, and policies LPP1 and LPP55 of the Braintree District Publication Local Plan and Policies RLP2 and RLP90 of the Braintree District Local Plan Review.

In addition, the proposals would not meet the requirements for appropriate infill development as set out in Policy RLP16 of the Local Plan Review and Policy LPP41 of the Publication Draft Local Plan as there is no defined nucleus of ten or more existing dwellings and the proposed dwelling would both consolidate the existing ribbon development and set a precedent for further development, to the detriment of the character and appearance of the countryside.

- 2 Insufficient information has been provided to determine whether the proposed accesses onto Sudbury Road can be achieved with adequate visibility such to provide safe ingress and egress contrary to Policy DM1 of the Highway Authority's adopted Development Management Policies and Policy RLP90 (viii) of the Braintree District Local Plan Review which promotes safe and secure designs and layouts.
- 3 The A131 at the site location is a Strategic Route. The function of Strategic Routes is the carrying of traffic safely and efficiently between major centres within the region.

Policy DM2 Strategic Routes/Main Distribution says:

Between Defined Settlement Areas:

The Highway Authority will protect the function of Strategic Routes/Main Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

Exceptions may be made where access is required to developments of overriding public, environmental, national and/or regional need.

There are no such exceptional circumstances in this case and accordingly the proposed creation of a new vehicular access would represent a conflict with Policy DM2 of the Highway Authority's adopted Development Management policies.

### SUBMITTED PLANS

Location Plan	Plan Ref: 17/602/1
Proposed Plans	Plan Ref: 17/602/2
Garage Details	Plan Ref: 17/602/3

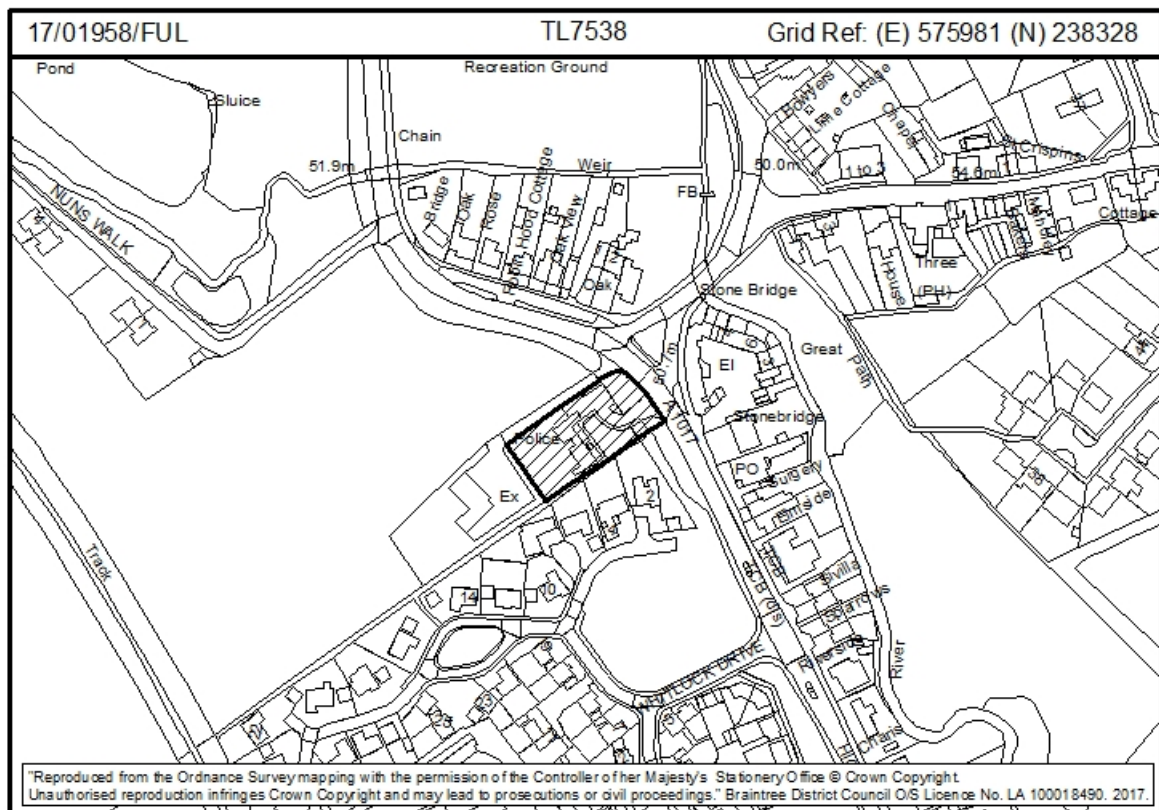
TESSA LAMBERT  
DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5e

## PART A

APPLICATION NO: 17/01958/FUL  
 DATE: 24.10.17  
 VALID:  
 APPLICANT: Mr Dixie Walker  
 Nemp Ltd, Providence House, Little Sampford, Essex,  
 CB10 2QG  
 DESCRIPTION: Change of use from Police Station to residential (8 no. self-contained units) incorporating extensions and conversion  
 LOCATION: Police Station, High Street, Great Yeldham, Essex, CO9 4PP

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext. 2509  
 or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

00/00162/FUL	Proposed internal alterations and provision of vehicle parking and ramped access	Granted	26.07.00
02/01167/FUL	Proposed adaptation, refurbishment, extension and new access/parking	Granted	26.07.02

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

*The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;*

*The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP36	Industrial and Environmental Standards
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP56	Conservation Areas

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Parish Council contrary to Officer recommendation.

#### SITE DESCRIPTION

The application is located to the western side of the High Street, Great Yeldham. The site contains a detached two storey building formerly used as the Police Station and a car parking area to the rear of the building. To the south of the site is a Public Footpath and the residential properties of Whitlock Drive. Immediately to the south is the telephone exchange and to the north agricultural land. The site rises up from the highway from east to west. A small area to the very front of the site, which includes part of the access/driveway



and the existing green verge is located within the Conservation Area and Flood Zone 2.

The building is currently listed as an asset of community value; however it has now been sold to a private developer given that no interest to purchase the property by a community group was identified. Once the site is registered the asset of community value listing will be removed.

## PROPOSAL

The application seeks planning permission for the conversion and extension of the existing building to create 8no. flats. The mix of accommodation comprises 7no. 1 bed flats and 1no. 2 bed flat. The proposed extensions comprise a first floor front addition a two storey front extension and a single storey rear extension. 12no. car parking spaces, a cycle shelter and a communal bin store are accommodated within the site.

## CONSULTATIONS

Essex County Highways – No objection subject to confirmation that the bin store is not located on highway land and conditions in respect of unbound material, surface water discharge and residential travel information packs.

BDC Environmental Health – No objection subject to conditions in respect of construction hours and the burning of waste.

BDC Waste – No comments

Essex County Fire and Rescue – No objection

## REPRESENTATIONS

Great Yeldham Parish Council – Objects to the application on the following grounds:

- Contravention with RLP17, LPP29 and LPP30
- Impact on residential properties in Whitlock Drive
- Loss of tree which is invaluable to the local environment
- Lower density would reduce the need for so many parking spaces
- Existing buildings in the countryside should be used for commercial purposes and any application for residential use should be accompanied by a marketing appraisal
- 4 additional car parking spaces are required
- Highway safety

3 letters of objection have been received in response to the public consultation, the contents of which are summarised below:

- Increased overlooking
- Highway safety

- Over development
- Loss of tree is unacceptable
- Existing buildings in the countryside should be used for commercial purposes and any application for residential use should be accompanied by a marketing appraisal
- Contravention of RLP17, LPP29 and LPP30
- Loss of outlook and overbearing

## REPORT

### Principle of Development

The application site is located within the Village Envelope for Great Yeldham where residential development in principle is considered acceptable. In addition, the site consists of previously developed or 'brownfield land'. The NPPF (para 17) places significant weight on the effective use of land by re-using previously developed (brownfield) land. The proposed development would result in the effective re-use of brownfield land and this is an important factor which weighs in favour of granting planning permission for the scheme.

It is noted that the Parish Council and local residents refer to policies (RLP38 and LPP42) concerning the conversion of rural buildings in the countryside. These policies are not applicable given that the site is located within the Village Envelope.

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 4.32 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'*.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether

to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6<sup>th</sup> September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September 2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on 5<sup>th</sup> June 2017 for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Plan was submitted to the Planning Inspectorate on 9<sup>th</sup> October 2017 for examination in public in early 2018.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

*“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

### Sustainable Development

The NPPF makes it clear that applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be considered in isolation, because they are mutually dependent. These are considered in more detail below.

Paragraph 9 of the NPPF states that the pursuit of “sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life”.

The development would contribute to the District’s housing supply and bring about economic benefits during the construction phase and thereafter by way of additional/increased demand for local services and facilities. The development would use brownfield land which is of benefit in terms of the overall sustainability of the proposal. The proposal would therefore contribute to the three dimensions of sustainable development. The planning balance is concluded below.

### Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design and this is a key aspect of achieving sustainable development.

Policy RLP3 of the Local Plan Review states that within development boundaries residential development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

The existing building is set back on the site and although at an elevated position relative to the highway, given its siting and the existing tree planting along the frontage it is not particularly noticeable when travelling along the High Street. The existing building is domestic in appearance and scale. The proposed extensions, although adding bulk to the building, are of a design,

size and scale which are appropriate for the host building and the street scene of which it forms part. Given the proposal is to extend the existing building this has resulted in an assemblage of forms which in places (for example at the junction between two storey and single storey on the rear elevation) do appear awkward. Nonetheless the resultant development has an acceptable appearance to the street and is not of a design which would justify withholding planning permission.

The Parish Council and local residents suggest there is a conflict with Policy RLP17 of the Local Plan Review and a similar policy within the Publication Draft Local Plan. These policies relate to the extension of existing dwellings and are therefore not applicable to this application.

The front of the site will remain largely as existing with the area immediately in front of the building being utilised for amenity space. The existing blue metal railings which surrounded this space will be replaced. Details of this new means of enclosure can be secured by a condition on any grant of consent. To the rear of the site, flat 5, which is to be created within the proposed single storey extension, will benefit from a private amenity space.

Internally the flats are small in size; however all but one are twin aspect and they all meet with the Nationally Described Space Standards and thus are not objectionable.

The site plan indicates the provision of 12no. car parking spaces to dimensions of 2.9m x 5.5m. The adopted car parking standard requires a minimum of 1no. space for each 1no. bed dwelling and 2no. spaces for each dwelling with 2 or more bedrooms. Visitor car parking should be provided at 0.25 spaces per unit. The car parking standards require the development to provide a minimum of 11no. spaces. The proposal therefore over provides by 1no. space. It is noted that the Parish Council would like to see an additional 4no. car parking spaces provided. In this case it is not considered that there is justification to seek such provision. The development already overprovides by 1no. space and the site is within walking distance to services and facilities available within the village, which includes, for example convenience stores, post office, hairdressers, public house and hot food takeaways.

10no. car parking spaces are contained to the rear of the site and consume this space. This area was used for car parking when the site operated as a Police Station. The loss of an existing tree to accommodate the turning space for the car parking is considered unfortunate, however the tree is not subject to a TPO, nor is it protected by way of being in a Conservation Area and thus it could be removed without control. It is recommended that any grant of consent includes a condition in respect of landscaping.

A small area of the driveway and grass verge at the front of the site is located within the Conservation Area. It is not considered that the proposed development would compromise the character or appearance of the Conservation Area.

To conclude it is considered that the proposed development accords with the aforementioned policies and is acceptable in design, appearance and layout.

### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 (iii) states that there shall be no undue or unacceptable impact upon the amenities of neighbouring properties.

The site is located adjacent to the residential properties within Whitlock Drive, whose rear elevations and rear garden boundaries face towards the site, separated by the public footpath.

No. 4 Whitlock Drive is located to the south of the site, with its rear elevation approximately 16.5m from the side elevation of the subject building. The proposed front extension to the building will be visible from the rear elevation windows of no.4 but would not be within proximity to be overbearing or cause a material loss of light. The application includes the provision of 2no. windows on the side elevation serving the lounge/kitchen of flat 8. There is intervening planting between the site and no. 4, which provides some screening, however the proposed side windows would have a view in to the rear garden of no.4. This could be overcome with obscure glazing, although this isn't ideal for habitable rooms. Nonetheless in this case the windows do not provide an outlook, but are more important as a source of light. A view out of the flat would still be possible through the bedroom window at the front of the building. In this case therefore it is considered that a condition on any grant of consent requiring obscure glazing below a height of 1.7m would be acceptable and the amenity of future occupiers would not be harmed to an extent that would justify refusing the application on this basis.

No. 6 Whitlock Drive has a small rear garden of limited depth. The proposed single storey rear extension would be a noticeable addition from this neighbouring property and alter the outlook. Planning cannot protect views from existing properties, however consideration can be given to whether the proposed development would be intrusive or overbearing, give rise to overshadowing or cause a loss of privacy. Given the siting of the subject building and the neighbouring dwelling relative to the path of the sun, the proposed extension would not cause overshadowing or a loss of light to the rear windows or garden area of no.6. The proposed extension is of single storey height with a ridge height of 5m and a low eaves height at 2.3m. In addition the roof is hipped in design and thus slopes away from the neighbouring property. The extension is located 2.6m from the site boundary, with the intervening public footpath before the rear boundary to no.6. The applicant has confirmed that the extension is to be built on the same level as the existing building, which will require some minor cutting in to the ground immediately to the rear of no. 6. This will lessen the overall impact. A view above the boundary fencing to no. 6 would not be possible from the proposed windows positioned on the southern side of the extension. Although the presence of the extension will have an impact to some degree given that it changes the current outlook from no. 6, given its single storey form and

distance from the boundary it is not considered to give rise to a detrimental impact upon residential amenity such to justify withholding planning permission on this basis.

### Highway Issues

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

The site is to be accessed from the existing point of access off the High Street. No changes are required to the access in order for it to be acceptable to serve a residential development. The Highway Authority raises no objection subject to conditions in respect of surface water discharge and surface materials. These are considered reasonable conditions. The Highway Authority also propose a condition in respect of residential travel packs for sustainable transport, however given the number of units proposed and the proximity to local services/facilities, this is not considered reasonable in this case and the condition is not required to make the development acceptable.

The applicant has undertaken a highway boundary search which shows a small section at the front of the site which was included within the acquisition of the site, having been previously disposed by Essex County Council. Notwithstanding this the highway rights for this land were never formally removed. As such the land is still considered to be highway. This means that the proposed location of the bin store is within the highway and therefore will need to be relocated. This can reasonably be controlled by condition given there is space within the site for it to be accommodated elsewhere.

### OTHER MATTERS

#### Flood Risk

The Council's safeguarding maps show a small area at the front of the site to be within Flood Zone 2, however the most recent flood maps from the Environment Agency show the entire site to be within Flood Zone 1. In addition the Environment Agency does not consider the site to be at risk from surface water flooding.

On this basis it is not considered that the development is at risk from flooding.

### CONCLUSION AND PLANNING BALANCE

The application site is located within the Village Envelope for Great Yeldham whereby residential uses are considered acceptable in principle. Officers consider that the development could take place without any detrimental impact to the character of the site or immediate locality and without

unreasonable impact on neighbouring residential properties. In addition no adverse highway impact has been identified.

The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' for which there is a presumption in favour of sustainable development, to the consideration and determine and assess whether any adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. The development would bring public benefits including the provision of housing, the generation of jobs at the construction stage and help to support the continuation of the services/amenities which are available in the village. Furthermore the village does provide amenities within walking distance to the site, which would benefit future residents. In addition the development would secure the re-use of a brownfield site and a vacant building.

To conclude, it is officer opinion that in this case there are no significant or demonstrable impacts which outweigh the benefits and therefore the planning balance falls in favour of granting planning permission.

### 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

Proposed Plans	Plan Ref: S/9844/1	Version: A
Proposed Elevations	Plan Ref: S/9844/2	Version: A
Location Plan	Plan Ref: S/9844/3	
Existing Plans	Plan Ref: S/9844/4	

- 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 other than for the location of the bin store.

Reason

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

- 3 Construction of any extensions shall not be commenced until a schedule 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. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 No window, door or other means of opening shall be inserted above first floor finished floor level on the southern elevation of the building, in addition to those shown on the approved drawings.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers

- 5 The two first floor windows on the southern side elevation of the building serving the lounge/kitchen to flat 8 as shown on drawing no. S/9844/1 Rev A shall be fixed and glazed in obscure glass below a height of 1.7m above first floor finished floor level. Thereafter the said windows shall be retained and maintained in the approved form.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 6 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

In the interests of visual amenity.

- 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 in accordance with the Council's adopted Parking Standards.

- 8 Prior to first occupation of the development hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority of a location, size and design of a bin store. The details as approved shall be those implemented on site and the bin store shall be provided prior to first occupation of the development and thereafter retained in the approved form.

Reason

To ensure sufficient provision is made for refuse bin store and in the interests of visual amenity.

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

- 10 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

In the interests of residential amenity.

- 11 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.

- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

**Reason**

To avoid displacement of loose material onto the highway in the interests of highway safety thereby ensuring the proposal is in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 13 There shall be no discharge of surface water onto the highway.

**Reason**

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety thereby ensuring the proposal is in accordance with policy DM1 of the Highway Authority's Development Management Policies as 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](http://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.

TESSA LAMBERT  
DEVELOPMENT MANAGER