

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 16 August 2016

Time: 19:15

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

Membership:

Councillor R Bolton

Councillor K Bowers

Councillor Mrs L Bowers-Flint

Councillor P Horner

Councillor H Johnson

Councillor S Kirby

Councillor D Mann

Councillor Lady Newton

Councillor J O'Reilly-Cicconi (Vice Chairman)

Councillor Mrs I Parker

Councillor Mrs W Scattergood (Chairman)

Councillor P Schwier

Councillor Mrs G Spray

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

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PUBLIC SESSION

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 2nd August 2016 (copy to follow).

4 Public Question Time

(See paragraph below)

5 Planning Applications

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

PART A

Planning Applications:-

5a	Application No. 15 01103 OUT - Cowards Garage (Universal Garage), The Street, HATFIELD PEVEREL	5 - 28
5b	Application No. 16 00919 FUL - The Lamarsh Lion, Bures Road, LAMARSH	29 - 39
5c	Application No. 15 01598 FUL - Plots 1 and 2 Rectory Meadow, Rectory Road, SIBLE HEDINGHAM	40 - 61
5d	Application No. 15 01599 FUL - Plots 3 and 4 Rectory Meadow, Rectory Road, SIBLE HEDINGHAM	62 - 83
5e	Application No. 15 01600 FUL - Plots 5 and 6 Rectory Meadow, Rectory Road, SIBLE HEDINGHAM	84 - 104
5f	Application No. 15 01601 FUL - Plot 7, Rectory Meadow, Rectory Road, SIBLE HEDINGHAM	105 - 125
5g	Application No. 16 01133 FUL - 124 Swan Street, SIBLE HEDINGHAM	126 - 136
5h	Application No. 16 00897 FUL - Land adjacent to Court House, Church Road, TWINSTEAD	137 - 146

PART B

Minor Planning Applications:-

5i	Application No. 16 00892 FUL - The Pigeon, Little London Hill, FINCHINGFIELD	147 - 153
5j	Application No. 16 01145 FUL - 3 The Centre, HALSTEAD	154 - 157

7 **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.

8 **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

9 **Urgent Business - Private Session**

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

Cont'd

E WISBEY
Governance and Member Manager

Contact Details

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

Question Time

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

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

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

Health and Safety

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Mobile Phones

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

Comments

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

Please let us have your comments setting out the following information

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

Comment

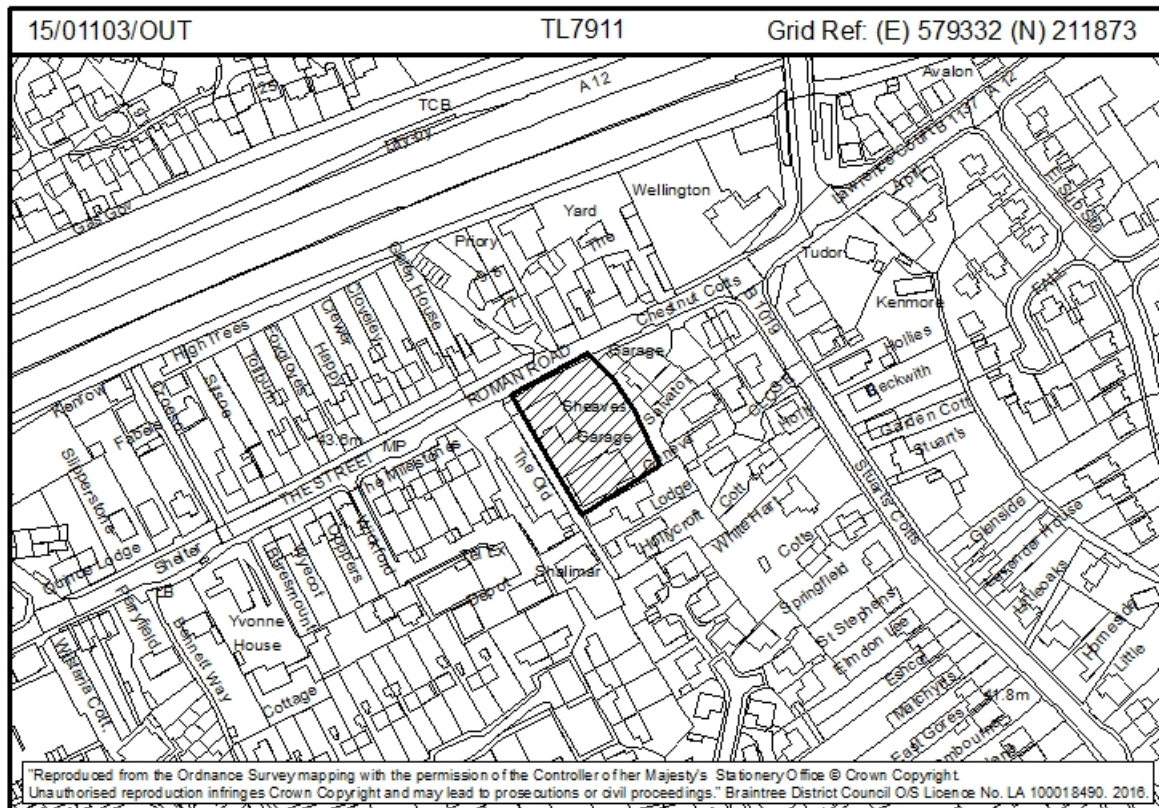
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Contact Details:

PART A

APPLICATION NO: 15/01103/OUT DATE: 26.08.15
 VALID:
 APPLICANT: CCC Property
 Mr G Sharp, 144 New London Road, Chelmsford, Essex,
 CM2 0AW
 AGENT: The Planning & Design Bureau Ltd
 Mr Stewart Rowe, 45 Hart Road, Thundersley, Benfleet,
 Essex, SS7 3PB
 DESCRIPTION: Demolish workshop and vehicle sales buildings, cease
 vehicle sales use and erection of 7 no. two storey terrace
 dwellings and 2 no. detached dwellings, formation of new
 vehicular access on the The Street, layout parking spaces
 and form private amenity areas.
 LOCATION: Cowards Garage (Universal Garage), The Street, Hatfield
 Peverel, Essex, CM3 2EQ

For more information about this Application please contact:
 Terry Hardwick on:- 01376 551414 Ext. 2547
 or by e-mail to: terry.hardwick@braintree.gov.uk



SITE HISTORY

04/01955/FUL	Demolition of existing workshop buildings and erection of new single workshop	Granted	07.12.04
05/01710/OUT	Proposed demolition of existing buildings and construction of 23 no. 2 bedroom flats in three separate blocks	Withdrawn	20.10.05
06/00739/OUT	Erection of a terrace of 7no. dwellings, detached block of four flats, A1 retail shop with three flats over and lay out associated access road, parking and amenity areas	Withdrawn	05.07.06
07/00338/FUL	Erection of 2 no. two bed flats, 4 no. one bed flats and 7 no. terraced properties, associated parking and private amenity space	Granted	27.07.07
13/01089/FUL	Use of an existing building for a hand car wash facility	Withdrawn	19.11.13
14/00612/FUL	Use of an existing building for a hand car wash facility - APPLICATION NOT PROCEEDED WITH	Application Returned	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS6	Retailing and Town Centre Regeneration
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review

RLP1	Housing Provision
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
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Adopted Parking Standards: Design & Good Practice

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought to Committee for determination because the Parish Council has raised objection to the proposal, contrary to the Officer's recommendation.

SITE DESCRIPTION

This 0.22 ha site is approximately rectangular in shape and lies on the south side of The Street at the eastern end of the village of Hatfield Peverel, approximately 130 metres west of the roundabout junction with the B1019 (Maldon Road).

The site contains a single-storey car-sales building and workshop fronting The Street towards the western side of the site. Behind these, towards the rear of the site, is a taller, but still single storey, building in use as workshops. There is also a detached portable office building on the eastern side of the site frontage.

The remainder of the site is open and is either hard-surfaced in concrete or laid to gravel and is used for the display for sale of motor-vehicles.

A private drive runs down the western boundary of the site, leading to a small development of detached bungalows that abut the site's southern boundary.

To the west, beyond this drive, is a part two-storey, part single-storey building that is occupied as a Co-op store at ground floor with flats over the shop.

There are bus-stops outside the site and the railway station lies about 450 metres to the north-west of the site. Other local services - including a doctor's surgery, a dentist, a public house, a primary school, playing fields, a community-centre and a shop/newsagent all lie within about half a kilometre. Various employment uses are also located in the village.

PROPOSAL

The application seeks outline planning permission (with access, appearance, layout and scale forming part of the outline application and landscaping reserved for future consideration) to redevelop the site for housing in the form of two detached houses (one 4 bed unit, one 3 bed unit) on either side of a centrally positioned access road into the site, which would lead to a two-storey terrace of 7 x 2 bedroom houses to be built in a back-land position behind the two proposed detached houses on the site frontage.

The detached house to the western side of the access road would be a flank-gabled L-shaped design, with gabled projection to the rear, whilst the other would also be a flank-gabled design sited “side-on” to the road but with no rear projection.

The terrace would be of hip-roofed design and would extend across most of the width of the site. It would be flat-fronted, but for a centrally positioned projection of front gabled design. A landscaped parking area for 18 cars would be provided in the space between the detached houses on the frontage and the terraced houses towards the rear. There would also be an additional 2 parking-spaces alongside the access road into the site, to serve as visitor parking.

The application is almost identical to the design and layout of the scheme of development permitted under planning permission 07/00338/FUL, which was not implemented and has now expired. The main difference on this occasion is that the two detached buildings on the street-frontage are of slightly different design and appearance and each is now proposed to be a detached dwelling, whereas the permitted scheme proposed a total of six flats in the two buildings, in addition to the seven no 2-bed terraced houses at the rear, which are carried through, with little change, into the current application.

CONSULTATIONS

ECC Highway Authority: No objections, subject to any planning permission being granted, subject to conditions relating to the following:

- provision of a 2m wide kerbed footway to be provided across the site frontage in accordance with details to be agreed with the LPA;
- no unbound material to be used in the surface treatment of the vehicle access into the development within 6 metres of the highway boundary;
- the vehicle access to be constructed at right angles to the highway boundary and to the existing carriageway, the width of the access at its junction with the highway to be 5.8 metres and to be provided with an appropriate dropped kerb vehicular crossing of the footway;
- the means of preventing the discharge of surface water from the development onto the highway to be agreed in writing by the LPA,

provided in its entirety prior to the access becoming operational and retained at all times thereafter;

- provision of suitable access arrangements to the application site during demolition and construction works, including the provision of wheel washing facilities, turning and off-loading facilities for delivery and construction vehicles within the site, together with adequate parking for employees working on the carrying-out of the site's development;
- parking-spaces to have minimum dimensions of 2.9 metres x 5.5 metres;
- details of cycle parking facilities to be submitted and agreed in writing with the Local Planning Authority and installed as approved prior to first occupation of the dwelling to which it relates;
- prior to occupation of the development, the developer to be responsible for the implementation of a Travel Information and Marketing Scheme for Sustainable Transport approved by Essex County Council.

ECC Heritage & Conservation: There are 2 listed buildings in the vicinity of the site, "Salvador" and "Hooks & Sheaves". No objections are, however, raised to the proposals, subject to the submission and agreement of a landscaping plan that shows how the land separating the new development and the Grade II listed buildings will be treated and will protect the setting of the listed buildings and the carrying-out of the landscaping scheme strictly as agreed.

BDC Environmental Services: Given the current and previous uses of the site, the site should be regarded as potentially contaminated and information needs to be provided (in particular, in relation to any chemicals associated with work-shop uses and to the fuel tanks at the site and their filling) to verify that there is no historic contamination that could cause harm to potential end-users of the site and detailing the necessary remediation to make development and occupation of the site safe.

Given the site's history, it would be appropriate for a Phase 1 Assessment to be submitted at this stage, as a minimum.

They go on to comment that, in the light of past historic uses at the site, it is not unreasonable to request a preliminary risk assessment by a suitably qualified person which should inform the need for further assessment.

If, however, planning permission is granted, this should be subject to conditions relating to the following:

- full investigation of ground conditions at the site prior to commencement of development to establish the presence and extent of any contamination, detailing the remediation measures necessary (to be agreed in writing by the LPA) to make the carrying-out and

occupation of the development safe and the carrying-out of the development in strict accordance with the remediation measures agreed with the LPA;

- the carrying-out of a noise assessment to establish the extent to which occupiers of the development would be affected by noise disturbance, arising from the close proximity of other commercial development in the vicinity of the site and from road traffic, and detailing the measures necessary to provide suitable attenuation of noise relative to the each of the dwellings to be built. The scope and methodology of the investigation to be previously agreed in writing by the LPA and the development to then be undertaken in strict accordance with its findings, which shall also previously have been agreed in writing with the LPA;
- details of the provision to be made for refuse/re-cycling storage facilities to be submitted to and agreed in writing by the LPA prior to first occupation of any dwelling within the development;
- controls over the hours of working in the carrying-out of the development;
- details of a scheme to control the dispersal of dust and mud produced during the preparation of the site for development (including the demolition of existing buildings) and the carrying-out of the development itself to be submitted to and agreed in writing prior to first commencement of site preparation works, the agreed scheme to be maintained throughout the carrying-out of the development;
- details of any external lighting of the development to be submitted to and agreed in writing prior to its installation.

BDC Engineers: Unaware of any surface water issues affecting the site.

Parish Council:

The Parish Council objects to the planning application.

On the one hand, it acknowledges that the development will result in an improved appearance of an unsightly site.

On the other hand, it raises concerns on the following grounds:

- loss of this commercial site is unwelcome;
- the site is in a prime position for expansion of economic activity and there are few sites in the locality that offer this. If the site is lost to housing, "it is difficult to envisage how future economic and service needs of the population could be met." There are additional potential sites at the rear of the application site that should be brought into any

redevelopment, to add to the potential of a “joined up” commercial and economic centre for the village;

- any redevelopment of the site needs to contribute to the character and amenity of the village;
- need for affordable housing in any new residential development;
- the provision of 2 bedroom dwellings is to welcome, but the two 4 bedroom houses on the site frontage should be changed to 2 bedrooms units too;
- “affordable housing” should be insisted upon;
- provision is not made for the handling of waste and re-cycling within the development;
- each property should have its own household waste and recycling facilities, rather than facilities being provided communally;
- the design of the parking should be to the highest standard (high quality materials), which should incorporate landscaping, should not be over-dominated by cars and should serve as a shared space for residents. Too many spaces would encourage the parking to be used by those attending the nearby shops;
- the application does not provide detail of ground conditions at the site - which is likely to be contaminated, because of its previous uses for petrol sales and car-servicing and the existence of an old kerosene tank and a number of other tanks which may have been used for oil storage - and it surprising that the application has been submitted with no serious site, soil and groundwater investigation and remediation;
- in summary, the proposal to improve this location is welcomed but it would be preferable if the proposal could be amended to conform more closely with the Braintree District Council “District Economic Development Strategy and Action Plan” and the wishes of the local community as set-out in the Neighbourhood Development Plan.

Public Consultations

Three letters of representation have been received.

One of these simply points out that safe and secure cycle storage is not shown on the plans and storage for one cycle per household is not enough.

The other two letters raise the following points:

- the site is already used for retail purposes;
- very little thought has been given to the business that will remain;

- there are already parking problems associated with the Co-op store next door and customers there will use the parking proposed for this residential development;
- the site should provide further retail units with flats over;
- a larger parking area should also be provided to provide additional parking for the adjoining Co-op;
- the design of the development should be aesthetically attractive and have a village feel;
- concern about the hazards presented by the site's previous and current uses, in particular, a large kerosene tank on the site and the risk of explosion that this presents;
- concern about the contamination that may be present on the site as a result of the presence of fuel tanks and associated pipework, in relation to which the applicant has provided no evidence that they have been de-commissioned to modern standards;
- the release of hydrocarbons into groundwater has to be an obvious risk;
- the nature of the surface of the site - part gravel, part concrete - further raises concerns for surface and sub-surface pollution;
- the presence of old plastic containers, leaking used-lubricating oil into the ground, is also a matter for concern.

REPORT

Principle of Development

The site is within the Village Envelope for Hatfield Peverel and is an existing brownfield site. Planning permission has previously been granted for a very similar form of residential redevelopment on the site (07/00338/FUL), which has not been implemented and has now expired.

The planning policy context has, however, changed significantly since the previous planning permission was granted. Most notably, the site is now within a Local Centre proposed in the Draft Local Plan, which is currently the subject of public consultation.

At the time that the previous planning permission was granted, the statutory plan in force was the Review Local Plan (2005), which does not designate the application site as being part of a Local Centre and contains no specific proposals for enhancement, beyond a general commitment under policies RLP126 and RLP127 to encourage proposals that would (A) protect and enhance local shopping and services and (B) provide additional shopping, including the expansion, or re-development, of existing shops, providing there are no overriding environmental or highway constraints. The proposal permitted in 2007 contained no element of retailing, but it would not have detracted from what was available either, neither were there any environmental or highway objections, and, accordingly, the principle of a residential development was accepted.

The case for residential development today in terms of the current planning policy context is, however, less clear-cut than it was in 2007.

Insofar as the relevant Review Local Plan policies referred to above are now Saved Policies, they still have statutory status today and form part of the Statutory Development Plan for the District, but they only apply insofar as they are not superseded or updated by later policy.

The Core Strategy was adopted in 2011 and introduced under Policy CS6 the concept of local centres as hubs for the provision of small-scale shops, other services and community facilities, which will be protected and enhanced.

It was not, however, until the Pre-Submission Site Allocations & Development Management Plan (SADMP) (2014) was drawn-up, that Local Centres were specifically identified “on the ground” under policy ADM24 and shown on the Proposals Map that formed part of the Plan. This was, however, entirely consistent with the purpose of the SADMP to identify sites for particular uses and policy proposals identified under the Core Strategy. For Hatfield Peverel, it identified for the first time two locations to be protected and enhanced as Local Centres, based on existing groupings of services - one towards the western end of the village, the other towards the eastern end based around the existing grouping of shops and services that has already grown-up just west of the junction between The Street and the B1019, of which the application site is part. The application site is part of the more easterly of the two local centres identified for the village.

Work on the SADMP, however, ceased in early 2014. Nonetheless, by then the SADMP was at an advanced stage and due to be submitted for Examination in Public, following extensive public consultation. The decision to cease work on the SADMP was taken mainly because it was recognised that, in-line with government policy, the District would need to deliver significantly more growth than was envisaged under the Core Strategy and SADMP and the best way of considering the options for accommodating this would be through the preparation of a new Local Plan.

Many of the policy initiatives that were included within the SADMP have, however, simply been carried forward into the Council’s Draft Local Plan, including the “protection and enhancement of local centres” initiative that was proposed in the Core Strategy and carried through into policy ADM24 of the SADMP.

However, the Draft Local Plan has only limited status at the present time and this, therefore, raises the issue of what weight can be given to this initiative at the present time, in terms of the decision to be made on the current proposal.

The view of Officers is that it is reasonable to apply a degree of weight to the SADMP local centre allocations in considering the current proposal. This is because the Core Strategy has statutory status and the SADMP, which builds on the Core Strategy, was subject to extensive public consultation in 2013/14 and there were no unresolved objections to the local centre proposals.

This would also be consistent with the advice contained in paragraph 216 of the NPPF which advises that:

“From the day of publication, decision-makers may also give weight to relevant policies in emerging plans according 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 this Framework, the greater the weight that may be given).”*

There are no conflicts with the policies of the NPPF either, paragraph 14 of which presumes in favour of sustainable development, which should be seen as a “golden thread” running through both plan-making and decision-taking. The “protection and enhancement of local centres initiative” is an attempt to provide locally accessible and, therefore, sustainable retailing, services and community facilities for local people that minimises the need for people to use their cars. It is entirely consistent with NPPF objectives and policies.

It is also the case that the Interim Policy Statement, issued by the Council in September 2014, states that the land allocations of the SADMP can be applied for Development Management purposes as they have been assessed to be sustainable and have been subject to public consultation.

That being the case, Officers take the view it is necessary to consider the acceptability of a residential redevelopment of the site on its merits, having regard to the SADMP and the current draft policy contained in the Draft Local Plan.

As part of this process - the applicant was requested to submit a reasoned justification that shows that his proposal for a 100% residential redevelopment (as opposed to a scheme that includes some element of retailing or community use) cannot be achieved or would be uneconomic or otherwise undesirable. This has not been forthcoming.

He has, however, submitted an objection (in the context of the Draft Local Plan) to the inclusion of the site within a “local-centre” that is to be protected for retail, service or community uses on the following grounds:

- the rental income from the present uses of the site and its open market value based on these uses exceeds the value of the site that would arise if the site was to be developed for the range of uses that are envisaged under Core Strategy policy CS6 (small-scale shops, services and community uses for local residents);

- neither the evidence base for the SADMP nor the new Local Plan identifies in specific terms the need for shops, services or community uses in Hatfield Peverel and the LPA has no proper basis for concluding that there is a need for additional retail, community or other services in the village;
- the only use that would generate a greater land value for the owner than the present lawful uses is residential.

The view of officers is that - notwithstanding the inclusion of the application site within the local-centre defined for the eastern end of Hatfield Peverel - it has to be accepted, at the present time, that there are no specific proposals for anything in the way of new “small-scale shops, services and community facilities for local residents”, neither is the Council aware of any specific need or demand that falls to be met here at the present time. That being the case, Officers consider the case to refuse planning permission on grounds that the site is within a proposed local centre is weak at the present time. Neither would redevelopment for housing result in the loss of any existing shops, services or community facilities that provide for everyday needs. The site is currently occupied by vehicle sales and workshops, which do not provide an essential daily need. Because the loss of these uses would not be a loss of essential local facilities and services, there is not considered to be any conflict with either the NPPF (paragraph 28 – Supporting a prosperous rural economy), or Core Strategy policy CS6, which both primarily seek to protect and enhance existing facilities. New facilities are to be welcomed, if they are proposed, but where they are not and there is no other evidence of demand, it would be unreasonable to refuse a proposal that is otherwise acceptable.

The principle of a residential redevelopment of the site is, therefore, considered to be acceptable at the present time.

The Parish Council and one of the objectors have expressed the view that a development based on a mixture of residential use and/or retail use would be preferable. However, there has to be some evidence of demand and no such evidence has been cited.

Design, Siting & Appearance

The development consists of 2 detached houses on the frontage to The Street and a hip-roofed terrace of 7 units sited about two-thirds of the way back into the site, behind the 2 detached houses.

One of the two detached houses would be a flank-gabled L-shaped design, with gabled projection to the rear, whilst the other would be a flank-gabled design sited “side-on” to the road.

There is no uniform character to existing development in this section of The Street and there is, therefore, no reason why the two detached houses

sought, which is the principal part of the development that would be visible publicly, should not sit comfortably in the street-scene.

Regarding the terraced development towards the rear of the site - this will be a hip-roofed design, with chimneys, built on a uniform depth building-line, with a shallow centrally-positioned gabled front projection. The siting and design of this building is identical to that permitted under now expired planning permission 07/00338/FUL and the impact in the surroundings no greater than has previously been accepted. The area as a whole is an eclectic mixture of many different building forms and designs and, overall, the building would sit comfortably in its setting. Because it is set-back substantially into the site, behind the two detached houses on the street-frontage, it will not impact directly in the street-scene and, for the most part, it will simply be glimpsed between or beyond other buildings, existing or proposed. Design, siting and appearance are, therefore, considered acceptable.

Impact on Setting of Adjacent Listed Buildings

Immediately to the east of the application site, at a point about half-way back from the site's frontage to The Street, are two Grade 11 listed dwellings known respectively as "Salvador" and "Hooks & Sheaves", which are a pair of semi-detached dwellings that look directly onto the car-sales use that occupies a large part of the site.

The Council has a duty under Section 66(1) of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 to "...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 view of the ECC Historic Buildings & Conservation Officer is that the proposed development would result in an improvement in the setting of the listed buildings. He comments that the application site as existing makes a *"negative contribution"* to their setting by reason of its *"...cluttered and industrial appearance and the proximity which the business use comes to the rear of the listed building"* and the proposals would be *"...an improvement to the setting of the listed building by allowing it to be more easily read, understood and experienced and by removing many of the negative elements which intrude into its setting. It also relates better to the current residential nature of the building's setting."*

Officers share the view of the Historic Buildings & Conservation Officer that an improved setting for the listed building would result. They also share his view that any planning permission needs to be subject to a condition that requires the carrying-out of landscaping of the site but pays particular attention to the treatment of the space that separates the listed buildings from the new development.

Subject to satisfactory landscaping of this space - combined with the removal of the commercial uses and the various unattractive buildings on the land - the

proposal would amount to a significant improvement in the setting of these two listed buildings.

Amenity Space

The Essex Design Guide (2005), which is adopted by the Council for development management purposes seeks minimum garden areas of 100 square metres for houses with three or more bedrooms, whilst for two bedroom units, at least 50 square metres is required.

All of the two bedroom units would have gardens in excess of the Design Guide requirement, varying between 60 and 77 square metres.

One of the detached houses would, however, have a garden area of 100 square metres, as required by the Design Guide; the other would, however, have a garden area of only 80 square metres.

There are two main reasons for requiring minimum garden-size: provision of sufficient amenity for potential occupiers; safeguarding the level of amenity enjoyed by surrounding properties.

In this case, the garden would be a regular, roughly rectangular and highly useable shape that would provide a reasonable level of amenity for a family. It would also look onto the substantial flank wall of an existing commercial building that defines this part of the eastern boundary of the site, so issues of overlooking do not arise. The view of officers is that the deficiency is not so serious as to justify refusal of planning permission on that point alone. Amenity space provision is, therefore, judged to be acceptable.

Impact on Residential Amenity

The Essex Design Guide suggests back-to-back distances between dwellings of at least 25m. Back-to-back relationships with neighbouring properties do not arise.

The two new houses on the street-frontage would both back onto or flank onto existing commercial buildings - the Co-op shop on the western side and a tyre-fitting workshop on the eastern side, so issues of residential amenity do not arise in either of those properties.

There is a pair of listed buildings in residential use to the east of the site; "Salvador" and "Hooks and Sheaves". However, there would be no material impact on levels of privacy and aspect enjoyed as the rear of these buildings look onto the middle part of the application site, which is to be open, serving as the landscaped parking area to serve the development. There would be oblique lines of sight from first floor windows in the front elevation of the terrace proposed towards the rear of the site but this would not be serious.

Southwards beyond "Salvador" and "Hooks and Sheaves", bungalows in Ash Grove - known as "Chariots" and "Geneva" - would look, somewhat obliquely

in respect of “Geneva” - onto the eastern end elevation of the proposed terrace of houses. However, the impact on aspect enjoyed would not be so serious as to justify rejection of the proposal on those grounds. It should also be noted that the Council has previously accepted this relationship in its decision to grant planning permission in 2007 for the same development as now sought.

As to the property to the rear of the site - “Ferndown Lodge” - this is a large bungalow in use as supervised living accommodation for those with learning difficulties. The only part of the development that would potentially affect amenity in this direction would be the terrace of 7 units proposed towards the rear of the site, whose rear elevation would look onto the flank of “Ferndown Lodge”.

However, much of the northern flank of “Ferndown Lodge” currently looks onto the two storey height flank wall of the existing substantial workshop that sits only nominally off this boundary. Aspect and light enjoyed by flank windows in this northern elevation is poor, improving only slightly beyond the main eastern end elevation of the workshop, at which point its height drops to single-storey where an extension has been added. There are a number of windows in this part of the flank elevation of “Ferndown Lodge” but only one serves a habitable-room, a bedroom.

Compared with the existing relationship, the development sought would result in a significant improvement in the light and aspect enjoyed by all these flank windows because it will take building works well-off this boundary (about 10.5m), resulting in total separation “window-to-building” of about 11.5m and rear gardens flanking onto “Ferndown Lodge”, rather than commercial buildings and yard.

Finally, the existing use of the site is for car-sales and workshops, which has the potential to be the cause of significant nuisance. The removal of a “bad neighbour” in close-proximity to existing residential uses can only be an improvement in the level of amenity enjoyed by residential neighbours.

Impact on residential amenity is, therefore, judged to be within acceptable tolerances.

Parking

There would be 9 dwellings in total, for which 18 parking spaces - including 2 disabled persons’ spaces - are proposed in the middle part of the site, which is the same arrangement as was permitted under the previous planning permission. In addition, there would be 2 visitor spaces alongside the access road into the site.

Numerically and in terms of their dimensions, the Council’s adopted parking standards would be satisfied.

Highway Considerations

The Highway Authority has raised no objections to the proposals on highway grounds, subject to planning permission being granted with the conditions referred to above.

Land Contamination

The current and previous uses of the site - car-sales and workshops, with petrol sales at the front of the site (now ceased) - all suggest that the site could be affected by contamination.

BDC's Environmental Services has advised that the application should ideally be supported as a minimum by a Stage 1 Assessment of ground conditions. The applicant has declined to provide such an Assessment or any information relating to the ground conditions. He simply draws attention to the fact that much of the site is hard-surfaced and he considers the position can be safeguarded by the application of a planning condition that requires investigation of ground conditions prior to development being undertaken and appropriate remediation undertaken, such as the replacement of any contaminated material with new clean material. He also mentions that, when planning permission was granted for residential redevelopment previously, this was subject to a condition that requires investigation of ground conditions prior to development being undertaken and agreed remediation being undertaken before first occupation of the development.

The application, therefore, falls to be considered without any information relating to ground conditions and possible contamination.

With sites that are known to be contaminated or sites that have a high risk of being contaminated, because of their previous use, full information regarding ground conditions and contamination should ideally be available or at least a Stage 1 Assessment provided. This is because it is, theoretically, possible that the nature of any contamination present could influence design and layout matters; in addition, if reserved to be dealt with by condition, it is possible that, if serious contamination was found to be present, this could, in effect, negate the planning permission granted, if the approved design and layout were found not to be achievable.

Whilst the applicant mentions that the site is substantially hard-surfaced, which lessens the potential for the ground conditions to be contaminated, it is not entirely so, neither can there be certainty over this, particularly if the hard-surfacing post-dates any potentially contaminating use. In any event, there are large areas of the site which are simply laid to gravel and have to be regarded as potentially permeable to pollutants. In addition, there are known to be disused petrol tanks in the front part of the site, which could have leaked over the years.

On the other hand, it is a fact that, technically, most contamination can be dealt with. It is also true that the Council did grant planning permission for the previous re-development of the site (07/00338/FUL) with contamination-

related matters reserved to be dealt with pursuant to a planning condition. It is also likely that, even if contamination is found to be present, development of the site in the manner proposed would still be achievable, albeit with remediation.

On balance, therefore, whilst full information on ground conditions would be preferable or at least a Stage 1 Assessment provided, Officers take the view that the risks posed by this site are unlikely to be so great that the investigation of ground conditions cannot be left to be dealt with pursuant to a planning condition.

Accordingly, the grant of outline planning permission with a safeguarding condition that requires full investigation of the ground conditions prior to first commencement of the development, and remediation to be undertaken as necessary before first occupation of the development, all to be agreed with the Local Planning Authority, is considered to be a reasonable basis on which to deal with the potential contamination issues at this site.

Other Matters

Insofar as the above does not address points of concern raised by local people and the Parish Council, the following further points are made:

- the parking to be provided would meet the Council's adopted parking standards and there is no justification to require a larger car-park;
- the risks arising from the possibility the site is contaminated and the possible presence of any other hazards (lubricating oils, kerosene tank and former fuel tanks) will be dealt with pursuant to a suitably worded condition that applies appropriate control and requires remediation as necessary;
- the site is not a protected employment site and, accordingly, there is no reasonable basis to object to its loss for employment purposes;
- it is no longer government policy to require affordable housing - and other developer contributions – for residential developments of fewer than 10 units;
- the handling of waste and re-cycling will be dealt with pursuant to a suitable planning condition. The central houses within the terrace will need particular attention as they do not have access to their rear garden other than through the house.
- the materials to be used in the treatment of the centrally-placed landscaped parking area will be dealt with pursuant to a suitable planning condition. A high quality and attractive appearance will be sought. Landscaping is reserved to be considered by way of an application for approval of reserved matters;

- provision has now been made for cycle-storage in the form of a small shed in each garden.

SUMMARY/CONCLUSION

The application is for an almost identical scheme of residential re-development to that permitted under planning permission 07/00338/FUL. The main difference is that the two buildings on the frontage to The Street would be of slightly different, though still acceptable, design and appearance and they would now be 2 detached houses, rather than provide 6 flats as previously.

These changes are of a minor nature and are acceptable.

Clearly, the Council has previously accepted the principle of residential development.

However, the policy context for the application has changed since 2007 and it is necessary to re-appraise the proposal in the context of the up-to-date policy position.

Most significantly, the site is now included within a proposed “local-centre” for the eastern end of Hatfield Peverel. The question is whether, given that this designation has no statutory status at this stage, because the SADMP was not proceeded with and the Draft Local Plan has only recently been published for public consultation purposes, any weight can be given to it.

The view of Officers is that some weight can be given to the designation because it was proposed as part of the SADMP - which was subject to extensive public consultation - and there were no unresolved objections to the policy then. The purpose of the SADMP was also to provide site-specific allocations in line with Core Strategy policy objectives (policy CS6), which do have statutory status.

It is also relevant that in September 2014 the Council issued its Interim Planning Statement, in which it adopts the land allocations and development management policies contained in the SADMP for development-management decision-making purposes.

The site’s location in a proposed Local-Centre is, therefore, a material consideration.

Although the applicant has not made a substantiated case to show that a redevelopment that includes some element of retailing or community service or facility is not achievable or desirable, he has nonetheless objected, in the context of the Draft Local Plan, to the site’s inclusion within the proposed Local Centre.

The application, therefore, falls to be considered on its merits.

Officers take the view that, in the absence of any evidence of demand at the current time for the provision of an element of retailing or for some sort of service or facility for the benefit of the community within the proposals, the principle of a solely residential redevelopment of the site has to be judged to be acceptable.

The acceptability of the proposal, therefore, turns on matters of detail and impact. Officers take the view that the proposal gives no cause for concern in this regard, for the reasons detailed above.

Accordingly, it is recommended that outline planning permission be granted, subject to the conditions set-out below.

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: PDB/15/450/01	Version: B
Topographical Survey	Plan Ref: PDB/15/450/02	
Proposed Block Plan	Plan Ref: PDB/15/450/03	
Proposed Plans	Plan Ref: PDB/15/450/04	
Proposed Plans	Plan Ref: PDB/15/450/05	
Proposed Elevations	Plan Ref: PDB/15/450/06	
Proposed Plans	Plan Ref: PDB/15/450/07	
Proposed Plans	Plan Ref: PDB/15/450/08	
Cycle Plan	Plan Ref: PDB/15/450/10	

1 Details of the:-

(a) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission.

The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.

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

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 None of the buildings shall be commenced until samples of the materials to be used on the external finishes have 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 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by a competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to

the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

Given the present and previous uses of the site there is a risk the site is affected by contamination and it is important that ground conditions be thoroughly checked to ascertain if it is contaminated and, if it is, the nature and extent of any contamination. This is to ensure that the site may be developed and occupied safely and the risks to workers at the site and to future users of the land and of neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason

In order to secure the satisfactory development of the area and in order to protect the privacy of the occupiers of adjoining dwellings.

- 6 Prior to first commencement of the development, a 2m wide kerbed footway shall be provided across the site frontage, in accordance with details to previously have been submitted to and agreed in writing with the Local Planning Authority. The approved footway shall be available for use throughout the carrying-out of the development and shall be permanently retained thereafter.

Reason

To ensure the safe passage of pedestrians past the site.

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

Reason

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

- 8 The vehicle access into the site shall be constructed at right angles to the highway boundary and to the existing carriageway, the width of the access at its junction with the highway shall be 5.8 metres and it shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interests of highway safety.

- 9 Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason

To prevent hazards caused by flowing water or ice on the highway, in the interests of highway safety.

- 10 Suitable access arrangements to the application site shall be provided during demolition/construction operations, including the provision of wheel-washing facilities for exiting vehicles, turning and off-loading facilities for delivery/construction vehicles within the limits of the site, together with an adequate parking area for those employed in the development of the site, in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety.

- 11 All vehicle parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres, with the exception of the two end-on parking spaces (spaces nos. 1 and 2), which shall each be 6m long by 2.9m wide and the two disabled persons spaces (spaces nos. 8 and 18), as shown on approved drawing no PC8/5/450/CB received 05 July 2016.

Reason

To ensure the provision of appropriately sized parking spaces in accordance with the Council's adopted parking standards, as set-out in "Parking Standards - Design & Good Practice" (September 2009).

- 12 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the

mobility impaired has been 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

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

- 13 Development shall not commence until details of the location and design of the storage areas for refuse bins and separated recyclable materials and their collection points has been submitted to and agreed in writing by the Local Planning Authority. Where the refuse collection vehicle is required to pass over any internal access road that road shall be constructed to take a load of 26 tonnes. The approved refuse storage and collection facilities and the vehicle access thereto, if required, shall be provided prior to first occupation of the dwellings to which they relate and shall be permanently retained thereafter in the approved form.

Reason

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

- 14 The access road into the site and all internal access-ways and footways within the development shall be constructed in accordance with details which shall previously have been submitted to and agreed in writing by the Local Planning Authority and shall be available for use before first occupation of the development permitted.

Reason

To ensure suitable access for vehicles, residents and visitors and to ensure a proper standard of development.

- 15 Prior to first occupation of any part of the development, a scheme for protecting the proposed dwellings from noise from road traffic and commercial uses in the vicinity of the development shall be submitted to and agreed in writing by the Local Planning Authority; all attenuation and other works which form part of the approved scheme shall have been undertaken satisfactorily prior to first occupation of the development.

Reason

To ensure a satisfactory level of amenity for potential occupiers of the development.

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

Monday to Friday 08.00 hours to 18:00 hours;
Saturday 08:00 hours to 13:00 hours;
Sunday - No work;

Bank & Public Holidays - No work.

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

- 17 No piling shall be undertaken on the site in connection with the construction of the development permitted until a method for the piling and the control of the resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority, the approved scheme to be adhered to throughout the construction process.

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

- 18 No burning of refuse, waste materials or vegetation shall be undertaken anywhere on the application site in connection with the clearance of the site and its preparation for development permitted or during the construction of the development.

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

- 19 Before first commencement of the development permitted a Construction Management Plan shall have been submitted to and agreed in writing by the Local Planning Authority. In particular, the Construction Management Plan must consider how dust emissions and the dispersal of mud off the site may best be controlled. The approved Construction Management Plan shall then be strictly adhered to through the carrying-out of the development.

Reason

To protect the level of amenity enjoyed by occupiers of neighbouring residential properties and in the interests of highway safety.

- 20 All electrical and telephone services to the development shall be run underground.

Reason

In the interests of visual amenity.

- 21 All service intakes to the dwellings permitted shall be run internally and shall not be visible on the exterior of the dwellings permitted.

Reason

In the interests of visual amenity.

- 22 Prior to installation of any meter cupboards on the exterior of the dwellings

hereby permitted, details of the location, design and materials to be used shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

In the interests of visual amenity.

- 23 Details of any street-lighting proposed for the access road into the development and the parking area serving it shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of any of the dwellings permitted. The lighting shall then be installed strictly as agreed by the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the level of amenity enjoyed by occupiers of neighbouring residential properties.

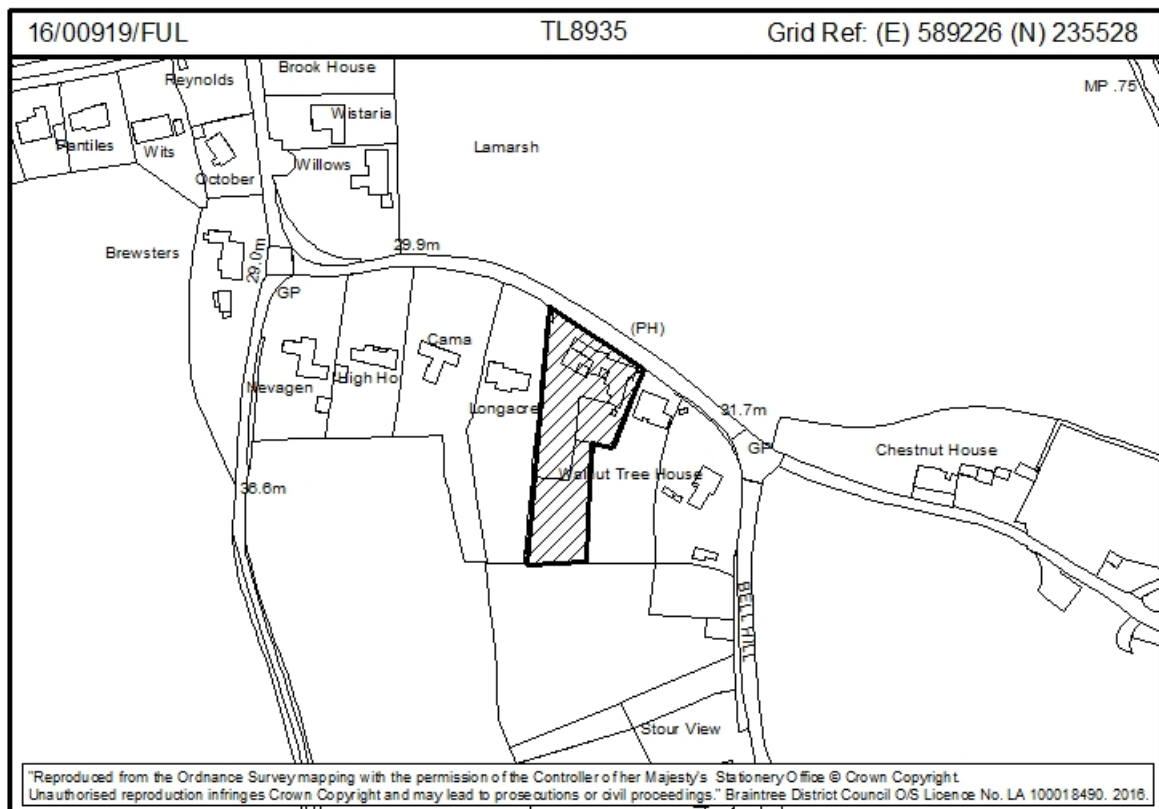
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 16/00919/FUL DATE: 01.06.16
 VALID:
 APPLICANT: Mr & Mrs O'Brien
 The Lamarsh Lion, Bures Road, Lamarsh, Essex, CO8 5EP
 AGENT: Planning Direct
 Mr A Cann, 3.11 Felaw Maltings, Felaw Street, Ipswich,
 Suffolk, IP2 8EU
 DESCRIPTION: Change of use from mixed use public house/restaurant
 (A4/A3) and residential dwelling (C3) to Residential
 Dwelling (C3)
 LOCATION: The Lamarsh Lion, Bures Road, Lamarsh, Essex, CO8 5EP

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext.
 or by e-mail to:



SITE HISTORY

01/02125/FUL	Erection of dwelling (Variations to Planning Application 99/1715/FUL)	Refused	11.02.02
04/00088/FUL	Erection of building for Bed and Breakfast facility for visitors to Public House	Granted	24.05.04
85/00881/P	Proposed erection of one dwelling.	Refused	19.09.85
79/01022/P	Change of use from Barn to Lounge Bar for Public House and construction of Car Park at rear.	Granted	20.08.79
79/00029/P	Internally illuminated signs.	Refused	15.08.79
74/00049/P	4 Sets 9" high letters, 2 colour flashes, 2 single faced illuminated door signs, 1 swing sign.	Refused	05.12.74
88/01000/P	Erection Of Kitchen Extension	Granted	03.08.88
97/01063/COU	Change of use of billiard room to holiday accommodation, providing 3 no. bedrooms	Granted	12.09.97
99/01715/FUL	Erection of dwelling	Granted	12.04.00
14/00193/FUL	Erection of detached dwelling with garage and demolition of Games Room forming part of the Lamarsh Lion Public House	Withdrawn	07.04.14

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment
CS11 Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP56 Vehicle Parking
RLP151 Protection of Community Services

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

SITE DESCRIPTION

The application site is the Lamarsh Lion public house, located to the southern side of Bures Road within the settlement of Lamarsh. The site comprises the pub building and a large area to the rear used for car parking and a beer garden. The pub is bound by residential properties on either side and open countryside directly opposite.

The pub ceased trading on the 27th May 2016.

PROPOSAL

This application seeks planning permission for the conversion of the Lamarsh Lion public house to a residential dwelling. The application relates only to a change of use and thus no external changes to the building are proposed. No details have been given as to whether the building would be altered internally to facilitate the use if planning permission were granted. Internal alterations would not however in themselves require the benefit of planning permission.

CONSULTATIONS

BDC Environmental Health – No objections

BDC Engineers – No objections

Essex County Highways – No objections

REPRESENTATIONS

Alphamstone and Lamarsh Parish Council – Object to the application on the basis that it would result in the loss of a valued community facility contrary to national and local planning policies.

Bures Hamlet Parish Council – Objects to the application

2 letters in support and 129 letters of objection have been received as a result of the public consultation, the contents of which are summarised below:

Letter in support:

- The pub has had financial problems for at least three years. It is a great idea to turn it in to a house

- The family should be able to stay in the village
- The people that have objected are mostly those who do not use the pub

Letters in objection:

- The pub is an important asset in the community and could be run successfully
- I have three holidays lets in Althamstone and my visitors have been very pleased to find a pub within walking distance
- The pub is popular on cycle, running and walking routes and is an attraction to visitors and tourists to the area as well as locals
- To lose the pub would weaken the ties within the community and would have a negative impact on village life
- Had the pub been marketed at a more reasonable price it could have attracted interest from potential purchasers. The community should not lose an asset because of this
- There is not a lack of willingness by the community to support the local pub
- There have been so many times when the pub was full to bursting
- Refusing to serve after 9:30pm on Fridays will have driven business away
- The pub in Pebmarsh went in to decline several years ago, stayed empty for 5 years and then was taken on as a pub again
- It is the only pub within walking distance of Althamstone and Lamarsh
- Discreet marketing meant nobody knew it was for sale
- The village does not benefit from any other local facility such as a school or shops, such the pub is important
- The pub is situated in the Stour Valley which is a major draw for tourism and the loss of this pub would be to the detriment of local tourism
- The applicants are trying to realise a residential value
- It is naive to blame competition and staff leaving as reasons for lack of financial viability. It is necessary to remain adaptable and continue to listen to customers.
- The Kings Head, Henny Swan and The Boat House are potential competition, however The Kings Head at Ballingdon has recently closed, which demonstrates that competition will come and go
- The accounts suggest that the applicant has made little attempt to either sufficiently invest in the business or reduce their costs. It may be that the business is being poorly managed rather than it being unviable.
- The asking price is too high – The Shoulder of Lamb in Assington has just sold for £395k and has a turnover in excess of the Lamarsh Lion
- If the change of use is approved this community asset will be lost forever
- The Lamarsh Lion is key to ensuring the sustainable future for the village
- The District Council are keen to support local tourism so it only makes sense to support the infrastructure needed to underpin this
- It is unclear why the applicants are paying rent on a premises they own

- Local amenities are critical to the continued existence of local communities
- The pub should try changing its business model/plan, providing more services etc.
- The pub was a key reason we chose to live in Lamarsh
- The owners haven't put any measures in place to respond to the fall in profits
- The pub was well supported
- The Lamarsh Lion has been a pub for some 700 years and this should not change
- The Swan in Bures has already been lost
- The pub has become unkept and rundown in the last two years
- The applicants do not work in the pub, hence why the staff costs are so high
- The pub traded successfully between 2004 and 2014 and this was when the Pebmarsh Kings Head was open. The Henny Swan closed several times in this time as the Lion was seen as superior in terms of the meals it offered. The fact that the Swan is now so popular only demonstrates the absence of effective competition from the Lion.
- The first the community knew about the pub's future was when it closed
- It is in the public benefit for it to remain in its original use as a pub

Any further comments received will be reported to the Committee.

REPORT

Principle of Development

The application site is located within the countryside as identified in the adopted Local Plan. Policy CS5 of the Core Strategy states that, within the countryside, development will be strictly controlled to uses appropriate to the countryside.

Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 seek to protect community facilities, unless sufficient

evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The Lamarsh Lion is the only pub in Lamarsh and the village does not benefit from any other community/local facility such as a shop or school, other than the village hall and the church.

The Parish Council have recently made an application for the pub to be listed as an Asset of Community Value (ACV). This application was still pending at the time of writing this report; as such an update on this matter will be presented at the Committee.

When a Local Planning Authority (LPA) considers planning applications it is open to the LPA to decide whether listing an asset of community value is a material consideration. The primary purpose of an ACV listing is to afford the community an opportunity to purchase the property. It is also the case that certain permitted development rights relating to change of use are not available to a building which is identified as an ACV. Planning applications must continue to be determined in the normal way in accordance with the development plan, unless material considerations indicate otherwise. The fact that an asset is listed therefore does not automatically mean that planning permission will/must be refused.

The pub was purchased freehold by the applicants in 2005 for £585,000. The applicants own the pub and reside in the ancillary accommodation on the first floor. The pub ceased trading on the 27th May 2016 and has remained closed since this time.

The property was initially advertised for sale discreetly (particulars sent only to those known by the estate agent to have an interest in such commercial property). Everard and Cole from May 2015 at a sale price of £495,000. No prospective buyer was found and the pub was put on the open market in November 2015 at a sale price (freehold) of £539,000. The pub was listed online, within the East Anglian Daily Times and other sector publications. It is understood that the sale price was increased because it was going on to the open market. No interest was found and the sale price was dropped to £499,999 at the beginning of 2016. The pub is still advertised for sale at £495,000. The applicant informs that in total up to the 26th April 2016, 32 enquiries had been made but no sale has been secured, despite a lower price being sent to those enquirers. The lower sale price has not been specified.

It would also seem that the pub was marketed online through Daltons in 2014; however limited details have been provided of this.

The Local Planning Authority has commissioned a local agent to consider the details submitted, specifically in relation to the marketing campaign and the sale price. Having spoken with Everard and Cole it is understood that no firm offers have been forthcoming from the enquiries received. It is advised that two viewings were arranged however these were both cancelled by the

applicant. The applicant has not alluded to this within the information submitted.

The local agent has advised that the sale price is high considering the location of the pub and the trading potential. It is advised that the pub is unlikely to attract sufficient interest unless the sale price is reduced to at least £400,000. The pub has not been marketed with a leasehold option, however it is advised that it is more usual for rural pubs to be owned freehold and that marketing on a sale basis only would not significantly reduce the level of interest.

It is also advised by the local agent that as the public house is now closed and as it is not a trading entity this will reduce the market appeal and value, as its viability will be questioned. The property currently has a higher value for conversion into a residential unit than for use as a public house.

The application is supported by 3 years' worth of accounts which detail that in the last 2 financial years the business has made a loss on the basis of a reduction in total turnover. No accounts have been provided for before the financial year 2013/2014 so it is not possible to assess any possible long term trends. These accounts do not provide much detail in order to pinpoint exactly when the pub started to decline. The pub has clearly been successful in the past and no information has been provided which details how the pub has reached its current predicament. It is not unusual for businesses to see periods of downturn, and this does not mean in all cases that businesses will thereafter remain unviable.

No evidence has been presented which suggests that changes were made to the business in an attempt to cut costs, in fact the accounts suggest the costs altered only marginally, or explore other options to increase turnover. The representations received from local residents suggest that the pub has deteriorated over the last two years in terms of the customer experience and general wear and tear. In addition local residents have referenced how the pub started to close early, in particular on Friday nights. This will inevitably have affected the business and would have likely resulted in people taking their custom elsewhere. The application does not discuss why opening hours were reduced, however it is considered reasonable to suggest that with reduced opening hours a fall in turnover would have been inevitable. The statement submitted refers to competition from the nearby Kings Head at Pebmarsh and the Henny Swan. The pub has been successful previously with both of these pubs trading; such this is not considered the sole reason for the current decline in turnover. The pub is located in a tourist location, especially for walkers and cyclists which would provide a passing trade, together with custom from local residents of Lamarsh and other nearby settlements such as Althamstone, Twinstead and Bures.

The representations received from local residents and the application made to list the pub as an ACV suggests that the pub is a valued community facility. From the evidence submitted and the advice obtained from a local agent, Officers do not consider that the pub has been offered for sale at a realistic price, which will have impacted upon the interest from potential buyers. A lack

of interest in itself however does not suggest that the use is unviable. Furthermore the accounts provided, although suggesting the pub has made a loss in the last two financial years, do not in themselves robustly evidence that a pub use is unviable and would be in the long term. In addition, no details have been provided which suggests that all options for the continuance of the pub have been explored.

A planning application was submitted in 2014 for the erection of a dwellinghouse adjacent to the public house; however this was withdrawn before determination. The applicant suggests this was proposed in order to raise money to refurbish the pub. No other options have since been explored as far as Officers are aware. It is noted that in 2004, prior to the current owner's purchase of the pub, planning permission was given for the erection of a building to be used for B&B accommodation. This permission was not implemented and has since expired. Nonetheless the policy position remains encouraging towards such proposals. Given the location of the pub within the Stour Valley it would likely see trade from tourists, especially walkers.

Rural pubs are important in terms of the social fabric of the community, especially in this case where there are few other local facilities and the pub supports residents beyond the limits of Lamarsh. This is recognised by both the NPPF and local planning policies. Pubs can also provide economic benefits to rural areas through the attraction of visitors. The retention of the pub has generated considerable support within the community and has been requested to be listed as an ACV. It is considered, despite the fact that it is currently closed, the pub is a valued local facility and has the potential to be an asset to the community in the future.

In Officer's opinion the pub has not been marketed at a realistic sale price and it has not been demonstrated that sufficient attempt has been made to maintain a viable public house business or that diversification of the business has been considered. As such it has not been adequately demonstrated that the public house is an unviable business or that all options for the continued operation of the pub have been considered. The change of use to residential has not therefore been satisfactorily justified.

The proposal would result in the permanent loss of a valued local facility and which would have a harmful effect on the social vitality and sustainability of the community. The evidence submitted does not satisfy Officers that a pub use is economically unviable or that all options for the continuance of the pub have been fully explored. The proposal would, therefore, be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

The Council acknowledges that it cannot demonstrate a deliverable 5 year supply of land for housing. The conversion of the pub to a dwelling would add to housing supply, however this would be negligible. Furthermore Officers consider that any benefits that one additional dwelling would provide are outweighed by the harm that would result by way of the loss of the pub.

Impact on Neighbour Amenity

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

It is not considered that the use of the property as a residential dwellinghouse would give rise to any material impact upon the amenities of neighbouring properties.

Highway Issues

The site has an existing access which could be utilised for a residential use and can accommodate car parking to comply with the adopted standard.

CONCLUSION

In conclusion the NPPF makes it clear that in order to support a prosperous rural economy local planning authorities should promote the retention and development of local services and community facilities and should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services. This is reinforced within local planning policy whereby policies RLP128 and RLP151 of the Local Plan Review and policy CS11 of the Core Strategy all seek to retain local services and facilities.

Officers consider that the pub is a valued local facility and this has been demonstrated by the representations received from local residents and the application made for the pub to be listed as an Asset of Community Value. The pub has been for sale on the open market since November 2015 and the marketing exercise undertaken, in terms of how and where the property has been marketed seems appropriate. It has not however been demonstrated that the property has been marketed at a realistic price and on this basis a lack of interest from potential buyers is not unexpected. The lack of interest in this case does not therefore demonstrate conclusively that the pub is no longer viable. It has not been demonstrated that sufficient attempts have been made to maintain a viable public house business or that diversification of the business has been considered. The accounts submitted provide only limited detail and are not sufficient to evidence that a pub use is unviable and would be in the long term. In Officer's opinion it has not been adequately demonstrated that the public house is an unviable business, nor have all other options for its continuance been fully explored.

Although the proposal would prove some benefit in providing an additional residential unit, this benefit is extremely limited in terms of the addition to housing supply and would not outweigh the significant harm that would result from the loss of the pub.

The proposal would be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

RECOMMENDATION

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

- 1 Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses, to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 of the Core Strategy states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 of the Local Plan Review seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

Policy CS5 of the Core Strategy states that development will be strictly controlled to uses appropriate to the countryside.

The proposal would result in the loss of a valued local facility and the only public house in Lamarsh, harmful to the social vitality and sustainability of the community. The evidence submitted does not satisfy the Local Planning Authority that the public house has been marketed at a realistic price, that it is unviable or that all options for the continuance of the business have been fully explored. The proposal falls contrary to paragraphs 28 and 70 of the NPPF, policy

CS11 of the Core Strategy and policies RLP128 an RLP151 of the
Local Plan Review.

SUBMITTED PLANS

Location Plan

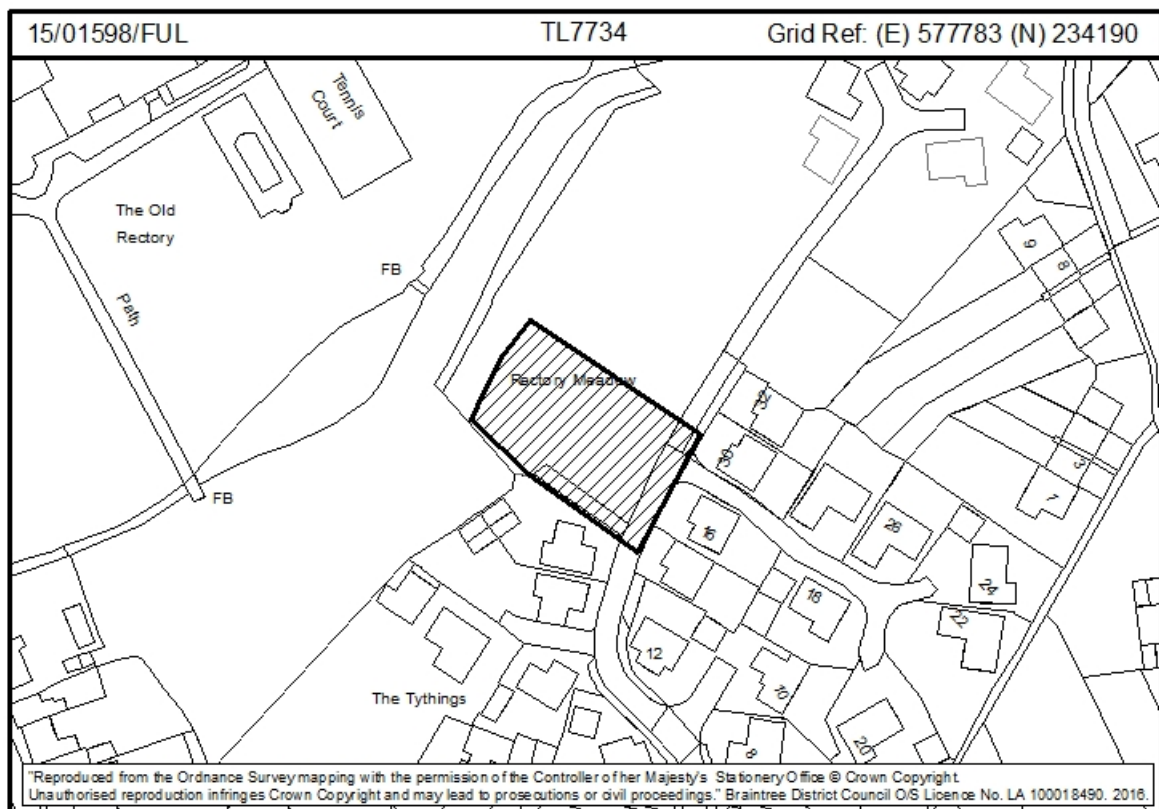
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5c

PART A

APPLICATION NO: 15/01598/FUL DATE: 29.12.15
VALID:
APPLICANT: Mr Sonny Watson-Lang
9A Meadowside, Springfield, Chelmsford, Essex, CM2 6LN
AGENT: Nigel Chapman Associates Ltd
Kings House, Colchester Road, Halstead, Essex, CO9 2ET
DESCRIPTION: Erection of 2 no. dwellings and garages with associated
ground works (Plots 1 and 2)
LOCATION: Plots 1 & 2, Rectory Meadow, Rectory Road, Sible
Heddingham, Essex

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



SITE HISTORY

06/01688/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 22b/88 - A1	Granted	18.09.06
15/01599/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4)	Pending Decision	
15/01600/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6)	Pending Decision	
15/01601/FUL	Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7)	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP56 Vehicle Parking
RLP69 Sustainable Urban Drainage
RLP74 Provision of Space for Recycling
RLP80 Landscape Features and Habitats
RLP84 Protected Species
RLP95 Preservation and Enhancement of Conservation Areas
RLP90 Layout and Design of Development
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards

Other Guidance

Sible Hedingham Village Design Statement

INTRODUCTION

This report concerns four applications (15/01598/FUL, 15/01599/FUL, 15/01600/FUL, 15/01601/FUL) which relate to separate parts of a parcel of land in Sible Hedingham.

These applications are brought before the Planning Committee as an objection has been received from the Parish Council.

NOTATION

The sites fall within the village envelope. Part of the site falls within the Sible Hedingham Conservation Area.

SITE DESCRIPTION & PROPOSAL

The four applications subject of this report form a parcel of land located along St Peters View, to the west of Sible Hedingham which falls within the village envelope. A small part of the south western corner of the land falls within the Conservation Area. The site has been divided into four parcels of land for the purposes of these planning applications but taken together propose a cohesive development which would see the final area of land at St Peters View developed.

The four applications are for the following development:

15/01598/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2) on the south western part of the site.

15/01599/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4) along the street frontage.

15/01600/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6) on the north western (rear) part of the site.

15/01601/FUL: Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7) on the north eastern part of the site.

The site is surrounded to the north, east and south by residential dwellings which have been developed over the last 25 years. To the west of the site is the property known as the Old Rectory which is a Grade II* listed building and falls within the Conservation Area. This dwelling faces on to Rectory Road and stands in substantial grounds. To the north of this is a moated site which is designated as a scheduled monument.

A tributary of the River Colne flows to the west of the land subject of these applications. The land slopes significantly from east to west towards the tributary. There are two group Tree Preservation Orders which cover existing trees on the site.

The four applications propose a total of 7 no. dwellings. On the one hand, each individual application must be considered on its own merits and determined individually, but on the other hand given that the four parcels form part of a larger plot and that the dwellings would relate to each other and be viewed within the same context, consideration must be given to their cumulative impact.

The applications include a detached dwelling and terrace of three dwellings which would front St Peters View. The detached dwelling would benefit from a double garage/cartlodge to the rear. The terraced dwellings would include an integral garage with parking spaces in front. Adjacent the terrace would be an access drive which would serve three larger detached dwellings to the rear, all of which would be different in design. The scale and design of the dwellings has been amended during the course of the application.

The site has previously benefited from planning permission for five dwellings which was granted in 1999.

CONSULTATIONS

It should be noted that Historic England and the Council's Historic Buildings Advisor both provided a response, which, although addressed parts of the four individual applications, provided a view and recommendation based on the four applications as a whole.

Historic England –

Initial response: The design of the houses on the street appears vernacular in inspiration. The design is not well considered or coherent, as the contrast between the front and rear elevations reveal. Concerns raised with the dwellings which form part of the other applications. The proposed development of seven dwellings would detract from the setting of the Conservation Area and that of the Old Rectory. Given the harm that would arise, it would be inappropriate for the local authority to proceed to weigh the harm against such benefits as it would produce.

Response to revised plans: The amended designs are more considered than those originally submitted. The amendments have given the terrace proportions more consistent with the vernacular inspiration of the design. The

consistency and coherence of the proposal have been much improved by the amendment of the designs. Question the appropriateness of manufacturing so characteristic an Essex scene as the group of mill house, mill and barn and the artificiality of the development proposed. Maintain the position that the development would harm the significance of both the Conservation Area and the Old Rectory but the harm would be modest in degree and less than substantial in the terminology of the NPPF (para.134). The Council should weigh the harm arising from the development against such public benefits as it would generate.

Environment Agency – The dwellings would be more than 20 metres from the main river and therefore fall outside of the scope of matters for which the EA is a statutory consultee.

Historic Buildings Consultant –

Initial Response: The valley is an important setting to the Conservation Area and listed building and development should seek to preserve and enhance that setting. No objection raised to Plot 1. The terrace would be similar to those which have been built on the opposite side of the road. The appearance would be appropriate to the location and would help create a well-defined and interesting frontage. The rear elevations require further consideration. The three larger properties would seek to create a faux rural scene with a watermill, miller's house and barn. There is no historical precedent for this. Concerns raised with the designs of the buildings. Unable to support any of the applications. Comments and advice provided on each of the applications.

Response to revised plans: The revised schemes submitted for the seven plots are now acceptable. Recommends approval, subject to conditions.

Highways – No objection subject to conditions.

Engineers – Unaware of any surface water issues affecting the site.

Landscape Services – No objection. Concern raised about trees T017 and T020 (an Oak and Sycamore) located in the centre of the site. These are large trees and not good neighbours to residential properties. Would prefer to see the central group removed and a more suitable replacement approved as part of a landscaping scheme. The Tree Protection Plan should be in place prior to development commencing. No concerns regarding protected species. There are opportunities to improve the level of biodiversity and this could be addressed in a revised landscaping scheme.

Parish Council – Object to the four applications on grounds of overcrowding.

REPRESENTATIONS

A Site notice was displayed and neighbouring properties were notified by letter. Two letters of objection have been received from the occupants of The Old Rectory raising the following points:

- The proposal is an imitation of past architectural styles;
- Development would harm the Conservation Area rather than fitting into it;
- The proposal would be harmful to the setting of The Old Rectory;
- The proposal would be contrary to RLP4 as it would be infilling a visually important space;
- The site should be retained as greenfield land to retain the semi-rural charm of the area and protect the environs of St Peter's Church (including The Old Rectory);
- The site is at risk of flooding and no Flood Risk Assessment has been submitted;
- The design is out of keeping with surrounding properties;
- The three storey terraced housing would be highly visible from The Old Rectory;
- Scale and density is out of keeping with the surrounding area;
- The loss of trees would be harmful to the setting of the Conservation Area;
- The removal of trees would remove potential bird nesting sites.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development.

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

As set out above, the Council has previously accepted residential development on this site.

Design, Layout & Impact Upon Heritage Assets

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

With regard to amenity space, guidance set out in the Essex Design Guide indicates that dwellings with three bedrooms or more should be provided with a minimum garden size of 100sqm.

With regard to heritage assets, the following policies and guidance are relevant:

Para.132 of the NPPF states 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.

Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP 95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:

- (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;
- (b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;
- (c) Architectural details on buildings of value are retained
- (d) Building materials are authentic and complementary to the building's character.

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

St Peters View has evolved over a number of years and predominately comprises large detached dwellings which front the road and then culminate in a cluster around a turning head at the end of the road. This is the final parcel of land within the road which is undeveloped.

The four dwellings the subject of application no's 15/01598/FUL & 15/01599/FUL comprise one detached dwelling and a terrace of three dwellings which would front onto St Peters View. The siting of these dwellings along the road frontage would follow the building line established by the

recently constructed dwellings to the south. The design of the dwellings has however had to respond to the significant change in levels on the site. This is most obvious on the terraced dwellings where the dwellings appear as a two storey dwelling from the front and a three storey dwelling from the rear. In order to address the change in ground levels a lower ground floor level has been incorporated which would include doors and windows on the side and rear elevations. The design is not considered to be objectionable, and the more modest elevations would be visible within the street scene. Historic England raises no concerns with regard to these dwellings and the Council's Historic Buildings Consultant also considers these to be acceptable.

The three further dwellings which are the subject of application nos. 15/01600/FUL & 15/01601/FUL would be three large detached dwellings. It appears that it may be the case that the design of the dwellings, as originally submitted, took some inspiration from 'mill' style dwellings. However the designs have been amended during the course of the application to address the artificiality that this created.

Plot 7 is closest to the road and located on the opposite side of the proposed access drive to the end of terrace dwelling at Plot 4. Although labelled 'Mill House' this dwelling is not of a design or context that resembles a mill building. It has the appearance of a Georgian dwelling. Whilst it would be a large three storey building, it is acknowledged that there are a number of large detached dwellings in the vicinity of the site, albeit of different design. The design has been amended and significantly improved during the course of the application.

The proposed dwelling at Plot 5 would have a barn-like appearance. This would be located on the lower part of the site and would not be prominent in the street scene. Views of this building would be obscured by the proposed frontage dwellings. The design has been amended to address the concerns of the Historic Buildings Advisor. It is not considered that the siting, scale or design of this dwelling are objectionable to the extent that would substantiate withholding planning permission.

The design of the proposed dwelling at Plot 6 has been amended so that it no longer resembles an artificial watermill building. The scale has been reduced and the height has been lowered. It now incorporates subordinate side and rear elements. The lucam projection characteristic of mill buildings has been removed from the front elevation.

Historic England initially objected to the applications, based upon the plans that were originally submitted with the application. It raised concerns with the design of the front and rear elevations of the houses on the street, the scale of development and the imagined and manufactured grouping of the three detached dwellings which appeared to take their form and design from historic mill buildings. Historic England advised at that stage that the development would harm the significance of the Conservation Area and the Old Rectory, having regard to Para.132 of the NPPF.

The scale and design of the dwellings have been amended to address these concerns, and also those set out by the Council's Historic Buildings Consultant. In its latest consultation response, Historic England acknowledges that "the consistency and coherence of the proposal have been much improved by the amendment of the designs". However it still questions the appropriateness of manufacturing so characteristic an Essex scene as a grouping of mill house, mill and barn and considers that it would still cause some harm to the significance of the Conservation Area and The Old Rectory. Acknowledging the improvements, it now advises that the harm would be modest in degree, and less than substantial in the terminology of the NPPF (Para.134). The recommendation is that the Council weighs the harm arising from the proposed development against such public benefits as it would generate, as recommended in the NPPF (Para.132 & 134).

Any harm to the Conservation Area and setting of the listed building would be a public harm, and therefore the Council needs to weigh this harm against any public benefits that the proposal would deliver.

The Planning Practice Guidance (PPG) states that, when considering harm to a heritage asset, it is the degree of harm to the asset's significance (in this case the setting of the Conservation Area and the Old Rectory) rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

The PPG also states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It also states that an assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's

significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The response from Historic England refers to the development of seven houses, ie. all four applications. Despite a request from the Case Officer, Historic England has not identified the specific aspects of the development which it considers to be harmful to the Conservation Area and The Old Rectory. From its response to the revised plans, Historic England does not appear to raise any concerns with Plots 1-4. The concern appears to be related to the three larger detached dwellings which it states “are intended to create an imagined historic grouping, their forms supposedly those of historic structures of these types”. The submitted plans label these dwellings as ‘The Mill’, ‘Mill House’ and ‘The Barn’. The response from Historic England does not make any specific comments about the scale or design of these dwellings apart from noting the amendment has given the ‘Mill House’ a character far more consistent with its vernacular inspiration than was originally the case. The initial response from Historic England stated “the scale of elements of the development might itself make its impact harmful”. It seems that the issue that Historic England has with the development is the perceived grouping of ‘mill’ buildings where they would not have formerly been found and thereby creating an artificial environment which it considers would damage the historic character of the area.

Historic England does not raise an objection to the principle of residential development in the locations of Plots 5, 6 and 7. Equally Officers do not consider the development of these plots to be objectionable. Historically planning permission has been granted for this area of land. In 1999 planning permission was granted for a proposal which included frontage development and the development of the rear part of the site.

The design of the dwellings has been amended so that they no longer mimic mill type buildings and are now considered an acceptable design approach.

Whilst only a small part of the site falls within the Conservation Area consideration must also be given to its setting. It is accepted that the proposal will bring new residential development closer to the boundary of the Conservation Area and to the listed building, and in doing so this will have some impact upon their settings, including public views from St Peters View.

The Conservation Area and the Old Rectory are located on the western (rear) side of the site. The character and appearance of these heritage assets can be best appreciated from public views along Rectory Road. The proposed development would be seen predominately within the context of the existing dwellings at St Peters View. The Old Rectory itself is over 90 metres from the boundary of the site. The rear boundary of the site is defined by a closed boarded fence which marks the boundary between proposed residential sites and the Old Rectory. These are also located along the approximate boundary of the Conservation Area. Close to the boundary are a number of mature trees which substantially screen the sites and restrict views of the Old Rectory. A large amount of these are on the land associated with the Old

Rectory. At the time of the Case Officer's site visit in January it was difficult to obtain views into or across the Old Rectory site. Only glimpsed views of the upper parts of the Old Rectory could be seen through small gaps in the network of trees. The trees are the predominant features which are seen from the site, not the building.

It is also worthy to note that an application for four dwellings on the adjacent site to the south known as 'The Tythings' was refused planning permission in 2012. This application proposed four detached dwellings which were inward looking and wrapped around the dwelling known as The Tythings. The applicant appealed this decision. The two main issues were the effect of the proposal on the Conservation Area and also its implications for the setting of the Old Rectory. The Inspector considered that the development would have had little visual or physical affinity with the nearby pattern of frontage development which would have appeared unduly cramped and congested and convey the impression of piecemeal development. The Inspector dismissed the appeal on the basis that the bulk, massing and tightly clustered arrangement of housing would fail to preserve or enhance the character and appearance of the Conservation Area. However, the Inspector took a different view when considering the setting of the Old Rectory stating "Although Rectory Meadow historically formed part of the grounds of the Old Rectory, the land in the vicinity of the appeal site no longer conveys the 'parkland-type' character described by the Council. The land appears visually and physically separated from the remainder of the grounds of the historic building by the dense belt of intervening trees. It is difficult to view or appreciate the historic building from the vicinity of the site even in winter, due to the dense and partly coniferous nature of the tree belt. Despite the significant shortcomings of the development, I consider that it would not intrude on the setting of the Grade II* listed building in any meaningful way". Since this appeal, a development of three dwellings which front on to St Peters View has been approved and built.

Consideration is now given to the public benefits of the proposal. As Members are aware, the Council has to significantly increase its supply of new housing, with a draft target of 845 dwellings per year set out in the emerging Local Plan. Whilst the four applications would deliver a relatively small amount of housing when compared to the required housing numbers, it would nonetheless make a contribution.

The development of this area of land would result in the final phase of development at St Peters View. The site has been cleared and is currently enclosed by herras fencing and used for the storage of building materials and machinery associated with the recent construction of dwellings at St Peters View. This does not enhance the character of the area. The site is not allocated as a 'Visually Important Space' in the adopted Local Plan Review. Whilst it may currently provide an area of visual relief from the surrounding built development, it is not considered that its contribution to the character of the area is so great that development should be prevented. Furthermore, the Council has previously granted planning permission for residential development on this site.

As Members may be aware, following a decision issued by the Court of Appeal in May 2016 which re-instated national planning guidance (as set out in the National Planning Practice Guidance), the Council is no longer able to specifically request tariff based contributions for developments of 10 units or 1000 sq m or less. In this case, the applicant acknowledges that Historic England identifies some harm with three of the proposed dwellings (Plots 5, 6 and 7) and accordingly offers a contribution towards public open space. This would be used for improvements to open space within the village, as identified in the Council's Open Spaces Action Plan. This would provide a clear benefit for the community and the public. The contribution would be secured through a S106 Agreement. The contribution offered is based upon the amount that would usually be requested by the Council for dwellings with four bedrooms or more in cases where it would be seeking a contribution in accordance with the Open Space Supplementary Planning Document. As set out in the Planning Practice Guidance (PPG) planning obligations assist in mitigating the impact of development which benefits local communities. The PPG states that "Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework". In this case it is considered that a contribution towards public open space is acceptable.

Historic England has identified that the proposal would give rise to less than substantial public harm. As set out above, Officers consider that the design and appearance of the proposed dwellings has been significantly improved through the submission of revised plans and are now considered acceptable. The appeal decision for the adjacent site also provides some guidance from the Inspectorate in terms of the site not having a harmful impact on the setting of the listed building. The proposal would also deliver some public benefits. Such benefits would be consistent with the economic, social and environmental dimensions of sustainable development, as set out in the NPPF and guidance set out in the PPG. When considering the planning balance and having regard to Para.134 as well as the requirements of the NPPF as a whole, Officers have concluded that any modest harm to the setting of heritage assets would be outweighed by the acknowledged benefits.

Impact on Neighbouring Amenity

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

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

Plot 1 would be located adjacent a recently constructed dwelling. There are no windows within the side elevation of this property and there is sufficient separation between the dwellings. The remainder of the new dwellings are located sufficient distance from nearby dwellings so as not to have an unacceptable impact upon amenity.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for two bedroomed dwellings two spaces per dwelling should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m. Enclosed garages should have minimum internal dimensions of 7m x 3m.

The Highway Authority has been consulted on the application and has raised no objection. Parking provision could be provided in accordance with the above. It is considered appropriate that a condition is imposed to ensure that the garages/carports are retained for parking at all times to ensure that they are not converted which would give rise to additional on-street parking.

Landscape Considerations

An Arboricultural Report and Tree Survey have been submitted with the application. A number of trees on the site are protected by Tree Preservation Orders. The Report states that it will be necessary to fell one tree irrespective of the development. In order to facilitate the development it will be necessary to fell ten low quality/poor longevity trees as these would conflict with the proposed development. Additionally, three individual trees and two landscape features require minor surgery to permit construction space or access.

The alignment of a garage nominally intrudes within the Root Protection Areas (RPA) of trees to be retained. This has only minor influence on the Root Protection Areas and it is recommended that linear root pruning is undertaken, to avoid the need for specialist construction techniques at this location. The Report also recommends that a Structural Engineer is consulted to assess the implications of the tree retention on the required foundation depths. Where new hard surfaces would encroach within the RPA of trees "no dig" construction methods are recommended. The exact specification must be designed by a Civil Engineer.

The report indicates that all trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings within the report are complied with in full. This includes ensuring that protective fencing is erected as detailed in the report. The report also states that a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This should include fencing type, ground protection measures, "no dig" surfacing, access facilitation, pruning specification, phasing and an extensive auditable monitoring schedule. These can be secured by condition.

The Council's Landscape Officer has raised concern with the retention of the existing trees within the central part of the site (to the rear of Plots 3 & 4) as this may give rise to overshadowing of the proposed dwellings. This has been discussed with the applicant's agent, who has advised that they wish to retain these trees. Should these trees cause an issue for future occupants, the occupants would have to submit an application to the Council for works to reduce or remove these trees at a later date as these are covered by a Tree Preservation Order.

Flood Risk

Concerns have been raised in the letter of representation about flood risk. The land is located within Flood Zone 1, the lowest risk of flooding. Accordingly there is no requirement for the applicant to submit a Flood Risk Assessment. The scale of the development is also below the threshold for requiring a SUDS assessment. Drainage and the disposal of surface water would be a matter which would be controlled by Building Regulations. A condition is recommended to ensure that all areas of hard surface are constructed of porous materials.

Other

As set out above, four separate applications have been submitted and therefore must, to an extent, be considered individually. There is a risk through granting permission for four separate applications that they may not all be implemented and consideration must be given as to whether each application on its own would be acceptable if developed in isolation. With regard to this, it is noted that the dwelling at Plot 2 would form the end property of a terrace of three dwellings. The other two dwellings (Plots 3 and 4) have been submitted as part of a different planning application. The proposed dwellings within the terrace would only be acceptable if the rest of the terrace is built otherwise it could result in an internal wall & unfinished exterior on the side elevation. Therefore it is appropriate that a condition is imposed stating that neither of the separate elements of the terrace be occupied unless the whole of the terrace is built.

CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. The siting, scale and design of the proposed dwellings are considered acceptable and would not have an unacceptable impact upon the street scene, highway safety or the amenity of residents nearby. It is accepted that the proposal would give rise to some harm to heritage assets but this would be less than substantial, and Officers consider that such harm would be outweighed by the public benefits that the proposal would deliver. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc. can be adequately dealt with by condition.

The four applications have been considered acceptable on the basis of their individual merits and would deliver, collectively, a cohesive group which would complete development on this residential street. Part of the development comprises a terrace of three new homes which, although split between two applications, could not reasonably be disaggregated without compromising the appearance of their part of the group. Accordingly conditions on both applications link one to the other.

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: 13/303/LOCATION 1-2	
Existing Site Plan	Plan Ref: 13/303/SURVEY	
Enclosures etc	Plan Ref: 13/303/15	
Density Parameters Plan	Plan Ref: 13/303/17	
Other	Plan Ref: 13/303/18	
Other	Plan Ref: DFC1036P1H	Version: Phase 1 Habitat Survey
Site Masterplan	Plan Ref: 13/303/MASTER`	Version: D
Arboricultural Report	Plan Ref: 4908	Version: A
General Plans & Elevations	Plan Ref: 13/303/2	Version: C
Street elevation	Plan Ref: 13/303/9	Version: C
Planning Layout	Plan Ref: 13/303/10	Version: C
Landscaping	Plan Ref: 13/303/12	Version: C
Section	Plan Ref: 13/303/16	Version: B
Tree Plan	Plan Ref: 4908-D-A	Version: A
Street elevation	Plan Ref: 13/303/11	Version: B
General Plans & Elevations	Plan Ref: 13/303/1	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 The garages/cartlodes hereby approved shall be used for the parking of vehicles or domestic storage only. They shall not be used or converted to living accommodation at any time.

Reason

In order to ensure that adequate parking is provided in accordance with the Council's adopted Parking Standards and to prevent an increase in on-street parking.

- 4 Construction of any buildings shall not be commenced until samples 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Class A, B, C 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

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 6 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.

- 7 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. The development shall be carried out in accordance with the approved details set out in the Arboricultural Method Statement.

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

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The details are required prior to the commencement of development to ensure that the existing trees are retained during the development and the proposed works do not compromise the future retention of the trees.

- 8 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 9 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 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 interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 12 All single garages should have a minimum internal measurement of 7 metres x 3 metres and all double garages should have a minimum internal measurement of 7 metres x 5.5 metres.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 13 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 positions of lighting 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

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

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

following times:-

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

Reason

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

- 15 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.

- 16 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.

- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to / from the site including the routeing of construction traffic;
 - The storage of plant and materials used in constructing the development;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours.
 - Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties

and the surrounding area. The details are required prior to commencement as they relate to the construction period of the development.

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

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 19 All new brickwork shall be constructed to give the appearance of Flemish or English bond.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 20 Only tile and half-tile, and plain tile undercloaking, shall be used on the verges of the roofs the subject of the development hereby approved.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 21 Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 22 In rendered areas the new windows shall have pentice boards and not a bellmouth drip detail.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 23 The development shall be carried out in accordance with the approved Arboricultural Impact Assessment listed above.

Reason

To ensure the protection and retention of existing trees which are considered to enhance the development.

- 24 The dwelling at Plot 2 hereby approved shall not be occupied until the construction of the dwellings which form the rest of the terrace, approved under Planning Permission 15/01599/FUL (Plots 3 & 4), has been completed in accordance with the approved plans.

Reason

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

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ
- 4 You are advised that windows should be detailed so that trickle vents are inconspicuous. Bricks should resemble a traditional soft red Essex brick. A variety of materials should be used to avoid uniformity.

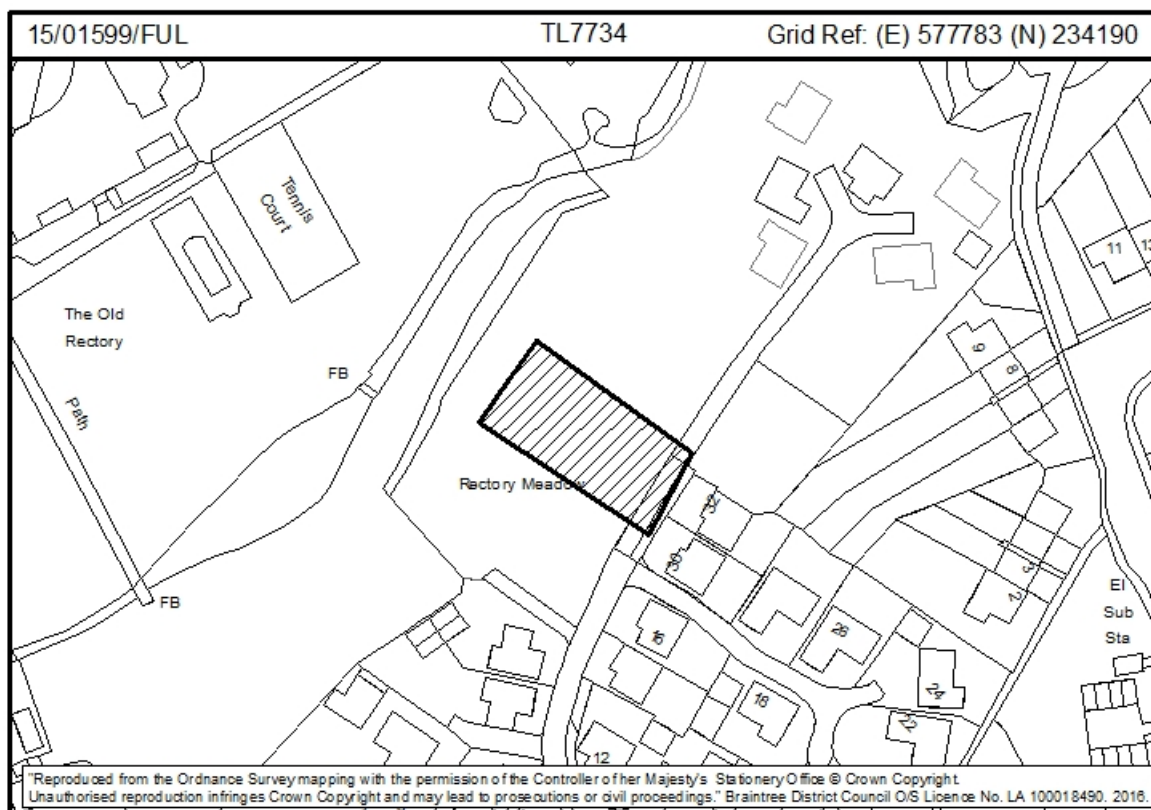
- 5 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licences required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION 15/01599/FUL DATE 29.12.15
 NO: VALID:
 APPLICANT: Mr Robert Watson-Lang
 The Great Barn, Vicarage Avenue, White Notley, Witham,
 Essex, CM8 1SA
 AGENT: Nigel Chapman Associates Ltd
 Kings House, Colchester Road, Halstead, Essex, CO9 2ET
 DESCRIPTION: Erection of 2 no. dwellings and garages with associated
 ground works (Plots 3 and 4)
 LOCATION: Plots 3 & 4, Rectory Meadow, Rectory Road, Sible
 Hedingham, Essex

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



SITE HISTORY

06/01688/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 22b/88 - A1	Granted	18.09.06
15/01598/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2)	Pending Decision	
15/01600/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6)	Pending Decision	
15/01601/FUL	Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7)	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP56 Vehicle Parking
RLP69 Sustainable Urban Drainage
RLP74 Provision of Space for Recycling
RLP80 Landscape Features and Habitats
RLP84 Protected Species
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

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards

Other Guidance

Sible Hedingham Village Design Statement

INTRODUCTION

This report concerns four applications (15/01598/FUL, 15/01599/FUL, 15/01600/FUL, 15/01601/FUL) which relate to separate parts of a parcel of land in Sible Hedingham.

These applications are brought before the Planning Committee as an objection has been received from the Parish Council.

NOTATION

The sites fall within the village envelope. Part of the site falls within the Sible Hedingham Conservation Area.

SITE DESCRIPTION & PROPOSAL

The four applications subject of this report form a parcel of land located along St Peters View, to the west of Sible Hedingham which falls within the village envelope. A small part of the south western corner of the land falls within the Conservation Area. The site has been divided into four parcels of land for the purposes of these planning applications but taken together propose a cohesive development which would see the final area of land at St Peters View developed.

The four applications are for the following development:

15/01598/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2) on the south western part of the site.

15/01599/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4) along the street frontage.

15/01600/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6) on the north western (rear) part of the site.

15/01601/FUL: Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7) on the north eastern part of the site.

The site is surrounded to the north, east and south by residential dwellings which have been developed over the last 25 years. To the west of the site is the property known as the Old Rectory which is a Grade II* listed building and falls within the Conservation Area. This dwelling faces on to Rectory Road and stands in substantial grounds. To the north of this is a moated site which is designated as a scheduled monument.

A tributary of the River Colne flows to the west of the land subject of these applications. The land slopes significantly from east to west towards the tributary. There are two group Tree Preservation Orders which cover existing trees on the site.

The four applications propose a total of 7 no. dwellings. On the one hand, each individual application must be considered on its own merits and determined individually, but on the other hand given that the four parcels form part of a larger plot and that the dwellings would relate to each other and be viewed within the same context, consideration must be given to their cumulative impact.

The applications include a detached dwelling and terrace of three dwellings which would front St Peters View. The detached dwelling would benefit from a double garage/cartlodge to the rear. The terraced dwellings would include an integral garage with parking spaces in front. Adjacent the terrace would be an access drive which would serve three larger detached dwellings to the rear, all of which would be different in design. The scale and design of the dwellings has been amended during the course of the application.

The site has previously benefited from planning permission for five dwellings which was granted in 1999.

CONSULTATIONS

It should be noted that Historic England and the Council's Historic Buildings Advisor both provided a response, which, although addressed parts of the four individual applications, provided a view and recommendation based on the four applications as a whole.

Historic England –

Initial response: The design of the houses on the street appears vernacular in inspiration. The design is not well considered or coherent, as the contrast between the front and rear elevations reveal. Concerns raised with the dwellings which form part of the other applications. The proposed development of seven dwellings would detract from the setting of the Conservation Area and that of the Old Rectory. Given the harm that would arise it would be inappropriate for the local authority to proceed to weigh the harm against such benefits as it would produce.

Response to revised plans: The amended designs are more considered than those originally submitted. The amendments have given the terrace

proportions more consistent with the vernacular inspiration of the design. The consistency and coherence of the proposal have been much improved by the amendment of the designs. Question the appropriateness of manufacturing so characteristic an Essex scene as the group of mill house, mill and barn and the artificiality of the development proposed. Maintain the position that the development would harm the significance of both the Conservation Area and the Old Rectory but the harm would be modest in degree and less than substantial in the terminology of the NPPF (para.134). The Council should weigh the harm arising from the development against such public benefits as it would generate.

Environment Agency – The dwellings would be more than 20 metres from the main river and therefore fall outside of the scope of matters for which the EA is a statutory consultee.

Historic Buildings Consultant –

Initial Response: The valley is an important setting to the Conservation Area and listed building and development should seek to preserve and enhance that setting. No objection raised to Plot 1. The terrace would be similar to those which have been built on the opposite side of the road. The appearance would be appropriate to the location and would help create a well-defined and interesting frontage. The rear elevations require further consideration. The three larger properties would seek to create a faux rural scene with a watermill, miller's house and barn. There is no historical precedent for this. Concerns raised with the designs of the buildings. Unable to support any of the applications. Comments and advice provided on each of the applications.

Response to revised plans: The revised schemes submitted for the seven plots are now acceptable. Recommends approval, subject to conditions.

Highways – No objection subject to conditions.

Engineers – Unaware of any surface water issues affecting the site.

Landscape Services – No objection. Concern raised about trees T017 and T020 (an Oak and Sycamore) located in the centre of the site. These are large trees and not good neighbours to residential properties. Would prefer to see the central group removed and a more suitable replacement approved as part of a landscaping scheme. The Tree Protection Plan should be in place prior to development commencing. No concerns regarding protected species. There are opportunities to improve the level of biodiversity and this could be addressed in a revised landscaping scheme.

Parish Council – Object to the four applications on grounds of overcrowding.

REPRESENTATIONS

A Site notice was displayed and neighbouring properties were notified by letter. Two letters of objection has been received from the occupants of The Old Rectory raising the following points:

- The proposal is an imitation of past architectural styles;
- Development would harm the Conservation Area rather than fitting into it;
- The proposal would be harmful to the setting of The Old Rectory;
- The proposal would be contrary to RLP4 as it would be infilling a visually important space;
- The site should be retained as greenfield land to retain the semi-rural charm of the area and protect the environs of St Peter's Church (including The Old Rectory);
- The site is at risk of flooding and no Flood Risk Assessment has been submitted;
- The design is out of keeping with surrounding properties;
- The three storey terraced housing would be highly visible from The Old Rectory;
- Scale and density is out of keeping with the surrounding area;
- The loss of trees would be harmful to the setting of the Conservation Area;
- The removal of trees would remove potential bird nesting sites.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development.

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

As set out above, the Council has previously accepted residential development on this site.

Design, Layout & Impact Upon Heritage Assets

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development

shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

With regard to amenity space, guidance set out in the Essex Design Guide indicates that dwellings with three bedrooms or more should be provided with a minimum garden size of 100sqm.

With regard to heritage assets, the following policies and guidance are relevant:

Para.132 of the NPPF states 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.

Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP 95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:

- (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;
- (b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;
- (c) Architectural details on buildings of value are retained
- (d) Building materials are authentic and complementary to the building's character.

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

St Peters View has evolved over a number of years and predominately comprises large detached dwellings which front the road and then culminate

in a cluster around a turning head at the end of the road. This is the final parcel of land within the road which is undeveloped.

The four dwellings the subject of application no's 15/01598/FUL & 15/01599/FUL comprise one detached dwelling and a terrace of three dwellings which would front onto St Peters View. The siting of these dwellings along the road frontage would follow the building line established by the recently constructed dwellings to the south. The design of the dwellings has however had to respond to the significant change in levels on the site. This is most obvious on the terraced dwellings where the dwellings appear as a two storey dwelling from the front and a three storey dwelling from the rear. In order to address the change in ground levels a lower ground floor level has been incorporated which would include doors and windows on the side and rear elevations. The design is not considered to be objectionable, and the more modest elevations would be visible within the street scene. Historic England raises no concerns with regard to these dwellings and the Council's Historic Buildings Consultant also considers these to be acceptable.

The three further dwellings which are the subject of application no's 15/01600/FUL & 15/01601/FUL would be three large detached dwellings. It appears that it may be the case that the design of the dwellings, as originally submitted, took some inspiration from 'mill' style dwellings. However the designs have been amended during the course of the application to address the artificiality that this created.

Plot 7 is closest to the road and located on the opposite side of the proposed access drive to the end of terrace dwelling at Plot 4. Although labelled 'Mill House' this dwelling is not of a design or context that resembles a mill building. It has the appearance of a Georgian dwelling. Whilst it would be a large three storey building, it is acknowledged that there are a number of large detached dwellings in the vicinity of the site, albeit of different design. The design has been amended and significantly improved during the course of the application.

The proposed dwelling at Plot 5 would have a barn-like appearance. This would be located on the lower part of the site and would not be prominent in the street scene. Views of this building would be obscured by the proposed frontage dwellings. The design has been amended to address the concerns of the Historic Buildings Advisor. It is not considered that the siting, scale or design of this dwelling are objectionable to the extent that would substantiate withholding planning permission.

The design of the proposed dwelling at Plot 6 has been amended so that it no longer resembles an artificial watermill building. The scale has been reduced and the height has been lowered. It now incorporates subordinate side and rear elements. The lucam projection characteristic of mill buildings has been removed from the front elevation.

Historic England initially objected to the applications, based upon the plans that were originally submitted with the application. It raised concerns with the

design of the front and rear elevations of the houses on the street, the scale of development and the imagined and manufactured grouping of the three detached dwellings which appeared to take their form and design from historic mill buildings. Historic England advised at that stage that the development would harm the significance of the Conservation Area and the Old Rectory, having regard to Para.132 of the NPPF.

The scale and design of the dwellings have been amended to address these concerns, and also those set out by the Council's Historic Buildings Consultant. In its latest consultation response, Historic England acknowledges that "the consistency and coherence of the proposal have been much improved by the amendment of the designs". However it still questions the appropriateness of manufacturing so characteristic an Essex scene as a grouping of mill house, mill and barn and considers that it would still cause some harm to the significance of the Conservation Area and The Old Rectory. Acknowledging the improvements, it now advises that the harm would be modest in degree, and less than substantial in the terminology of the NPPF (Para.134). The recommendation is that the Council weighs the harm arising from the proposed development against such public benefits as it would generate, as recommended in the NPPF (Para.132 & 134).

Any harm to the Conservation Area and setting of the listed building would be a public harm, and therefore the Council needs to weigh this harm against any public benefits that the proposal would deliver.

The Planning Practice Guidance (PPG) states that, when considering harm to a heritage asset, it is the degree of harm to the asset's significance (in this case the setting of the Conservation Area and the Old Rectory) rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

The PPG also states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It also states that an assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between

places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The response from Historic England refers to the development of seven houses, ie all four applications. Despite a request from the Case Officer, Historic England has not identified the specific aspects of the development which it considers to be harmful to the Conservation Area and The Old Rectory. From its response to the revised plans, Historic England does not appear to raise any concerns with Plots 1-4. The concern appears to be related to the three larger detached dwellings which it states "are intended to create an imagined historic grouping, their forms supposedly those of historic structures of these types". The submitted plans label these dwellings as 'The Mill', 'Mill House' and 'The Barn'. The response from Historic England does not make any specific comments about the scale or design of these dwellings apart from noting the amendment has given the 'Mill House' a character far more consistent with its vernacular inspiration than was originally the case. The initial response from Historic England stated "the scale of elements of the development might itself make its impact harmful". It seems that the issue that Historic England has with the development is the perceived grouping of 'mill' buildings where they would not have formerly been found and thereby creating an artificial environment which it considers would damage the historic character of the area.

Historic England does not raise an objection to the principle of residential development in the locations of Plots 5, 6 and 7. Equally Officers do not consider the development of these plots to be objectionable. Historically planning permission has been granted for this area of land. In 1999 planning permission was granted for a proposal which included frontage development and the development of the rear part of the site.

The design of the dwellings has been amended so that they no longer mimic mill type buildings and are now considered an acceptable design approach.

Whilst only a small part of the site falls within the Conservation Area consideration must also be given to its setting. It is accepted that the proposal will bring new residential development closer to the boundary of the Conservation Area and to the listed building, and in doing so this will have some impact upon their settings, including public views from St Peters View.

The Conservation Area and the Old Rectory are located on the western (rear) side of the site. The character and appearance of these heritage assets can be best appreciated from public views along Rectory Road. The proposed development would be seen predominately within the context of the existing

dwellings at St Peters View. The Old Rectory itself is over 90 metres from the boundary of the site. The rear boundary of the site is defined by a closed boarded fence which marks the boundary between proposed residential sites and the Old Rectory. These are also located along the approximate boundary of the Conservation Area. Close to the boundary are a number of mature trees which substantially screen the sites and restrict views of the Old Rectory. A large amount of these are on the land associated with the Old Rectory. At the time of the Case Officer's site visit in January it was difficult to obtain views into or across the Old Rectory site. Only glimpsed views of the upper parts of the Old Rectory could be seen through small gaps in the network of trees. The trees are the predominant features which are seen from the site, not the building.

It is also worthy to note that an application for four dwellings on the adjacent site to the south known as 'The Tythings' was refused planning permission in 2012. This application proposed four detached dwellings which were inward looking and wrapped around the dwelling known as The Tythings. The applicant appealed this decision. The two main issues were the effect of the proposal on the Conservation Area and also its implications for the setting of the Old Rectory. The Inspector considered that the development would have had little visual or physical affinity with the nearby pattern of frontage development which would have appeared unduly cramped and congested and convey the impression of piecemeal development. The Inspector dismissed the appeal on the basis that the bulk, massing and tightly clustered arrangement of housing would fail to preserve or enhance the character and appearance of the Conservation Area. However, the Inspector took a different view when considering the setting of the Old Rectory stating "Although Rectory Meadow historically formed part of the grounds of the Old Rectory, the land in the vicinity of the appeal site no longer conveys the 'parkland-type' character described by the Council. The land appears visually and physically separated from the remainder of the grounds of the historic building by the dense belt of intervening trees. It is difficult to view or appreciate the historic building from the vicinity of the site even in winter, due to the dense and partly coniferous nature of the tree belt. Despite the significant shortcomings of the development, I consider that it would not intrude on the setting of the Grade II* listed building in any meaningful way". Since this appeal, a development of three dwellings which front on to St Peters View has been approved and built.

Consideration is now given to the public benefits of the proposal. As Members are aware, the Council has to significantly increase its supply of new housing, with a draft target of 845 dwellings per year set out in the emerging Local Plan. Whilst the four applications would deliver a relatively small amount of housing when compared to the required housing numbers, it would nonetheless make a contribution.

The development of this area of land would result in the final phase of development at St Peters View. The site has been cleared and is currently enclosed by herras fencing and used for the storage of building materials and machinery associated with the recent construction of dwellings at St Peters View. This does not enhance the character of the area. The site is not

allocated as a 'Visually Important Space' in the adopted Local Plan Review. Whilst it may currently provide an area of visual relief from the surrounding built development, it is not considered that its contribution to the character of the area is so great that development should be prevented. Furthermore, the Council has previously granted planning permission for residential development on this site.

As Members may be aware, following a decision issued by the Court of Appeal in May 2016 which re-instated national planning guidance (as set out in the National Planning Practice Guidance), the Council is no longer able to specifically request tariff based contributions for developments of 10 units or 1000 sq m or less. In this case, the applicant acknowledges that Historic England identifies some harm with three of the proposed dwellings (Plots 5, 6 and 7) and accordingly offers a contribution towards public open space. This would be used for improvements to open space within the village, as identified in the Council's Open Spaces Action Plan. This would provide a clear benefit for the community and the public. The contribution would be secured through a S106 Agreement. The contribution offered is based upon the amount that would usually be requested by the Council for dwellings with four bedrooms or more in cases where it would be seeking a contribution in accordance with the Open Space Supplementary Planning Document. As set out in the Planning Practice Guidance (PPG) planning obligations assist in mitigating the impact of development which benefits local communities. The PPG states that "Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework". In this case it is considered that a contribution towards public open space is acceptable.

Historic England has identified that the proposal would give rise to less than substantial public harm. As set out above, Officers consider that the design and appearance of the proposed dwellings has been significantly improved through the submission of revised plans and are now considered acceptable. The appeal decision for the adjacent site also provides some guidance from the Inspectorate in terms of the site not having a harmful impact on the setting of the listed building. The proposal would also deliver some public benefits. Such benefits would be consistent with the economic, social and environmental dimensions of sustainable development, as set out in the NPPF and guidance set out in the PPG. When considering the planning balance and having regard to Para.134 as well as the requirements of the NPPF as a whole, Officers have concluded that any modest harm to the setting of heritage assets would be outweighed by the acknowledged benefits.

Impact on Neighbouring Amenity

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

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

Plot 1 would be located adjacent a recently constructed dwelling. There are no windows within the side elevation of this property and there is sufficient separation between the dwellings. The remainder of the new dwellings are located sufficient distance from nearby dwellings so as not to have an unacceptable impact upon amenity.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for two bedroomed dwellings two spaces per dwelling should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m. Enclosed garages should have minimum internal dimensions of 7m x 3m.

The Highway Authority has been consulted on the application and has raised no objection. Parking provision could be provided in accordance with the above. It is considered appropriate that a condition is imposed to ensure that the garages/carports are retained for parking at all times to ensure that they are not converted which would give rise to additional on-street parking.

Landscape Considerations

An Arboricultural Report and Tree Survey have been submitted with the application. A number of trees on the site are protected by Tree Preservation Orders. The Report states that it will be necessary to fell one tree irrespective of the development. In order to facilitate the development it will be necessary to fell ten low quality/poor longevity trees as these would conflict with the proposed development. Additionally, three individual trees and two landscape features require minor surgery to permit construction space or access.

The alignment of a garage nominally intrudes within the Root Protection Areas (RPA) of trees to be retained. This has only minor influence on the Root Protection Areas and it is recommended that linear root pruning is undertaken, to avoid the need for specialist construction techniques at this location. The Report also recommends that a Structural Engineer is consulted to assess the implications of the tree retention on the required foundation depths. Where new hard surfaces would encroach within the RPA of trees "no dig"

construction methods are recommended. The exact specification must be designed by a Civil Engineer.

The report indicates that all trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings within the report are complied with in full. This includes ensuring that protective fencing is erected as detailed in the report. The report also states that a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This should include fencing type, ground protection measures, “no dig” surfacing, access facilitation, pruning specification, phasing and an extensive auditable monitoring schedule. These can be secured by condition.

The Council’s Landscape Officer has raised concern with the retention of the existing trees within the central part of the site (to the rear of Plots 3 & 4) as this may give rise to overshadowing of the proposed dwellings. This has been discussed with the applicant’s agent, who has advised that they wish to retain these trees. Should these trees cause an issue for future occupants, the occupants would have to submit an application to the Council for works to reduce or remove these trees at a later date as these are covered by a Tree Preservation Order.

Flood Risk

Concerns have been raised in the letter of representation about flood risk. The land is located within Flood Zone 1, the lowest risk of flooding. Accordingly there is no requirement for the applicant to submit a Flood Risk Assessment. The scale of the development is also below the threshold for requiring a SUDS assessment. Drainage and the disposal of surface water would be a matter which would be controlled by Building Regulations. A condition is recommended to ensure that all areas of hard surface are constructed of porous materials.

Other

As set out above, four separate applications have been submitted and therefore must, to an extent, be considered individually. There is a risk through granting permission for four separate applications that they may not all be implemented and consideration must be given as to whether each application on its own would be acceptable if developed in isolation. With regard to this, it is noted that the dwelling at Plot 2 would form the end property of a terrace of three dwellings. The other two dwellings (Plots 3 and 4) have been submitted as part of a different planning application. The proposed dwellings within the terrace would only be acceptable if the rest of the terrace is built otherwise it could result in an internal wall & unfinished exterior on the side elevation. Therefore it is appropriate that a condition is imposed stating that neither of the separate elements of the terrace be occupied unless the whole of the terrace is built.

CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. The siting, scale and design of the proposed dwellings are considered acceptable and would not have an unacceptable impact upon the street scene, highway safety or the amenity of residents nearby. It is accepted that the proposal would give rise to some harm to heritage assets but this would be less than substantial, and Officers consider that such harm would be outweighed by the public benefits that the proposal would deliver. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc. can be adequately dealt with by condition.

The four applications have been considered acceptable on the basis of their individual merits and would deliver, collectively, a cohesive group which would complete development on this residential street. Part of the development comprises a terrace of three new homes which, although split between two applications, could not reasonably be disaggregated without compromising the appearance of their part of the group. Accordingly conditions on both applications link one to the other.

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: 13/303/LOCATION 3-4	
Existing Site Plan	Plan Ref: 13/303/SURVEY	
Site Masterplan	Plan Ref: 13/303/MASTER	Version: D
Enclosures etc	Plan Ref: 13/303/15	
Density Parameters Plan	Plan Ref: 13/303/17	
Other	Plan Ref: 13/303/18	
Other	Plan Ref: DFC1036P1H	Version: Phase 1 Habitat Survey
Landscaping	Plan Ref: 4908-D-A	Version: A
General Plans & Elevations	Plan Ref: 13/303/3	Version: C
General Plans & Elevations	Plan Ref: 13/303/4	Version: C
Street elevation	Plan Ref: 13/303/9	Version: C
Planning Layout	Plan Ref: 13/303/10	Version: C
Section	Plan Ref: 13/303/16	Version: B
Arboricultural Report	Plan Ref: 4908	Version: A
Street elevation	Plan Ref: 13/303/11	Version: B
Landscaping	Plan Ref: 13/303/12	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 The garages/cartlodes hereby approved shall be used for the parking of vehicles or domestic storage only. They shall not be used for, or converted to living accommodation at any time.

Reason

In order to ensure that adequate parking is provided in accordance with the Council's adopted Parking Standards and to prevent an increase in on-street parking.

- 4 Construction of any buildings shall not be commenced until samples 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Class A, B, C 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

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 6 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.

- 7 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. The development shall be carried out in accordance with the approved details set out in the Arboricultural Method Statement.

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

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The details are required prior to the commencement of development to ensure that the existing trees are retained during the development and the

proposed works do not compromise the future retention of the trees.

- 8 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 9 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 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 interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 12 All single garages should have a minimum internal measurement of 7 metres x 3 metres and all double garages should have a minimum internal measurement of 7 metres x 5.5 metres.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 13 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 positions of lighting 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

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

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

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

Reason

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

- 15 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.

- 16 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.

- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to / from the site including the routeing of construction traffic;
 - The storage of plant and materials used in constructing the development;
 - Wheel washing and underbody washing facilities;
 - Measures to control the emission of dust and dirt during construction;

- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The details are required prior to commencement as they relate to the construction period of the development.

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

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 19 All new brickwork shall be constructed to give the appearance of Flemish or English bond.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 20 Only tile and half-tile, and plain tile undercloaking, shall be used on the verges of the roofs the subject of the development hereby approved.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 21 Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 22 In rendered areas the new windows shall have pentice boards and not a

bellmouth drip detail.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 23 The development shall be carried out in accordance with the approved Arboricultural Impact Assessment listed above.

Reason

To ensure the protection and retention of existing trees which are considered to enhance the development.

- 24 The dwellings hereby approved shall not be occupied until the construction of the dwelling which forms the end of the terrace, approved under Planning Permission 15/01598/FUL (Plot 2), has been completed in accordance with the approved plans.

Reason

To ensure the protection and retention of existing trees which are considered to enhance the development.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

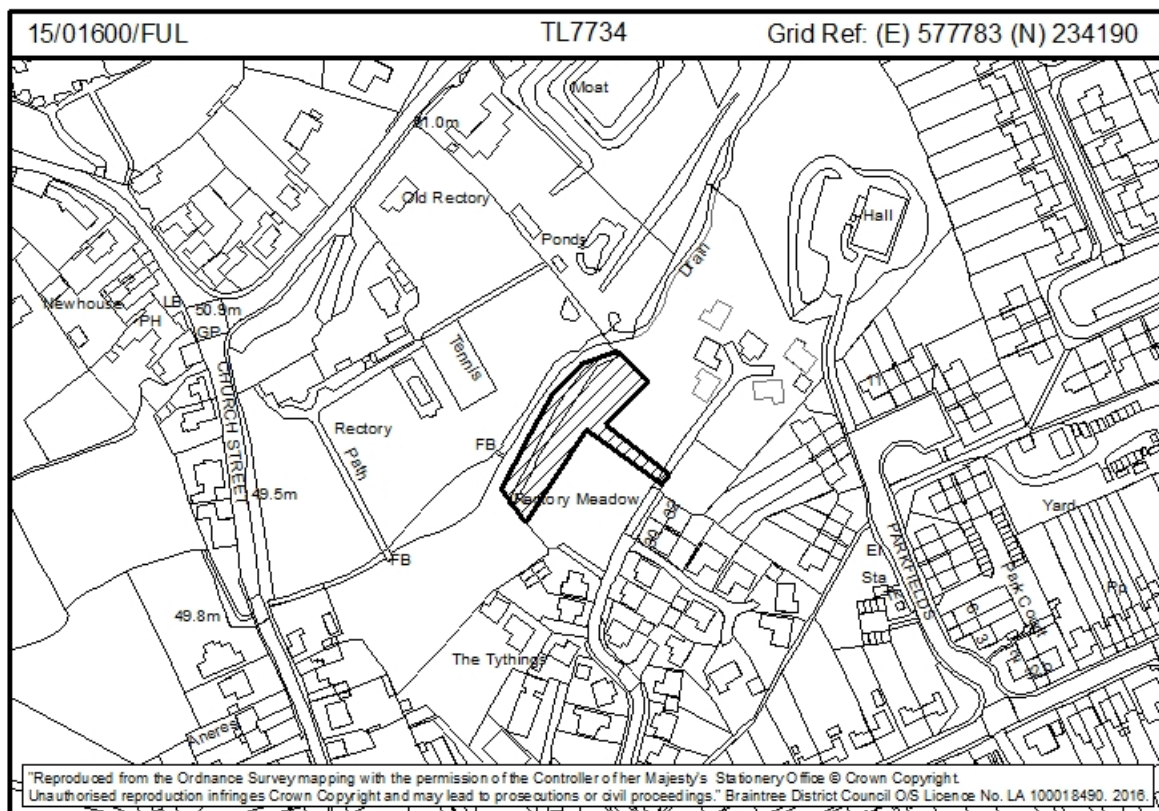
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ
- 4 You are advised that windows should be detailed so that trickle vents are inconspicuous. Bricks should resemble a traditional soft red Essex brick. A variety of materials should be used to avoid uniformity.
- 5 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 15/01600/FUL
 DATE: 29.12.15
 VALID:
 APPLICANT: Mr James Lang
 The Great Barn, Vicarage Avenue, White Notley, Witham,
 Essex, CM8 1SA
 AGENT: Nigel Chapman Associates Ltd
 Kings House, Colchester Road, Halstead, Essex, CO9 2ET
 DESCRIPTION: Erection of 2 no. dwellings and garages with associated
 ground works (Plots 5 and 6)
 LOCATION: Plots 5 & 6, Rectory Meadow, Rectory Road, Sible
 Hedingham, Essex

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



SITE HISTORY

06/01688/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 22b/88 - A1	Granted	18.09.06
15/01598/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2)	Pending Decision	
15/01599/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4)	Pending Decision	
15/01601/FUL	Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7)	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8 Natural Environment and Biodiversity
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP3 Development within Town Development Boundaries and Village Envelopes
RLP10 Residential Density
RLP56 Vehicle Parking
RLP69 Sustainable Urban Drainage
RLP74 Provision of Space for Recycling
RLP80 Landscape Features and Habitats
RLP84 Protected Species
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

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards

Other Guidance

Sible Hedingham Village Design Statement

INTRODUCTION

This report concerns four applications (15/01598/FUL, 15/01599/FUL, 15/01600/FUL, 15/01601/FUL) which relate to separate parts of a parcel of land in Sible Hedingham.

These applications are brought before the Planning Committee as an objection has been received from the Parish Council.

NOTATION

The sites fall within the village envelope. Part of the site falls within the Sible Hedingham Conservation Area.

SITE DESCRIPTION & PROPOSAL

The four applications subject of this report form a parcel of land located along St Peters View, to the west of Sible Hedingham which falls within the village envelope. A small part of the south western corner of the land falls within the Conservation Area. The site has been divided into four parcels of land for the purposes of these planning applications but taken together propose a cohesive development which would see the final area of land at St Peters View developed.

The four applications are for the following development:

15/01598/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2) on the south western part of the site.

15/01599/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4) along the street frontage.

15/01600/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6) on the north western (rear) part of the site.

15/01601/FUL: Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7) on the north eastern part of the site.

The site is surrounded to the north, east and south by residential dwellings which have been developed over the last 25 years. To the west of the site is the property known as the Old Rectory which is a Grade II* listed building and falls within the Conservation Area. This dwelling faces on to Rectory Road and stands in substantial grounds. To the north of this is a moated site which is designated as a scheduled monument.

A tributary of the River Colne flows to the west of the land subject of these applications. The land slopes significantly from east to west towards the tributary. There are two group Tree Preservation Orders which cover existing trees on the site.

The four applications propose a total of 7 no. dwellings. On the one hand, each individual application must be considered on its own merits and determined individually, but on the other hand given that the four parcels form part of a larger plot and that the dwellings would relate to each other and be viewed within the same context, consideration must be given to their cumulative impact.

The applications include a detached dwelling and terrace of three dwellings which would front St Peters View. The detached dwelling would benefit from a double garage/cartlodge to the rear. The terraced dwellings would include an integral garage with parking spaces in front. Adjacent the terrace would be an access drive which would serve three larger detached dwellings to the rear, all of which would be different in design. The scale and design of the dwellings has been amended during the course of the application.

The site has previously benefited from planning permission for five dwellings which was granted in 1999.

CONSULTATIONS

It should be noted that Historic England and the Council's Historic Buildings Advisor both provided a response, which, although addressed parts of the four individual applications, provided a view and recommendation based on the four applications as a whole.

Historic England –

Initial response: The design of the houses on the street appears vernacular in inspiration. The design is not well considered or coherent, as the contrast between the front and rear elevations reveal. Concerns raised with the dwellings which form part of the other applications. The proposed development of seven dwellings would detract from the setting of the Conservation Area and that of the Old Rectory. Given the harm that would arise it would be inappropriate for the local authority to proceed to weigh the harm against such benefits as it would produce.

Response to revised plans: The amended designs are more considered than those originally submitted. The amendments have given the terrace

proportions more consistent with the vernacular inspiration of the design. The consistency and coherence of the proposal have been much improved by the amendment of the designs. Question the appropriateness of manufacturing so characteristic an Essex scene as the group of mill house, mill and barn and the artificiality of the development proposed. Maintain the position that the development would harm the significance of both the Conservation Area and the Old Rectory but the harm would be modest in degree and less than substantial in the terminology of the NPPF (para.134). The Council should weigh the harm arising from the development against such public benefits as it would generate.

Environment Agency – The dwellings would be more than 20 metres from the main river and therefore fall outside of the scope of matters for which the EA is a statutory consultee.

Historic Buildings Consultant –

Initial Response: The valley is an important setting to the Conservation Area and listed building and development should seek to preserve and enhance that setting. No objection raised to Plot 1. The terrace would be similar to those which have been built on the opposite side of the road. The appearance would be appropriate to the location and would help create a well-defined and interesting frontage. The rear elevations require further consideration. The three larger properties would seek to create a faux rural scene with a watermill, miller's house and barn. There is no historical precedent for this. Concerns raised with the designs of the buildings. Unable to support any of the applications. Comments and advice provided on each of the applications.

Response to revised plans: The revised schemes submitted for the seven plots are now acceptable. Recommends approval, subject to conditions.

Highways – No objection subject to conditions.

Engineers – Unaware of any surface water issues affecting the site.

Landscape Services – No objection. Concern raised about trees T017 and T020 (an Oak and Sycamore) located in the centre of the site. These are large trees and not good neighbours to residential properties. Would prefer to see the central group removed and a more suitable replacement approved as part of a landscaping scheme. The Tree Protection Plan should be in place prior to development commencing. No concerns regarding protected species. There are opportunities to improve the level of biodiversity and this could be addressed in a revised landscaping scheme.

Parish Council – Object to the four applications on grounds of overcrowding.

REPRESENTATIONS

A Site notice was displayed and neighbouring properties were notified by letter. Two letters of objection has been received from the occupants of The Old Rectory raising the following points:

- The proposal is an imitation of past architectural styles;
- Development would harm the Conservation Area rather than fitting into it;
- The proposal would be harmful to the setting of The Old Rectory;
- The proposal would be contrary to RLP4 as it would be infilling a visually important space;
- The site should be retained as greenfield land to retain the semi-rural charm of the area and protect the environs of St Peter's Church (including The Old Rectory);
- The site is at risk of flooding and no Flood Risk Assessment has been submitted;
- The design is out of keeping with surrounding properties;
- The three storey terraced housing would be highly visible from The Old Rectory;
- Scale and density is out of keeping with the surrounding area;
- The loss of trees would be harmful to the setting of the Conservation Area;
- The removal of trees would remove potential bird nesting sites.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development.

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

As set out above, the Council has previously accepted residential development on this site.

Design, Layout & Impact Upon Heritage Assets

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development

shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

With regard to amenity space, guidance set out in the Essex Design Guide indicates that dwellings with three bedrooms or more should be provided with a minimum garden size of 100sqm.

With regard to heritage assets, the following policies and guidance are relevant:

Para.132 of the NPPF states 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.

Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP 95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:

- (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;
- (b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;
- (c) Architectural details on buildings of value are retained
- (d) Building materials are authentic and complementary to the building's character.

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

St Peters View has evolved over a number of years and predominately comprises large detached dwellings which front the road and then culminate

in a cluster around a turning head at the end of the road. This is the final parcel of land within the road which is undeveloped.

The four dwellings the subject of application no's 15/01598/FUL & 15/01599/FUL comprise one detached dwelling and a terrace of three dwellings which would front onto St Peters View. The siting of these dwellings along the road frontage would follow the building line established by the recently constructed dwellings to the south. The design of the dwellings has however had to respond to the significant change in levels on the site. This is most obvious on the terraced dwellings where the dwellings appear as a two storey dwelling from the front and a three storey dwelling from the rear. In order to address the change in ground levels a lower ground floor level has been incorporated which would include doors and windows on the side and rear elevations. The design is not considered to be objectionable, and the more modest elevations would be visible within the street scene. Historic England raises no concerns with regard to these dwellings and the Council's Historic Buildings Consultant also considers these to be acceptable.

The three further dwellings which are the subject of application no's 15/01600/FUL & 15/01601/FUL would be three large detached dwellings. It appears that it may be the case that the design of the dwellings, as originally submitted, took some inspiration from 'mill' style dwellings. However the designs have been amended during the course of the application to address the artificiality that this created.

Plot 7 is closest to the road and located on the opposite side of the proposed access drive to the end of terrace dwelling at Plot 4. Although labelled 'Mill House' this dwelling is not of a design or context that resembles a mill building. It has the appearance of a Georgian dwelling. Whilst it would be a large three storey building, it is acknowledged that there are a number of large detached dwellings in the vicinity of the site, albeit of different design. The design has been amended and significantly improved during the course of the application.

The proposed dwelling at Plot 5 would have a barn-like appearance. This would be located on the lower part of the site and would not be prominent in the street scene. Views of this building would be obscured by the proposed frontage dwellings. The design has been amended to address the concerns of the Historic Buildings Advisor. It is not considered that the siting, scale or design of this dwelling are objectionable to the extent that would substantiate withholding planning permission.

The design of the proposed dwelling at Plot 6 has been amended so that it no longer resembles an artificial watermill building. The scale has been reduced and the height has been lowered. It now incorporates subordinate side and rear elements. The lucam projection characteristic of mill buildings has been removed from the front elevation.

Historic England initially objected to the applications, based upon the plans that were originally submitted with the application. It raised concerns with the

design of the front and rear elevations of the houses on the street, the scale of development and the imagined and manufactured grouping of the three detached dwellings which appeared to take their form and design from historic mill buildings. Historic England advised at that stage that the development would harm the significance of the Conservation Area and the Old Rectory, having regard to Para.132 of the NPPF.

The scale and design of the dwellings have been amended to address these concerns, and also those set out by the Council's Historic Buildings Consultant. In its latest consultation response, Historic England acknowledges that "the consistency and coherence of the proposal have been much improved by the amendment of the designs". However it still questions the appropriateness of manufacturing so characteristic an Essex scene as a grouping of mill house, mill and barn and considers that it would still cause some harm to the significance of the Conservation Area and The Old Rectory. Acknowledging the improvements, it now advises that the harm would be modest in degree, and less than substantial in the terminology of the NPPF (Para.134). The recommendation is that the Council weighs the harm arising from the proposed development against such public benefits as it would generate, as recommended in the NPPF (Para.132 & 134).

Any harm to the Conservation Area and setting of the listed building would be a public harm, and therefore the Council needs to weigh this harm against any public benefits that the proposal would deliver.

The Planning Practice Guidance (PPG) states that, when considering harm to a heritage asset, it is the degree of harm to the asset's significance (in this case the setting of the Conservation Area and the Old Rectory) rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

The PPG also states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It also states that an assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between

places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The response from Historic England refers to the development of seven houses, ie. all four applications. Despite a request from the Case Officer, Historic England has not identified the specific aspects of the development which it considers to be harmful to the Conservation Area and The Old Rectory. From its response to the revised plans, Historic England does not appear to raise any concerns with Plots 1-4. The concern appears to be related to the three larger detached dwellings which it states "are intended to create an imagined historic grouping, their forms supposedly those of historic structures of these types". The submitted plans label these dwellings as 'The Mill', 'Mill House' and 'The Barn'. The response from Historic England does not make any specific comments about the scale or design of these dwellings apart from noting the amendment has given the 'Mill House' a character far more consistent with its vernacular inspiration than was originally the case. The initial response from Historic England stated "the scale of elements of the development might itself make its impact harmful". It seems that the issue that Historic England has with the development is the perceived grouping of 'mill' buildings where they would not have formerly been found and thereby creating an artificial environment which it considers would damage the historic character of the area.

Historic England does not raise an objection to the principle of residential development in the locations of Plots 5, 6 and 7. Equally Officers do not consider the development of these plots to be objectionable. Historically planning permission has been granted for this area of land. In 1999 planning permission was granted for a proposal which included frontage development and the development of the rear part of the site.

The design of the dwellings has been amended so that they no longer mimic mill type buildings and are now considered an acceptable design approach.

Whilst only a small part of the site falls within the Conservation Area consideration must also be given to its setting. It is accepted that the proposal will bring new residential development closer to the boundary of the Conservation Area and to the listed building, and in doing so this will have some impact upon their settings, including public views from St Peters View.

The Conservation Area and the Old Rectory are located on the western (rear) side of the site. The character and appearance of these heritage assets can be best appreciated from public views along Rectory Road. The proposed development would be seen predominately within the context of the existing

dwellings at St Peters View. The Old Rectory itself is over 90 metres from the boundary of the site. The rear boundary of the site is defined by a closed boarded fence which marks the boundary between proposed residential sites and the Old Rectory. These are also located along the approximate boundary of the Conservation Area. Close to the boundary are a number of mature trees which substantially screen the sites and restrict views of the Old Rectory. A large amount of these are on the land associated with the Old Rectory. At the time of the Case Officer's site visit in January it was difficult to obtain views into or across the Old Rectory site. Only glimpsed views of the upper parts of the Old Rectory could be seen through small gaps in the network of trees. The trees are the predominant features which are seen from the site, not the building.

It is also worthy to note that an application for four dwellings on the adjacent site to the south known as 'The Tythings' was refused planning permission in 2012. This application proposed four detached dwellings which were inward looking and wrapped around the dwelling known as The Tythings. The applicant appealed this decision. The two main issues were the effect of the proposal on the Conservation Area and also its implications for the setting of the Old Rectory. The Inspector considered that the development would have had little visual or physical affinity with the nearby pattern of frontage development which would have appeared unduly cramped and congested and convey the impression of piecemeal development. The Inspector dismissed the appeal on the basis that the bulk, massing and tightly clustered arrangement of housing would fail to preserve or enhance the character and appearance of the Conservation Area. However, the Inspector took a different view when considering the setting of the Old Rectory stating "Although Rectory Meadow historically formed part of the grounds of the Old Rectory, the land in the vicinity of the appeal site no longer conveys the 'parkland-type' character described by the Council. The land appears visually and physically separated from the remainder of the grounds of the historic building by the dense belt of intervening trees. It is difficult to view or appreciate the historic building from the vicinity of the site even in winter, due to the dense and partly coniferous nature of the tree belt. Despite the significant shortcomings of the development, I consider that it would not intrude on the setting of the Grade II* listed building in any meaningful way". Since this appeal, a development of three dwellings which front on to St Peters View has been approved and built.

Consideration is now given to the public benefits of the proposal. As Members are aware, the Council has to significantly increase its supply of new housing, with a draft target of 845 dwellings per year set out in the emerging Local Plan. Whilst the four applications would deliver a relatively small amount of housing when compared to the required housing numbers, it would nonetheless make a contribution.

The development of this area of land would result in the final phase of development at St Peters View. The site has been cleared and is currently enclosed by herras fencing and used for the storage of building materials and machinery associated with the recent construction of dwellings at St Peters View. This does not enhance the character of the area. The site is not

allocated as a 'Visually Important Space' in the adopted Local Plan Review. Whilst it may currently provide an area of visual relief from the surrounding built development, it is not considered that its contribution to the character of the area is so great that development should be prevented. Furthermore, the Council has previously granted planning permission for residential development on this site.

As Members may be aware, following a decision issued by the Court of Appeal in May 2016 which re-instated national planning guidance (as set out in the National Planning Practice Guidance), the Council is no longer able to specifically request tariff based contributions for developments of 10 units or 1000 sq m or less. In this case, the applicant acknowledges that Historic England identifies some harm with three of the proposed dwellings (Plots 5, 6 and 7) and accordingly offers a contribution towards public open space. This would be used for improvements to open space within the village, as identified in the Council's Open Spaces Action Plan. This would provide a clear benefit for the community and the public. The contribution would be secured through a S106 Agreement. The contribution offered is based upon the amount that would usually requested by the Council for dwellings with four bedrooms or more in cases where it would be seeking a contribution in accordance with the Open Space Supplementary Planning Document. As set out in the Planning Practice Guidance (PPG) planning obligations assist in mitigating the impact of development which benefits local communities. The PPG states that "Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework". In this case it is considered that a contribution towards public open space is acceptable.

Historic England has identified that the proposal would give rise to less than substantial public harm. As set out above, Officers consider that the design and appearance of the proposed dwellings has been significantly improved through the submission of revised plans and are now considered acceptable. The appeal decision for the adjacent site also provides some guidance from the Inspectorate in terms of the site not having a harmful impact on the setting of the listed building. The proposal would also deliver some public benefits. Such benefits would be consistent with the economic, social and environmental dimensions of sustainable development, as set out in the NPPF and guidance set out in the PPG. When considering the planning balance and having regard to Para.134 as well as the requirements of the NPPF as a whole, Officers have concluded that any modest harm to the setting of heritage assets would be outweighed by the acknowledged benefits.

Impact on Neighbouring Amenity

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

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

Plot 1 would be located adjacent a recently constructed dwelling. There are no windows within the side elevation of this property and there is sufficient separation between the dwellings. The remainder of the new dwellings are located sufficient distance from nearby dwellings so as not to have an unacceptable impact upon amenity.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for two bedroomed dwellings two spaces per dwelling should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m. Enclosed garages should have minimum internal dimensions of 7m x 3m.

The Highway Authority has been consulted on the application and has raised no objection. Parking provision could be provided in accordance with the above. It is considered appropriate that a condition is imposed to ensure that the garages/carports are retained for parking at all times to ensure that they are not converted which would give rise to additional on-street parking.

Landscape Considerations

An Arboricultural Report and Tree Survey have been submitted with the application. A number of trees on the site are protected by Tree Preservation Orders. The Report states that it will be necessary to fell one tree irrespective of the development. In order to facilitate the development it will be necessary to fell ten low quality/poor longevity trees as these would conflict with the proposed development. Additionally, three individual trees and two landscape features require minor surgery to permit construction space or access.

The alignment of a garage nominally intrudes within the Root Protection Areas (RPA) of trees to be retained. This has only minor influence on the Root Protection Areas and it is recommended that linear root pruning is undertaken, to avoid the need for specialist construction techniques at this location. The Report also recommends that a Structural Engineer is consulted to assess the implications of the tree retention on the required foundation depths. Where new hard surfaces would encroach within the RPA of trees "no dig"

construction methods are recommended. The exact specification must be designed by a Civil Engineer.

The report indicates that all trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings within the report are complied with in full. This includes ensuring that protective fencing is erected as detailed in the report. The report also states that a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This should include fencing type, ground protection measures, “no dig” surfacing, access facilitation, pruning specification, phasing and an extensive auditable monitoring schedule. These can be secured by condition.

The Council’s Landscape Officer has raised concern with the retention of the existing trees within the central part of the site (to the rear of Plots 3 & 4) as this may give rise to overshadowing of the proposed dwellings. This has been discussed with the applicant’s agent, who has advised that they wish to retain these trees. Should these trees cause an issue for future occupants, the occupants would have to submit an application to the Council for works to reduce or remove these trees at a later date as these are covered by a Tree Preservation Order.

Flood Risk

Concerns have been raised in the letter of representation about flood risk. The land is located within Flood Zone 1, the lowest risk of flooding. Accordingly there is no requirement for the applicant to submit a Flood Risk Assessment. The scale of the development is also below the threshold for requiring a SUDS assessment. Drainage and the disposal of surface water would be a matter which would be controlled by Building Regulations. A condition is recommended to ensure that all areas of hard surface are constructed of porous materials.

Other

As set out above, four separate applications have been submitted and therefore must, to an extent, be considered individually. There is a risk through granting permission for four separate applications that they may not all be implemented and consideration must be given as to whether each application on its own would be acceptable if developed in isolation. With regard to this, it is noted that the dwelling at Plot 2 would form the end property of a terrace of three dwellings. The other two dwellings (Plots 3 and 4) have been submitted as part of a different planning application. The proposed dwellings within the terrace would only be acceptable if the rest of the terrace is built otherwise it could result in an internal wall & unfinished exterior on the side elevation. Therefore it is appropriate that a condition is imposed stating that neither of the separate elements of the terrace be occupied unless the whole of the terrace is built.

CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. The siting, scale and design of the proposed dwellings are considered acceptable and would not have an unacceptable impact upon the street scene, highway safety or the amenity of residents nearby. It is accepted that the proposal would give rise to some harm to heritage assets but this would be less than substantial, and Officers consider that such harm would be outweighed by the public benefits that the proposal would deliver. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc. can be adequately dealt with by condition.

The four applications have been considered acceptable on the basis of their individual merits and would deliver, collectively, a cohesive group which would complete development on this residential street. Part of the development comprises a terrace of three new homes which, although split between two applications, could not reasonably be disaggregated without compromising the appearance of their part of the group. Accordingly conditions on both applications link one to the other.

RECOMMENDATIONS

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: 13/303/LOCATION 5-6	
Existing Site Plan	Plan Ref: 13/303/SURVEY	
Site Masterplan	Plan Ref: 13/303/MASTER	Version: D
Enclosures etc	Plan Ref: 13/303/15	
Density Parameters Plan	Plan Ref: 13/303/17	
Other	Plan Ref: 13/303/18	
Other	Plan Ref: DFC1036P1H	Version: Phase 1 Habitat Survey
Landscaping	Plan Ref: 4908-D-A	Version: A
General Plans & Elevations	Plan Ref: 13/303/5	Version: B
General Plans & Elevations	Plan Ref: 13/303/6	Version: B
Planning Layout	Plan Ref: 13/303/10	Version: C
Street elevation	Plan Ref: 13/303/11	Version: B
Section	Plan Ref: 13/303/16	Version: B
Arboricultural Report	Plan Ref: 4908	Version: A
General Plans & Elevations	Plan Ref: 13/303/7	Version: B
General Plans & Elevations	Plan Ref: 13/303/8	Version: C
Landscaping	Plan Ref: 13/303/12	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 The garages/cartlodes hereby approved shall be used for the parking of vehicles or domestic storage only. They shall not be used or converted to living accommodation at any time.

Reason

In order to ensure that adequate parking is provided in accordance with the Council's adopted Parking Standards and to prevent an increase in on-street parking.

- 4 Construction of any buildings shall not be commenced until samples 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Class A, B, C 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

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 6 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.

- 7 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. The development shall be carried out in accordance with the approved details set out in the Arboricultural Method Statement.

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

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The details are required prior to the commencement of development to ensure that the existing trees are retained during the development and the proposed works do not compromise the future retention of the trees.

- 8 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 9 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 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 interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 12 All single garages should have a minimum internal measurement of 7 metres x 3 metres and all double garages should have a minimum internal measurement of 7 metres x 5.5 metres.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary

Guidance in February 2011.

- 13 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 positions of lighting 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

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

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

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

Reason

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

- 15 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.

- 16 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.

- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to / from the site including the routeing of construction traffic;

- The storage of plant and materials used in constructing the development;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The details are required prior to commencement as they relate to the construction period of the development.

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

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 19 All new brickwork shall be constructed to give the appearance of Flemish or English bond.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 20 Only tile and half-tile, and plain tile undercloaking, shall be used on the verges of the roofs the subject of the development hereby approved.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 21 Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

Reason

To ensure the use of appropriate detailing having regard to the proximity

of the site to the Conservation Area.

- 22 In rendered areas the new windows shall have pentice boards and not a bellmouth drip detail.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 23 The development shall be carried out in accordance with the approved Arboricultural Impact Assessment listed above.

Reason

To ensure the protection and retention of existing trees which are considered to enhance the development.

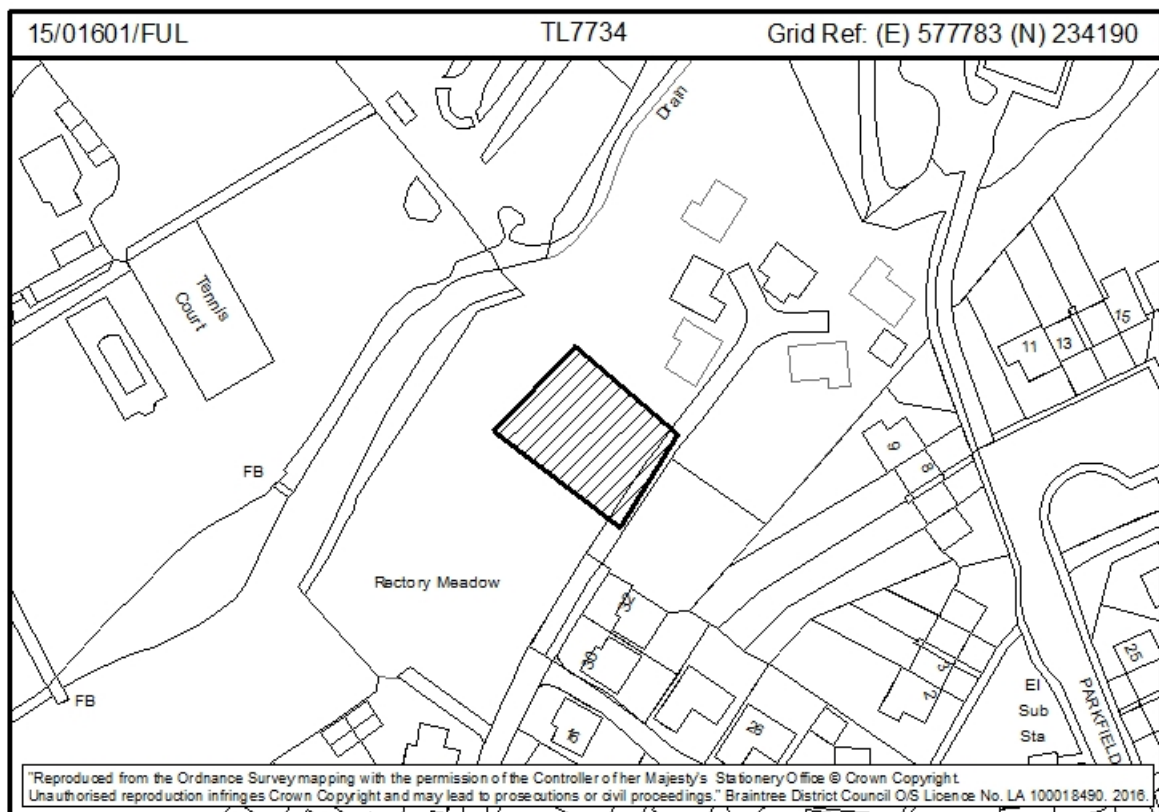
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART A

APPLICATION NO: 15/01601/FUL DATE: 29.12.15
VALID:
APPLICANT: Miss Sandra Watson
The Great Barn, Vicarage Avenue, White Notley, Witham,
Essex, CM8 1SA
AGENT: Nigel Chapman Associates Ltd
Kings House, Colchester Road, Halstead, Essex, CO9 2ET
DESCRIPTION: Erection of 1 no. five bedroom detached dwelling with
garage/carport with associated ground works (Plot 7)
LOCATION: Plot 7, Rectory Meadow, Rectory Road, Sible Hedingham,
Essex

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



SITE HISTORY

06/01688/TPO	Notice of intent to carry out works to trees protected by Tree Preservation Order No: 22b/88 - A1	Granted	18.09.06
15/01598/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2)	Pending Decision	
15/01599/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4)	Pending Decision	
15/01600/FUL	Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6)	Pending Decision	

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
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

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards

Other Guidance

Sible Hedingham Village Design Statement

INTRODUCTION

This report concerns four applications (15/01598/FUL, 15/01599/FUL, 15/01600/FUL, 15/01601/FUL) which relate to separate parts of a parcel of land in Sible Hedingham.

These applications are brought before the Planning Committee as an objection has been received from the Parish Council.

NOTATION

The sites fall within the village envelope. Part of the site falls within the Sible Hedingham Conservation Area.

SITE DESCRIPTION & PROPOSAL

The four applications subject of this report form a parcel of land located along St Peters View, to the west of Sible Hedingham which falls within the village envelope. A small part of the south western corner of the land falls within the Conservation Area. The site has been divided into four parcels of land for the purposes of these planning applications but taken together propose a cohesive development which would see the final area of land at St Peters View developed.

The four applications are for the following development:

15/01598/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 1 and 2) on the south western part of the site.

15/01599/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 3 and 4) along the street frontage.

15/01600/FUL: Erection of 2 no. dwellings and garages with associated ground works (Plots 5 and 6) on the north western (rear) part of the site.

15/01601/FUL: Erection of 1 no. five bedroom detached dwelling with garage/carport with associated ground works (Plot 7) on the north eastern part of the site.

The site is surrounded to the north, east and south by residential dwellings which have been developed over the last 25 years. To the west of the site is the property known as the Old Rectory which is a Grade II* listed building and falls within the Conservation Area. This dwelling faces on to Rectory Road and stands in substantial grounds. To the north of this is a moated site which is designated as a scheduled monument.

A tributary of the River Colne flows to the west of the land subject of these applications. The land slopes significantly from east to west towards the tributary. There are two group Tree Preservation Orders which cover existing trees on the site.

The four applications propose a total of 7 no. dwellings. On the one hand, each individual application must be considered on its own merits and determined individually, but on the other hand given that the four parcels form part of a larger plot and that the dwellings would relate to each other and be viewed within the same context, consideration must be given to their cumulative impact.

The applications include a detached dwelling and terrace of three dwellings which would front St Peters View. The detached dwelling would benefit from a double garage/cartlodge to the rear. The terraced dwellings would include an integral garage with parking spaces in front. Adjacent the terrace would be an access drive which would serve three larger detached dwellings to the rear, all of which would be different in design. The scale and design of the dwellings has been amended during the course of the application.

The site has previously benefited from planning permission for five dwellings which was granted in 1999.

CONSULTATIONS

It should be noted that Historic England and the Council's Historic Buildings Advisor both provided a response, which, although addressed parts of the four individual applications, provided a view and recommendation based on the four applications as a whole.

Historic England –

Initial response: The design of the houses on the street appears vernacular in inspiration. The design is not well considered or coherent, as the contrast between the front and rear elevations reveal. Concerns raised with the dwellings which form part of the other applications. The proposed development of seven dwellings would detract from the setting of the Conservation Area and that of the Old Rectory. Given the harm that would arise, it would be inappropriate for the local authority to proceed to weigh the harm against such benefits as it would produce.

Response to revised plans: The amended designs are more considered than those originally submitted. The amendments have given the terrace

proportions more consistent with the vernacular inspiration of the design. The consistency and coherence of the proposal have been much improved by the amendment of the designs. Question the appropriateness of manufacturing so characteristic an Essex scene as the group of mill house, mill and barn and the artificiality of the development proposed. Maintain the position that the development would harm the significance of both the Conservation Area and the Old Rectory but the harm would be modest in degree and less than substantial in the terminology of the NPPF (para.134). The Council should weigh the harm arising from the development against such public benefits as it would generate.

Environment Agency – The dwellings would be more than 20 metres from the main river and therefore fall outside of the scope of matters for which the EA is a statutory consultee.

Historic Buildings Consultant –

Initial Response: The valley is an important setting to the Conservation Area and listed building and development should seek to preserve and enhance that setting. No objection raised to Plot 1. The terrace would be similar to those which have been built on the opposite side of the road. The appearance would be appropriate to the location and would help create a well-defined and interesting frontage. The rear elevations require further consideration. The three larger properties would seek to create a faux rural scene with a watermill, miller's house and barn. There is no historical precedent for this. Concerns raised with the designs of the buildings. Unable to support any of the applications. Comments and advice provided on each of the applications.

Response to revised plans: The revised schemes submitted for the seven plots are now acceptable. Recommends approval, subject to conditions.

Highways – No objection subject to conditions.

Engineers – Unaware of any surface water issues affecting the site.

Landscape Services – No objection. Concern raised about trees T017 and T020 (an Oak and Sycamore) located in the centre of the site. These are large trees and not good neighbours to residential properties. Would prefer to see the central group removed and a more suitable replacement approved as part of a landscaping scheme. The Tree Protection Plan should be in place prior to development commencing. No concerns regarding protected species. There are opportunities to improve the level of biodiversity and this could be addressed in a revised landscaping scheme.

Parish Council – Object to the four applications on grounds of overcrowding.

REPRESENTATIONS

A Site notice was displayed and neighbouring properties were notified by letter. Two letters of objection has been received from the occupants of The Old Rectory raising the following points:

- The proposal is an imitation of past architectural styles;
- Development would harm the Conservation Area rather than fitting into it;
- The proposal would be harmful to the setting of The Old Rectory;
- The proposal would be contrary to RLP4 as it would be infilling a visually important space;
- The site should be retained as greenfield land to retain the semi-rural charm of the area and protect the environs of St Peter's Church (including The Old Rectory);
- The site is at risk of flooding and no Flood Risk Assessment has been submitted;
- The design is out of keeping with surrounding properties;
- The three storey terraced housing would be highly visible from The Old Rectory;
- Scale and density is out of keeping with the surrounding area;
- The loss of trees would be harmful to the setting of the Conservation Area;
- The removal of trees would remove potential bird nesting sites.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states that applications should be considered in the context of a presumption in favour of sustainable development.

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

As set out above, the Council has previously accepted residential development on this site.

Design, Layout & Impact Upon Heritage Assets

Policies RLP 3, 9, 10 and 90 of the Local Plan Review seek to protect the existing character of the settlement and the street scene. Policy RLP 90 states that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness. Policy RLP 9 states that new development

shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP 10 specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development.

With regard to amenity space, guidance set out in the Essex Design Guide indicates that dwellings with three bedrooms or more should be provided with a minimum garden size of 100sqm.

With regard to heritage assets, the following policies and guidance are relevant:

Para.132 of the NPPF states 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.

Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP 95 states that the Council will preserve, and encourage the enhancement of, the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of designated areas. Built or other development, within or adjacent to a Conservation Area and affecting its setting, will only be permitted provided that:

- (a) The proposal does not detract from the character, appearance and essential features of the Conservation Area;
- (b) Any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings;
- (c) Architectural details on buildings of value are retained
- (d) Building materials are authentic and complementary to the building's character.

Policy RLP 100 states that the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

St Peters View has evolved over a number of years and predominately comprises large detached dwellings which front the road and then culminate

in a cluster around a turning head at the end of the road. This is the final parcel of land within the road which is undeveloped.

The four dwellings the subject of application no's 15/01598/FUL & 15/01599/FUL comprise one detached dwelling and a terrace of three dwellings which would front onto St Peters View. The siting of these dwellings along the road frontage would follow the building line established by the recently constructed dwellings to the south. The design of the dwellings has however had to respond to the significant change in levels on the site. This is most obvious on the terraced dwellings where the dwellings appear as a two storey dwelling from the front and a three storey dwelling from the rear. In order to address the change in ground levels a lower ground floor level has been incorporated which would include doors and windows on the side and rear elevations. The design is not considered to be objectionable, and the more modest elevations would be visible within the street scene. Historic England raises no concerns with regard to these dwellings and the Council's Historic Buildings Consultant also considers these to be acceptable.

The three further dwellings which are the subject of application no's 15/01600/FUL & 15/01601/FUL would be three large detached dwellings. It appears that it may be the case that the design of the dwellings, as originally submitted, took some inspiration from 'mill' style dwellings. However the designs have been amended during the course of the application to address the artificiality that this created.

Plot 7 is closest to the road and located on the opposite side of the proposed access drive to the end of terrace dwelling at Plot 4. Although labelled 'Mill House' this dwelling is not of a design or context that resembles a mill building. It has the appearance of a Georgian dwelling. Whilst it would be a large three storey building, it is acknowledged that there are a number of large detached dwellings in the vicinity of the site, albeit of different design. The design has been amended and significantly improved during the course of the application.

The proposed dwelling at Plot 5 would have a barn-like appearance. This would be located on the lower part of the site and would not be prominent in the street scene. Views of this building would be obscured by the proposed frontage dwellings. The design has been amended to address the concerns of the Historic Buildings Advisor. It is not considered that the siting, scale or design of this dwelling are objectionable to the extent that would substantiate withholding planning permission.

The design of the proposed dwelling at Plot 6 has been amended so that it no longer resembles an artificial watermill building. The scale has been reduced and the height has been lowered. It now incorporates subordinate side and rear elements. The lucam projection characteristic of mill buildings has been removed from the front elevation.

Historic England initially objected to the applications, based upon the plans that were originally submitted with the application. It raised concerns with the

design of the front and rear elevations of the houses on the street, the scale of development and the imagined and manufactured grouping of the three detached dwellings which appeared to take their form and design from historic mill buildings. Historic England advised at that stage that the development would harm the significance of the Conservation Area and the Old Rectory, having regard to Para.132 of the NPPF.

The scale and design of the dwellings have been amended to address these concerns, and also those set out by the Council's Historic Buildings Consultant. In its latest consultation response, Historic England acknowledges that "the consistency and coherence of the proposal have been much improved by the amendment of the designs". However it still questions the appropriateness of manufacturing so characteristic an Essex scene as a grouping of mill house, mill and barn and considers that it would still cause some harm to the significance of the Conservation Area and The Old Rectory. Acknowledging the improvements, it now advises that the harm would be modest in degree, and less than substantial in the terminology of the NPPF (Para.134). The recommendation is that the Council weighs the harm arising from the proposed development against such public benefits as it would generate, as recommended in the NPPF (Para.132 & 134).

Any harm to the Conservation Area and setting of the listed building would be a public harm, and therefore the Council needs to weigh this harm against any public benefits that the proposal would deliver.

The Planning Practice Guidance (PPG) states that, when considering harm to a heritage asset, it is the degree of harm to the asset's significance (in this case the setting of the Conservation Area and the Old Rectory) rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

The PPG also states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It also states that an assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between

places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

The response from Historic England refers to the development of seven houses, ie all four applications. Despite a request from the Case Officer, Historic England has not identified the specific aspects of the development which it considers to be harmful to the Conservation Area and The Old Rectory. From its response to the revised plans, Historic England does not appear to raise any concerns with Plots 1-4. The concern appears to be related to the three larger detached dwellings which it states "are intended to create an imagined historic grouping, their forms supposedly those of historic structures of these types". The submitted plans label these dwellings as 'The Mill', 'Mill House' and 'The Barn'. The response from Historic England does not make any specific comments about the scale or design of these dwellings apart from noting the amendment has given the 'Mill House' a character far more consistent with its vernacular inspiration than was originally the case. The initial response from Historic England stated "the scale of elements of the development might itself make its impact harmful". It seems that the issue that Historic England has with the development is the perceived grouping of 'mill' buildings where they would not have formerly been found and thereby creating an artificial environment which it considers would damage the historic character of the area.

Historic England does not raise an objection to the principle of residential development in the locations of Plots 5, 6 and 7. Equally Officers do not consider the development of these plots to be objectionable. Historically planning permission has been granted for this area of land. In 1999 planning permission was granted for a proposal which included frontage development and the development of the rear part of the site.

The design of the dwellings has been amended so that they no longer mimic mill type buildings and are now considered an acceptable design approach.

Whilst only a small part of the site falls within the Conservation Area consideration must also be given to its setting. It is accepted that the proposal will bring new residential development closer to the boundary of the Conservation Area and to the listed building, and in doing so this will have some impact upon their settings, including public views from St Peters View.

The Conservation Area and the Old Rectory are located on the western (rear) side of the site. The character and appearance of these heritage assets can be best appreciated from public views along Rectory Road. The proposed development would be seen predominately within the context of the existing

dwellings at St Peters View. The Old Rectory itself is over 90 metres from the boundary of the site. The rear boundary of the site is defined by a closed boarded fence which marks the boundary between proposed residential sites and the Old Rectory. These are also located along the approximate boundary of the Conservation Area. Close to the boundary are a number of mature trees which substantially screen the sites and restrict views of the Old Rectory. A large amount of these are on the land associated with the Old Rectory. At the time of the Case Officer's site visit in January it was difficult to obtain views into or across the Old Rectory site. Only glimpsed views of the upper parts of the Old Rectory could be seen through small gaps in the network of trees. The trees are the predominant features which are seen from the site, not the building.

It is also worthy to note that an application for four dwellings on the adjacent site to the south known as 'The Tythings' was refused planning permission in 2012. This application proposed four detached dwellings which were inward looking and wrapped around the dwelling known as The Tythings. The applicant appealed this decision. The two main issues were the effect of the proposal on the Conservation Area and also its implications for the setting of the Old Rectory. The Inspector considered that the development would have had little visual or physical affinity with the nearby pattern of frontage development which would have appeared unduly cramped and congested and convey the impression of piecemeal development. The Inspector dismissed the appeal on the basis that the bulk, massing and tightly clustered arrangement of housing would fail to preserve or enhance the character and appearance of the Conservation Area. However, the Inspector took a different view when considering the setting of the Old Rectory stating "Although Rectory Meadow historically formed part of the grounds of the Old Rectory, the land in the vicinity of the appeal site no longer conveys the 'parkland-type' character described by the Council. The land appears visually and physically separated from the remainder of the grounds of the historic building by the dense belt of intervening trees. It is difficult to view or appreciate the historic building from the vicinity of the site even in winter, due to the dense and partly coniferous nature of the tree belt. Despite the significant shortcomings of the development, I consider that it would not intrude on the setting of the Grade II* listed building in any meaningful way". Since this appeal, a development of three dwellings which front on to St Peters View has been approved and built.

Consideration is now given to the public benefits of the proposal. As Members are aware, the Council has to significantly increase its supply of new housing, with a draft target of 845 dwellings per year set out in the emerging Local Plan. Whilst the four applications would deliver a relatively small amount of housing when compared to the required housing numbers, it would nonetheless make a contribution.

The development of this area of land would result in the final phase of development at St Peters View. The site has been cleared and is currently enclosed by herras fencing and used for the storage of building materials and machinery associated with the recent construction of dwellings at St Peters View. This does not enhance the character of the area. The site is not

allocated as a 'Visually Important Space' in the adopted Local Plan Review. Whilst it may currently provide an area of visual relief from the surrounding built development, it is not considered that its contribution to the character of the area is so great that development should be prevented. Furthermore, the Council has previously granted planning permission for residential development on this site.

As Members may be aware, following a decision issued by the Court of Appeal in May 2016 which re-instated national planning guidance (as set out in the National Planning Practice Guidance), the Council is no longer able to specifically request tariff based contributions for developments of 10 units or 1000 sq m or less. In this case, the applicant acknowledges that Historic England identifies some harm with three of the proposed dwellings (Plots 5, 6 and 7) and accordingly offers a contribution towards public open space. This would be used for improvements to open space within the village, as identified in the Council's Open Spaces Action Plan. This would provide a clear benefit for the community and the public. The contribution would be secured through a S106 Agreement. The contribution offered is based upon the amount that would usually requested by the Council for dwellings with four bedrooms or more in cases where it would be seeking a contribution in accordance with the Open Space Supplementary Planning Document. As set out in the Planning Practice Guidance (PPG) planning obligations assist in mitigating the impact of development which benefits local communities. The PPG states that "Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework". In this case it is considered that a contribution towards public open space is acceptable.

Historic England has identified that the proposal would give rise to less than substantial public harm. As set out above, Officers consider that the design and appearance of the proposed dwellings has been significantly improved through the submission of revised plans and are now considered acceptable. The appeal decision for the adjacent site also provides some guidance from the Inspectorate in terms of the site not having a harmful impact on the setting of the listed building. The proposal would also deliver some public benefits. Such benefits would be consistent with the economic, social and environmental dimensions of sustainable development, as set out in the NPPF and guidance set out in the PPG. When considering the planning balance and having regard to Para.134 as well as the requirements of the NPPF as a whole, Officers have concluded that any modest harm to the setting of heritage assets would be outweighed by the acknowledged benefits.

Impact on Neighbouring Amenity

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

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

Plot 1 would be located adjacent a recently constructed dwelling. There are no windows within the side elevation of this property and there is sufficient separation between the dwellings. The remainder of the new dwellings are located sufficient distance from nearby dwellings so as not to have an unacceptable impact upon amenity.

Highway Considerations

Policy RLP 56 states that off-road parking should be provided in accordance with the Council's adopted vehicle Parking Standards (Essex County Council Parking Standards, 2009). This indicates that for two bedroomed dwellings two spaces per dwelling should be provided. In accordance with adopted standards, each parking space should measure 5.5m x 2.9m. Enclosed garages should have minimum internal dimensions of 7m x 3m.

The Highway Authority has been consulted on the application and has raised no objection. Parking provision could be provided in accordance with the above. It is considered appropriate that a condition is imposed to ensure that the garages/carports are retained for parking at all times to ensure that they are not converted which would give rise to additional on-street parking.

Landscape Considerations

An Arboricultural Report and Tree Survey have been submitted with the application. A number of trees on the site are protected by Tree Preservation Orders. The Report states that it will be necessary to fell one tree irrespective of the development. In order to facilitate the development it will be necessary to fell ten low quality/poor longevity trees as these would conflict with the proposed development. Additionally, three individual trees and two landscape features require minor surgery to permit construction space or access.

The alignment of a garage nominally intrudes within the Root Protection Areas (RPA) of trees to be retained. This has only minor influence on the Root Protection Areas and it is recommended that linear root pruning is undertaken, to avoid the need for specialist construction techniques at this location. The Report also recommends that a Structural Engineer is consulted to assess the implications of the tree retention on the required foundation depths. Where new hard surfaces would encroach within the RPA of trees "no dig"

construction methods are recommended. The exact specification must be designed by a Civil Engineer.

The report indicates that all trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings within the report are complied with in full. This includes ensuring that protective fencing is erected as detailed in the report. The report also states that a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This should include fencing type, ground protection measures, “no dig” surfacing, access facilitation, pruning specification, phasing and an extensive auditable monitoring schedule. These can be secured by condition.

The Council’s Landscape Officer has raised concern with the retention of the existing trees within the central part of the site (to the rear of Plots 3 & 4) as this may give rise to overshadowing of the proposed dwellings. This has been discussed with the applicant’s agent, who has advised that they wish to retain these trees. Should these trees cause an issue for future occupants, the occupants would have to submit an application to the Council for works to reduce or remove these trees at a later date as these are covered by a Tree Preservation Order.

Flood Risk

Concerns have been raised in the letter of representation about flood risk. The land is located within Flood Zone 1, the lowest risk of flooding. Accordingly there is no requirement for the applicant to submit a Flood Risk Assessment. The scale of the development is also below the threshold for requiring a SUDS assessment. Drainage and the disposal of surface water would be a matter which would be controlled by Building Regulations. A condition is recommended to ensure that all areas of hard surface are constructed of porous materials.

Other

As set out above, four separate applications have been submitted and therefore must, to an extent, be considered individually. There is a risk through granting permission for four separate applications that they may not all be implemented and consideration must be given as to whether each application on its own would be acceptable if developed in isolation. With regard to this, it is noted that the dwelling at Plot 2 would form the end property of a terrace of three dwellings. The other two dwellings (Plots 3 and 4) have been submitted as part of a different planning application. The proposed dwellings within the terrace would only be acceptable if the rest of the terrace is built otherwise it could result in an internal wall and unfinished exterior on the side elevation. Therefore it is appropriate that a condition is imposed stating that neither of the separate elements of the terrace be occupied unless the whole of the terrace is built.

CONCLUSION

The site is located within the village envelope where the principle of new residential development is acceptable. The siting, scale and design of the proposed dwellings are considered acceptable and would not have an unacceptable impact upon the street scene, highway safety or the amenity of residents nearby. It is accepted that the proposal would give rise to some harm to heritage assets but this would be less than substantial, and Officers consider that such harm would be outweighed by the public benefits that the proposal would deliver. Sufficient off-road parking would be provided and detailed matters such as external materials, landscaping, enclosures etc. can be adequately dealt with by condition.

The four applications have been considered acceptable on the basis of their individual merits and would deliver, collectively, a cohesive group which would complete development on this residential street. Part of the development comprises a terrace of three new homes which, although split between two applications, could not reasonably be disaggregated without compromising the appearance of their part of the group. Accordingly conditions on both applications link one to the other.

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: 13/303/LOCATION 7	
Existing Site Plan	Plan Ref: 13/303/SURVEY	
Site Masterplan	Plan Ref: 13/303/MASTER	Version: D
Enclosures etc	Plan Ref: 13/303/15	
Density Parameters Plan	Plan Ref: 13/303/17	
Other	Plan Ref: 13/303/18	
Other	Plan Ref: DFC1036P1H	Version: Phase 1 Habitat Survey
Landscaping	Plan Ref: 4908-D-A	Version: A
General Plans & Elevations	Plan Ref: 13/303/8	Version: C
Planning Layout	Plan Ref: 13/303/10	Version: C
Street elevation	Plan Ref: 13/303/11	Version: B
Landscaping	Plan Ref: 13/303/12	Version: C
Section	Plan Ref: 13/303/16	Version: B
Arboricultural Report	Plan Ref: 4908	Version: A

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

Reason

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

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

Reason

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

- 3 The garages/cartlodes hereby approved shall be used for the parking of vehicles or domestic storage only. They shall not be used or converted to living accommodation at any time.

Reason

In order to ensure that adequate parking is provided in accordance with the Council's adopted Parking Standards and to prevent an increase in on-street parking.

- 4 Construction of any buildings shall not be commenced until samples 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 / alteration of the dwelling-house, as permitted by Class A, B, C 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

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 6 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.

- 7 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. The development shall be carried out in accordance with the approved details set out in the Arboricultural Method Statement.

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

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

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The details are required prior to the commencement of development to ensure that the existing trees are retained during the development and the proposed works do not compromise the future retention of the trees.

- 8 The enclosures as indicated on the approved layout plan shall be erected prior to first use/occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

- 9 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 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 interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 The vehicular parking spaces shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 12 All single garages should have a minimum internal measurement of 7 metres x 3 metres and all double garages should have a minimum internal measurement of 7 metres x 5.5 metres.

Reason

To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with policy DM 8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary

Guidance in February 2011.

- 13 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 positions of lighting 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

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

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

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

Reason

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

- 15 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.

- 16 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.

- 17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - Safe access to / from the site including the routing of construction traffic;

- The storage of plant and materials used in constructing the development;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The details are required prior to commencement as they relate to the construction period of the development.

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

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 19 All new brickwork shall be constructed to give the appearance of Flemish or English bond.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 20 Only tile and half-tile, and plain tile undercloaking, shall be used on the verges of the roofs the subject of the development hereby approved.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 21 Window and door frames shall be set into brickwork by at least 70mm behind the face of the bricks.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 22 In rendered areas the new windows shall have pentice boards and not a bellmouth drip detail.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to the Conservation Area.

- 23 The development shall be carried out in accordance with the approved Arboricultural Impact Assessment listed above.

Reason

To ensure the protection and retention of existing trees which are considered to enhance the development.

- 24 Prior to the occupation of the dwelling hereby approved details of the height, design and proposed materials for the retaining wall and railings to the front of the dwelling shall be submitted to and approved in writing by the local planning authority. The wall and railings shall be constructed in accordance with the approved details.

Reason

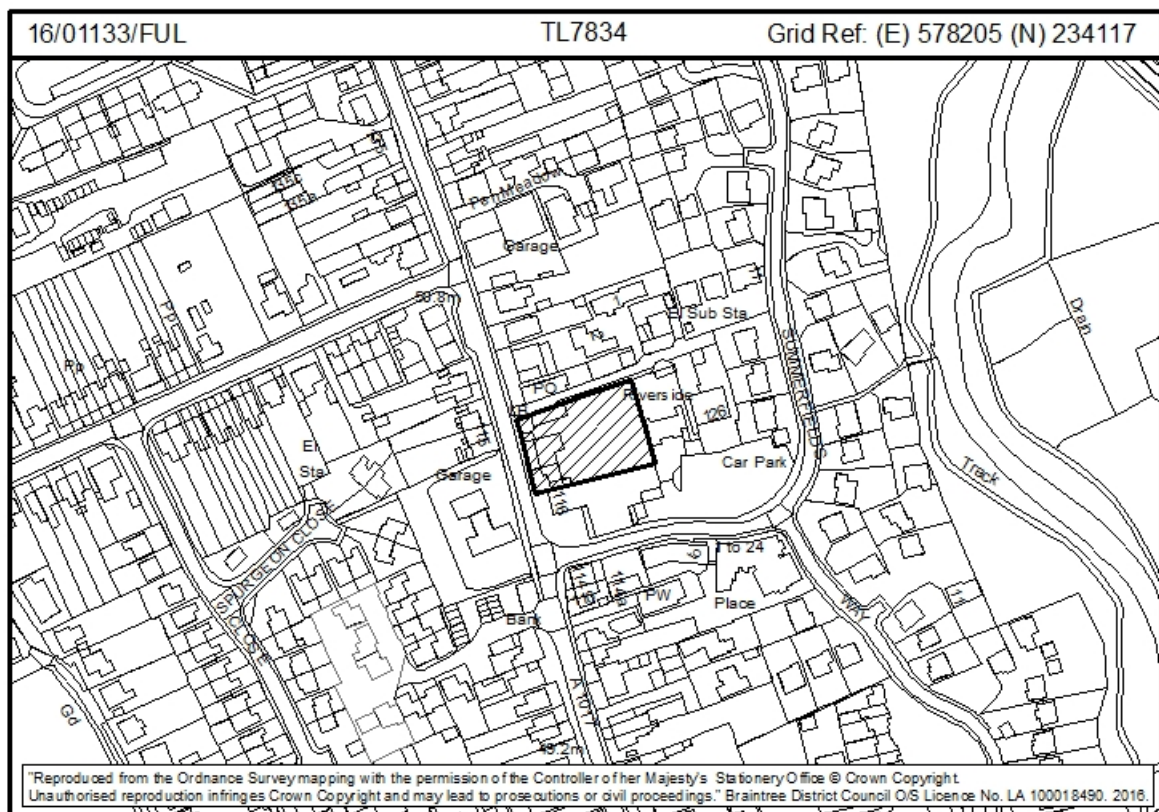
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01133/FUL DATE: 30.06.16
 VALID:
 APPLICANT: DSG Developments
 Mr G Day, C/o Agent
 AGENT: Edward Gittins & Associates
 Mr E Gittins, Unit 5 Patches Yard, Cavendish Lane,
 Glemsford, Sudbury, Suffolk, CO10 7PZ
 DESCRIPTION: Refurbishment of Sydney Villa and demolition of
 conservatory and outbuilding, erection of 1 no. detached
 dwelling and 2 no. attached dwellings with associated
 gardens, garaging and parking and improved access
 LOCATION: 124 Swan Street, Sible Hedingham, Essex, CO9 3PP

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext.
 or by e-mail to:



SITE HISTORY

15/01207/FUL	Conversion of dwelling to form 2 no. dwellings, erection of extension to form 1 no. dwelling following demolition of single storey conservatory and workshop, erection of terrace of 3 no. dwellings to the rear, and demolition of outbuilding and provision of resident and visitor parking spaces, bicycle parking and bin store served via an improved existing access	Withdrawn	30.10.15
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP81	Trees, Woodland Grasslands and Hedgerows

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, due to the Parish Council objecting, contrary to officer recommendation.

SITE DESCRIPTION

The application site is located to the eastern side of Swan Street Sible Hedingham. The site currently comprises a detached house which fronts on to Swan Street. The dwelling benefits from a large garden and a series of

detached outbuildings sited along the northern boundary of the site. The site is bound with the highway by a low brick wall and railings.

The northern boundary of the site immediately abuts an access driveway which leads to a few residential properties and rear access to the post office. This boundary is treated with a high brick wall. To the south the site abuts Darkins Supply Store and to the east the residential property of Riverside, which is accessed from Summerfields. Immediately opposite the site to the western side of Swan Street is the Shell Petrol Station and residential properties.

The site contains a tree subject to a Tree Preservation Order (TPO) within the south eastern corner.

PROPOSAL

The application seeks planning permission for the erection of 1no. dwelling (plot 2) sited between the existing property and Darkins Supply Store and the erection of a pair of semi-detached houses within the rear garden (plot 3 and 4). The existing property (plot 1) would be refurbished and continue its use as a residential property. In order to facilitate plot 2, the existing single storey conservatory is proposed to be removed.

The existing access is proposed to be utilised to provide access to the allocated car parking for each property and access to plots 3 and 4. The existing outbuildings sited along the northern boundary are proposed to remain and will be used for car parking and storage for plot 1. Each property will be served by a private amenity space within a rear garden.

CONSULTATIONS

Sible Hedingham Parish Council – Object on the grounds of insufficient parking, overdevelopment and poor entrance/exit on to Swan Street.

ECC Highways – No response received to date.

BDC Environmental Health – No objections

REPRESENTATIONS

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

- No secure storage for cycles
- Possible lorry parking in the lane
- Poor entrance on to Swan Street
- Over development
- Insufficient parking

REPORT

Principle of Development

The application site is located within the Village Envelope of Sible Hedingham. Policy RLP2 of the Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Policy RLP3 of the Local Plan Review states that within Town Development Boundaries and Village Envelopes, residential development will only be permitted where it satisfies amenity, design environmental and highway criteria.

The proposed development is considered acceptable in principle. All other material considerations are addressed below.

Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design as key aspect of achieving sustainable development.

Policy RLP3 of the Local Plan Review states that residential development 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. Policy RLP9 of the Local Plan Review requires new residential development to create visually satisfactory environments, 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 require high standards of design and layout in all developments.

Swan Street is densely developed resulting from a number of backland developments which have occurred over time, and as such the proposed development is not out of character or unusual within this specific context. It is considered that the proposed development in terms of its density would fit comfortably into the site and the immediately locality.

The proposed layout is such that plots 1 and 2 front on to Swan Street and plot 3 and 4 are contained to the rear of the site with a frontage facing north. These properties are sited some 7.7m from the northern boundary. The existing access from Swan Street is utilised to provide access in to the site and to the allocated car parking for each property.

Plot 1 is to remain as existing, other than the removal of the existing conservatory. Plot 2 has been designed to replicate the Victorian features of plot 1, with a projecting bay window, brick plinth and sash windows with soldier course detailing above. Although Swan Street is generally eclectic in terms of the designs and forms of the properties, there are a number of properties which present Victorian features. It is considered that plot 2 fits appropriately into the street scene and relates well to its surroundings, in terms of its design, size and form.

Plots 3 and 4 are of a more generic design; however this semi-detached pair is considered to be of an acceptable form and appearance and would not impact negatively on the surrounding area. The use of matching materials, brick plinths and soldier courses draws on detailing from plots 1 and 2 and ensures continuity between the two distinct parts of the scheme.

The Essex Design Guide advises that for all properties with 3 or more bedrooms, a minimum of 100sqm of private amenity space should be provided. Each property benefits from a garden area in excess of the 100sqm area, conforming to the Essex Design Guide. The garden area to plot 4 will contain the protected Horse Chestnut tree. As will be discussed below, reduction works are proposed to this tree. Given the position of the tree in the very corner of the garden area, the size of the garden and the reduction works proposed, it is not considered that the tree will unreasonably shade the garden area or rear windows of plot 4 which would impact upon the environment created for future occupiers.

All of the car parking is located within the site, served from a single access. As required by the adopted car parking standards, each property is served by 2no. off street car parking spaces to dimensions of 2.9m x 5.5m. 1 no. visitor space is also provided as required. A turning area is provided which allows vehicles to manoeuvre in to and out of the car parking spaces and provides space for vehicles to turn and exit the site in a forward gear.

It is considered that the proposal is an acceptable form of development and can successfully be accommodated within the site, with each dwelling being served with sufficient off street car parking and good sized useable garden areas. The properties have been designed to draw on local characteristics and are of a size and form such they create an acceptable relationship with the existing development. It is Officer's opinion that the development accords with the aforementioned policies.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 requires consideration to be given to the amenity of neighbouring properties.

Plot 2 is proposed to be positioned between plot 1 and Darkins Supply Store. It is not considered that this property would be intrusive or overbearing upon neighbouring properties and the windows proposed would not give rise to unreasonable overlooking.

Plots 3 and 4 are sited some 19m from the rear elevation wall of plots 1 and 2 and are sited at 90° to them. Given the distance and lack of fenestration to the flank wall of plot 3 it is not considered that there would be any unreasonable overlooking. Immediately north of plots 3 and 4 are the residential properties of no. 1 The Warren, no. 2 The Warren and no.128 Swan Street.

No 1 The Warren is set back and partly behind No. 2 The Warren, such it is not considered that the proposed development would give rise to any unreasonable overlooking to this neighbouring property. No.128 is sited 26m to the north east and on land at a lower level. It is not considered that the amenities of the occupiers of this neighbouring property would be unreasonably compromised by the proposed development.

No. 2 The Warren is sited directly opposite plots 3 and 4, separated by 20m. This neighbouring property is chalet bungalow and contains one obscure glazed window in the gable end at first floor, facing on to site. At ground floor there are two windows, however these are almost completely screened by existing close boarded fencing. The proposed development will undoubtedly cast a view towards this neighbouring property; however some overlooking is not objectionable within a residential context, especially where the density is high, which is the case in this part of Swan Street. Given the distance between the proposed development and no. 2 The Warren and the limited number of windows on the southern side of this property, it is not considered the development would unreasonably harm the amenities of the occupiers of no. 2 The Warren such to justify a reason for refusal.

To the east of the site is the residential property of Riverside. This property has a dominant flank wall which is sited almost on the boundary which does not contain any fenestration. This property faces on to Summerfields; as such the proposed properties would be positioned adjacent to the rear garden area of this neighbouring property. There is no fenestration proposed at first floor level that would give rise to overlooking. In addition given the path of the sun relative to the siting of the properties and the distance from the shared boundary, it is not considered that the proposed development would give rise to unreasonable overshadowing. It is not considered that the amenity of the occupiers of this neighbouring property would be unreasonably harmed as a consequence of the proposed development.

Highway Issues

The existing access is proposed to be utilised to serve the development. The site plan shows the provision of additional visibility splays. At the time of writing this report no comments had been received from the Highways Authority. It is noted that they did not object to the previous scheme which was withdrawn before determination.

Officers do not envisage any problems with regards to the use of the existing access, which would raise a reason for refusing the application; however comments will be sought from the Highways Authority and reported to the Committee. The existing outbuilding alongside 124 is currently used for parking and this is its intended use in this application.

Other Matters

Trees/Landscaping

Policy RLP81 of the Local Plan Review states that landowners will be encouraged to retain, maintain and plant in appropriate locations, locally native trees.

The site is currently landscaped as a rear garden and contains tree planting along the northern boundary which can be seen above the brick wall. In addition the site has a Horse Chestnut tree subject to a Tree Preservation Order located in the south eastern corner. The application is supported by an Arboricultural Impact Assessment.

Some of the existing planting along the northern boundary will need to be removed in order to accommodate the proposed development. All of the trees to be removed are classed as category C and U and thus their removal is not considered objectionable as they have little amenity value outside of the curtilage of the site. A condition requiring a landscaping scheme can be sought by condition to ensure that suitable trees will be planted to replace those that will be lost.

The protected Horse Chestnut is a category B tree. It was preserved in order to prevent this highly visible tree from being removed or reduced as part of any development. The Landscapes Team have confirmed that the Order was made with a close inspection of the tree and the report submitted makes a case for a suitable reduction of the tree to ensure the robustness of the canopy. The works proposed to the Horse Chestnut are considered acceptable. It is recommended that the works set out within the arboricultural report are secured by condition.

The site plan shows additional planting along the frontage of the site which is welcomed. The landscaping scheme can secure suitable choices of planting to reflect the local setting.

The proposed development is considered to comply with policy RLP81 of the Local Plan Review.

CONCLUSION

It is considered that the proposal is an acceptable form of development and can successfully be accommodated within the site, with each dwelling being served with sufficient off street car parking and good sized useable garden areas. The properties have been designed to draw on local characteristics and are of a size and form such they create an acceptable relationship with the existing development, in compliance with policies RLP3, RLP9 and RLP90 of the Local Plan Review and CS9 of the Core Strategy.

The proposal is not considered to give rise to any harm to the amenities of neighbouring residential properties, satisfying part (iii) of policy RLP90 of the Local Plan Review.

The works proposed to the trees within the site are considered appropriate and a landscaping condition will ensure the planting that will be lost is replaced in a suitable location within the site, complying with policy RLP81 of the Local Plan Review.

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	
Existing Plans	Plan Ref: 138-14-EX
Proposed Plans	Plan Ref: 138-14-20A
Proposed Plans	Plan Ref: 138-14-21
Arboricultural Report	Plan Ref: 187

- 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 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes have 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 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no window, door or other means of opening shall be inserted above first floor level on any elevation of the properties hereby permitted,

in addition to those shown on the approved drawings listed above.

Reason

In order that the local planning authority may exercise control over any proposed future fenestration in the interests of residential amenity

- 5 Prior to first occupation of any of the new units of accommodation, the car parking spaces as shown on drawing no. 138-14-20A shall be laid out and constructed in their entirety and made available for use. Thereafter the said car parking spaces shall be retained and maintained in the approved form and used solely for the parking of vehicles and for no other purpose which would impede vehicle parking.

Reason

To enable the Local Planning Authority to secure satisfactory provision for the parking of vehicles to accord with the adopted standard.

- 6 Prior to first occupation of any of the new units of accommodation, the visibility splays at the site entrance shall be provided as shown on drawing no. 138-14-20A. Once provided the said visibility plays shall be thereafter retained and maintained in their approved form and kept free from obstruction above a height of 600mm above the finished surface of the vehicular access.

Reason

To ensure that adequate visibility is provided in the interests of highway safety

- 7 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 to mitigate against the trees/planting that will be lost.

- 8 No development shall commence before the works to the Horse Chestnut tree within the site (protected by TPO TPO04/2014) have been undertaken and completed in strict accordance with that set out in the Arboricultural Impact Assessment, produced by Oisín Kelly, Arboricultural Consultant Skilled Ecology, dated 15th June 2016.

Reason

In order to ensure the longevity of the protected tree and to ensure a satisfactory relationship between the tree and the development hereby permitted. This matter must be dealt with prior to the commencement of development as the tree works will need to be complete prior to construction to ensure the required works to the trees can be undertaken and that the development can be accommodated sufficiently.

- 9 The development shall be carried out in accordance with the approved Method Statement as contained within the Arboricultural Impact Assessment listed above, undertaken by Oisín Kelly Arboricultural Consultant of Skilled Ecology Ltd, dated 16th June 2016.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges

- 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

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

- 11 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.

- 12 Prior to first occupation of the development details of any gates, fences, walls or other means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority shall be erected prior to the development first being occupied and thereafter maintained in the approved form.

Reason

To enable the Local Planning Authority to retain adequate control over such details in the interests of residential and visual amenity.

- 13 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.

INFORMATION TO APPLICANT

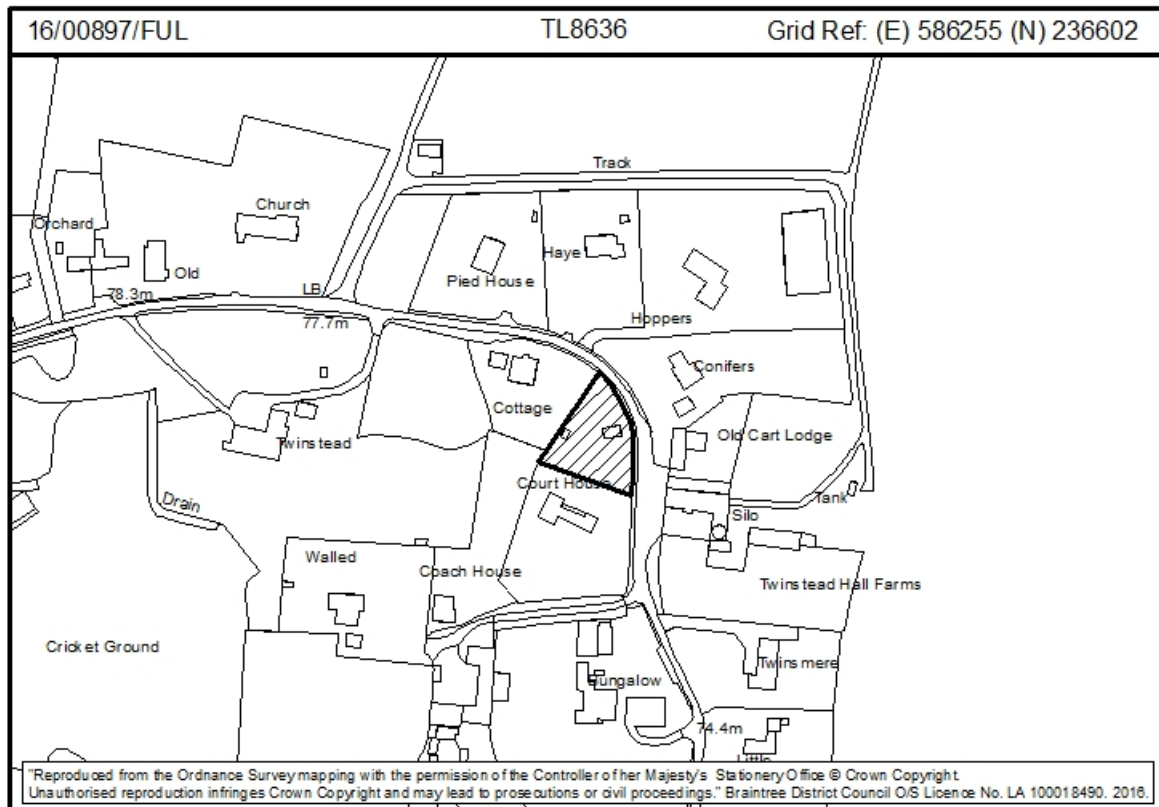
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/00897/FUL DATE: 10.06.16
 VALID:
 APPLICANT: Mr And Mrs D Holland
 Court House, Church Road, Twinstead, Essex
 AGENT: Nick Peasland Architectural Service
 Mr Nick Peasland, 2 Hall Cottages, Assington Park,
 Assington, Sudbury, CO10 5LQ
 DESCRIPTION: Erection of three bedroom detached dwelling and detached
 double garage
 LOCATION: Land Adjacent Court House, Church Road, Twinstead,
 Essex

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext.
 or by e-mail to:



SITE HISTORY

N/A

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP2 Town Development Boundaries and Village Envelopes
RLP16 Hamlets and Small Groups of Dwellings
RLP56 Vehicle Parking
RLP81 Trees, Woodland Grasslands and Hedgerows
RLP90 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

SITE DESCRIPTION

The application site is located to the western side of Church Road within the settlement of Twinstead. Twinstead does not have a development boundary/village envelope and is therefore located within the countryside for planning purposes.

The site currently forms part of the large garden of the residential property of Court House. Court House is located to the south of the application site. The garden is landscaped with planting and there are several substantial trees within the site, located along the site boundaries. To the northern corner of the site is a sycamore tree which is protected by a Tree Preservation Order.

The existing site of Court House benefits from two vehicular accesses off Church Road. The most northern access serves the existing garage and is proposed to be utilised to serve the proposed dwelling.

PROPOSAL

The application seeks planning permission for the erection of a detached dwelling and a detached double garage. The proposed dwelling is sited fronting east on to Church Road, but set back 7.6m from the eastern boundary. The dwelling would be served by an existing vehicular access off Church Road. A new pedestrian access will be formed in the existing wall along the eastern boundary of the site.

The proposed site plan shows the development would secure a large rear garden area and a driveway for parking and turning.

In order to facilitate the development it is proposed to remove three trees and small section of the hedging along the eastern boundary will be lost to accommodate the pedestrian access referred to above. All the other trees within the site will be retained.

CONSULTATIONS

BDC Engineers – No objections

BDC Landscape Services – No objections, subject to condition regarding tree protection.

ECC Highways – No objections

REPRESENTATIONS

9 letters (3 in support and 6 in objection) have been received in response to the public consultation, the contents of which are summarised below:

Letters in support:

- No reason why this application should not be granted
- It has a good access
- The dwelling will be sympathetic and characterful
- Will enable another family to enjoy rural life
- The plot will retain the character in its frontage
- The plan shows a lot of thought and consideration being sympathetically designed
- The house will not overlook or be overlooked
- Any concern regarding the access could be dealt with by erecting a sign

Letters in objection:

- No sheltered and secure cycle parking
- Church Road is a single track road
- The proposed driveway would be dangerous as close to sharp bend
- Another building does not help the enjoyment of a small village

- Concern with builders and their equipment being on site at all times of the day
- The red brick wall should be retained
- Contravenes countryside planning policy and will trigger further building developments in this unspoilt village
- Will create and increase traffic
- The development is within the garden of the prettiest house in Twinstead
- The protected Oak trees should not be undermined
- Will change the outlook from several surrounding buildings
- Will overshadow bungalows nearby
- Will set a precedent

REPORT

Principle of Development

Policy RLP2 of the Local Plan Review 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 of the Core Strategy 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.

Policy RLP16 of the Local Plan Review provides an exception to the countryside policies of restraint and allows for the development of a single dwelling in circumstances where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings. Policy RLP16 of the Local Plan Review allows, in particular circumstances, for housing in rural areas. This is considered consistent with the more permissible approach to development with rural areas as set out within the NPPF, whereby paragraph 55 of the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities.

Policy RLP16 of the Local Plan Review sets out some specific requirements which a proposal must satisfy in order to be permissible. Policy RLP16 allows the infilling of a gap, for a single dwelling, between existing dwellings. This policy does not apply to proposals for individual isolated dwellings, or the 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 for the further infilling of large gaps will be resisted.

As Twinstead is not a defined settlement, the principle of a new dwelling is dependent on whether the proposal meets the criteria of Policy RLP16. This policy assessment and all other material consideration are addressed below.

Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design as a key aspect of achieving sustainable development. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments. Policy RLP16 of the Local Plan Review seeks to ensure that new development is not detrimental to the character of the surroundings.

There is no distinct design to the properties in Twinstead such it presents an eclectic mix, with examples of older properties and also more modern additions. Key characters of the settlement are that the dwellings are generally detached and sited on large plots and set back from the road.

The settlement of Twinstead has a nucleus of more than 10 dwellings and thus the proposal accords with this requirement of policy RLP16. The size of the plot could accommodate more than one dwelling, however in order to maintain the character of the area, whereby detached houses are sited on generous plots and positioned back from the highway, more than one dwelling would appear distinctly out of character with the established street scene and therefore objectionable on this basis. Officers are of the opinion that the site could only satisfactorily accommodate one dwelling, according with the stipulations of policy RLP16.

The development would not be isolated nor would it form the extension of ribbon development. Although there are other dwellings which have large gardens, none are identical to the host property and any other such proposals would need to be considered on their merits.

The proposed dwelling is two storey in height (7.6m) and takes a traditional form with a rectangular footprint and pitched roof. The front elevation has a symmetrical appearance with a central projecting gable, which overhangs slightly at first floor level and two pitched roofed dormers either side. The proposed dwelling would be finished in painted render with a brick plinth and clay plain tiles. All windows and doors are shown to be timber.

It is considered that the design of the property will fit appropriately in to the street scene of Church Road and the size and scale of the building respects the general form of nearby properties. The dwelling is positioned set back in to the site and the existing wall and majority of the existing trees will remain, such the development will be well screened, maintaining the character of the street in this respect.

It is considered that the proposed development by way of its layout, siting, height and overall elevational design is in harmony with the character and appearance of the surrounding area and is an acceptable form of development for this site, which would not prove detrimental to the established street scene. The proposal would not set a precedent for the consolidation of sporadic or ribbon development, or the further infilling of large gaps. The

proposal is considered to satisfy the NPPF, policies RLP16 and RLP90 of the Local Plan Review and policy CS9 of the Core Strategy.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 requires consideration to be given to the amenity of neighbouring properties.

The proposed dwelling would be well separated from existing residential properties and would not give rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

A condition can be placed on any grant of consent which controls the days/times that construction of the development can take place in order to protect the amenities of nearby residential properties.

Highway Issues

It is proposed to utilise an existing access to serve the proposed dwelling. Comments made from neighbouring residents raise concern with the access, given the single track nature of Church Road and the fact that the road bends meaning visibility is restricted.

The access currently serves a garage associated with Court House. A neighbouring resident has commented that this access is not often used, however it is in place and there is no restriction on the frequency of its use. Officers consider that it would be difficult to argue that the proposed access is not suitable to serve a residential property, given that this is already the case. It is appreciated that an additional dwelling within Twinstead increases vehicles movements along Church Road and beyond, however the increase from one dwelling would not raise traffic levels significantly.

The driveway proposed allows for turning and therefore it would be possible for all vehicles to exit the site in a forward gear. In addition given the nature of Church Road it is considered unlikely that traffic will be travelling at excessive speeds.

Given the access is existing and already used for domestic purposes, Officer's do not consider that a refusal of planning permission on the basis of the access could be substantiated in this case.

The Highways Authority raise no objections, subject to conditions in respect of the material for surface treatments and that there shall be no discharge of surface water on to the highway.

The site can accommodate car parking to meet the adopted standard which requires two off street spaces. It is noted that the garage does not meet the required dimensions in order to be classed as a parking space, however given

that more than sufficient off street car parking can be accommodated on site, this is not necessary.

Other Matters

Trees

Policy RLP81 of the Local Plan Review states that the Local Planning Authority will encourage landowners to retain, maintain and plant in appropriate locations, locally native trees and hedgerows.

In order to accommodate the development it is proposed to remove three trees and part of the cherry laurel hedgerow along the eastern boundary. The three trees to be removed (Apple, Yew and Rowan) are all classed as category C. In addition two hazel trees are proposed to be crown reduced.

The application is supported by a Tree Protection plan in order to provide adequate protection of the trees to be retained within the site. The application is also supported by an Arboricultural Method Statement which proposes a reduced dig surface on part of the driveway given that it extends across the root protection area of a hazel tree sited on the eastern boundary.

The site is heavily landscaped and the majority of the trees will be retained, such it is not considered that the appearance of the site or the wider locality would be adversely affected by the loss of the three trees. A condition can be placed on any grant of consent which requires the development to be undertaken in accordance with the Tree Protection Plan and Method Statement in order to ensure the protection and longevity of the trees to be retained.

It is noted that the site is not located within a Conservation Area and the trees proposed to be removed/reduced are not subject to a Tree Preservation Order (TPO). As such the trees could be removed at any time without permission from the Council.

CONCLUSION

To conclude the proposed development is considered acceptable in principle, given that it accords with policy RLP16 of the Local Plan Review which allows for the development of a single dwelling in circumstances where there is a defined nucleus of at least ten dwellings. The design of the property and layout of the site is considered to fit appropriately in to the street scene of Church Road and the size and scale of the building respects the general form of nearby properties. The proposed development is considered to satisfy the NPPF in this regard, policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy.

The proposed development would utilise an existing access and Officers do not consider that a refusal of planning permission could be justified on the basis of the continued use of this access to serve the proposed dwelling.

The proposed development would not give rise to any unacceptable impacts on the amenity of nearby residential properties and the works proposed to existing trees are considered acceptable.

RECOMMENDATION

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

APPROVED PLANS

Existing Block Plan	Plan Ref: 2453/01	Version: A
Existing Site Plan	Plan Ref: 2453/02	Version: A
Proposed Plans	Plan Ref: 2453/03	Version: A
Proposed Plans	Plan Ref: 2453/04	Version: A
Arboricultural Report	Plan Ref: PROJECT REF 233	

- 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

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used on all the external finishes have 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 The development shall be carried out in accordance with the approved Method Statement as contained within the Arboricultural Impact Assessment listed above, undertaken by Oisín Kelly Arboricultural Consultant, dated 9th June 2016.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges

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

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

Reason

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

- 6 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.

Reason

To ensure satisfactory surface water drainage to prevent any increased risk of flooding.

- 7 The garage hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

In order that the local planning authority may exercise control over any proposed future use of the garage in the interests of residential amenity and the amenity afforded to the countryside location.

- 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 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 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 interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

INFORMATION TO APPLICANT

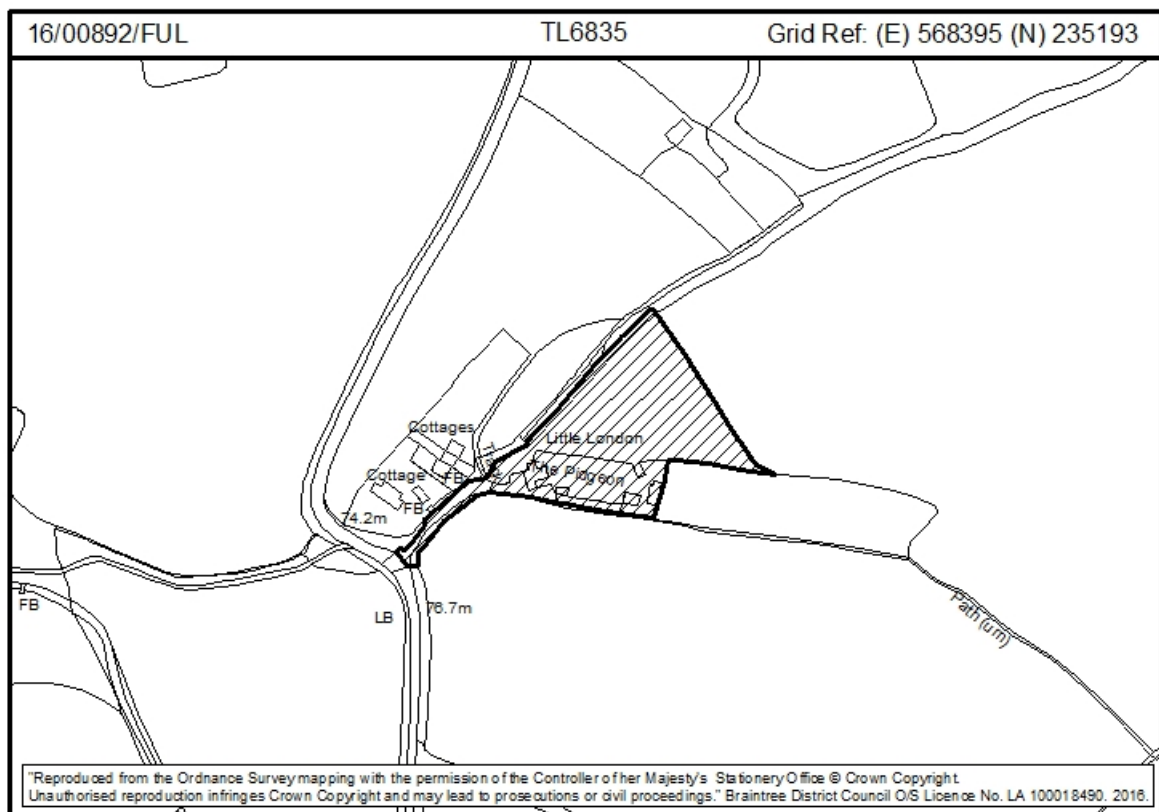
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 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

PART B

APPLICATION NO: 16/00892/FUL DATE: 25.05.16
 VALID:
 APPLICANT: Mr & Mrs Millar
 The Pigeon, Little London Hill, Finchingfield, Essex, CM7 4JF
 AGENT: Andrew Stevenson Associates
 21A High Street, Great Dunmow, Essex, CM6 1AB
 DESCRIPTION: Erection of detached domestic outbuilding providing garaging, storage and workshop and construction of menage with associated landscaping works.
 LOCATION: The Pigeon, Little London Hill, Finchingfield, Essex, CM7 4JF

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

14/01418/FUL	Removal of existing two storey extension, erection of two storey and single storey extension, replacement garaging and associated landscaping works	Withdrawn	12.12.14
75/01297/P	Alterations and extensions to existing house	Granted	04.06.76
77/00713/P	Extension to existing dwelling to provide additional bedrooms, kitchen and bathroom	Granted	26.08.77
74/00985/P	Proposed renovation and extension of existing dwelling	Refused	23.07.75
15/00233/FUL	Removal of existing two storey extension, erection of two storey and single storey extension, replacement garaging and associated landscaping works	Granted	10.04.15

POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented at Committee, as in consultation with the Chairman and Vice Chairman the proposal was considered potentially significant in its impacts.

SITE DESCRIPTION

The Pigeon is a two storey dwelling-house, located outside of any village envelope or conservation area. The site has recently been thoroughly extended in the last year, with a number of extensions and an outbuilding approved under reference 15/00233/FUL. This followed a previous application for extensions, which were considered to be too large and the application was subsequently withdrawn.

PROPOSAL

This application proposes a garage building. The proposed building would measure approximately 9 metres x 10 metres, in an 'L' shape. The building would house an open cartlodge, a garage, and a workshop/store element, and be located to the east of the main house.

The application also proposes a ménage for private equestrian use, to the north west of the house.

CONSULTATIONS

Parish Council

No Objections.

REPRESENTATIONS

A site notice was displayed at the site and neighbours notified by letter. No representations were received.

REPORT

Principle of Development

The NPPF sets out a presumption in favour of sustainable development. In 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 NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the

layout, scale, form, details and materials come together to “help achieve good design and connected objectives” for the context of the site. Policy RLP18 of the Braintree District Local Plan Review elaborates on this still, allowing the provision of outbuildings in association with existing dwellings within the countryside provided that it is “in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands”. It reiterates that it “will be required to be subordinate to the existing dwelling in terms of bulk, height, width and position.”

The outbuilding subject of the application appears subordinate to the host dwelling in terms of its footprint and scale. This garage would be much larger and more traditional in its design than the previously approved garage, however would remain subordinate to the host dwelling.

It is considered that should both approved garages be built, the cumulative impact of built development on the site would exceed an acceptable limit. Having spoken to the agent of the application, it is understood that the garage approved permission in 2015 will no longer be built. A condition can be implemented onto this permission requiring the previous garage isn't built.

Local planning policy is supportive of equestrian facilities. Policy RLP85 permits equestrian paraphernalia where there would be no significant impact on the landscape, where there would be no need for highway alterations, there are appropriate bridleways nearby, and no additional residential accommodation would be required to facilitate the use. It also makes clear that floodlighting would not be acceptable.

The application does not include the provision of any form of floodlighting in the vicinity of the proposed ménage. It would be inconspicuously located, to the north west of the site, and have no undue or unacceptable impact on neighbouring residential amenities. A condition is recommended requiring details of the means of landscaping the ménage, to ensure it is adequately screened from all angles so as not to impact on the landscape.

On this basis, subject to appropriate conditions, the principle of the proposed development is considered acceptable.

Design, Appearance and Layout

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 requires 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.

Whilst it would be substantially larger than the outbuilding previously approved, it would not be visible from the public highway, and wouldn't cause an unacceptable level of intrusion into the landscape given a high bund adjacent to the site. In this regard, the application is considered acceptable.

The proposed ménage, which would be located north west of the main dwelling-house, would consume a relatively large area; notwithstanding that, it is a size expected with a ménage and appears suitable for the countryside setting, where it is set back from the main road and wouldn't be visible.

Impact on Neighbour Amenity

Given the isolated nature of the site, the proposed garage is unlikely to result in any unacceptable impact on neighbouring residential amenities.

Highway Issues

The Council refers to the Council's adopted Parking Standards Design and Good Practice (2009) Supplementary Planning Guidance, which requires new residential dwelling-houses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that internal garage dimensions shall measure 7 metres x 3 metres.

At 3 x 5 metres, the garage wouldn't conform to the Council's Parking Standards. Notwithstanding this, it is apparent there is more than adequate parking space elsewhere on site, in accordance with the standards.

OTHER ISSUES

A condition is recommended tying the garage and ménage to the use of the dwelling-house.

CONCLUSION

It is considered that the proposal, subject to the proposed conditions, would be in accordance with planning policies and would not harm the character of the surrounding rural setting.

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: 100
Floor Plan	Plan Ref: 103
Elevations	Plan Ref: 104
Block Plan	Plan Ref: 105

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

Reason

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

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

Reason

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

- 3 The building hereby permitted shall be used solely in connection with and for the private and personal enjoyment of the occupants of The Pigeon, Little London Hill. No other uses, including commercial or residential occupation, shall take place whatsoever.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 The garage hereby approved as part of this planning permission shall not be constructed if any part of the garage for which planning permission was granted by the local planning authority on 10th April 2015 and pursuant to planning application reference no. 15/00233/FUL is constructed in any way.

Reason

In the interests of the appearance of the locality and to prevent an unacceptable cumulative impact of built development in the countryside location.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no floodlights shall be installed.

Reason

In the interests of the appearance of the surrounding countryside.

- 6 Prior to first occupation of the development hereby approved details of all the proposed fencing or other means of enclosing the ménage 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 first use of the development hereby approved and shall be permanently maintained as such.

Reason

In the interests of the appearance of the surrounding countryside.

- 7 The ménage hereby permitted shall be used solely in connection with and for the private and personal enjoyment of the occupants of The Pigeon. No commercial use of the ménage, including use as a riding school, shall take place whatsoever.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

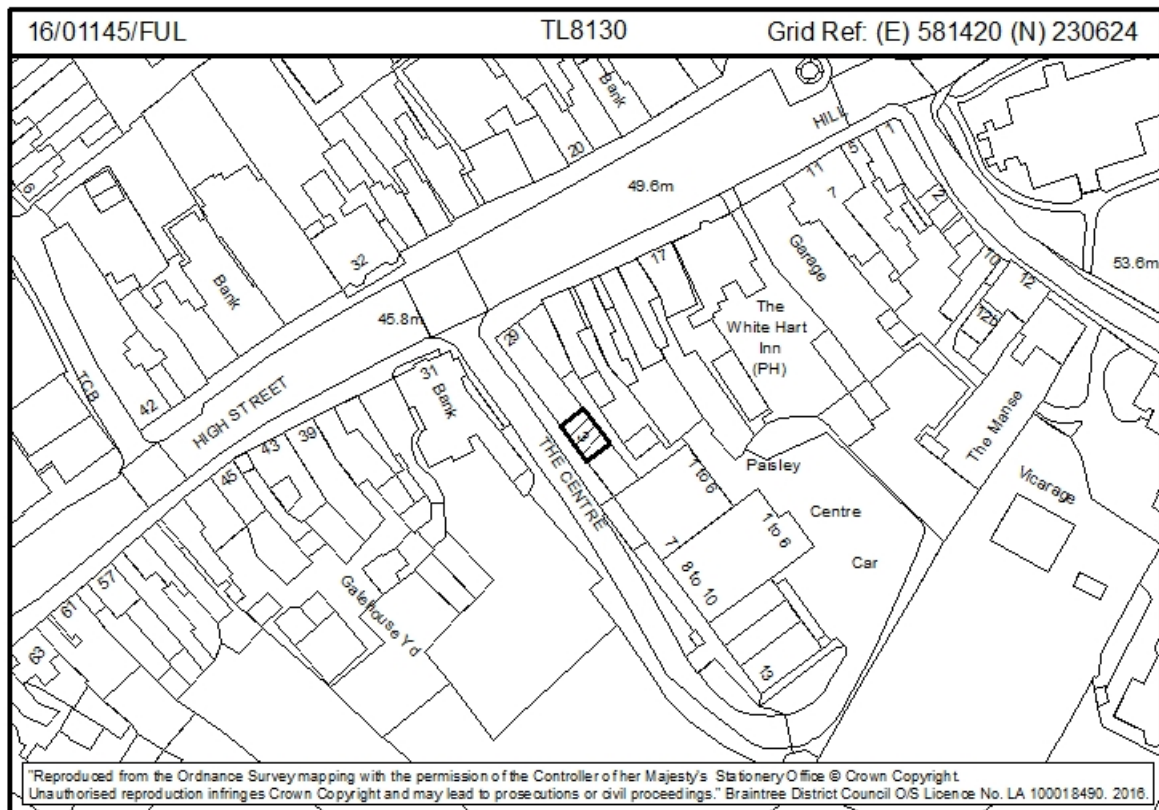
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION NO: 16/01145/FUL DATE: 01.07.16
VALID:
APPLICANT: Mr Marcus Morfolk
3 The Centre, Halstead, Essex, CO9 2AJ
AGENT: Oswick Ltd
Miss Alex Goldsworthy, 5/7 Head Street, Halstead, Essex,
CO9 2AT
DESCRIPTION: Replacement of existing rotten shop front window
LOCATION: 3 The Centre, Halstead, Essex, CO9 2AJ

For more information about this Application please contact:
Mrs H Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



SITE HISTORY

07/01689/FUL	Proposed first floor extension to create a flat over existing shop	Refused	04.10.07
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POLICY CONSIDERATIONS

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

INTRODUCTION

This application is brought before the Planning Committee due to the occupant of the shop premises being a Braintree District Councillor.

SITE DESCRIPTION

The site is located centrally within Halstead's town development boundary and is also within the Conservation Area.

The site comprises 1 no. retail shop unit, currently operating as 'Steve's Hardware' and forms part of a small number of retail units at 'The Centre', a 1960's small shopping precinct directly off the High Street. The shop unit itself is the first in the row of shops and appears more separate, given that it is the only single storey unit with the remainder of shops having first floors above.

The existing shop windows are starting to fail with rot visible inside and out.

PROPOSAL

This application seeks approval for the replacement of the existing timber framed shop windows and door with double glazed windows and grey aluminium frames. The glazing element would increase with a new fascia and signage being located at the top.

It should be noted that the fascia sign does not form part of this application and would be subject to assessment under a separate application for Advertisement Consent, if required.

CONSULTATIONS

At this time of writing this report, the public consultation period has yet to expire.

Historic Buildings Advisor

The Essex County Council's Historic Buildings Adviser comments that the proposal to replace the wooden shop windows and door in grey aluminium would be quite in keeping with the appearance of the building and the application is recommended for approval.

Halstead Town Council

Members could not vote on this application, but the application is noted. (No reasoning given).

REPRESENTATIONS

A site notice has been displayed on the shop front window. Neighbours have not been notified on this occasion, given that the proposal is minor.

REPORT

Visual Impact within the Conservation Area

This is a minor proposal that seeks to replace existing dilapidated windows with new aluminium framed double glazed windows. The proposal is considered to be in keeping with the host building and as such would not have a detrimental impact on the wider Conservation Area, and is therefore considered acceptable in relation to policy criteria.

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: 16-197-AS-1

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

Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 Please be advised that a new fascia sign for the shop, which is indicated to be sited above the shop front on hereby approved drawing no. 16-197-as-1, may require Express Consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It is recommended that advice is sought from the local planning authority, prior to installing the signage, to ascertain if Consent is required.

TESSA LAMBERT
DEVELOPMENT MANAGER

Monthly Report of Planning and Enforcement Appeal Decisions Received		Agenda No: 6
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure	
Report presented by:		
Report prepared by:	Liz Williamson – Planning Technician	
Background Papers:	Public Report	
Appeal decisions summary	Key Decision: No	
Executive Summary:		
This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
Recommended Decision:		
That the report be noted.		
Purpose of Decision:		
To note a report on appeal decisions.		

Corporate Implications	
Financial:	N/A
Legal:	N/A
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	N/A
Risks:	N/A
Officer Contact:	Liz Williamson
Designation:	Planning Technician
Ext. No:	2506
E-mail:	lizwi@braintree.gov.uk

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **July 2016**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	Application No/Location	15/01475/FUL – Rima Cottage, Hedingham Road, Wethersfield
	Proposal	Conversion and alterations to existing domestic outbuilding to create annexe living accommodation for dependent relative (revised submission following withdrawal of application 15/01182/FUL)
	Council Decision	Refused under delegated authority – RLP2, RLP18, RLP90
	Appeal Decision	Allowed - 01.07.2016
	Main Issue(s)	<ol style="list-style-type: none"> 1. The effect of the proposed development on the character and appearance of the site and surround area; 2. Whether the proposal would be an appropriate use in the countryside
	Inspector's Conclusion	<p>The appeal site is located in the countryside on the south side of Hedingham Road remote from other development. There are a number of buildings set back a considerable distance from the road by large paddocks and screened by mature vegetation. The site is secluded, rural and green, which is compatible with the surrounding countryside. The outbuilding has a subservient relationship to Rima Cottage both in terms of scale and use, and as such has a domestic character and appearance consistent with this part of the site. The proposed external works would be sympathetic minor alterations to an already domesticated building, while the use would remain domestic. The proposed development would thus not detract from the domestic character and appearance of this part of the site and the outbuilding would remain subservient in scale to Rima Cottage. Furthermore, the secluded nature of the site means that the proposed development would not be perceptible in the surrounding countryside including views from the road. In conclusion on the first issue, the Inspector considered that the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area. Therefore, it would accord with Policies CS5 and CS9 of the Braintree District Core Strategy and Policies RLP18 and RLP90 of the Braintree District Local Plan.</p> <p>Policy CS5 strictly controls development outside of settlement boundaries to uses appropriate to the</p>

		<p>countryside. In this regard, Policy RLP18 permits self-contained annexes and the conversion of the outbuildings to existing dwellings in the countryside subject to the proposal being compatible with its surroundings and remaining solely as ancillary accommodations secured by condition or obligation. The annexe living accommodation would include all of the rooms required to be effectively self-contained and independently occupied from the main property. The converted outbuilding would remain smaller than the main property and would retain a domestic use and appearance. The Local Planning Authority express concerns about the negative impacts on sustainability arising from an inappropriate residential use in a countryside location. However, while the site is remote from any settlement or services, the proposed use would be ancillary and would have little perceptible effect on traffic movements given the sites existing domestic and business uses. Therefore, the Inspector concluded the proposed development would be an appropriate use within the countryside and would accord with Policy CS5 of the Core Strategy and Policy RLP18 of the Local Plan Review.</p> <p>The proposed development would have an acceptable effect on the character and appearance of the site and surrounding area and would be an appropriate use in the countryside.</p>
2	Application No/Location	16/00163/FUL – Former Premdor Crosby Ltd, Station Road, Sible Hedingham
	Proposal	Reduction in the number of affordable housing units from 58 to 16 – the planning obligation relates to a residential development of 193 dwellings.
	Council Decision	Refused under delegated authority
	Appeal Decision	Allowed – 13.07.2016
	Main Issue(s)	1. Whether the existing planning obligation requirements in relation to affordable housing provision result in the overall development being unviable, and if so what modification to the obligation would be reasonable.
	Inspector's Conclusion	Detailed planning permission was granted in July 2013 for 193 dwellings on this site. A Section 106 agreement secured 58 affordable units (30%), among other things. The appellant purchased the site via an open market bidding process in July 2013. The appellant submitted a number of viability assessments. The February 2014 assessment shows the approved scheme not be viable with the profit at this time shown as 3.5%. On this basis an earlier Section 106BC application was made to the Council by the appellant in March 2015. This sought a reduction in affordable units from 58 to 9 and was refused by the Council in June 2015. It was not appealed. The current proposal seeks a reduction from 58 to 16 and this

		<p>equates to 8.5% of the total units. The appellants are contractually bound to provide these through an agreement with Greenfields Community Housing Association. Policy CS2 of the Core Strategy seeks to ensure that 30% affordable housing is provided as part of the residential schemes in Sible Hedingham. This policy was adopted when the original planning application was determined and is still the relevant adopted policy for dealing with affordable housing provision.</p> <p>In conclusion, the Inspector stated that by their own admission the appellants have paid too much for the site given the scale of abnormal costs that have arisen. It is highly likely that if this appeal is dismissed development will be stalled until sales values rise sufficient to cover the abnormal costs. On the basis of the evidence provided, the Inspector considered that it would be likely some time before market or affordable housing would be built, which would be contrary to Government planning policy which seeks to boost significantly the supply of housing.</p> <p>The Inspector also recognised the LPA's aspirations for affordable housing, but it is stated that a pragmatic approach needs to be taken in light of actual events 'on the ground'. Insistence on the original level of affordable units would be likely to prevent the scheme being completed as it would not be viable to do so and the amount of affordable units achieved strikes a reasonable balance between viability and policy considerations.</p> <p>The profit for the developer on this site, even with a reduction in affordable housing as proposed would be around 14.5%. This is less than the return expected by many developers. However, the appellant was clear that they would continue to build on the basis of this level of return.</p> <p>The Inspector concludes by stating none of the matters raised carries sufficient weight to alter the balance of the considerations or decision to allow the appeal.</p>
3	Application No/Location	15/01417/FUL – Nether House Farm, Old Road, Wickham St Paul
	Proposal	Provision of an annexe (re-submission of 15/00730/FUL)
	Council Decision	Refused under delegated authority – RLP2, RLP18, RLP38, RLP90, RLP100
	Appeal Decision	Allowed
	Main Issue(s)	1. Whether this proposal would comply with local policy in respect of new residential development in this location.
	Inspector's Conclusion	The appeal property is a large listed farmhouse in a quiet isolated location in the open countryside east of the village

		<p>of Wickham St Paul. It includes a range of former farm buildings sited around a courtyard and at either side of the site entrance. The property has long ceased to be a working farm and its status is residential. The proposal is to convert a detached building, into annexe accommodation. It is currently used as storage and garaging associated with the house. The scheme would provide for a single-storey two bedroom unit of accommodation. The conversion would involve sensitive alterations making use of existing openings and the character of the building would be preserved. Listed Building Consent has already been granted by the LPA for this conversion and therefore satisfied RLP100 of the Local Plan Review.</p> <p>Core Strategy Policy CS5 seeks to protect the character of the countryside. Screened within a complex of buildings and involving relatively minor changes to an existing building this proposal would cause little harm to the character and appearance of the countryside. RKP18 would support the conversion of outbuildings in the countryside as self-contained annexes to meet the needs of dependent relatives. Whilst mindful of the need for strict control over new housing in the countryside the appellant's case would satisfy the intention of RLP18.</p> <p>In addition to the standard time limit for commencement, the Inspector stated that a condition should be added to the decision that governs the occupation of the annexe as ancillary to Nether House Farm. This is to allow the Council to retain control of the nature of the occupation of this development and for it to comply with development plan policies which would otherwise strictly control new housing development in the open countryside.</p> <p>The Inspector concludes that subject to additional conditions the appeal is allowed.</p>
4	Application No/Location	16/00281/FUL – 25 Francis Way, Silver End
	Proposal	Erection of a two storey rear extension
	Council Decision	Refused at Committee – RLP2, RLP3, RLP9, RLP10, RLP17, RLP90, RLP95
	Appeal Decision	Dismissed
	Main Issue(s)	1. Whether the proposal would preserve or enhance the character or appearance of the Silver End Conservation Area.
	Inspector's Conclusion	The significance of the Silver End Conservation Area relates to the uniform architectural character of its various developed phases which were built in the inter-war period as a master planned model settlement by the Crittall family. Silver End is a fine example of a 'Garden Village'

		<p>development of that period. The LPA has an Article 4 Direction in place to retain control over built alterations and extensions which might otherwise serve to harmfully erode the overall high degree of architectural integrity that this planned village retains. A substantial two storey rear addition is proposed to the property. The examples of other quite large extensions referred to have been considered. The impression gained from the site visit was where extensions had taken place these in many cases closely matched the material and detailing of the main building. However, regardless of other developments, it is necessary to determine this proposal on its own, individual merits. Notwithstanding the extent of public views of this proposal, in order to preserve both the character and appearance of the Conservation Area, a relatively large addition of the kind proposed would require a choice of materials, detailing and design to blend in adequately with the existing house. Whilst in the case of some individual historic buildings it might be a preferred approach for contemporary additions not to attempt to mimic the original structure, this would not be an appropriate solution in this case. Whilst matching brickwork is proposed the use of weather-boarding to the east elevation and to the rear would be out of keeping with the main house as would the design and arrangement of the fenestration proposed. This would accentuate the impact the extension would have in detracting from the general uniformity possessed by the row of houses of which this dwelling forms a part.</p> <p>The harm caused to the significance of Silver End Conservation Area would be less than substantial. However, the public benefits of this proposal, including securing the dwelling's optimum use, would not outweigh this harm. The proposal would not preserve or enhance the character or appearance of the Silver End Conservation Area. Consequently, this scheme would not gain the support of Policy CS9 for the Core Strategy and Policies RLP3, RLP90 and RLP95 of the Braintree District Local Plan Review.</p> <p>For these reasons the Inspector concluded that the appeal should be dismissed.</p>
5	Application No/Location	16/00063/FUL – 17 Tufted Close, Great Notley
	Proposal	Replacement roof with front dormer and glazed gable
	Council Decision	Refused under delegated authority – RLP3, RLP17, RLP90
	Appeal Decision	Dismissed
	Main Issue(s)	1. The effect of the proposed development on the appearance of the host building and on its surroundings

	Inspector's Conclusion	<p>The appeal site lies within an extensive and relatively modern residential development, which has been developed with a coherent and consistent character. The existing house at 17 Tufted Close makes use of brickwork with tiled roofs and incorporates a dominant gable feature on the front elevation, with a mock-Tudor character. The house is very similar to its immediate neighbour, particularly in terms of its scale, general character and appearance. The appeal scheme would involve raising the roof of the existing house, by inserting an additional strip of material above the heads of the first floor windows and increasing the steepness of the roof pitch. The existing timbered gable feature would be extended upwards and modified by the incorporation of the timber framing into a glazed screen. A rooflight and dormer would also be added to the new roof. An emphasis on the importance of good design is also to be found in the Development Plan, notably Policies RLP3 and RLP90 of the Local Plan Review and Policy CS9 of the Core Strategy. The Development plan policies are underpinned by the Essex Design Guide which provides more detailed design guidance.</p> <p>The Inspector considers that the proposed upward extension would be uncharacteristic of traditional designs, introducing an awkward strip above the existing first floor level with a more dominant roof structure. The new "glazed screen" gable feature would be incongruous and out of character with the host building and with other buildings in the vicinity. The finished composition as a whole would be top-heavy and unsympathetic to its surroundings, introducing a clumsy and unsatisfactory element into the street scene. The scheme would cause real harm to the appearance of the host building and to the visual qualities of the streetscene. In consequence, it would clearly conflict with national and local policies.</p> <p>In conclusion the appeal is dismissed.</p>
6	Application No/Location	16/00357/FUL – 2 Nelson Gardens, Braintree
	Proposal	Erection of front extension and replacement of flat roof to garage to pitched roof
	Council Decision	Refused under delegated authority – RLP3, RLP17, RLP56, RLP90
	Appeal Decision	Dismissed
	Main Issue(s)	1. The adequacy of the proposed parking provision of the house at number 2 Nelson Gardens
	Inspector's Conclusion	<p>The appeal site lies within an established residential area of Braintree, with houses in a closely built up layout, where there is evidently some pressure for on-street parking. The standard house designs incorporated garages</p>

	<p>projecting forward from the main bulk of each house, with a flat roof. It is proposed that an extension be added to the front of the host property, extending the existing dining room to create a long kitchen/diner from the front to the back of the house. The application drawing shows a utility room would be created within the existing garage, although this is an option, it can be concluded that the garage would no longer be useful in practice for parking even a small car.</p> <p>The National Planning Policy Framework emphasises the aim of requiring good design. An emphasis on the importance of good design is also to be found in the Development Plan, notably Policy CS9 of the Braintree District Core Strategy which confirms the aim to “promote and secure the highest standards of design”. The Essex Parking Standards are also specifically relevant in the circumstances of this case, since Policy RLP56 of the Braintree District Local Plan Review requires parking to be provided in accordance with those standards.</p> <p>Concerns have been raised by the LPA in relation to car parking provision. It is argued by the LPA that the spaces provided at the front of the property would be too short for cars to be parked properly, overhanging the footpath and inadequate to meet the required standard. The existing layout provides for a parking space in front of the garage which is similar to others in the vicinity. The adjoining space, partially alongside the garage, permits the parking of a longer car. The longer space would effectively be lost as a result of the construction of the proposed extension. A modest reduction in the length of the proposed extension would enable a larger car to be parked more conveniently.</p> <p>Therefore, the Inspector concludes that the scheme would not make adequate provision for the parking of two cars at the front of the house, and that, therefore, would conflict with policies in the Development Plan.</p> <p>In reaching this conclusion, the Inspector considered whether the appeal could be allowed subject to conditions that might overcome the objection that has been identified.</p> <p>In conclusion, the appeal is dismissed.</p>
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