

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 06 December 2016 at 07:15 PM**

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

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

**Membership:-**

Councillor K Bowers	Councillor J O'Reilly-Cicconi (Vice Chairman)
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	Vacancy
Councillor Lady Newton	

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

N BEACH  
Chief Executive

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

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

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

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

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

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

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

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

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

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

**Health and Safety:** Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

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

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

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

**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 22nd November 2016 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications and Report**

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

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

**PART A**

Planning Applications and Report:-

<b>5a</b>	<b>Application No. 16 00051 FUL - Parsonage Farmhouse, Hedingham Road, WETHERSFIELD</b>	<b>5 - 20</b>
<b>5b</b>	<b>Application No. 16 01383 FUL - Saling Barn, Piccotts Lane, GREAT SALING</b>	<b>21 - 39</b>
<b>5c</b>	<b>Application No. 16 01384 LBC - Saling Barn, Piccotts Lane, GREAT SALING</b>	<b>40 - 46</b>
<b>5d</b>	<b>Application No. 16 01430 FUL - Land East of Bewick Court, SIBLE HEDINGHAM</b>	<b>47 - 63</b>
<b>5e</b>	<b>Variation to Section 106 Legal Agreement - Former Premdor Factory Site, SIBLE HEDINGHAM</b>	<b>64 - 72</b>

<b>5f</b>	<b>Application No. 16 01768 FUL - Land opposite Birds Farm, Puttock End, BELCHAMP WALTER</b>	<b>73 - 82</b>
 <b>PART B</b> Minor Planning Applications:-		
<b>5g</b>	<b>Application No. 16 01165 FUL - 17 Shalford Road, RAYNE</b>	<b>83 - 94</b>
<b>5h</b>	<b>Application No. 16 01546 FUL - Land South of Board Barn Farm, Drapers Green, HELIONS BUMPSTEAD</b>	<b>95 - 103</b>
<b>5i</b>	<b>Application No. 16 01568 VAR - Rascasse, Sheepcotes Lane, SILVER END</b>	<b>104 - 110</b>
<b>5j</b>	<b>Application No. 16 01618 FUL - 58 Silver Street, SILVER END</b>	<b>111 - 116</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - October 2016</b>	<b>117 - 121</b>
<b>7</b>	<b>Urgent Business - Public Session</b> 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.	
<b>8</b>	<b>Exclusion of the Public and Press</b> 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.	
 <i>At the time of compiling this Agenda there were none.</i>		

## **PRIVATE SESSION**

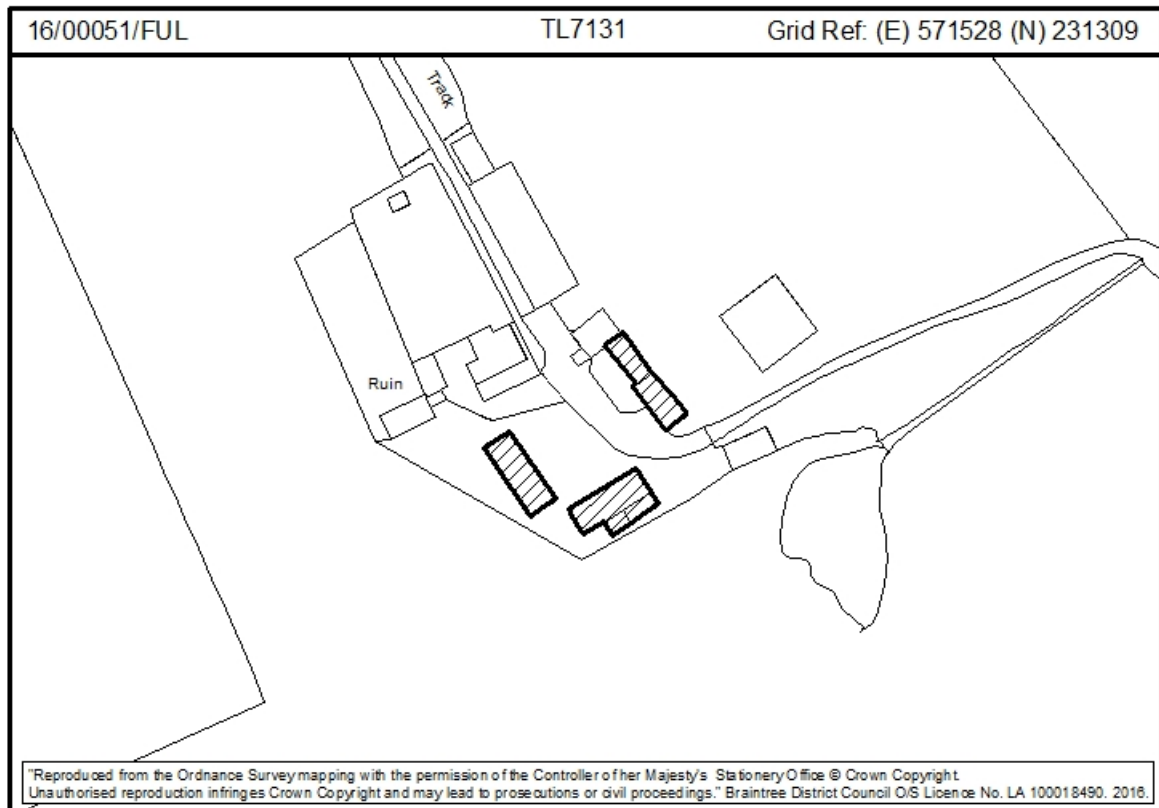
## **Page**

<b>9</b>	<b>Urgent Business - Private Session</b> 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.
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PART A

APPLICATION NO: 16/00051/FUL DATE: 13.01.16  
 VALID:  
 APPLICANT: Mr M Nash  
 1 Church Cottage, High Street, Wethersfield, Essex, CM7 4BY  
 AGENT: Mr M Nash  
 Sedleyplace Ltd, 68 Venn Street, London, SW4 0AX  
 DESCRIPTION: Change of use and refurbishment of barn to form multifunction venue, and change of use and refurbishment of small barns/outbuildings to form B&B accommodation and offices associated with function barn, plus landscaping and external works.  
 LOCATION: Parsonage Farmhouse, Hedingham Road, Wethersfield, Essex, CM7 4EQ

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



## SITE HISTORY

74/00587/P	Site for a dwelling for the exclusive use of the applicants	Refused	
75/00073/P	Use of land for site for bungalow for agricultural water	Refused	
10/00680/FUL	Demolition of existing rear addition and erection of two storey rear extension. Demolition of 2 no. single garages and erection of detached double garage.	Refused	21.07.10
10/01110/FUL	Demolition of existing rear addition and erection of two storey rear extension	Granted	21.09.10
13/01179/FUL	Conversion of barn and external alterations to form a residential dwelling	Refused	05.03.14
14/00067/FUL	Erection of garage	Granted	05.03.14
14/00127/DAC	Application to discharge conditions relating to materials	Granted	21.08.14
15/01436/FUL	Renovation and erection of extension and associated landscaping works	Granted	12.01.16
16/00232/DAC	Application for approval of details reserved by condition nos. 3, 4 and 6 of approved application 15/01436/FUL	Pending Consideration	
16/00267/ELD	Cartlodge in association with dwelling house used for storage and parking	Granted	28.04.16

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local 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
RLP38	Conversion of Rural Buildings
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP84	Protected Species
RLP90	Layout and Design of Development

RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas

### Braintree District Draft Local Plan

SP1	Presumption in favour of sustainable development
LPP5	Rural Enterprise
LPP6	Tourist Development
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas and Demolition within Conservation Areas
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity

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

This application is being presented at Committee, as an objection has been received from the Parish Council, contrary to the Officer recommendation.

### SITE DESCRIPTION

The application site is located to the southern side of Hedingham Road, outside of the Village Envelope of Wethersfield. The site is also located within a designated Conservation Area. The site comprises a detached dwelling house, several redundant outbuildings and a detached timber framed barn. An access is established off Hedingham Road and slopes gently down in to the site.

Planning permission (ref: 15/01436/FUL) has recently been granted for works to the dwellinghouse.

### PROPOSAL

The application seeks planning permission for the change of use of an existing timber framed barn to form a multifunction venue (events barn), for events such as weddings, conferences, executive retreats and such like. The existing structure is to be repaired and upgraded with matching materials. Internally a new mezzanine will be created to replace the existing. The large doors on the front elevation will be re-created as fixed open doors flanking a glazing main entrance section. New openings are proposed to the barn; however these have been set over the frame.

The application also proposes the refurbishments and reuse of existing outbuildings to form B&B accommodation and offices. The 4no. B&B rooms are proposed to be used primarily in association with the function taking place within the events barn, but they could also be used separate to this. The 4no.



offices are proposed for local businesses to hire. The applicant advises that it is proposed to favour businesses that have a potentially synergistic relationship with the events use, for examples wedding planning training consultants or photographers.

The existing outbuildings are in a poor condition. It is proposed to retain and repair the existing brickwork and re point where necessary and clad the remaining parts of the building in black stained weatherboarding to match the existing. The proposal includes the rebuild of part of the outbuilding that has fallen in to disrepair.

All the existing trees are to be retained and additional planting proposed, as is shown on the submitted landscaping plan. The existing hardstanding located to the eastern side of the access driveway will be retained, over coated with resin bound gravel and used for car parking.

### CONSULTATIONS

Wethersfield Parish Council – No objections in principle as the improvements will enhance the character of the property and the village and the office units provide the possibilities for small businesses in the area, however concerned about the use of the large barn. There are already two function rooms in the village, which are already struggling. The events proposed at the barn will bring in additional traffic which will place further pressure on local roads.

BDC Environmental Health – no objections subject to conditions

Essex County Council Archaeology – No objections subject to a condition requiring a programme of building recording.

Essex County Council Heritage Consultant – No objections

Essex County Council Highways – No objections

### REPRESENTATIONS

Two letters received in support and 9 letters received in objection, the contents of which are summarised below

Letters in support are summarised below:

- There is a chronic shortage of B&B options in the area which is undermining tourist trade among our local shops and leisure sites.
- Tremendous need for the venue as the Village Hall and Pavilion are not available on terms that are driven by fair competition, nor do they possess the capital to invest in maintaining their premises to a high enough standard for quality events.
- Little incremental addition of vehicles. The Council could consider traffic calming measures in the vicinity
- The site can accommodate a large quantity of car parking.
- In terms of noise, any comparison to the Pavilion is nugatory.

- Would much rather see a barn that has been left to the mercy of elements saved and put to positive use
- The site has land to accommodate more cars than anywhere else in the village
- The B&B's will fill the gap left by other recent closures in the village and the offices will encourage new activities and help small businesses to thrive
- Contributing to the regeneration and enrichment of a community's social fabric.

Letters in objection are summarised below:

- Extra cars parked on the road would be dangerous when trying to get onto Wethersfield Road
- There are no pavements leading to the site
- Noise – Especially if the Pavilion had an event on the same day
- Wethersfield has two venues (The Village Hall and the Pavilion) both of which are under utilised
- The proposed development will be unable to draw trade from the village and will bring no benefit to the community
- The development will cause traffic problems, additional car parking on the roads and noise disturbance
- Increase in anti-social behaviour
- Could the multifunction venue be controlled so as to restrict the number and type of events per year?
- The current landscape allows residents a view across the fields unobstructed, this landscape will be removed by the proposed development
- Inclusion of a large hardstanding within a Conservation Area
- Impact on residential amenity
- Questionable whether there is a need for another such venue
- Unacceptable impact on the historic environment
- Loss of the view of the local landscape
- Concerns with safety of the access

## REPORT

### Principle of Development

For the purposes of planning the site is located within the countryside and is also located within a designated Conservation Area. Policy CS5 of the Core Strategy states that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses within the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

RLP38 of the Local Plan Review provides an exemption to the restrictive countryside policies and allows for the conversion of rural buildings for business use, subject to meeting a number of criteria. In addition the National Planning Policy Framework (NPPF) encourages the re use of buildings in the

countryside where development would reuse redundant or disused buildings and lead to an enhancement of the immediate setting. Policy RLP40 of the Local Plan Review advises that minor industrial or commercial development will normally be considered favourably in the countryside, providing that is of a small scale and would secure improvements to the local environment.

Policy RLP146 of the Local Plan Review looks favourably upon the conversion of existing buildings for tourist accommodation and does not preclude new buildings within the countryside for such purpose.

The NPPF requires planning to support economic growth in rural areas, by way of supporting the growth and expansion of all types of business and enterprise through the conversion of existing buildings and well-designed new buildings, through supporting rural tourism and leisure development and by promoting the retention and development of local services.

It is considered that the policy position is supportive of the proposals and therefore the proposed development is acceptable in principle, subject to all other material considerations as will be addressed below.

#### Design, Appearance and Layout and impact on the Conservation Area

The site is located within a Conservation Area which is a designated heritage asset. The NPPF requires great weight to be given to the conservation of heritage assets. Policy RLP95 of the Local Plan Review and policy CS9 of the Core Strategy seek to preserve and encourage the enhancement of the character and appearance of Conservation Areas and their setting.

Policy RLP38 of the Local Plan Review provides an exemption to the restrictive countryside policies and allows for the conversion of rural buildings for business use, subject to meeting a number of criteria. In addition the National Planning Policy Framework (NPPF) encourages the re use of buildings in the countryside where development would reuse redundant or disused buildings and lead to an enhancement of the immediate setting. As such the policy position is supportive of the proposals.

Policy RLP40 of the Local Plan Review states that within the countryside small scale commercial uses that are compatible with the surrounding area and which would secure significant improvement to the local environment will normally be considered favourably provided that they are not detrimental in terms of visual impact, noise, smell or other pollution or excessive traffic generation, health or safety or loss of conservation interests. Proposals will be required to be subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of development.

Policy RLP146 of the Local Plan Review states that within the countryside, the conversion of existing buildings for tourist accommodation is encouraged in preference to the construction of new buildings.

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy seek to ensure a high standard of design and layout in all developments.

The buildings subject to the application are permanent structures and capable of conversion without major extension or complete reconstruction. The application does include an area of rebuild where the original building has collapsed, however policy RLP40 allows for small scale proposals which would secure improvements to the local area. It is considered that the proposed rebuild would comply with this policy given the proposed development as a whole to refurbish the buildings which have fallen into a poor condition, are considered to improve the appearance of the site and wider Conservation Area.

It is proposed to use 3no. upvc windows salvaged from the farmhouse within the front elevation of the existing outbuildings. It is proposed that these be repainted/sprayed in black such they do not appear overly stark and compliment the black stained weatherboarding. Although upvc is not generally favoured in a Conservation Area location, given they have relatively recently been approved for use in the adjacent farmhouse, their use is not considered objectionable in this case as they would not harm the character and appearance of the Conservation Area. All other windows and doors are to be of painted timber.

It is considered that the conversions proposed are sympathetic to the existing buildings, maintaining their original form, bulk and general design and acceptable within the context of the wider Conservation Area setting. The proposed materials have been selected to respect the existing and a landscaping scheme has been presented to show areas of new planting and improvements to the existing hard standings. Both the materials and landscaping details can be secured by condition.

The application proposes the re use of former agricultural buildings for business re-use, which is supported by policy RLP38 and RLP146 of the Local Plan Review. The proposals are considered to preserve and enhance the character of the site, and wider Conservation Area and will lead to the positive improvement of the immediate setting, in accordance with the above mentioned policies of the development plan and the NPPF.

#### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers. Policy RLP38 of the Local Plan Review states that development will be permitted where the scale and frequency of traffic generated can be accommodated without adverse effects on residential amenity.

The site is well separated from neighbouring residential properties, with the outbuildings located some 120m from the nearest residential property and the timber framed barn 150m away.

It is not considered that any of the operational development proposed would give rise to material harm to residential amenity.

With regards to the proposed uses, it is appreciated that sound from the multi-function venue could travel beyond the site. The application is supported by a noise impact assessment. The Council's Environmental Health team have considered the noise assessment submitted and raise no objections subject to conditions being attached to any grant of consent, which would seek to prevent the occurrence of nuisance. These proposed conditions include requiring the works to the barn as detailed within the noise impact assessment to be undertaken prior to its first use (this includes, insulation in the walls and roof and double glazing), restricting amplified music and such like to the barn, restricting the times at which amplified music can be played and requiring all windows and doors to remain closed during performances/events involving amplified music. It would also be appropriate to restrict hours of operation more generally. The application form proposes the function venue to close at 11pm, which is considered reasonable.

It is not considered necessary to condition hours of operation for the B&B accommodation or the offices as given the small scale nature of these uses they are not considered likely to give rise to unreasonable harm to residential amenity. Any condition pertaining to amplified music would apply to these uses as well as the multifunction venue.

Local concerns are focused on the traffic and car parking implications of the proposals. It should be noted that the applicant (who resides in the Farmhouse) will be in control of all functions taking place, including the no. of visitors and as such can advise all those attending the site of the car parking provisions and or other means of reaching the site. It is recommended that a condition is applied to ensure that the site is only sold as an entity rather than any part being sold separately.

The Council's adopted car parking standard requires 1 car parking space for each hotel bedroom, 1 space per 30m<sup>2</sup> for use class B1 office uses and 1 space per 20m<sup>2</sup> for a D1 (leisure) use. Based on the separate uses proposed, the site would need to provide 12 car parking spaces to meet the adopted standard. The site can accommodate 15 spaces on the existing hardstanding and a further 8 spaces in front of the offices/B&B. Furthermore additional car parking could be accommodated in front of the existing cart lodge and on a grassed area shown for overflow car parking. The site can therefore accommodate a level of car parking in excess of that required by the adopted standard.

It is appreciated that events such as weddings will attract a greater number of visitors and demand for car parking than the standard requires, however it is considered that this can be sufficiently provided for within the site. Although it is not possible to conclude that no displacement of cars from the site into nearby streets would occur, there is no reason to consider that this would be to an unreasonable or significant degree given the size of the venue and car parking that can be accommodated within the site.

It is considered on balance, and with appropriately worded planning conditions, that no unreasonable harm would result to residential amenity as a consequence of the development such that would justify a refusal of planning permission.

### Highway Issues

Policy RLP38 of the Local Plan Review requires developments to be served by a safe and satisfactory vehicular access and egress.

The application proposes to regrade the existing driveway to allow for improved vertical alignment and sight lines on to Hudson's Hill. The applicant has also undertaken a highways boundary search which confirms that the required visibility splays of 2.4m x 65m to the west and 2.4m x 93m to the east can be accommodated within land within the ownership of the Highways Authority. Part of an existing embankment to the east is to be regraded also to allow for improved visibility in this direction. The regraded driveway and embankment and the visibility splays can be secured by way of a condition on any grant of consent.

It is considered that the development will be served by a safe and satisfactory access in accordance with policy RLP38 of the Local Plan Review.

Issues pertaining to car parking have been discussed above.

### Ecology

The application is supported by a bat survey, which concludes that there was no evidence of bats roosting or foraging at the site. The report advises that any external lighting should be sensitive and that if during construction works evidence of bats were found, that it would be appropriate for a survey to be undertaken and submitted to the Local Planning Authority, including proposed mitigation. This can adequately be controlled by condition on any grant of consent.

In addition the report suggests that there is the opportunity for enhancements for wildlife, including bat and bird boxes. This can be controlled by condition on any grant of consent.

### CONCLUSION

The NPPF requires planning to support economic growth in rural areas, by supporting the growth and expansion, where appropriate, of all types of business and enterprise through the conversion of existing buildings and well-designed new buildings, through supporting rural tourism and leisure development and by promoting the retention and development of local services. Policies RLP38 and RLP146 of the Local Plan Review support the conversion of rural buildings to business uses and tourist accommodation respectively.

It is considered that the policy position is supportive of the proposal in principle and the works would secure an improvement in the appearance of the site and wider Conservation Area, according with policies RLP95 and RLP97 of the Local Plan Review and policy CS9 of the Core Strategy. Subject to appropriate planning conditions it is considered that the proposal can take place without unreasonable harm upon residential amenity and without giving rise to concerns for highway safety, satisfying policies RLP38 and RLP90 of the Local Plan Review.

## 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

Existing Floor Plan	Plan Ref: BARNS/010	Version: A
Existing Elevations	Plan Ref: BARNS/011	Version: A
Existing Elevations	Plan Ref: BARNS/012	Version: A
Proposed Floor Plan	Plan Ref: BARNS/013	Version: B
Proposed Roof Plan	Plan Ref: BARNS/014	Version: A
Proposed Elevations	Plan Ref: BARNS/015	Version: A
Proposed Elevations	Plan Ref: BARNS/016	Version: A
Proposed Elevations	Plan Ref: BARNS/017	Version: A
Proposed Elevations	Plan Ref: BARNS/018	Version: A
Location Plan	Plan Ref: BARNS/001-R0	
Existing Plans	Plan Ref: BARNS/002-R0	
Existing Elevations	Plan Ref: BARNS/003-R0	
Existing Elevations	Plan Ref: BARNS/004-R0	
Proposed Floor Plan	Plan Ref: BARNS/005-R0	
Proposed Elevations	Plan Ref: BARNS/006-R0	
Proposed Elevations	Plan Ref: BARNS/007-R0	
Proposed Elevations	Plan Ref: BARNS/008-R0	
Carport / Cartlodge Details	Plan Ref: BARNS/009-R0	
Existing Site Plan	Plan Ref: BARNS/019-R0	
Site Selection Plan	Plan Ref: BARNS/021-R0	
Highway Plan	Plan Ref: BARNS/024	
Highway Plan	Plan Ref: 1290-D-01	Version: A
Highway Plan	Plan Ref: 1290-D-03	
Highway Plan	Plan Ref: 1369-07	
Landscaping	Plan Ref: BARNS/020- R0	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 Prior to the first use of the development hereby permitted the car parking areas as shown on drawing no. BARNS/020-R0 shall be laid out and made available for use. Thereafter the said car parking areas 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 ensure that the car parking areas are made available in a usable form within the site to satisfy the adopted car parking standards and in the interests of highway safety.

- 4 Prior to the first use of the development hereby permitted, visibility splays from the site access of 2.4m x 65m to the west and 2.4m x 93m to the east measured along the nearside edge of the carriageway shall be provided and the excavation and regrading of the existing embankment to the east of the site access as shown on drawing no. 1290-D-01 Rev A shall be undertaken and thereafter retained in the approved form.

Reason

To protect highway efficiency of movement and in the interests of highway safety

- 5 Prior to the first use of the development hereby permitted the site access shall be regraded in strict accordance with that as shown on drawing no. BARNS/024 and the access widened to a minimum width of 5.5m up to the first set of gates. (The gates as shown on Drawing no. 1290-D-01 Rev A).

Reason

To protect highway efficiency of movement and in the interests of highway safety.

- 6 The structural works as set out within section 4.7 of the Noise Impact Assessment as compiled by Hodgson and Hodgson dated 18th December 2015 shall be carried out prior to the first use of the multifunction events barn (big barn) and thereafter retained in perpetuity.

Reason

In the interests of residential amenity.



- 7 No entertainment involving the playing of amplified music, voices or similar shall take place anywhere on the application site other than within the multifunction events barn (big barn).

Reason

In the interests of residential amenity.

- 8 There shall be no entertainment/events involving the playing amplified music, voices or similar within the multifunction events barn (big barn) except between the hours of 10:00 and 23:00.

Reason

In the interests of residential amenity.

- 9 There shall be no use of/activity/business operation within the multifunction events barn (big barn) or any vehicle movements to and from the site in connection with the multifunction events barn (big barn) outside of the following times:-

Monday to Saturday 0900 hours - 2330 hours

Sundays, Public and Bank Holidays - No use/activity/operation or vehicle movements

Reason

In the interests of residential amenity.

- 10 All windows and doors to the multifunction event barn (big barn) shall remain closed (except for access and egress) during any performances/events involving amplified music, voices or similar.

Reason

In the interests of residential amenity.

- 11 No development shall commence until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area

- 12 The external materials and finishes shall be as indicated on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the use of appropriate detailing within the Conservation Area

- 13 The UPVC windows/doors to be used within the Small Barn shall be painted black and thereafter retained as such.

Reason

In the interests of the visual appearance of the barn and the amenity afforded to the Conservation Area.

- 14 No conversion of the buildings shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation to be submitted to, and approved in writing by the local planning authority.

Reason

To enable full recording of this site of historic importance

- 15 Prior to first use of the development hereby permitted details of a scheme for the provision of nest/roost sites for bats and birds has been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first use of the development and thereafter so maintained.

Reason

In order to ensure that appropriate provision is made for bats and birds on the site.

- 16 If at any time during the development hereby permitted bats or evidence of bat roosts are found within the buildings all works shall stop and a bat survey shall be undertaken and submitted to the Local Planning Authority. Should the results of the survey indicate that bats are present within the buildings then details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development:-

- (a) a scheme of mitigation/compensation works, including a method statement, to minimise the adverse effects of the development on bats
- (b) a scheme of translocation to be submitted if necessary;
- (c) a programme of timings for the works referred to in a) above.

Mitigation/compensation works shall be carried out in accordance with the scheme and programme approved in accordance with the above.

Reason

In the interests of ensuring the longevity and well-being of this protected species.

- 17 The site as outlined in blue on the location plan no. BARNS/001 - R0 which includes the farmhouse, cart lodge, big barn, small barn, shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site.

Reason

In order to enable the local planning authority to give consideration to any other use of the site than as hereby permitted, in the interests of the countryside location, Conservation Area and residential amenity.

- 18 The use of the site shall be as shown on drawing no. BARNS/020A - R0 and for no other purpose.

Reason

To determine the scope of this permission and to ensure that the Local Planning Authority retains control over the range of uses permitted.

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](http://www.braintree.gov.uk)
- 3 All works 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](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

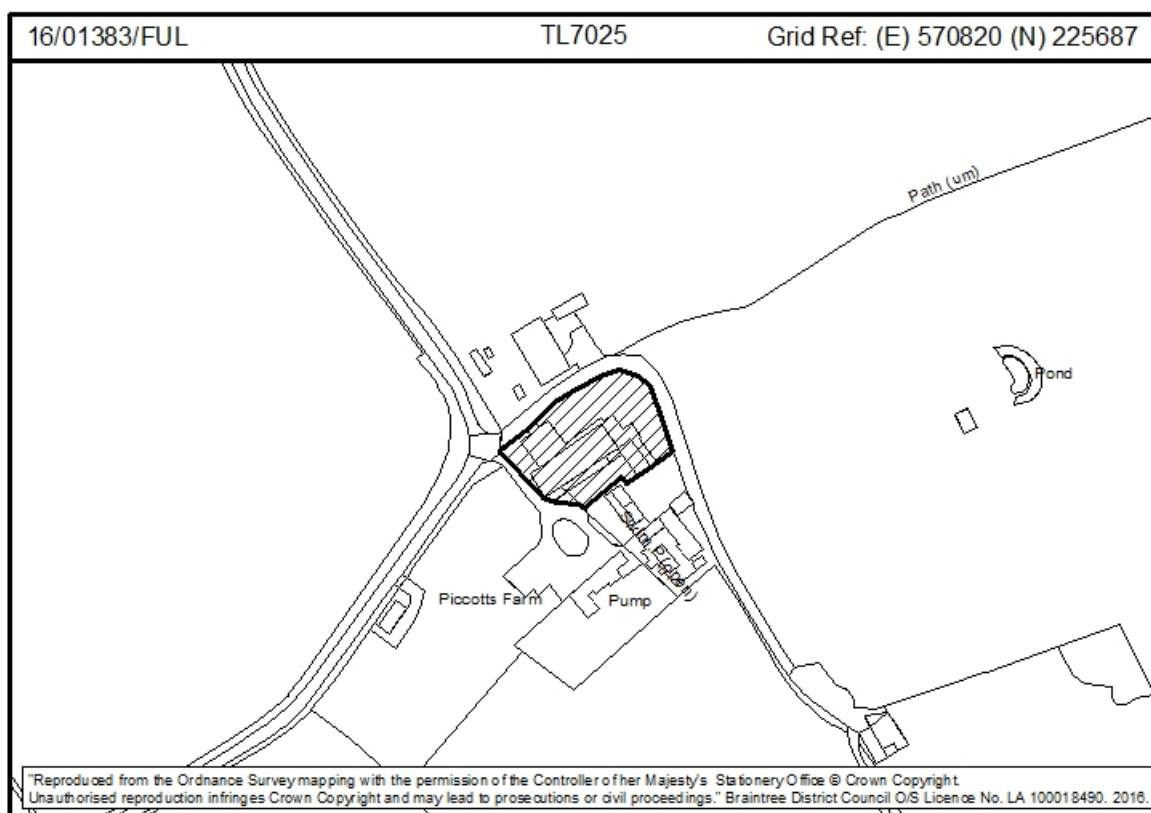
- 4 The applicant's attention is drawn to condition 18 of this permission which controls the use of the buildings to that shown on drawing BARNS/020A - R0. Any changes to that shown on the aforementioned drawing will require the benefit of planning permission.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01383/FUL DATE: 08.08.16  
 VALID:  
 APPLICANT: Mr William Ives  
 Saling Barn, Piccotts Lane, Great Saling, Essex, CM7 5DW  
 AGENT: Pocknell Studio  
 Mr Mark Homer, East Barn, Blackmore End, Essex, CM7 4DR  
 DESCRIPTION: Erection of freestanding office structure within Grade II\* Listed Barn and extended B1 use  
 LOCATION: Saling Barn, Piccotts Lane, Great Saling, Essex, CM7 5DW

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

05/02039/FUL	Proposed conversion and refurbishment of barns to live/work accommodation providing 4 beds and domestic offices plus works areas	Granted with S106 Agreement	12.07.06
05/02040/LBC	Proposed conversion and refurbishment of barns to live/work accommodation providing 4 beds and domestic offices plus works areas	Granted	06.04.06
10/00027/FUL	Change of use from highway to domestic garden area	Granted	10.02.10
14/00481/LBC	Proposed interior remodelling to domestic living accommodation. Alterations are to extend living space by one bay into unconverted section of existing barn and to dismantle existing two storey glazed office structure occupying one bay to west elevation.	Granted	04.06.14
15/01235/LBC	Intervention of freestanding office structures within Grade II* Listed barn	Refused	18.11.15
15/01527/LBC	Intervention of freestanding office structures within Grade II* Listed barn	Withdrawn	27.01.16
16/01384/LBC	Extended/change of use to B1	Pending Decision	
00/01380/FUL	Conversion of redundant buildings into residential units	Withdrawn	22.02.01
00/01381/LBC	Conversion of existing listed barn into a single residential unit	Withdrawn	22.02.01
02/00672/COU	Proposed conversion and restoration of agricultural buildings for residential live/work units	Granted with S106 Agreement	25.11.03
02/00673/LBC	Proposed conversion and restoration of agricultural buildings for residential	Withdrawn	17.10.02

99/01650/FUL	live/work units Conversion and restore traditional buildings for a leisure/tourism use		07.07.00
99/01651/LBC	Conversion into private health club and two holiday/short term lets	Withdrawn	07.07.00

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS4	Provision of Employment
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
RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
SP6	Spatial Strategy for North Essex
LPP5	Rural Enterprise
LPP34	Residential Conversion of Buildings in the Countryside
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings
LPP56	Natural Environment
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP68	External Lighting

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.



## SITE DESCRIPTION

The site is located in the countryside approximately 650 metres west of the village of Great Saling. It is accessed off and sits adjacent to a bend in Piccotts Lane. Saling Barn is a remarkable late mediaeval aisled barn dating from the late 14<sup>th</sup> or early 15<sup>th</sup> century. Built in seven bays it is a monumental example of the timber-framed agricultural buildings of Essex. Its Grade II\* listing reflects the quality and extent of survival of the fourteenth and fifteenth century timber frame and other features, such as the brick threshing floor.

A glass and steel two-storey freestanding office stands in the westernmost bay. The applicant owns and runs "SkyShips" which can be described as an independent supplier of bespoke infotainment systems and instrument clusters for supercars providing a rapid development and prototype manufacturing service. The office is currently used by the applicant's business for electrical engineering/technical processes which are carried out on desktop equipment in a typical office environment. It is considered that this activity falls within a B1 use as required by Condition 10 of planning consent 05/02039/FUL which required that 'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order evoking and re-enacting that Order) the works areas of the building(s) hereby permitted as shown on drawing numbers 602002/03 and 05 shall be used only for purposes falling within Class B1 of the Schedule to that Order and for no other purpose (including any other use falling within that class or any provision equivalent to that Use Class in any Statutory Instrument).

The applicant and his family live in the residential part of the converted Barn which occupies approximately 2½ bays at the opposite end of the Barn to the freestanding office. Within the Barn itself, the accommodation is arranged over two storeys, with an attic space above, and additional bedroom accommodation is provided in a single-storey building which adjoins the eastern corner of the barn and is accessed by a small link structure. Windows in the internal dividing wall provide views into the central open area of the barn and back into the residential accommodation from the same.

A parking area, currently laid to shingle, is located between the access and the barn towards its southern end. This area is shared by the residential occupiers of the Barn and the staff based in the office.

Adjacent to the site, Piccotts Farmhouse is accessed by a driveway to the west of Saling Barn, with the Farmhouse itself lying to the southeast of Saling Barn. The Farmhouse is Grade II Listed. A vehicular access runs along the north-western boundary of the site providing access to Saling Barn and Smiths Barn. Piccotts Farmhouse, Saling Barn, and Smiths Barn form three separate planning units and are in three separate ownerships respectively. There is a Grade II Listed Byre that forms part of the Smiths Barn group of buildings. Footpath 3 runs in a north easterly direction along the access in front of Saling Barn, continuing on into the adjacent fields. There are various agricultural outbuildings/barns opposite Saling Barn. Open fields surround the wider area.

## PROPOSAL

The applicant seeks to erect an additional two-storey freestanding glass and steel structure within the unconverted bays of Saling Barn. It is proposed to use this part of the barn as a Class B1 premises for the purposes of the applicant's business. The new structure would incorporate the existing freestanding office. The elevations would be glazed and the roof transparent. Mechanical extraction/ ventilation equipment would be run within the freestanding structure, with the accompanying external plant to be located in a shed adjacent to the parking area.

The ground floor would occupy most of the area of the five bays except the central bay which would remain open and leaving space to allow people to walk between it and the barn walls. The first floor would be narrower so as to fit within the space framed by the principal posts and trusses. The existing residential use in the other two converted bays would remain. The applicant would continue to occupy the residential part of the Barn with his family and is not seeking to split the residential and work areas into separate planning units.

The parking area would be extended to provide an additional four standard parking spaces and resurfaced. Low level lighting would be provided to the parking area.

## CONSULTATIONS

Historic England – This application is for similar work as was proposed in applications in November and December 2015 (reference 15/01235/LBC and 15/01527/LBC respectively). Historic England's assessment of the effect of the proposed work on the significance of the barn remains unchanged [less than substantial harm]. In summary, Historic England (HE) consider that what is proposed would harm the significance of the barn, and could be thought justified only if the present conversion of the barn is found not to provide it with a viable use.

HE advise it is for the District Council to assess whether the information supplied demonstrates that what is proposed may be considered the optimum viable use of the building. If the Council do consider this to be the case, then Historic England would consider that the harm to the barn's significance consequent on the scheme would be outweighed by the benefit of securing its future.

ECC Historic Buildings Consultant – On balance, supports the application, subject to conditions relating to the spiral staircase and internal finishes:

This is an inventive scheme which would secure a structurally non-invasive use for the barn. The applicant was advised that a previous proposal would result in the infilling of all the bays of the barn, meaning that the general sense of open space which is indicative of its character as a barn would be lost. The

applicant has subsequently amended the scheme in line with previous advice to reduce the size of the structure and to utilise a transparent roof, allowing the roof structure and frame to be viewed.

The proposed parking area was an area for concern during pre-application discussions. The applicant was advised that the maximum space likely to be acceptable to be given over to parking would be roughly that currently in use. The applicant has taken on board comments in respect of surface material, subtle demarcation of spaces, boundary screening, and lighting, when producing their landscape plan.

The applicant has submitted a noise impact assessment and further information which does not change my previous opinion (support) subject to conditions.

BDC Environmental Services Pollution – No objection on Environmental Health Grounds, subject to conditions in respect of the plant to be installed and hours of operation of the external plant.

ECC Highways – The impact of the proposal is acceptable to the Highways Authority subject to mitigation and conditions relating to: the surfacing and use of the car parking area; use of the proposed development being in connection with the occupiers of Saling Barn, and no other business or commercial use being permitted.

Parish Council – Objection: We believe that there is a restrictive covenant on the barn to keep it a live/work rather than enclosing the open part of the barn where you would lose all the character of the barn and all the history.

The barn is only a couple of 100 years younger than Cressing Temple which are Grade I Listed Barley and Wheat Barns. The Parish Council feels that this barn should be upgraded to Grade I Listed to protect our local historical building.

The Parish Council feels that turning the barn into offices would have effect on the environmental issues with air conditioning units etc and lighting being on 24 hours a day. Essex County Council advised in 2011 that Piccotts Lane would not be able to take more traffic. This alteration would increase the traffic on that lane to an unacceptable level.

The Parish Council object to this application and would like to keep the open barn feature, if the applicant filled the barn this would change the character of the building altogether and a historic building would be lost.

Further comments following submission of additional information: Great Saling Parish Council opposes the change of use of the property as per our previous comments in respect of the history of the site. In our comments we referred to a restrictive covenant on the barn to keep it as a live/work situation and wonder if BDC has been able to get evidence of this – perhaps there is some

mention of this from the applications in 2005 that we discussed in our comments.

It is also felt that there are likely to be issues with noise from traffic that is generated by the proposed changes. It appears from the report added to the documentation of the planning proposal that noise should not be a great issue; however the area is very open and traffic noise in this location can easily be heard from the village itself. If, however, permission is granted the Parish Council would like a condition put on this property relating to noise levels which must remain within the perimeter of the building and car park.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties. In response, letters of representation have been received from the occupants/owners of Smiths Barn; and Piccotts Farm respectively. These representations raise objection on the following grounds:

- The current conversion allows the modern use of the building as well as its preservation.
- The new proposal will not be live/work but an industrial use in a Grade II\* Listed Barn.
- The open character of the barn will be lost and must be preserved.
- It is wrong to turn such a beautiful historical building, which was involved in the peasant's revolt in 1381 into an industrial unit thus losing all its heritage.
- The difficulties in selling the barn were due to the economic downturn.
- The proposed use would make the building less attractive to prospective buyers in future.
- This growing business would be better located in a purpose built industrial unit rather than adapt a historic building.
- Already cars regularly parked outside the driveway.
- Noisy revving of high performance cars in the area.
- Number of cars disproportionate and unsightly, will spoil views of the barn.
- Concern re noise from the ventilation system.
- Capacity of septic tank insufficient to cope with increase in waste.
- The new proposal is very similar to the previous application which was refused, why should this one be granted? The reasons for previous attempts at changing the setting and character of the barn still fail.
- Highway safety concerns.
- Ruin peaceful countryside setting with noise and air pollution surrounding an industrial unit.

A representation has also been received from a resident of Belchamp Otten, who has had previous professional involvement with the proposal, who supports the application on the following grounds:

- The barn is of importance and the submission reflects this with careful design and detailing.
- Aston Martins revving and pulling away at fast speed is not a planning matter.
- The NPPF recommends the reuse of assets of listed importance.
- The barn has been advertised and shown to have no other viable use that will safeguard the structure.
- The barn was always a barn a construction of a commercial nature in the past as such the reuse is full circle within an industry that is low impact and creates and sustains employment within the rural area.
- The conversion is supported by the Essex Conservation Office and Historic England are neutral.
- The suggested changes are minimal and secure the barn and the barn's historic nature.

## REPORT

### Principle of Development

The site is in the countryside. Core Strategy Policy CS5 The Countryside states inter alia that development will be strictly controlled to uses appropriate to the countryside in order to protect its character. This application is somewhat unusual in seeking a commercial scale use for part of a converted barn that was previously granted consent for, and implemented, a live/work use.

When considering the conversion of agricultural buildings in the countryside, the policy approach of both the Core Strategy and Local Plan Review is to require employment and community uses to be explored, and evidence submitted that such uses would not be viable, before a residential use would be considered. RLP101 Listed Agricultural Buildings states inter alia that:

Conversion of a listed barn, or other listed former agricultural or rural buildings, to employment or community use will be permitted provided that:

- (a) The detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance, and its contribution to the group value and/or to the landscape in general;
- (b) The proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads;
- (c) The criteria set out in policy RLP 38 are met.

Policy RLP38 Conversion of Rural Buildings states inter alia that: The conversion of rural buildings (including modern buildings) for business re-use will be permitted provided that:

- they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction;
- their form, bulk and general design are in keeping with their surroundings;
- there would be no unacceptable impact on the landscape or protected species or historic environment;
- safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council's standards and lorry manoeuvring without detriment to the setting of the building, residential amenity and the landscape within which it is located;
- the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside;
- there shall be no open storage of goods, containers, waste materials or finished products.

Conversion to residential use will only be acceptable where:

- i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made; or
- ii) Residential conversion is a subordinate part of a scheme for business re-use of the building; and
- iii) In either case, the criteria set out above are met.

The Core Strategy and Local Plan Review were adopted in 2011 and 2005 respectively. The draft Local Plan does not require employment or community uses to be sought in preference to residential conversion of rural buildings however policy support remains for the conversion of such buildings to commercial use.

Core Strategy Policy CS4 Provision of Employment states inter alia that the Council and its partners will support the economy of the District and aim to provide a minimum of 14,000 net additional jobs in the District between 2001 and 2026.

The NPPF seeks to support a prosperous rural economy, and states in paragraph 28 that: Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion

of existing buildings and well-designed new buildings; promote the development and diversification of agricultural and other land-based rural businesses.

Support specifically for the rural economy is set out in the draft Local Plan which recognises that businesses located in the rural areas contribute significantly to the economy of the district and provide local employment opportunities.

Draft Local Plan Policy LPP5 Rural Enterprise states inter alia that: Outside settlement boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to all the following criteria: 1. The location of the site being accessible, well related to the existing settlement pattern and sustainable in terms of the Framework; 2. There is no unacceptable impact on protected species or the historic environment; 3. The access and traffic generated by the development can be accommodated without adverse impact on the local road network; 4. There is no unacceptable impact on residential amenity; 5. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.

There is therefore, general policy support both for the District Economy as a whole and support for commercial proposals in the countryside; subject to meeting design, amenity and highways criteria etc. The applicant's business employees are currently split between premises in Chelmsford and the existing office in the barn. A commercial scale Class B1 approval would allow additional team members and processes to relocate from the Chelmsford site, bringing additional jobs into the District.

The NPPF states in paragraph 131 that 'In determining planning applications, local planning authorities should take account of:

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

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage

assets are irreplaceable, any harm or loss should require clear and convincing justification’.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case and when assessing previous application 15/01235/LBC, Historic England acknowledged that what was proposed would cause no harm to the fabric of the building but considered that the space could no longer be appreciated as a whole even if visitors could still view the exposed structure in part. The harm to the significance of the asset was considered to be ‘less than substantial’ but still serious in degree requiring justification, which must be weighed against the public benefit. The NPPF states at paragraph 134 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.’

The NPPG paragraph 20 explains the term “public benefits” as follows:

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.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Taking into account all of the above commentary, the central issue upon which consideration of this application rests is whether any public benefit outweighs the less than significant harm that has been identified. Further guidance as to what is a viable use for a heritage asset and how is it taken into account in planning decisions is given in paragraph 15 of the National Planning Practice Guidance which states:



“The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised.”

After a period of neglect, the exterior of the building was in a poor condition in the early 2000s. Indeed it was included in the Register of Buildings at Risk. Planning approval 02/00672/COU granted consent for the change of use of Saling Barn and several other buildings on the site to live/work units. An S106 Agreement created an obligation that no more than two units would be created: Saling Barn now comprises one unit and Smiths Barn the other. The Site Plan, and Floor Plans approved under reference 02/00672/COU show Saling Barn with ‘Residential’ occupying two bays of the barn, and the remaining five bays were shown to be ‘Domestic/Business’ but no particular division between domestic and business was shown on the floor plan. The Listed Building Consent that was submitted concurrently with the change of use application (02/00673/LBC refers) was withdrawn prior to determination: only the principle of the change of use was therefore determined at that time with the detail of the conversion to be considered at a later date.

The site was purchased by an architect and subsequently restored and converted to a live/work use in 2006/2007. In accordance with plans approved under planning application reference 05/02039/FUL and Listed Building Consent reference 05/02040/LBC, residential accommodation was built into approximately two and a half bays and a work space (which took the form of a glazed two storey freestanding office) was constructed in one bay at the opposite end to the residential accommodation. Condition 10 of planning consent 05/02039/FUL restricted the use of the work area to purposes falling within Class B1. Historic England has previously described this conversion as 'an exemplary scheme'. The barn was owned and occupied thereafter for a number of years by the architect and his business Pocknell Studios, an Architectural and Graphic Design Practice, was based in the 'work' area.

In more recent years Saling Barn was sold first to a Mr Faulkner, and subsequently to Mr Mather, neither of whom could make the space work for them. Mr Mather secured planning consent (application reference 14/00481/LBC refers) to extend the residential accommodation further into the barn and the removal of the office structure from the far end was associated with that. This consent was not implemented and the Barn was put on the market in September 2014. After a protracted purchase period of around 18 months, the current applicant (Mr Ives) and his family moved into the barn approximately one year ago and live in the residential conversion which occupies the two bays at the eastern end of the barn and the one bedroom annexe. The applicant bought the property with the intention of running his business from the site in the knowledge that the site had an extant Live/Work consent.

One of the representations queried the marketing of the site. A marketing report has been submitted that covers the period September 2014 to September 2015. Six viewings took place over a year. It advises that the eventual purchaser (who is seeking the extended B1 use) was the only one of the limited number of prospective viewers that wanted the office space. It concludes that the live/work use and the current layout of the residential and ancillary office element have limited appeal: and that the live/work element caused difficulties when raising mortgage finance. Indeed it is recognised that such a large internal space is unusual and could be considered to be an underutilised space by many prospective buyers if the current owner does not secure the desired B1 use for his business and seeks to sell the Barn. There is a risk that the current good state of the barn may be allowed to deteriorate if the proposed extended B1 use was not secured and the current owner was not able to sell the Barn.

Listed Building Consent application 15/01527/LBC was withdrawn following discussion with the applicant whereby it was advised that the scale of the proposed use was considered to be beyond the scope of the previous live/work permission due to the size of the proposed structure and the number of staff that would be employed at the site. Concerns were raised in respect of the inability to consider residential amenity, parking, highways impact etc. under a Listed Building Consent and the applicant was advised to make a combined LBC and Full application for the extended B1 use.

The proposal to extend the B1 use is therefore considered to meet the criteria set out under Policy RLP38. The barn is not a public building and therefore the open bays can only be appreciated and viewed at this time by a limited number of visitors at the invitation of the current owners. The freestanding structure could be removed in future and the space could be appreciated once again by a limited number of visitors. The additional jobs that will be secured in the District will provide a public benefit to the local economy. Furthermore, it is considered that the barn, which was built not as a residence but rather a working building albeit agricultural rather than for industrial uses that did not exist at the time of its construction, will have a modern use commensurate with its scale; securing its future and the longer term conservation of the heritage asset. In this case, on balance, it is considered that the proposal represents the optimal viable use of the building at this point in time and therefore outweighs the less than substantial harm that would be caused to the Listed Building.

#### Design, Appearance and Layout

It is considered that the freestanding glass and steel structure will clearly read as a modern intervention in the historic barn and will not cause harm to the fabric of the building. Indeed the juxtaposition of the two may serve to highlight the visual qualities of each individual element. The use of transparent materials will allow the structure of the barn to remain visible to some extent, and space remains between the freestanding structure and the barn walls and roof to enable maintenance to take place to either structure if required.

No changes are proposed to the external appearance of the barn itself. Parking already takes place immediately to the front of the barn. It is proposed to extend the car park by approximately 64 square metres, which equates to four 5.5 x 2.9 metre spaces. The existing parking area is proposed to be resurfaced in resin bonded gravel to minimise noise from vehicles travelling over the surface (as opposed to a loose material), and the additional spaces in the overflow area will use ecogrid planted with grass. There is some existing lighting on the barn. A maximum of four fixed bollard lights will be installed in the parking area to provide low level lighting.

The overflow parking will be “double-parking” directly behind four of the existing spaces. Whilst this arrangement might not be ideal in some cases, in this instance it minimises the increase in the size of the parking area and is considered to be acceptable as it will not be required to serve separate units where conflicts over parking could be reasonably anticipated. The impact on the setting of the barn is not considered to detract to a degree that would warrant refusal when the existing arrangement is taken into account.

#### Impact on Neighbour Amenities

B1 uses are offices (other than those that fall within Class A2), research and development, and light industry appropriate in a residential area. Policy RLP

36 Industrial and Environmental Standards states inter alia that: planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of: noise, smells, visual impact, traffic generation, contamination to air, land or water, impact on nature conservation interests, unacceptable light pollution.

As was advised to be necessary at pre-application discussion, a noise impact assessment has been submitted with the application. Following ongoing communication between the case officer, the environmental health officer, and the applicant, additional supporting information has been submitted demonstrating that the impact of the proposed ventilation equipment can be satisfactorily mitigated and secured by condition. In addition, the submitted details have been reviewed by the Historic Buildings Consultant who has raised no objections to the proposal in this regard.

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

In order to protect the amenity of future residential occupiers of Saling Barn a condition is recommended to tie the B1 use to the residential use of the same.

### Highway Issues

It is considered that there are no unacceptable highways impacts associated with the proposal.

### Other Issues

The capacity of the existing foul waste system to accept the volume increase will be addressed through the building regulations regime should the application be approved.

The Parish Council have referred to a possible restrictive covenant on the barn restricting its use to Live/Work. Restrictive covenants are a legal matter for the relevant parties to any such agreement, and are not a material planning consideration. The Parish Council may be referring to the S106 Agreements subject to which two of the previous applications were granted consent:

- 02/00672/COU was granted subject to an S106 Agreement dated 25<sup>th</sup> November 2003. In that agreement "Application" was defined as 'An application for planning permission dated 4<sup>th</sup> April 2002 and numbered 2002/0672/COU to carry out the Development'. "Development" was defined as 'The conversion and restoration of agricultural buildings on the Site for residential live/work units in accordance with the Application'. The Agreement required repair works as defined in a Schedule to be carried out in a certain period of time and for the Site not to be disposed of other

than as a whole site prior to the completion of those works. Following completion of the repair works, the Agreement required that the Site be sub-divided into no more than two parcels. Also that any future applications would be prepared by a full member of RIBA and any approved works being supervised by the same. Permitted Development rights were removed. Written notice was also required of any change in ownership.

- 05/02039/FUL was granted subject to an S106 Agreement dated 12 July 20016. That Agreement varied the original 2003 Agreement by adding the following words to the definition of "Application" 'and an application for planning permission dated 11 October 2005 and numbered 2005/02039/FUL for the refurbishment and conversion to 'live-work' accommodation of the barns previously granted outline permission Each development provides 4 beds and domestic offices plus work areas.' It was agreed that the repair works had been carried out to the satisfaction of the Council and the period in which the conversion works had to be completed was also extended.

Whether or not the barn listing should be amended to Grade I is a matter for Historic England, and no suggestion that this should be the case has been made in their consultation responses.

## CONCLUSION

In this case, on balance, it is considered that the proposal represents the optimal viable use of the building at this point in time and the benefit in terms of the conservation of the heritage asset is considered to outweigh the less than substantial harm that would be caused to the Listed Building. The barn is not a public building and therefore the open bays can only be appreciated and viewed at this time by a limited number of visitors at the invitation of the current owners. The freestanding structure could be removed in future and the space could be appreciated once again by a limited number of visitors. The additional jobs that will be secured in the District will be of benefit to the local economy. Furthermore, it is considered that the barn will have a modern use commensurate with its scale; securing its future.

The proposal is considered to be acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

## 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

Additional Plan	Plan Ref: PSSB 16/HVAC/2	
Elevations	Plan Ref: PSSB 15/PLAN/01	Version: Rev C
Location Plan		
Block Plan		
Landscaping	Plan Ref: PSSB 15/LAND/01	

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

### Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

- 4 The ventilation plant and enclosure shall be installed in accordance with drawing PSSB 16/HVAC/2. The plant shall not operate until construction of the enclosure has been completed.

### Reason

In order to minimise nuisance caused by pollution in the interests of residential amenity.

- 5 Ventilation equipment shall only be operational between 7.30am and 6.30pm Monday to Friday, and 8am and 1pm on a Saturday.

### Reason

In order to minimise nuisance caused by pollution in the interests of residential amenity.

- 6 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.

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

Reason

To ensure adequate parking space is provided.

- 8 The residential part of this live work unit shall only be occupied by persons associated with the business use taking place within the Class B1 part of the unit. It shall not be sold, transferred, leased or otherwise disposed of as an independent unit without first obtaining planning permission from the local planning authority.

Reason

To limit the generation of unnecessary traffic in the interests of highway safety, to protect the amenity of the residential occupiers of Saling Barn, and to safeguard the continued co-existence of a well-functioning live work unit.

- 9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) Saling Barn shall be used only within Class B1 and C3 of the Schedule to that Order and for no other purpose (including any other use falling within that class or any provision equivalent to that Use Class in any Statutory Instrument).

Reason

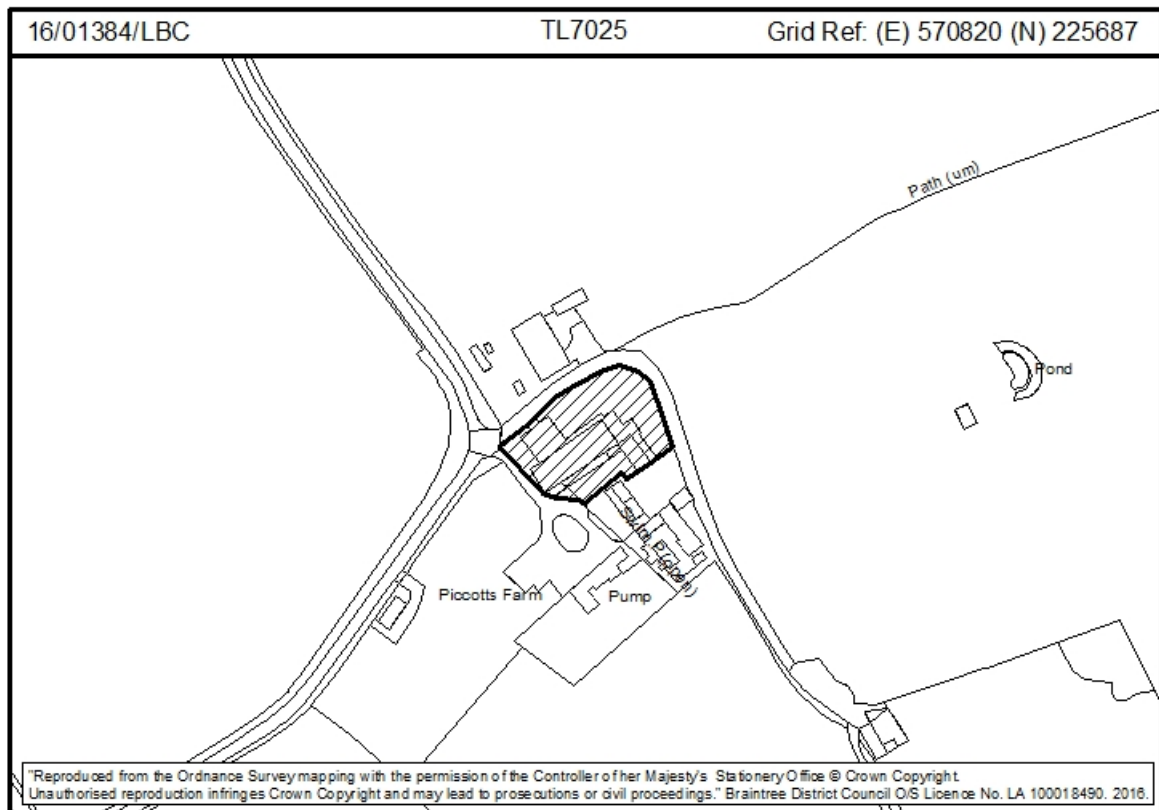
In order that the Local Planning Authority may exercise control over any proposed future uses.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01384/LBC DATE: 08.08.16  
 VALID:  
 APPLICANT: Mr William Ives  
 Saling Barn, Piccotts Lane, Great Saling, Essex, CM7 5DW  
 AGENT: Pocknell Studio  
 Mr Mark Homer, East Barn, Blackmore End, Essex, CM7 4DR  
 DESCRIPTION: Extended/change of use to B1  
 LOCATION: Saling Barn, Piccotts Lane, Great Saling, Essex, CM7 5DW

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)





## SITE HISTORY

00/01380/FUL	Conversion of redundant buildings into residential units	Withdrawn	22.02.01
00/01381/LBC	Conversion of existing listed barn into a single residential unit	Withdrawn	22.02.01
02/00672/COU	Proposed conversion and restoration of agricultural buildings for residential live/work units	Granted with S106 Agreement	25.11.03
02/00673/LBC	Proposed conversion and restoration of agricultural buildings for residential live/work units	Withdrawn	17.10.02
99/01650/FUL	Conversion and restore traditional buildings for a leisure/tourism use		07.07.00
99/01651/LBC	Conversion into private health club and two holiday/short term lets	Withdrawn	07.07.00
05/02039/FUL	Proposed conversion and refurbishment of barns to live/work accommodation providing 4 beds and domestic offices plus works areas	Granted with S106 Agreement	12.07.06
05/02040/LBC	Proposed conversion and refurbishment of barns to live/work accommodation providing 4 beds and domestic offices plus works areas	Granted	06.04.06
16/01383/FUL	Erection of freestanding office structure within Grade II* Listed Barn and extended B1 use	Pending Decision	
10/00027/FUL	Change of use from highway to domestic garden area	Granted	10.02.10
14/00481/LBC	Proposed interior remodelling to domestic living accommodation. Alterations are to extend living space by one bay into unconverted section of existing barn and to dismantle existing two storey glazed office	Granted	04.06.14

	structure occupying one bay to west elevation.		
15/01235/LBC	Intervention of freestanding office structures within Grade II* Listed barn	Refused	18.11.15
15/01527/LBC	Intervention of freestanding office structures within Grade II* Listed barn	Withdrawn	27.01.16

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

## Braintree District Local Plan Review

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

## Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
LPP50        Alterations, Extensions and Changes of Use to Heritage Assets  
and their Settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

## SITE DESCRIPTION

The site is located in the countryside approximately 650 metres west of the village of Great Saling. It is accessed off and sits adjacent to a bend in Piccotts Lane. Saling Barn is a remarkable late mediaeval aisled barn dating from the late 14<sup>th</sup> or early 15<sup>th</sup> century. Built in seven bays it is a monumental example of the timber-framed agricultural buildings of Essex. Its Grade II\* listing reflects the quality and extent of survival of the fourteenth and fifteenth century timber frame and other features, such as the brick threshing floor.

A glass and steel two-storey freestanding office stands in the westernmost bay. The applicant owns and runs "SkyShips" which can be described as an independent supplier of bespoke infotainment systems and instrument clusters for supercars providing a rapid development and prototype manufacturing service. The office is currently used by the applicant's business for electrical engineering/technical processes which are carried out on desktop equipment in a typical office environment. It is considered that this activity falls within a B1 use as required by Condition 10 of planning consent 05/02039/FUL which required that 'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order evoking and re-enacting that Order) the works areas of the building(s) hereby permitted as shown on drawing numbers 602002/03 and 05 shall be used only for purposes falling within Class B1 of the Schedule to that Order and for no other

purpose (including any other use falling within that class or any provision equivalent to that Use Class in any Statutory Instrument).

The applicant and his family live in the residential part of the converted Barn which occupies approximately 2½ bays at the opposite end of the Barn to the freestanding office. Within the Barn itself, the accommodation is arranged over two storeys, with an attic space above, and additional bedroom accommodation is provided in a single-storey building which adjoins the eastern corner of the barn and is accessed by a small link structure. Windows in the internal dividing wall provide views into the central open area of the barn and back into the residential accommodation from the same.

A parking area, currently laid to shingle, is located between the access and the barn towards its southern end. This area is shared by the residential occupiers of the Barn and the staff based in the office.

Adjacent to the site, Piccotts Farmhouse is accessed by a driveway to the west of Saling Barn, with the Farmhouse itself lying to the southeast of Saling Barn. The Farmhouse is Grade II Listed. A vehicular access runs along the north-western boundary of the site providing access to Saling Barn and Smiths Barn. Piccotts Farmhouse, Saling Barn, and Smiths Barn form three separate planning units and are in three separate ownerships respectively. There is a Grade II Listed Byre that forms part of the Smiths Barn group of buildings. Footpath 3 runs in a north easterly direction along the access in front of Saling Barn, continuing on into the adjacent fields. There are various agricultural outbuildings/barns opposite Saling Barn. Open fields surround the wider area.

## PROPOSAL

The applicant seeks to erect an additional two-storey freestanding glass and steel structure within the unconverted bays of Saling Barn. It is proposed to use this part of the barn as a Class B1 premises for the purposes of the applicant's business. The new structure would incorporate the existing freestanding office. The elevations would be glazed and the roof transparent. Mechanical extraction/ ventilation equipment would be run within the freestanding structure, with the accompanying external plant to be located in a shed adjacent to the parking area.

The ground floor would occupy most of the area of the five bays except the central bay which would remain open and leaving space to allow people to walk between it and the barn walls. The first floor would be narrower so as to fit within the space framed by the principal posts and trusses. The existing residential use in the other two converted bays would remain. The applicant would continue to occupy the residential part of the Barn with his family and is not seeking to split the residential and work areas into separate planning units.

The parking area would be extended to provide an additional four standard parking spaces and resurfaced. Low level lighting would be provided to the parking area.

### CONSULTATIONS

Please see previous report.

### REPRESENTATIONS

Please see previous report.

### REPORT

Please see previous report.

### CONCLUSION

In this case, on balance, it is considered that the proposal represents the optimal viable use of the building at this point in time and the benefit in terms of the conservation of the heritage asset is considered to outweigh the less than substantial harm that would be caused to the Listed Building. The barn is not a public building and therefore the open bays can only be appreciated and viewed at this time by a limited number of visitors at the invitation of the current owners. The freestanding structure could be removed in future and the space could be appreciated once again by a limited number of visitors. The additional jobs that will be secured in the District will be of benefit to the local economy. Furthermore, it is considered that the barn will have a modern use commensurate with its scale; securing its future.

The proposal is considered to be acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity or on the character of the area.

### 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

Additional Plan	Plan Ref: PSSB 16/HVAC/2	
Elevations	Plan Ref: PSSB 15/PLAN/01	Version: Rev C
Location Plan		
Block Plan		
Landscape Masterplan	Plan Ref: PSSB 15/LAND/01	

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

Reason

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

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

Reason

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

- 3 No works shall commence until drawings at a scale between 1:1 and 1:20 showing the proposed new spiral staircase to be inserted into the midstretey have been submitted to and approved in writing by the Local Planning Authority. The drawings shall also mark up the proposed materials to be used in its construction. The works shall be implemented in accordance with the approved details.

Reason

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

- 4 No works shall commence until details of the proposed internal materials have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

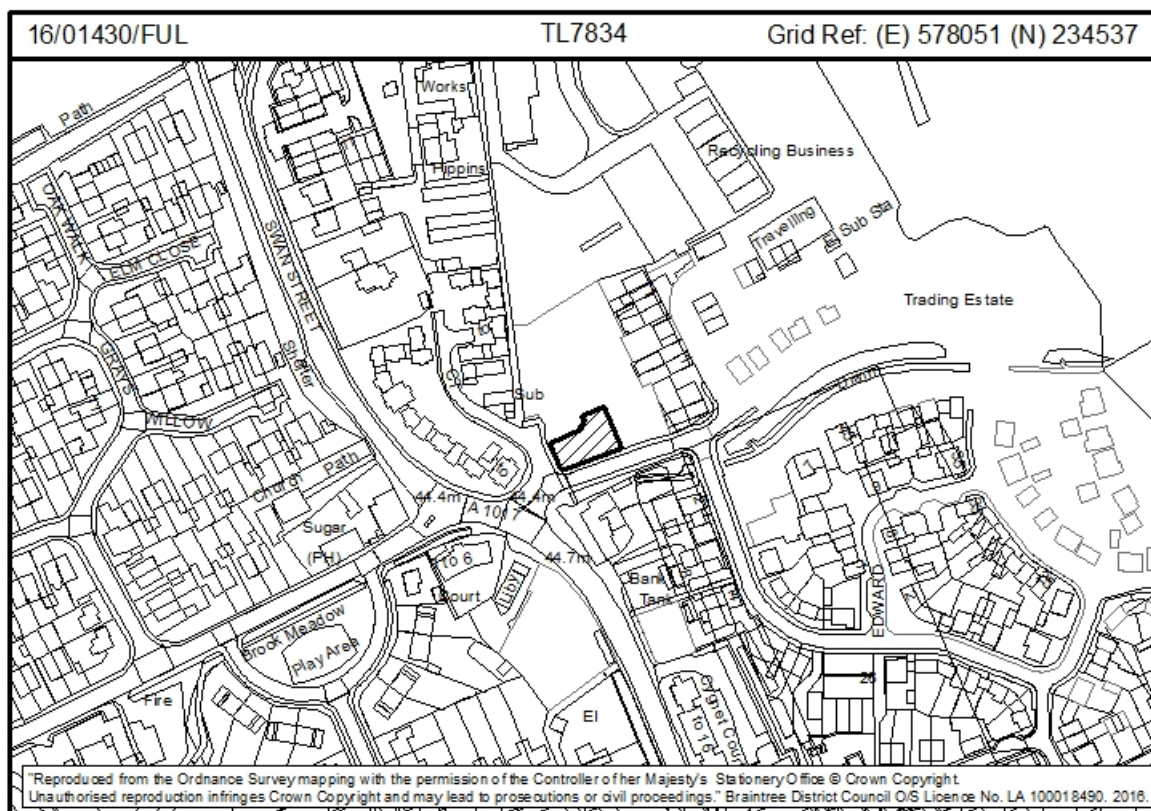
PART A

APPLICATION NO: 16/01430/FUL DATE: 26.08.16  
 VALID:  
 APPLICANT: Bloor Homes Limited (Eastern)  
 Mr J Wragg, Marauder House, Skyliner Way, Bury St  
 Edmunds, Suffolk, IP32 7YA  
 AGENT: STOAS Architects  
 Mr John Maxted, 216 Fort Dunlop, Fort Parkway,  
 Birmingham, B24 9FD  
 DESCRIPTION: Erection of new work hub with associated car parking and  
 landscaping  
 LOCATION: Land East of Bewick Court, Sible Hedingham, Essex

For more information about this Application please contact:

Mr Neil Jones on:- 01376 551414 Ext. 2523

or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



## SITE HISTORY

16/00029/REF	Application under Section 106BA to amend the affordable housing planning obligations as provided for within Planning Permission 13/00416/FUL (reducing the number of affordable housing units from 58 to 16)	Appeal Allowed	13.07.16
13/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Redevelopment of former Premdor Factory Site; demolition of existing factory buildings and associated outbuildings; construction of a new residential development consisting of 194 no. dwellings; provision of open space; creation of a new vehicular junction via Swan Street and emergency access via Station Road and provision of access roads, footpaths, landscaping and associated infrastructure	Screening/ Scoping Opinion Adopted	06.02.13
13/00416/FUL	Redevelopment of former Premdor Factory Site; demolition of existing factory buildings and associated outbuildings; construction of a new residential development consisting of 193 no. dwellings; provision of open space; creation of a new vehicular junction via Swan Street and emergency access via Station Road and provision of access roads, footpaths, landscaping and associated infrastructure	Granted with S106 Agreement	12.07.13



13/00978/FUL	Variation of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 18, 20, 23, 26, 39, 40 and 41 of planning approval 13/00416/FUL - To amend wording of conditions from "prior to commencement" to "prior to the construction of any dwelling".	Granted with S106 Agreement	20.11.13
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

CS1	Housing Provision and Delivery
CS4	Provision of Employment
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

#### Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP27	Location of Employment Land
RLP36	Industrial and Environmental Standards
RLP37	New Commercial and Industrial Activities within existing Residential Areas
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP77	Energy Efficiency
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Supplementary Planning Documents

Parking Standards – Design and Good Practice

#### National Planning Guidance

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application contrary to the Officer recommendation. Although Braintree District Council are not the applicant, or landowner, it is also considered appropriate that the Planning Committee determine the application as it is intended that the completed development be transferred to the District Council's ownership.

## SITE DESCRIPTION & HISTORY

The site is part of the former Premdor factory within the village of Sible Hedingham. The District Council granted planning permission for the erection of 193 dwellings, along with associated Public Open Space and associated infrastructure on land to the east of the application site. That planning permission covered 12.87ha of land and was approved July 2013 under planning application ref. 13/00416/FUL. Construction of the development is now well under way.

Whilst the application site did not form part of the 2013 planning application, land for a Work Hub and a potential Primary Healthcare Centre was shown on the submitted plans to be subject to future planning applications. The S106 legal agreement, that formed part of the 2013 planning permission, required that the work hub be constructed in accordance with an approved specification before being transferred to the District Council's ownership. The Section 106 Agreement specified that no more than 80 market dwellings can be occupied before the Work Hub was completed (or that it be provided within four years of the first occupation of a dwelling, whichever is the sooner). Given the number of dwellings occupied the Work Hub building should have been completed by now. It is proposed that a Deed of Variation is made to the S106 but this matter is the subject of a separate report to Committee.

This planning application relates to a 0.605ha site located to the east of the junction of the A1017 Swan Street and Rectory Road. Earls Garden – a new estate road - runs along the southern site boundary and this road provides the vehicular access to the 193 dwellings currently being built out by Bloor Homes.

The factory site has been cleared to allow for the redevelopment and over 100 dwellings have already been built and occupied.

The character of the surrounding area is predominantly residential with dwellings to the north-west, east and south of the site. The closest dwellings would be those north-west of the site in the residential development known as Bewick Court. There is a small public library on Swan Street, opposite the junction with Earls Garden. Further to the north of the site there is the Rippers Court commercial estate.

There are two Grade II listed buildings near the site – Brook House, which fronts onto Swan Street to the south of the site and The Sugar Loaves to the west of the site on the opposite side of Swan Street. There is a public right of way to the west of the site which runs from Swan Street north past Rippers Court to Station Road.

## PROPOSAL

This application seeks planning permission for the erection of a new work hub with associated car parking and landscaping.

## CONSULTATIONS

**BDC Engineers (Land Drainage)** – no objection but recommend a condition(s) regarding maintenance of SuDS feature.

**BDC Environmental Services** – no objection, subject to conditions / S106 establishing controls over construction methodology.

**ECC Highways** – no comment on the application as access is onto an unadopted highway and parking provision complies with standards.

**Historic Buildings Adviser (ECC Place Services)** – First consultation response stated the application could not be supported.

The development site is considered to be within the immediate setting of Brook House and wider setting of The Sugar Loaves - both of which are Grade II listed buildings. The proposed building is not considered to respond to the locality and does not make a positive contribution as an example of modern architecture. As the harm identified to the listed building is less than substantial this should be weighed against any public benefits from the scheme in accordance with Paragraph 134 of the NPPF.

Following the receipt of revised plans the Historic Buildings Adviser submitted a second consultation response. Their objection to the application was withdrawn and conditions were recommended regarding materials.

**Lead Local Flood Authority (ECC)** – No objection to the application as the proposal is in line with a surface water drainage strategy that was agreed with the Environment Agency.

**NHS England** – no objection raised providing that adequate access and access rights are maintained from the main road to the health land that the Council secured through the S106 for the provision of new Primary Care Facility.

**Sible Hedingham Parish Council** – Object to the application and make the following comments:

What will the Work Hub be used for?

The site for the Work Hub is not as big as the original scheme

Is the correct amount of land left for the surgery?

Where is the access to the proposed surgery?

On the plans it doesn't look like 1/6<sup>th</sup> of the site

If the surgery is not built then the land adjoining the Work Hub will see people congregating on it

How will the site be lit?

The plans show no lift.

## REPRESENTATIONS

### **One letter received objecting to the application.**

Listed below is a summary of the main issues raised by the objector:

The Work Hub occupies a larger area of land than the S106 legal agreement allows and this means that there is less land available for the Doctors Surgery on the remainder of the land.

It is not clear how wheelchair users would be able to access the first floor.

The entrance to the building is close to Bewick Court where the road is narrow and this will lead to problems with delivery vans parking.

The site leaves an irregular area of land to be developed for the Doctors Surgery.

The Work Hub should have been located at the rear of the site allowing the Doctors Surgery to occupy the front of the site.

### **One letter received supporting the application.**

The writer commented that it was great to see appropriate cycle parking in the right place.

## REPORT

### Principle of Development

The Core Strategy identifies the former Premdor and adjoining Rockway sites as being a regeneration area with uses to include housing, employment, doctors surgery, riverside nature reserve, and open space amongst other things. The provision of some employment facility within the village was considered important to help promote economic vitality of this key service village and encourage a more sustainable form of development by providing employment opportunities for local residents and reduce the need for residents to commute to other settlements to work.

As part of the redevelopment process the District Council required the production of a Masterplan for the redevelopment of the whole site. A Masterplan was agreed by the District Council in December 2012 and this

included the provision of a total of 0.3ha of land for the future provision of a doctor's surgery and a Work Hub facility in this location.

As stated above the provision of the Work Hub facility and the land for the new healthcare facility were secured through the S106 legal agreement and given that the proposals are broadly in accordance with the approved Masterplan for the site there is no objection to the principle of the development.

### Design, Appearance and Layout

The NPPF states that '*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.*' (Para.56)

Given the proximity of two listed buildings Local Plan Review Policy RLP 100 'Alterations and Extensions and Changes of Use to Listed Buildings, and their settings' is also of relevance. It 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*'.

Policy CS9 'Built and Historic Environment' of the Core Strategy states that '*The Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to: [amongst other things]*

- *Respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity*
- *Create good quality built environments in commercial and business districts and in the public realm as well as in residential areas,*
- *Incorporate the principles of sustainable design and construction in accordance with recognised national standards securing the use of:*
  - *Energy efficient design and materials*
  - *recycled materials*'

Officers were keen to secure a distinctive building to occupy this prominent position within the development and the village. It was considered important that the building have a strong presence to raise the prominence of the building and differentiate it from the residential development surrounding it. It is hoped that this will also help promote the facility and help to ensure it is sustainable.

The original proposal attracted an objection from the Council's Historic Buildings Adviser on the basis that it would detract from the setting of a listed building and that the building did not represent a good example of high quality modern architecture.

The applicant has responded by submitting revised plans which have sought to give the building a simpler, clearer identity. The pitched roof form of the two 'wings' of the building have been replaced with a flat roof behind a parapet wall. The fenestration, external materials and entrance have all also been modified. Officers consider that the revisions are acceptable and the Council's Historic Buildings Adviser has confirmed that the revisions have remedied the design issues sufficiently and thereby reduced the level of harm caused.

#### Impact on Neighbour Amenity

Whilst the building will be located within a predominantly residential area it is considered that it will not have an unacceptable impact on the amenity of local residents. The building's position and orientation means that there will be no overlooking of residential properties and the size of the building and its intended use mean that there should not be any unacceptable issues of noise or disturbance.

#### Highway Issues

The proposed site access will be formed onto Earls Garden which is the estate road that provides access to the 193 dwellings currently being built out. The Highway Authority raises no objection to the application.

In accordance with the requirements of the S106 9 parking spaces are being provided, including two spaces for disabled people, along with a space for a motor bike and 4 cycle parking spaces. This level of provision complies with the Council's adopted Parking Standards.

#### Landscape and Ecology

The application site forms part of the former Premdor factory site. Prior to the clearance of the site in 2013 this area would have been covered by concrete hardstanding and large commercial buildings. Protected species surveys were completed prior to site clearance. Since the factory site was cleared for redevelopment the area has stood empty or been used for car parking by contractors. There is no vegetation on the site and the bare, scrapped soil is not considered to contain any habitats of value.

The proposed layout allows for a limited amount of soft landscaping around the entrance to the building and along Earls Garden. Details can be covered by condition but can be designed for ecological as well as aesthetic value.

The NPPF states that the planning system should contribute to and enhance the natural environment by 'minimising impacts on biodiversity and providing net gains in biodiversity where possible ...' It is recommended that a condition is added which requires the applicant to install some further means of habitat creation, such as swift or bat boxes, on the building.

## Sustainability

The Council encourages applicants to plan and design new development so that it produces more sustainable forms of development. The S106 agreement requires that the building be designed and constructed to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'very good'. BREEAM measures sustainable value in a series of categories, ranging from energy to ecology. Each of these categories addresses the most influential factors, including low impact design and carbon emissions reduction; design durability and resilience; adaption to climate change; and ecological value and biodiversity protection. Officers are satisfied that this requirement to be certified as 'very good' will ensure that the building is designed and constructed in a suitable manner.

## Economic Development

If planning permission is granted and the building constructed it will be transferred to the District Council and will provide six office spaces which can be offered on short term leases to businesses. The building will also provide the type of infrastructure expected within modern start-up business facilities, including a meeting room; break out area; and kitchenettes. The Work Hub concept is intended to provide a range of small office space that can be let to small businesses, including new start-up businesses. The building has been designed to provide communal facilities and it is envisaged that the businesses will be able to share experiences and knowledge and help to informally support each other and fills a gap in the market for this type of facility.

The Council's Economic Development Team is working on the details of how the building will be managed and how best to support future business tenants. The provision of this facility will help support economic development within one of the more rural parts of the district and builds on other Council projects in Braintree and planned developments in Witham.

## Other Matters

### Accessibility

There have been representations made to the Council concerning the access arrangements to the first floor office accommodation and highlighting the fact that the building will not be served by a lift. The applicant will instead be installing a stair lift to provide access to the first floor, in accordance with the specification contained for the building contained within the S106. Whilst it is accepted that a lift would be preferable in terms of providing a good standard of access, visitors to the offices and indeed employees if they were working on the first floor would be able to access the first floor via the stair lift. It is also noted that there are no unique facilities available on the first floor of the building. In any event the development would need to meet the accessibility requirements of the Building Regulations.



### Health Land / Primary Health Care Facility

The 0.3ha of land available to provide both the Work Hub and Primary Health Care facility means that there needs to be an efficient use of the land that is available.

The current planning application for the Work Hub building states that the building and associated vehicular access and car parking will occupy an area of 0.0605 hectares. This is marginally in excess of the 0.05 hectares specified within the S106 for the Work Hub and if the Work Hub were approved this would leave 0.2395 hectares available for the development of the health centre. Officers envisage that both the Work Hub and Health facility will be served by the same vehicular access, to ensure the efficient use of the land available. As a result part of the 0.0605ha of land described as being 'Work Hub land' in this application will also form part of the 'Health land'. Members should note that the whole 0.3ha site will remain in the ownership of the District Council and as a result the Council can control the whole site, including the access to it and how it is laid out.

Whilst the District Council has secured the land for the new healthcare facility the responsibility for providing the new building / facility rests with NHS England and the two GP Practices that will use the facility. There are on-going discussions between these parties to develop proposals for a new health care facility at this site but at the current time there are no firm plans agreed.

Although there are no definite plans available at present for the Health facility, Officers have been provided with the estimated footprint and floorspace that the new building would have. A building of the size envisaged could be accommodated within the remaining site and be provided with suitable access and car parking. Having considered the proposal Officers conclude that the proposed development of the Work Hub would not prejudice the delivery of the Health Care facility.

It is acknowledged that one of the grounds for objecting to the application from a local resident is the irregular shape of the land that would be left for the healthcare facility to be provided. This is true and is largely as a result of the applicant trying to fulfil all the requirements of the S106 in the smallest area possible. It may be that when proposals for the healthcare facility come forward it will be necessary to amend the layout of the car parking arrangement for the Work Hub but as the Council will retain ownership of the whole site such adjustments would remain within its control.

NHS England has been consulted on the Work Hub planning application and they have raised no objection to the proposals, subject to suitable arrangements being secured for the future health facility.

Surface Water Drainage – When the Council granted planning permission for the redevelopment of the site in 2013 a surface water drainage strategy was

agreed with the Environment Agency (EA) which covered the whole development site.

Since 2013 Essex County Council has assumed responsibility for surface water drainage from the EA and they were consulted on this application.

ECC as Lead Local Flood Authority (LLFA) has stated that they have no objection to the application as the proposals accord with the scheme agreed with the EA in 2013. The LLFA do however go on to comment that the proposals are not in accordance with current best practice and that they would recommend that a minimum of 50% betterment on the proposed run off rates if there was any additional scope for improvement to the drainage system.

The layout of the Premdor development and in particular the Work Hub site would make it difficult to engineer a scheme that would result in a minimum of 50% betterment. Officers take the view that it would also be difficult to justify compelling the developer to do this and therefore accept the surface water drainage arrangements proposed by the applicant.

### CONCLUSION

The principle of a Work Hub in this location was agreed as part of the approved Masterplan for the redevelopment of the Premdor site. The broad principles of what the Work Hub should consist of are set out within the S106 legal agreement that formed part of the planning permission which was granted for the redevelopment of the site.

Following amendments to the external appearance of the building Officers consider that the building is appropriate for the context of the site and would not be detrimental to the setting of nearby listed buildings or the amenity of local residents and the application is recommended for approval.

### 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: 15-2402-P01	Version: C
Proposed Plans	Plan Ref: 15-2402-P02	Version: C
Window details	Plan Ref: 15-2402-P10	
Drainage Plan	Plan Ref: 614247/120	Version: P5
Planning Layout	Plan Ref: C6393-205.E	

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

Reason

This Condition is imposed pursuant to Section 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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used for no purpose other than uses that are within Use Class B1 (Business).

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to safeguard the Work Hub facility for employment uses.

- 4 Construction of the building 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 and permanently maintained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality and to ensure the use of appropriate materials having regard to the listed building near this site.

- 5 Construction above ground level of the Work Hub building shall not be commenced until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. 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 on this prominent building and having regard to the listed building near the site.

- 6 Construction above ground level of the Work Hub building shall not be commenced until details for the provision of appropriate nest/roost sites for bats and birds have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details prior to the first beneficial use of the building and thereafter so maintained.

Reason

To ensure that the development minimises its impacts on biodiversity and provides for net gains in biodiversity.

- 7 Prior to first beneficial use of the building hereby approved details of means of enclosure along the boundary of the car parking area / Earls Garden shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosure. The enclosures as approved shall be provided prior to the first beneficial use of the building 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.

- 8 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:  
Monday to Friday - 08:00-18:00 hours  
Saturday - 08:00-13:00 hours  
Sunday - No work  
Public and Bank Holidays - No work

Reason

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

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

Reason

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

- 10 A dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development 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. This information is required prior to commencement of development to ensure that suitable arrangements are in place before work starts in order that residential amenity can be protected.

- 11 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.

- 12 Should contamination be found that was not previously identified at the site, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Formulation and implementation of any 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 first occupation of any part of the building.

In the event of a remediation scheme being necessary, the developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no use of the site until the Local Planning Authority has approved the validation report in writing.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 13 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 biodiversity.

- 14 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 Work Hub building, as permitted by Class F of Part 7 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 in the interests of residential, visual amenity and to ensure adequate parking facilities are retained.

**INFORMATION TO APPLICANT**

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written

request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.
- 4 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction Sites Code of Practice 2012." A copy can be viewed on the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk), at Planning Reception, or can be emailed. Please phone 01376 552525 for assistance.

TESSA LAMBERT  
DEVELOPMENT MANAGER

Variation to Section 106 Legal Agreement, Former Premdor Factory Site, Sible Hedingham		Agenda No: 5e
Portfolio	Environment and Place Planning and Housing Economic Development Health and Communities	
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 A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Neil Jones, Principal Planning Officer	
Report prepared by:	Neil Jones, Principal Planning Officer	
Background Papers:		Public Report
Planning Committee Report – Application Reference 13/00416/FUL		Key Decision: No
Section 106 Legal agreement – Application Reference 13/00416/FUL		
Executive Summary:		
Due to changes in circumstances it is proposed to make changes to the S106 legal agreement to address a number of issues that have arisen regarding the delivery of some aspects of the planning obligations for Open Space provision; Highways works; and the Work Hub and Health Land. The revised terms of the agreement will still allow the Council to secure the delivery of these obligations, albeit that this will be at a later stage of the development than had originally been intended.		
Recommended Decision:		
Members approve the recommended changes to the S106 legal agreement and grant Officers authority to complete the Deed of Variation.		
Purpose of Decision:		
To enable the Local Planning Authority to make suitable variations to the terms of the existing planning obligations to reflect changes in circumstances.		



Corporate Implications	
<b>Financial:</b>	None
<b>Legal:</b>	Any legal implications have been considered as part of the assessment.
<b>Safeguarding:</b>	None
<b>Equalities/Diversity:</b>	None
<b>Customer Impact:</b>	The provision of some of the planning obligations, which provide benefits for the whole of the local community, will be delayed or varied.
<b>Environment and Climate Change:</b>	None
<b>Consultation/Community Engagement:</b>	Sible Hedingham Parish Council was consulted regarding initial proposals by the owner/developer to vary the terms of the S106 legal agreement.
<b>Risks:</b>	The consequences of the proposal in terms of changes to the triggers are set out in the report.
<b>Officer Contact:</b>	Neil Jones
<b>Designation:</b>	Principal Planning Officer
<b>Ext. No:</b>	2523
<b>E-mail:</b>	<a href="mailto:neijo@braintree.gov.uk">neijo@braintree.gov.uk</a>

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as it is proposed that the terms of the S106 legal agreement, that formed part of the grant of planning permission 13/00416/FUL, are varied from those which the Council's Planning Committee approved when permission was granted for the redevelopment of the former Premdor factory site in 2013.

## SITE DESCRIPTION

The site was described as follows in the Planning Committee report when the redevelopment of the site was considered in 2013.

*'The site was formally occupied by a window and door manufacturer which closed in September 2009. There are a variety of large industrial buildings on the site in various states of repair, all situated on concrete slabs.*

*The Rockways site (also part of the masterplan, but not subject to this application) is situated to the north fronting onto Station Road. This comprises a single storey but significant factory building.*

*To the North West the site adjoins commercial/industrial businesses and a lorry park within a small employment area off Rippers Court. This land is set at a higher level than the application site. It is allocated for employment uses in the Local Plan and the emerging LDF Site Allocations Document.*

*To the west the site adjoins mixed residential properties within Bewick Court and properties which front onto Swan Street, including Cygnet Court and Brook House (a Grade II Listed Building). This building fronts Swan Street with a side elevation facing the site's primary access. Also along part of the site's frontage with Swan Street, to the south of Brook House, is a bank building, which was formerly the UK's smallest bank.*

*To the south the application site adjoins the rear gardens of two storey, semi-detached properties in Brook Terrace and the parking areas behind the flats in Summerfields. Adjacent to the eastern boundary of the site is the Local Nature Reserve and the River Colne'.*

Since planning permission was granted in 2013 the buildings and areas of hardstanding that stood on the site have been cleared and the developers - Bloor Homes – have constructed a significant proportion of the site. The development to the south of the water course has been largely completed and at the start of October just over 100 of the 193 approved dwellings have been constructed and occupied.

## PROPOSAL

The developer – Bloor Homes – has requested that the Council enter into a Deed of Variation to the S106 legal agreement. It is proposed that some of the terms of the S106 legal agreement are varied to address issues that have arisen about the nature and / or timing of some of the obligations.

There were ten schedules within the S106 agreement covering the following matters - Allotment contribution; Sports contribution; Open Space; Affordable Housing (this schedule was effectively varied as a result of an appeal to the Secretary of State over the level of Affordable Housing provision on the site); Education contribution; Highways & Transportation; Healthcare contribution; Art and Public Realm Strategy; Work Hub and Health Land; and Construction Phasing and Management Plan. It is proposed that three of the schedules are varied and a summary of the proposed variations is set out below.

Schedule 3 – Open Space – Amendments to the timing for the approval of the Open Spaces Strategy; the nature of the River Walk at the northern end of the site; and the information that must be included within the Open Space Strategy.

Schedule 6 – Highways & Transportation – Amendments to the nature of pedestrian crossings required to be installed on Swan Street (A1017) and changes to the time when the highway works need to be completed by.

Schedule 9 – Work Hub & Health Land – Amendments to the timing for the delivery of the Work Hub building and the amount of land that is specified in the agreement for use for the Work Hub and the proposed Primary Health Care Facility.

## REPRESENTATIONS

The Parish Council were consulted when the District Council first received the formal request from Bloor Homes for a Deed of Variation to the S106 legal agreement. Whilst the Parish Council accepted the variations, they stated they were unhappy

that the Zebra crossing on Swan Street was being changed to a refuge island and they restated that their preference would be for a Zebra crossing to be installed.

## REPORT

### **Schedule 3 – Open Space**

The Premdor development included extensive public open space provision and this was secured through the legal agreement. A number of amendments are proposed to this schedule.

The S106 required the provision of a Footpath and Cyclepath along a route cross hatched black on the Open Spaces Plan appended to the legal agreement. This would provide an extension to the existing river walk in Sible Hedingham when connected by an off-site Footpath / Cyclepath that the developer is also required to provide across Public Open Space owned by the Council at the rear of the Summerfields development. The Footpath / Cyclepath across the Premdor application site would run from the southern end of the site – and the Open Space at the rear of the Summerfields development – through to Station Road at the northern end of the application site.

The developer has raised a number of concerns about the footpath and cyclepath in this area including; the ground conditions which will make construction of the path very difficult; the safety of walkers using this area; and whether a path leading to Station Road, beyond built development, is desirable.

Officers accept that the nature of the Riverwalk land at the northern end of the site is different to that at the southern end of the site. The north of the Rockways site is more heavily wooded, with often dense undergrowth and is more secluded in nature as it is not overlooked.

Officers have accepted some of these points, but have still wanted to ensure that if there is not a formal footpath / cyclepath then there should at least be a cleared path to provide an informal walk connection through to Station Road. It is envisaged that this route would be used predominantly for leisure purposes and a lower key path would also minimise impact on the woodland and ecology. It is proposed that the S106 be amended so that an Informal Walk is provided from a specified point near the Rockways site through to Station Road. The Informal Walk would be a cleared mowed walkable and signposted path on a route to be agreed with the Council as part of the Open Space Strategy. The definition of the 'Riverwalk' also needs to be amended to include reference to the Informal Walk as well as the Footpath and Cyclepath.

It is also proposed that the timing of the obligations in respect of the Open Space is altered. The original S106 specified that the Open Space Strategy and Management Plan be submitted to the District Council and approved prior to the first occupation of the development. Whilst Officers reviewed a number of elements of the Open Space Strategy prior to first occupation of the development, the complete Strategy has only recently been submitted for approval.

It is proposed that the S106 be amended to require that the completed Open Space Strategy and Management Plan shall be submitted prior to occupation of 135

dwellings. (Bloor Homes has already formally submitted a complete draft of their Open Space Strategy and Management Plan and Officers have assessed this and requested modifications).

The S106 required that the developer provide the Equipped Play Area; Riverwalk; Pocket Park and Watercourse in accordance with the approved Open Space Strategy, prior to the occupation of 60% of the dwellings. Because there are different areas of Open Space within the development some areas can be completed and made available for use, sooner than others. As a result it is proposed that the triggers be replaced with the requirement for the different elements of the Open Space to be provided prior to different levels of occupation. This approach should see the first areas of Open Space completed by January 2017 and the last areas of Open Space being completed by May 2017.

Whilst the variation would mean that some elements of the Open Space provision are provided later than had originally been intended, Officers have gained agreement from Bloor Homes that they will bring forward the delivery of the Off Site Footpath and Cyclepath. It is proposed that the exact alignment of the off-site path now be agreed as part of the Open Space Strategy (the definition of the Open Space Strategy is to be amended accordingly). It was originally specified that the developer would use reasonable endeavours to provide this link within four years of the first occupation of a dwelling. It is proposed that this be amended so Bloor Homes use reasonable endeavours to complete the off-site works by the end of April 2017 and prior to occupation of 150 dwellings.

## **Schedule 6 – Highways & Transportation**

The original agreement required the payment of a financial contribution towards improvements to public transport in the village and four separate packages of highways improvements works. The agreement specified that the developer should use ‘*reasonable endeavours*’ to enter into the Highway Works Agreement with the County Council for the provision of the Highway Improvement Works prior to the occupation of any dwelling on the site.

The fourth item of the Highway Improvement Works package was the ‘*Provision of a zebra crossing on the A1017 Swan Street to the south of its junction with Bewick Court together with full resurfacing of the carriageway on the approaches to provide a suitable high friction surface*’

It is understood that the developer had appointed a contractor to undertake the specified package of Highway Improvement Works on the basis that the required works had been agreed with the Highway Authority. Just before the works were to be undertaken, the Highway Authority raised concerns about the plans to install a zebra crossing on the A1017 / Swan Street. They required that further speed surveys were undertaken to ascertain the speed of traffic passing the location of the proposed zebra crossing. The new speed survey information revealed that the average speed of passing traffic was higher than that which had been recorded in speed surveys undertaken by the applicant’s highway consultants prior to the 2013 planning application being submitted. The speeds recorded by the new survey were above the level at which the Highway Authority consider that it is safe to install a zebra crossing.

As a result, the applicant was unable to carry out the specified Highway Improvement Works. Protracted discussions then took place between the Highway Authority and the applicant over alternative pedestrian crossing arrangements. Agreement has now been reached whereby a pedestrian refuge island will be constructed within the carriageway in this location along with corresponding dropped kerbs.

It is proposed that item 4 of the Highway Improvement Works be amended in the S106 to read '*4. Provision of a pedestrian refuge island on the A1017 Swan Street to the south of its junction with Bewick Court to include dropped kerbs and tactile paving either side of the carriageway together with any associated carriageway resurfacing, in accordance with the Refuge Island Location Plan and the Traffic Island Detail Plan*'.

When this agreement was reached with the Highway Authority, the developer requested the District Council's agreement to vary item 4 of the Highway Improvement Works, but following this request the Highway Authority has also identified safety issues with item 1 of the Highway Improvement Works. This specified the '*1. Provision of a pedestrian crossing in Swan Street to include dropped kerbs and tactile paving either side of the carriageway on the A1017 Swan Street to the North of its junction with Bewick Court*'.

Having re-examined the road widths in this location and the proximity of the proposed crossing to existing dropped kerb crossovers which provide access to dwellings, Highway Officers have concluded that the installation of a refuge island in this location would not comply with relevant design / safety standards. They have recommended that the requirement to install a refuge island in this location should be omitted and that the agreement be varied as follows; '*1. Provision of pedestrian facilities on the A1017 in Swan Street to the north of its junction with Bewick Court to include as a minimum requirement dropped kerbs and tactile paving on either side of the carriageway*'.

The original agreement specified that the developer use '*reasonable endeavours*' to carry out the Highway Improvement Works prior to first occupation of the development. It is proposed now that the Highway Improvement Works are undertaken prior to occupation of the 170th dwelling. This length of time is required to allow for the submission of technical drawings for the works to the Highway Authority; approval of the drawings; completion of a legal agreement with the Highway Authority to undertake the approved works; the appointment of contractors; booking the road space and undertaking the works.

## **Schedule 9 – Work Hub & Health Land**

The S106 agreement secured a 0.3 hectares (ha) parcel of land within the application site, near the site entrance and Bewick Court. The agreement specified that not less than 0.25 ha of land would be '*Health Land*' which would be transferred to the District Council so that it can be used for the provision of a new Doctors Surgery (Primary Health Care Facility) and associated car parking.

The S106 agreement also required the developer to provide the District Council with a new Work Hub, in accordance with a specification set out in the S106. The original agreement specified that the Work Hub land should occupy not less than 0.05 hectares of land.

Whilst the original agreement specifies that the Health Land and the Work Hub land should be '*not less than*', as the total area available is 0.3ha the reality is that precisely 0.3ha of land has been provided by the developer. As a result, neither the Work Hub land, nor the Health Land can exceed the minimum amounts of land specified without the other area of land falling below the specified minimum.

Architects working for Bloor Homes have been unable to design a layout/scheme which fulfilled the specification for the Work Hub in the S106 in a manner that was acceptable to Officers without exceeding 0.05ha. The planning application that has been submitted for the Work Hub scheme covers 0.0605ha. This is marginally in excess of the 0.05 hectares specified within the S106 for the Work Hub. If the current application for the Work Hub were approved, this would leave 0.2395 hectares available for the development of the Health Centre.

Officers envisage that both the Work Hub and Health facility will be served by the same vehicular access to ensure the efficient use of the land available. As a result, part of the 0.0605ha of land described as being Work Hub land will also form part of the Health Land.

Whilst the District Council has secured the land for the new healthcare facility, the responsibility for providing the new facility rests with NHS England and the two GP Practices that will occupy the facility.

NHS England has been consulted on the Work Hub planning application and they have raised no objection to that proposal, subject to suitable arrangements being secured to access the future Primary Health Care Facility. As the District Council will own both the Work Hub site and the Health Land, the Council will be able to ensure that this can be achieved.

The precise size of the proposed new Primary Health Care Facility is still to be determined by NHS England. Officers however have been advised that currently it is thought that the building would have a ground floor area of approximately 490m<sup>2</sup> and a first floor area of approximately 326m<sup>2</sup>.

To illustrate the feasibility of a building of this size being erected on the site, a sketch has been produced to indicate how a building of this scale could be accommodated within the remaining Health Land. The building shown in the sketch has a larger first floor area, of circa 590m<sup>2</sup>, but this allows for the laying out of a car park with 32 spaces. This layout is for illustration purposes only and the design and layout of the Health Care facility will still be the subject of a detailed design and the position and design of the Health Care Building and the car park could be changed. The sketch does however demonstrate that a Work Hub site of 0.0605ha would not prejudice the delivery of the Primary Health Care Facility.

As the original agreement did not envisage this type of shared access arrangement, there is a need to vary the terms of the agreement to introduce some flexibility over how the 0.3ha of land can be used. It is proposed that the '*Health Land*' definition is amended to '*means not less than 0.20 hectares of land within the area edged blue on the Work Hub and Health Land Plan*'.

The S106 agreement required that, subject to approval of the Work Hub specification and the granting of planning permission, the Work Hub be constructed prior to occupation of more than 80 market dwellings. It has taken longer than anticipated to agree the specification for the Work Hub building and to grant planning permission and more than 80 market dwellings have been occupied. Although the Council could have enforced the original legal agreement and prevented further occupations of the market dwellings, this was not considered appropriate as the developer was still finalising proposals for the Work Hub with the Council. Subject to the grant of planning permission for the Work Hub and agreement to vary the S106, Bloor Homes have advised that they anticipate that the building could be completed by July 2017 and that they will use reasonable endeavours to have completed the Work Hub building by this date.

## OTHER MATTERS

**Bank Building** – When the District Council were developing a Masterplan for the redevelopment of the site, the Parish Council were very keen that the former Bank Building on the site be retained.

The Bank Building is a small timber clad building located near the site frontage on Swan Street, in an area that is now a Pocket Park. Local residents report that when the bank was open it was the smallest bank in the country. It is understood that the bank shut approximately 20 years ago.

The S106 legal agreement specifies that the former Bank Building be made available for transfer to the Council's nominee with the intention that the Parish Council would then own the building and refurbish it so that it can be used for 'Community Use'. A financial contribution of £20,000 towards the refurbishment of the Bank Building was also secured as part of the S106.

It is understood that since the Bank closed many years ago the building has seen very little maintenance and that this has led to the condition of the structure deteriorating.

As the trigger point at which the Bank Building would be transferred to the Parish Council (the most likely nominee) approached, Officers questioned whether the Parish Council still wanted the building retained and transferred to them.

The Parish Council met earlier this month to discuss this matter. Concerns were raised by local residents at the potential loss of the building and the Parish Council decided not to vote on the matter to allow time for the condition of the building to be further investigated and for potential community uses to be explored.

Whilst it remains uncertain whether the Parish Council will decide that they want the former Bank Building transferred to them, at this time there is no need to amend the S106 agreement in this respect. It is therefore proposed that the obligation to transfer the building to the Council's nominee remains in place.

If the Parish Council were to decide that they did not want the Bank Building to be transferred to them, this obligation would need to be revisited.

## CONCLUSION

The proposed changes to the S106 are considered by Officers to be reasonable and address a number of issues that have arisen regarding delivery of some aspects of the obligations regarding Open Space provision; Highways works; and the Work Hub and Health Land. Whilst the proposed Deed of Variation will result in some of the obligations being delivered at a later stage within the development, Officers still consider that the Open Space provision will be made at a reasonably early stage in the development.

The issues that have arisen with the proposed crossings on Swan Street were not wholly down to the developer and it is regrettable that it has taken so long for these issues to be resolved with the Highway Authority. Similarly it has taken longer than anticipated for the developer and Officers to agree the specification and design of the Work Hub.

The revised triggers for the Highway Works and Work Hub will still be sufficiently in advance of completion of the development to be confident that they are secure.

Whilst the Council could have enforced the terms of the original agreement and sought to prevent occupations taking place ahead of completion of the obligations referred to above, this would have led to the development being delayed, extending disturbance for local residents and reducing housing delivery at a time when the District Council is under significant pressure to increase the supply of housing.

## RECOMMENDATION

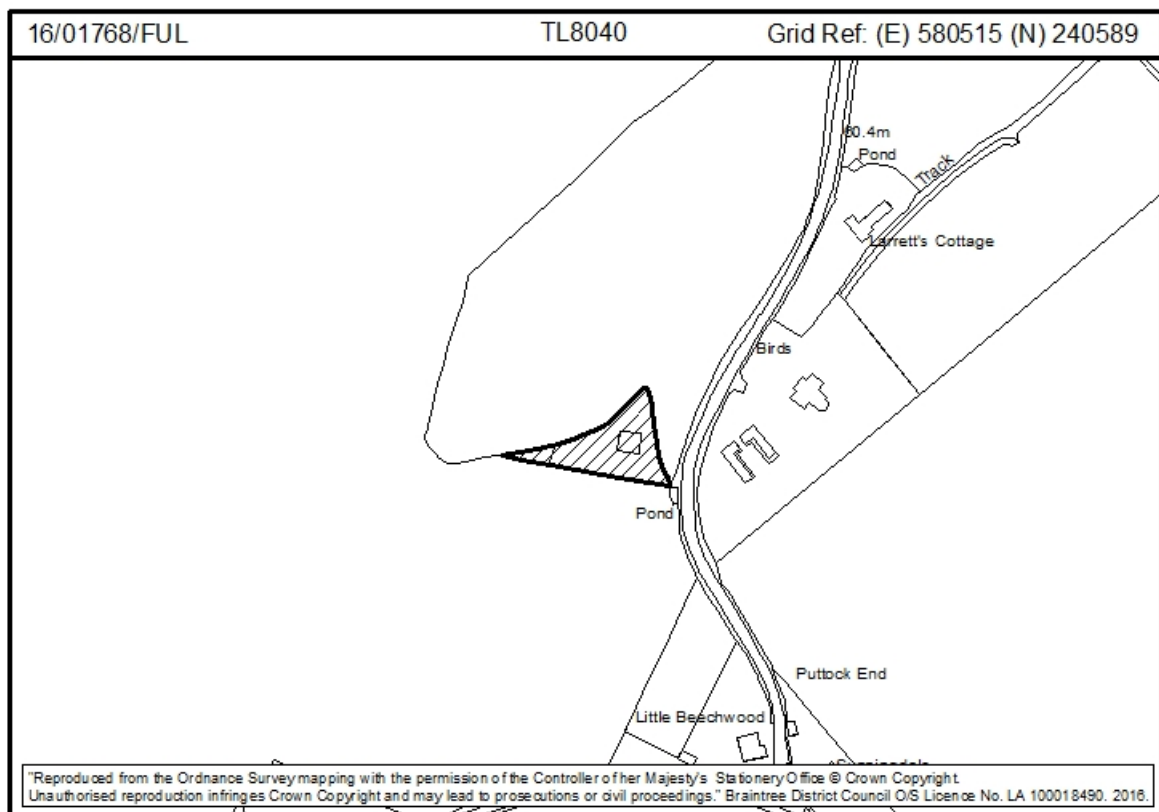
It is recommended that Members approve the proposed changes and allow Officers authority to complete the Deed of Variation to the S106 agreement.



PART A

APPLICATION NO: 16/01768/FUL DATE: 20.10.16  
 VALID:  
 APPLICANT: Mr Peter Moore  
 Birds Farm, Puttock End, Belchamp Walter, CO10 7BD  
 AGENT: Mr Matthew Wood  
 Phase 2 Planning, 250 Avenue West, Skyline 120, Great  
 Notley, Braintree, CM77 7AA  
 DESCRIPTION: Demolition of existing redundant barn and its replacement  
 with a new purpose-built dwelling together with associated  
 development and landscaping  
 LOCATION: Land Opposite Birds Farm, Puttock End, Belchamp Walter,  
 Essex

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](mailto:sam.trafford@braintree.gov.uk)



## SITE HISTORY

16/00210/FUL	Removal of existing old disused barn and erection of four bedroom detached dwelling and detached double garage.	Refused	16.03.16
16/01252/FUL	Demolition of existing redundant barn and erection of single storey dwelling together with associated development and landscaping	Refused	14.09.16

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

#### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

#### Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

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

This planning application is being taken to Committee as an elected Member has called it in so that the Committee can consider the effect of the development, including the demolition of the existing barn, on the character and appearance of the area.

## SITE DESCRIPTION

Land opposite Birds Farm is a triangular shaped plot of land with a disused former agricultural barn sited on it. The site is in an isolated location, outside of any designated village envelope or town development boundary, approximately 1 mile west of Belchamp Walter; itself a small rural village with a population of approximately 200. The plot is well screened from the public highway, and there is an existing access off the public highway.

This planning application follows two other applications earlier in 2016 for a four bedroom (16/00210/FUL) and a two bedroom dwellinghouse (16/01252/FUL) with a detached double garage. Both these applications were refused due to the site being located in an unsustainable location, and due to the design which was considered over-complicated and too large in form, resulting in a poor form of design.

## PROPOSAL

The application proposes to erect a two storey, four bedroom dwellinghouse, roughly in the same place as the existing barn. The dwelling would take the form of a 'Borderoak' Suffolk vernacular style, according to submitted details; with front and rear facing dormer windows, a large feature porch, and a single storey rear projection which would be a conservatory.

In front of the dwelling would be a driveway, which the submitted plans indicate would be constructed of "grass paviour", and feature a turning head and a parking area. To the side and rear of the proposed dwelling would be amenity space.

## CONSULTATIONS

Highway Authority – No comments given existing access.

Landscape Services – No objections, subject to condition requiring use of bat boxes in a landscape scheme.

Drainage Officer – No objections.

Parish Council – No response received at time of writing the report.

## REPRESENTATIONS

A site notice was displayed at the site, and neighbours were notified by letter. At the time of writing the committee report, only one representation had been received from an address in Witham. This representation objects to the application on the basis there is no cycle storage.

## REPORT

### Principle of Development

Both the previous applications have been refused on the grounds that the site is located in an unsustainable location where the occupants would be reliant on the use of the car. Any social or economic benefits would not outweigh the environmental impact of the proposal. These recent planning decisions are material considerations in determining this application.

The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The site falls beyond the defined village envelopes of the Braintree District in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The agent refers to the Council's shortage in housing supply, and considers this to be sufficient justification for allowing a single new dwelling in this location. The Council acknowledges that it cannot demonstrate a 5 year supply of housing land as required by Paragraph 47 of the NPPF. The Council accepts that the absence of a 5 year deliverable supply of land for housing means that relevant policies for the supply of housing should not be considered up to date. This does not mean that sites outside of existing development boundaries are automatically appropriate for new development. It means, in accordance with Paragraph 14 of the NPPF, that the Local Planning Authority should approve development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, or specific policies in the NPPF indicate development should be restricted.

Both national and local planning policies seek to restrict new residential dwellings in the countryside and direct them to sites within towns and villages in sustainable locations where there is access to facilities and in order to protect the character of rural areas. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. In order for development to be truly sustainable it must achieve an economic, social and environmental role simultaneously. As a core principle planning should recognise the intrinsic character and beauty of the countryside and in order to promote sustainable development in rural areas,

paragraph 55 of the NPPF advises that housing should be located where it will enhance or maintain the vitality of rural communities. The NPPF also advocates the need to promote travel choice.

NPPF Paragraph 55 considers sustainable development in rural areas, and sets out that planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as an essential need for a rural worker to live permanently at or near their place of work in the countryside; where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.

The site is not located close to any existing residential settlement, and there are no facilities or amenities within reasonable walking distance of the site, and the site and surrounding area does not benefit from a bus service. Having researched this, it would appear that there are two bus routes (Route B – De Vere Travel Group – runs twice a day and appears to be a school bus; and Routes 11-13 run by Regal Busways which runs once an hour but doesn't stop within walking distance of the site). It can be argued therefore that the site is isolated in terms of its functional connectivity to services.

The proposed dwelling would not be required for a rural worker; it would not involve the re-use of a heritage asset or redundant/disused building and the design is not considered to be truly outstanding. Information within the planning statement submitted with the application indicates that the site was previously used for the rearing of poultry and for the storage and repairs of farm machinery. More recently the barn was used for the storage and packing of trees, ancillary to the commercial tree nursery at Birds Farm. The building has therefore formerly been in agricultural use. It is therefore not considered that this is a brownfield site. The NPPF states that previously developed land excludes land that is or has been occupied by agricultural or forestry buildings (Annex 2). The history of the site indicates there is no record of any planning applications for a commercial use of the building.

The proposal would not re-use the existing building; instead it represents a new dwellinghouse in the countryside which is not required to support agriculture, forestry or any other rural use, beyond the defined settlement limits and therefore contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside.

In addition to failing to satisfy paragraph 55 of the NPPF, it is not considered that the proposal performs an economic, social or environmental role such to be considered as truly sustainable development. The development would perform a marginal economic role, i.e. the short term employment related to construction of the development; however the addition of a single dwelling does not coordinate development requirements by ensuring the provision of infrastructure. This adhoc approach to development would not provide any

additional infrastructure and would require the household to be dependent upon travel by car to meet day-to-day needs.

In providing a social role development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being; there is no evidence that the development would perform a social role. In providing an environmental role development should contribute to protecting and enhancing the natural, built and historic environment. As will be discussed below the proposal is not considered to secure a high standard of design and would impinge adversely upon the landscape character afforded to the area and thus would fail to achieve the environmental dimension of sustainable development.

In conclusion the proposal does not secure sustainable development and would fail to enhance the vitality of the rural community contrary to the NPPF. Any benefits of the development would be negligible.

#### 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 and Policy LPP 46 of the Braintree District Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.. Policy LPP 42 of the Braintree District Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

One of the reasons for refusal for the first refused planning application, 16/00210/FUL, was the following:

*“The proposed dwelling is large and would have a significantly greater visual impact than the existing building. The design of the proposed dwelling incorporates a number of different design features and styles such as a timber framed jettied projection, large bay window, staggered vertical windows, triangular window, a largely glazed subordinate element, and a range of different materials. It also incorporates a number of different roof forms including gables, half hips, dormers and asymmetric roof forms. Cumulatively these features result in an incoherent appearance.*

*It is considered that the scale and design of the proposed dwelling are overcomplicated and discordant and the dwelling would intrude on the countryside to a significantly greater extent than the existing building. The*

*dwelling would be detrimental to the rural character of the area and contrary to the policies referred to above.”*

The second planning application was also refused on design grounds, the reason for refusal stating:

*“The proposed building, by virtue of its square form, slack pitch and overly wide span represents a poor form of development entirely unrelated to the plot and the surrounding countryside. In addition, the pattern of fenestration is poorly detailed. Accordingly, the proposed dwelling would result in a poor quality form of development out of keeping with its countryside location, and would not enhance the immediate setting, contrary to the aforementioned policies.”*

This application attempts to overcome this reason for refusal by finding a middle ground between the two refused proposals; resulting in a moderately sized, well-proportioned dwelling taking design cues from the local vernacular.

The proposed dwelling would appear similar in terms of its scaling, form and siting in the plot to the closest dwelling, and although it is acknowledged the two sites don't particularly relate to each other, it is considered that this constitutes an appropriate design for this context. Therefore, it is considered that from a design perspective, the proposal addresses the issues raised in the previous refusals.

#### Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local Plan allow for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities by way of loss of “privacy, overshadowing, loss of light or overbearing impact.”

The proposed dwelling would be in a completely isolated location, approximately 80 metres away from the nearest dwelling and 140 metres from the next nearest. In such a low density area, it is considered there would be no impact on neighbouring residential amenities.

#### Highway Issues

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The submitted plan ref. PM1/006 indicates that there is sufficient space on the site which would be hard surfaced for at least two car parking spaces, in



accordance with Essex Parking Standards. It is noted also that the Highway Authority raises no objection to the proposals.

### Other Issues

Within the previous application, it was identified that the site could contain contaminated land. No contamination report was submitted with this planning application. Given the issues relating to the principle of this development, there seemed little merit in requesting a contaminated land report prior to determination. This is a matter which could be appropriately dealt with by condition if the Local Planning Authority had been minded to approve the application.

There are also existing oak trees on the site, which could be impacted upon due to the development. As previously mentioned, due to the position taken with the principle of the development, asking for additional details in relation to the oak trees would have had little merit. It's acknowledged that this could be dealt with by condition.

The applicant submitted a bat survey to be determined with the application. Having consulted with the Council's Landscape Services, no objection is raised to the recommendations made within the survey.

### RECOMMENDATIONS

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

- 1 The site is located to the west of Belchamp Walter and falls outside of the village envelope. The site lies within an area of countryside beyond the defined development boundary of any settlement. Policy RLP2 of the Braintree District Local Plan Review states that new development will be confined to areas within Town Development Boundaries and Village Envelopes and outside of these areas countryside policies will apply. Policy CS5 of the Council's Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Policy CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

Guidance on new development within rural areas is also set out in the National Planning Policy Framework. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 states that in order to promote sustainable development in rural areas, housing should be located where it will

enhance or maintain the vitality of rural communities. Paragraph 111 indicates that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Both national and local planning policies seek to restrict new residential dwellings in the countryside and direct them to sites within towns and villages in sustainable locations where there is access to facilities and in order to protect the character of rural areas.

The site is located in the countryside beyond any defined settlement boundaries and in a location where there are limited facilities, amenities, public transport links and employment opportunities. The former use of the site was for agricultural purposes and therefore the proposal would not facilitate the use of previously developed land. This proposal represents a new dwelling in the countryside which is not required to support agriculture, forestry or any other rural use. The proposal would introduce new housing development beyond the defined settlement limits and would be contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside. The site is not located in a sustainable location and development at this location would undoubtedly place reliance on travel by car. To allow residential development in this location would also set a precedent for further residential development in the vicinity which would be detrimental to the rural character of the area. The proposal therefore fails to accord with the planning principles as set out in the NPPF and policies set out in the Council's Core Strategy and Local Plan Review.

#### SUBMITTED PLANS

Location Plan	
Existing Plans	Plan Ref: 001
Existing Site Plan	Plan Ref: 002
Proposed Elevations	Plan Ref: PA.003
Proposed Floor Plan	Plan Ref: PA.301
Proposed Elevations	Plan Ref: PA.302
Proposed Elevations	Plan Ref: PA.303
Proposed Elevations	Plan Ref: PA.304
Proposed Elevations	Plan Ref: PA.305
Proposed Site Plan	Plan Ref: PA.307
3D Visual Plan	

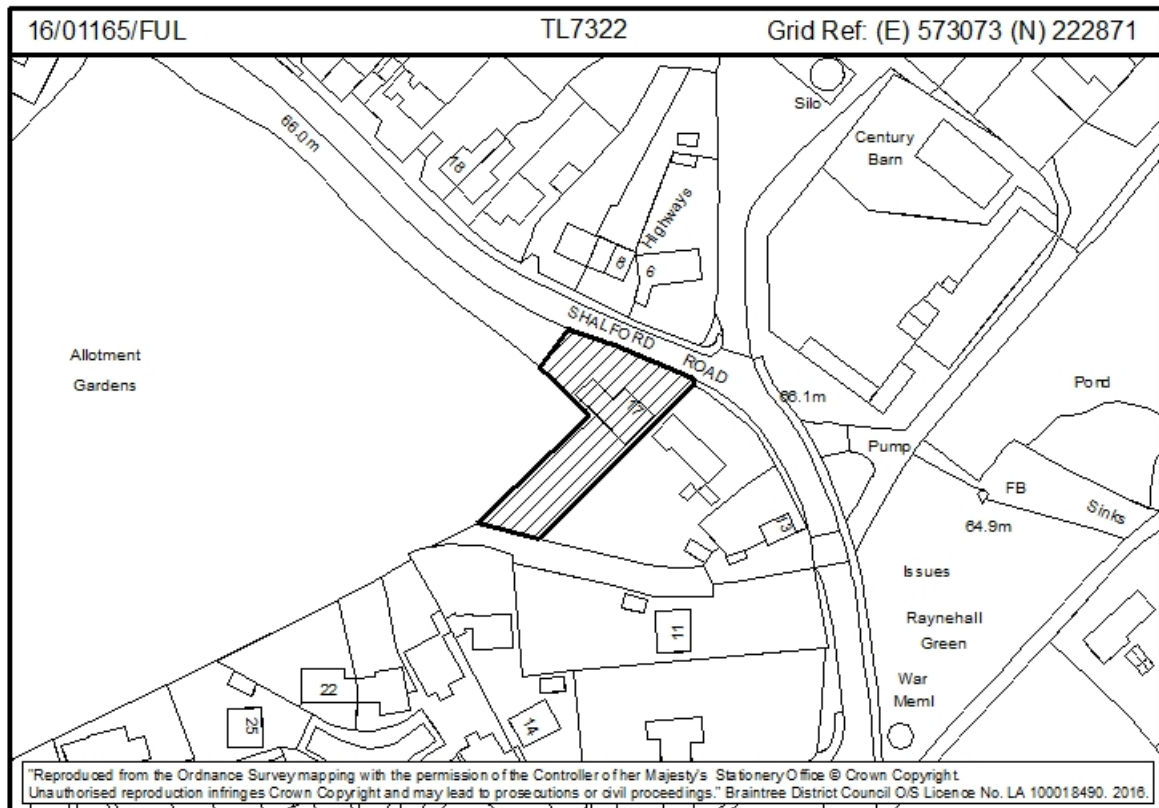
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION 16/01165/FUL DATE 14.07.16  
NO: VALID:  
APPLICANT: Steven Nash  
17 Shalford Road, Rayne, Essex, CM77 6BT  
DESCRIPTION: Erection of 1 no. 1 bedroom annexe  
LOCATION: 17 Shalford Road, Rayne, Essex, CM77 6BT

For more information about this Application please contact:  
Mrs Sandra Green on:- 01376 551414 Ext. 2557  
or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)



## SITE HISTORY

07/01737/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - fell, grind roots to 6 trees	Granted	24.09.07
08/00277/FUL	Proposed garage conversion, front dormers, porch and alterations	Granted	28.03.08
14/00304/FUL	Erection of 1 bedroom bungalow	Withdrawn	12.06.14
14/00243/TPO	Notice of intent to carry out works to a tree protected by Tree Preservation Order 9/14 - Remove a rotten bough from 1 Maple tree	Granted	27.10.14

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

#### Braintree District Local Plan Review

RLP3            Development within Town Development Boundaries and Village Envelopes  
RLP17           Extensions and Alterations to Dwellings in Towns and Villages  
RLP80           Landscape Features and Habitats  
RLP90           Layout and Design of Development  
RLP95           Preservation and Enhancement of Conservation Areas

#### Other Material Considerations

Rayne Village Design Statement

#### Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
SP5            Space Shaping Principle  
LPP29           Residential Alterations, Extensions and Outbuildings within Development Boundaries  
LPP42           Built and Historic Environment  
LPP46           Layout and Design of Development  
LPP47           Preservation and Enhancement of Conservation Area, and Demolition within Conservation Areas  
LPP59           Landscape Character and Features

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

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

## SITE DESCRIPTION

Located near a bend in Shalford Road, No.17 is a c.1970s detached chalet bungalow at the northern entrance to the Rayne Conservation Area. It has been refurbished in recent years and finished externally in painted weatherboard. It has roof dormers at the front and rear. There is a gravelled drive in the front curtilage and a further concrete standing to the northwest of the dwelling where the annexe is proposed to be situated. There are allotment gardens adjacent to the site. No.15, the adjacent neighbour to the southeast, is Grade II Listed as is Highways Cottage (No.6) located on the opposite side of the road to the application site. There is a protected tree approximately 4 metres from the north western site boundary.

## PROPOSAL

The application seeks permission for a detached one-and-a-half storey annexe measuring approximately 7.3 metres wide x 5.5 metres deep x 5.5 metres high. This would result in a footprint of just over 40 square metres. A cartlodge (integral not freestanding), kitchen, lounge/dining room, and WC would be provided at the ground floor. One bedroom and a shower room would be provided in the roof space. A small dormer on the front elevation would lend light to the bedroom and a larger dormer to the rear would serve the landing. It is proposed to finish the annexe in weatherboarding, and tiles to match No.17.

The applicant has advised that the accommodation would be for his mother's use. The annexe would share the parking area with No.17. The large rear garden of No.17 would also be for the use of the occupant(s) of the annexe. It was also proposed to extend the existing access to move it approximately 3 metres to the east. This element of the proposal has subsequently been omitted following discussions with the Highways Authority and the applicant.

## CONSULTATIONS

### ECC Historic Buildings Consultant

The principle of the proposed annexe has already been agreed as acceptable in conservation terms, as part of an ultimately withdrawn application to erect a one bedroom house on the site (planning application 14/00304/FUL refers). It is considered that the proposed annexe would not negatively impact on the entrance into the Conservation Area, or on the setting of the adjacent Listed Buildings, if designed well. The proposed design represents an amendment to the previous scheme following previous conservation comments. Mainly supportive of the principle of what is proposed subject to conditions in respect of external materials and submission of door and window details.

## ECC Highways

The impact of the proposal is acceptable to the Highways Authority subject to requirements that the existing access is not widened in a south easterly direction and parking spaces meet the required minimum dimension.

### Rayne Parish Council – Comments:

- The parking area is currently used to store demolition materials and other materials in use by Mr Nash's business which is operated from these premises. Cars are parked in front of these materials. Skips are sometimes placed in this area.
- The applicant and visitors to No.17 regularly park on the area provided for allotment holders.
- Query over ownership of all land within the red line shown on the Location Plan.
- White picket fence erected on public land.
- Form of concentrated infill in this area of Rayne is totally not in keeping with the area or part of the village design aims.
- Parking on all parts of the site will require vehicles to either arrive or depart the site by reversing vehicles onto or off the road.
- It moves the access nearer to a blind bend on a narrow piece of Shalford Road significantly increasing risk; the footpath on the outside of this bend is used regularly by school children and members of the public.
- Plans are not to scale and contain conflicting information.

### Rayne Parish Council – (Revised proposal) Objection:

- Lack of parking.
- Vehicular access – the site is on a bend and it will be unsafe to exit the site.
- Out of character with the nearby conservation area.
- The dwelling does not fit within the confines of the site and will encroach onto church and public land.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties.

In response, a total of sixteen letters of representation have been received (eight to the original proposal, and a further ten to the revised proposal respectively) from Mr M Phillips, 12A Brunwin Road, Rayne; Mrs A Hooks, 64 Brunwin Road, Rayne; Mr & Mrs Girard, Highways Cottage, Rayne; Mr & Mrs Moore, 16 Shalford Road, Rayne; Cllr M Banthorpe, 13 Smiths Field, Rayne; Mr & Mrs Hammersley, 8 Shalford Road, Rayne; Mr D Whiteside, 12 The Maltings Rayne; Mr P Crosby, 12 Shalford Road, Rayne, and the Chelmsford

Diocesan Board of Finance, who object to the application on the following grounds:

- Inaccuracies on the form and plans; drawings unclear/too vague
- Height of the dwelling not clear.
- Applicant has insufficient parking and parks on land made available for allotment holders.
- Inadequate visibility from the access; highway safety concerns.
- Latest ECC Highways response contradicts the previous submission.
- Access moved closer to blind bend, which is not shown on the drawings.
- Queries over extent of land ownership.
- Not in keeping with the street scene or location.
- Insufficient space to turn round in the plot to avoid reversing onto the road, risk of accidents.
- Insufficient parking for the 5 cars shown plus an additional building; will lead to on-street parking detrimental to the Conservation Area and the verge.
- The proposal will have a damaging effect on the street scene, please refer to the Village Design Guide.
- Foundations might impact on the free flow of water that flows to the nearby ditch from the allotments.
- The proposal is described as an annexe but is a separate dwelling and the building plan is the same as for 14/00304/FUL.
- The applicant has failed to mention that there is a TPO tree sited against the boundary to the proposed site.
- Application states site area is 130 square metres, taken from the plan it is approximately 85 square metres.
- Overlooking and loss of privacy.
- Will create an interruption to an already cluttered view.
- Bin storage currently where the 1 metre building separation is proposed.
- There is an unspecified area running behind the proposed building and continuing behind No.17.
- BDC has failed to address the fencing off of land that does not belong to the applicant.

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage



assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP95 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they not detract from the character, appearance and essential features of the Conservation Area; 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; architectural details on buildings of value are retained; and, building materials are authentic and complementary to the building’s character.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

Policy RLP17 of the Braintree District Local Plan Review states that within towns and villages proposals for the extension of an existing dwelling house will be considered in relation to: there should be no overdevelopment of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension should be compatible with the original dwelling; there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing, loss of light; and there should be no material impact on the identity of the street scene, scale and character of the area.

The Braintree District Local Plan Review also provides support for annexe accommodation for dependent relatives. To be considered as an annexe the building must have both a physical and functional relationship with the main dwelling. Although it is self-contained, the annexe will share the parking and amenity space with No.17.

In this case, it is considered that there is no objection in principle to the proposal, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity or heritage assets.

#### Design, Appearance and Layout and Impact upon Character and Appearance of the Conservation Area and Setting of nearby Listed Buildings

This part of Shalford Road is characterised by cottage style dwellings, with more modern properties extending along the road to the northwest heading out of the Conservation Area. No.17 is a chalet bungalow finished in timber boarding. It is proposed to finish the annexe with a red brick plinth, close board timber, and plain tiles; these materials are considered to be acceptable in principle, however a condition requiring samples of materials to be

submitted for approval is recommended in line with the Historic Buildings Consultant's advice.

The submitted plans are not of a particularly good quality. However, the Block Plan shows the position of the proposed annexe relative to the host dwelling. The annexe would respect the building line in this part of the road. The scale of the building is also considered to be acceptable in the context of the host dwelling and the wider area. No objections to the proposal have been raised by the Historic Buildings Consultant on heritage grounds. There will be no reduction in the private amenity space at the rear of No.17. In this case it is considered that the proposal would not have a detrimental impact upon the character of the area, would be in keeping with the host dwelling and would not have a detrimental impact upon the character and appearance of the Conservation Area or the setting of the nearby listed building.

#### Impact on Neighbour Amenity

A dormer window is proposed at the first floor on the front roof slope; this is to serve a bedroom. There would be distance of approximately 16.5 metres between the front of the dormer and No.8 on the opposite side of the road. In planning terms, there is less expectation of privacy at the front of dwellings than rear sitting out areas. The proposed annexe and No.8 respectively would not sit parallel to each other. The interruption of the view from No.8 is not a material planning consideration.

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking.

#### Highway Issues

At present the driveway and hardstanding provide parking for several vehicles. However, a 2+ bedroom house is only required to provide two off-street parking spaces by the adopted Parking Standards. It is considered that two spaces to meet the adopted standard dimensions of 2.9 x 5.5 metres can be accommodated in the front curtilage. The current adopted parking standards do not require the annexe to provide an additional parking space. However, one small space approximately 2.2 x 4.3 metres internal dimensions will be provided in the integral cartlodge.

A previous proposal (planning application reference 14/00304/FUL) proposed the erection of a new dwelling on the site. That application was ultimately withdrawn prior to determination. A highways objection was raised to that proposal on the grounds that the proposal would lead to the intensification of use of a substandard access.

The applicant had proposed to widen the access in the direction of the bend in the road however this element of the proposal has subsequently been omitted and a revised Block Plan submitted. The proposed annexe, which would be

occupied ancillary to the host dwelling and would be conditioned in that respect, is not considered to constitute an intensification of the use in planning terms. It is also considered that the construction of the annexe may reduce the number of vehicles utilising the access as the amount of space for parking will be correspondingly reduced. The Highways Authority has not maintained its objection in respect of the revised proposal. It is considered therefore that there are no unacceptable highways impacts associated with the development.

### Other Issues

Representations have been made that question whether the applicant owns all the land within the red line on the Location Plan. This has been raised with the applicant who contends that they own all the land to which their proposal relates. Disputes in respect of land ownership are a legal matter between the respective parties rather than a material planning consideration, and the grant of planning consent does not confer any right to build on land outside of the applicant's ownership. An informative to this effect is recommended for inclusion on the decision notice.

Concern has also been expressed that foundations may impact on a nearby watercourse. Any work or structure that will either, temporarily or permanently, affect the flow or cross-sectional area of an ordinary watercourse will require Ordinary Watercourse Consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. An informative to this effect is also recommended for inclusion on the decision notice.

Representations have referred to parking taking place in the nearby layby which is not related to the allotment use for which it was provided. This is a matter for the Parish Council and/or the Highways Authority and not a material planning consideration in this case. Indeed any nuisance parking on the public highway is a matter for the Highways Authority, and on other land is a matter for the landowner(s).

There is sufficient space to store bins in the rear amenity area of the host dwelling.

Reference has been made to skips being stored at times on the area where the annexe is proposed to be located. If necessary the applicant will need to make appropriate alternative arrangements in future for any skips however this issue is not a material planning consideration in this case.

There is a protected tree (TPO 09/2014 refers) adjacent the site, approximately 4 metres from the site boundary. A condition is recommended requiring details of the means of protecting the tree during the construction period to be approved prior to the commencement of development.

## CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity, the character of the area, or heritage assets.

## 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

Block Plan	Plan Ref: REV B
Location Plan	
Proposed Plans	Plan Ref: AN-2407

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

### Reason

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

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

### Reason

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

- 3 No above ground development shall commence 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 only be implemented in accordance with the approved details.

### Reason

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

- 4 No above ground development shall commence until additional drawings that show details of proposed new windows and doors at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and thereafter permanently retained as approved.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 5 No development shall commence until details of the means of protecting the protected tree adjacent the site (Tree Protection Order 09/2014 T1 refers) from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

In the interests of amenity.

- 6 The existing vehicular access shall not be widened in a south easterly direction.

Reason

To prevent vehicles entering and leaving the proposal site closer to the bend in Shalford Road in the interests of Highway Safety.

- 7 Two off-street parking spaces with a minimum dimension of 2.9 x 5.5 metres shall be provided in the front curtilage and shall be so retained.

Reason

To ensure adequate space for parking off the highway.

- 8 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 17 Shalford Road, Rayne as identified on the submitted Location Plan. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

## Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit.

## INFORMATION TO APPLICANT

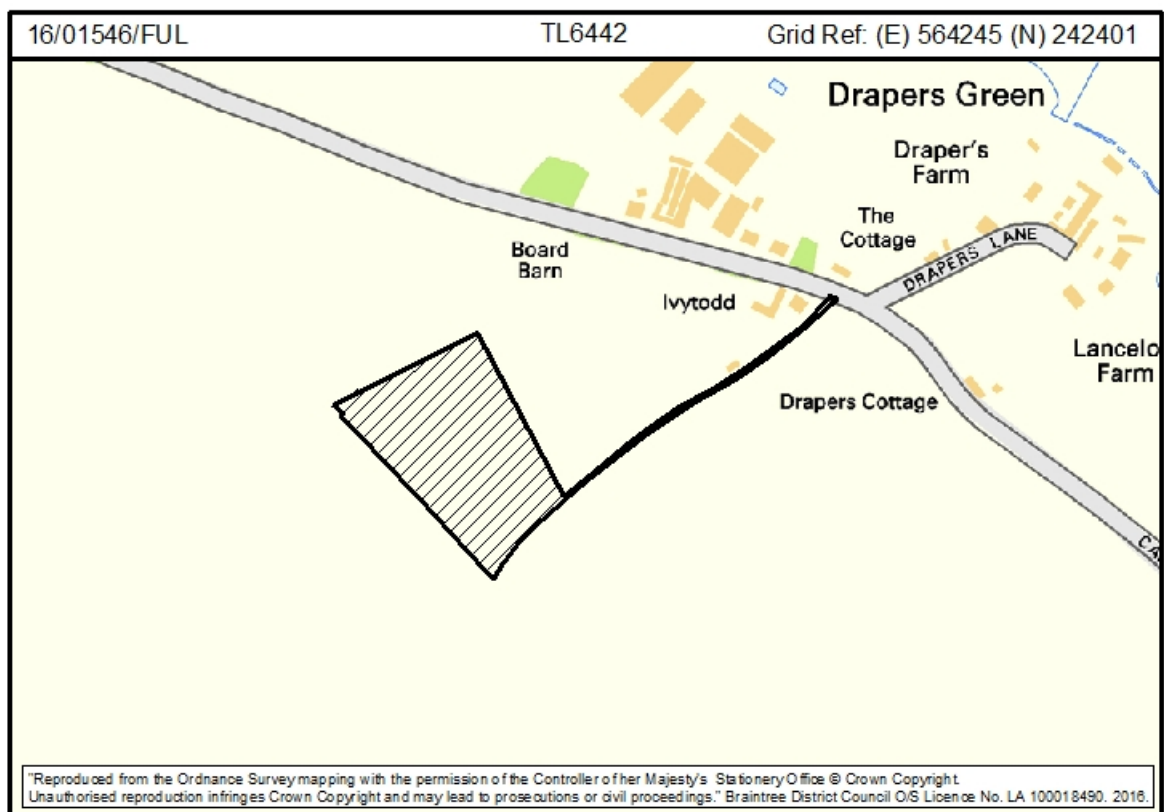
- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Permission is not given for the encroachment of this development onto land outside the applicant's ownership or control, including any eaves, guttering or in respect of its foundation. If such works are required it will be necessary to obtain the landowners consent before such works commence. Furthermore, if you intend carrying out works in the vicinity of the site boundary, you are also advised to refer to the requirements of the Party Wall Act 1996.
- 4 Any work or structure that could affect a watercourse (ditch) will require Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991. Further information is available on the Essex County Council website via: <http://flood.essex.gov.uk/change-a-watercourse/what-is-an-ordinary-watercourse>

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01546/FUL DATE: 16.09.16  
 VALID:  
 APPLICANT: Mrs Helen Prentice  
 2 Broad Barn Cottages, Drapers Green, Helions  
 Bumpstead, CB9 7AU  
 DESCRIPTION: Erection of stable and hay barn  
 LOCATION: Land South of Board Barn Farm, Drapers Green, Helions  
 Bumpstead, Essex

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

None.

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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



## Braintree District Local 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
RLP85	Equestrian Facilities
RLP90	Layout and Design of Development

## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Place Shaping Principle
LPP42	Built and Historic Environment
LPP45	Equestrian Facilities
LPP46	Layout and Design of Development
LPP56	Natural Environment
LPP59	Landscape Character and Features

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to the Committee as Helions Bumpstead Parish Council has objected to the proposals.

## SITE DESCRIPTION

The application site consists of an open field, currently being used for the grazing of horses. The field is surrounded by electric tape fencing. The site is located outside of any village envelope, approximately 0.6 miles to the north west of Helions Bumpstead, and approximately 350 metres south-west of a settlement known as Drapers Green.

## PROPOSAL

The application proposes to erect a field shelter building (12m x 6m) perpendicular to the byway and a hay storage building (6m x 4m). The application includes the provision of landscaping outside the existing electric fencing and the installation of limestone rubble hardstanding.

## CONSULTATIONS

Environmental Health Officer – No objection subject to condition restricting burning of waste on site.

Landscapes – No comment.

Essex Highways – No comment.

Parish Council – Object; summarised below:

- The proposed use would cause an unacceptable increase in vehicular traffic.
- The proposal would result in the intensification of an inadequate junction onto Camps Road.
- The logistics of riding a horse in this location would be difficult.
- The agricultural land is inappropriate for uses other than agriculture, and is in a prominent location.
- The site is in close proximity to two scheduled ancient monuments.
- The proposal would have an unacceptable impact on neighbouring residential amenities.

## REPRESENTATIONS

A site notice was displayed at the entrance to the site and neighbours were notified by letter. A total of 3 representations were received from neighbouring properties, and are summarised below.

Ivy Todd (objection)

- The agricultural land is inappropriate for uses other than agriculture, and is in a prominent location.
- The site is in close proximity to two scheduled ancient monuments.
- Constitutes a change of use of the land.
- There are better buildings close to the site which could be used to stable the horses.
- The proposal would result in the intensification of an inadequate junction onto Camps Road.
- The application doesn't make clear how it will deal with waste from the site, or water supplies.
- The stable use cannot be considered a private use, as it would be located on leased land.
- The proposal could set a precedent.

The Cottage, Drapers Green (objection)

- Impact on neighbouring residential amenities
- Visual impact
- Highway safety issues for the users of the bridleway
- The proposal would result in the intensification of an inadequate junction onto Camps Road.
- Site is located outside of any village envelope; would impact on character of the area

Lancelots Farm (support)

- The horses already exist on the site; the proposal would improve their accommodation.

- The proposal would not result in a noticeable increase in vehicular traffic as the applicant does not use the track for vehicular access to the site.
- No additional water supply/electricity would be required.

## 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 site falls beyond the defined village envelopes of the Braintree District in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP85 expands on this in an equestrian context, supporting the provision of equestrian facilities where there would be no impact on the landscape; providing no alterations to public highways are required; there are bridleways in the vicinity; no onsite residential accommodation is required; and there is no external floodlighting proposed.

The proposal is considered to be acceptable in principle. All other material considerations are addressed below.

### 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 and Policy LPP 46 of the Braintree District Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 42 of the Braintree District Draft Local Plan seeks to secure the highest possible

standards of design and layout in all new development and the protection and enhancement of the historic environment.

Two of the representations received related to a visual impact on the landscape. The proposed development would include installing a hardstanding, and the erection of two buildings on it. These buildings would take the form of one smaller hay barn, which would be set low in its design with a monopitch roof and measuring 3.1m at its highest point. This building is considered to be acceptable in terms of its impact on the surrounding countryside.

The second building would be a field shelter building, with a shallow roof pitch and measuring 3.5m at its highest. Although this building would be larger than the hay barn, it would remain a relatively small building. Within this context, in a fairly prominent agricultural location surrounded by fields, it would be necessary to ensure there would be no impact on the landscape. To achieve this, the proposal includes details relating to planting on the site which would surround the hardstanding. This landscaping would consist of a mix of hawthorn and dog rose planting, to which the Council's landscape department raises no objection. A condition is recommended requiring this landscaping to be installed within the first planting season after the commencement of development and maintained to ensure impact on the landscape is minimised.

It is considered that due to the relatively small scale nature of the proposed buildings together with the proposed landscaping, the application would not harm the character of the surrounding countryside.

#### Impact on Neighbour Amenity

The site is located approximately 250 metres from the closest residential dwelling, Ivy Todd. One of the objections received from The Cottage states that the proposal would have an adverse impact on their residential amenities. It is considered that due to the distance between the application site and The Cottage (approx. 350 metres), there would unlikely be any impact on their neighbouring residential amenities.

The residential amenities of the closer dwelling, Ivy Todd, may be impacted upon due to a higher intensity of use taking place on the site; Officers consider that the intensity of use would be limited due to the small size of the shelter and barn and would not justify refusal of the application.

#### Highway Issues

Two of the representations received and the comments from the Parish Council raised objection to the higher intensity of use of the existing junction, where the bridleway meets the Camps Road. Although the letter of support notes the applicant would walk to the site, there may be times when the site is accessed via vehicle. The Highway Authority was consulted on the proposals, however no response has been received. In the absence of an objection it

would be considered unreasonable to refuse the application on highway safety grounds.

### Other Issues

The Parish Council also raised objections to the logistics of riding a horse in this location being difficult; this is not considered to be a material planning consideration. They also objected to the use of this land for equestrian activity, requesting it should remain agricultural; whilst this is noted, it was observed on site that equestrian activity already takes place on site, as the field is being used to graze horses.

Neighbours raised objection to the proximity of the site to two scheduled ancient monuments. These monuments are located 1.2km and 1.7km away from the application site. Given the distance, it is considered there would be no impact on these heritage assets.

Another objection related to the site being located on leased land, and therefore not constituting a private use. It is noted that the land appears to be leased, and accordingly Certificate B within the application form has been signed. The use as private stables is intended as opposed to commercial stables, within which several horses could be stabled for a fee. These types of stables generally see a larger amount of vehicle movements, footfall, and more activity. Therefore as only one person's horses would be accommodated within these stables, they would be considered private; a condition is recommended requiring they remain so.

### CONCLUSION

It is considered that the proposal conforms to planning policy and should be approved; the impact on the landscape would be mitigated by landscaping, and there would not be an adverse impact on neighbouring residential amenities and highway safety.

### 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  
Block Plan  
Proposed Plans  
Proposed Plans

- 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 stables hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with and for personal and private use and shall not be used for any commercial use including as a riding school or livery or for any other purposes whatsoever.

Reason

To ensure that the proposal does not result in a significant increase in the scale of activity on this site to the detriment of the safety and efficient operation of the public highway, and harm to the rural character of the locality.

- 4 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.

- 5 The scheme of landscaping indicated upon the approved plan, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five 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 preserve the rural character of the site.

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

- 7 No burning of horse waste, refuse, vegetation or other waste materials shall be undertaken in connection with the use of the horse shelter or hay barn.

Reason

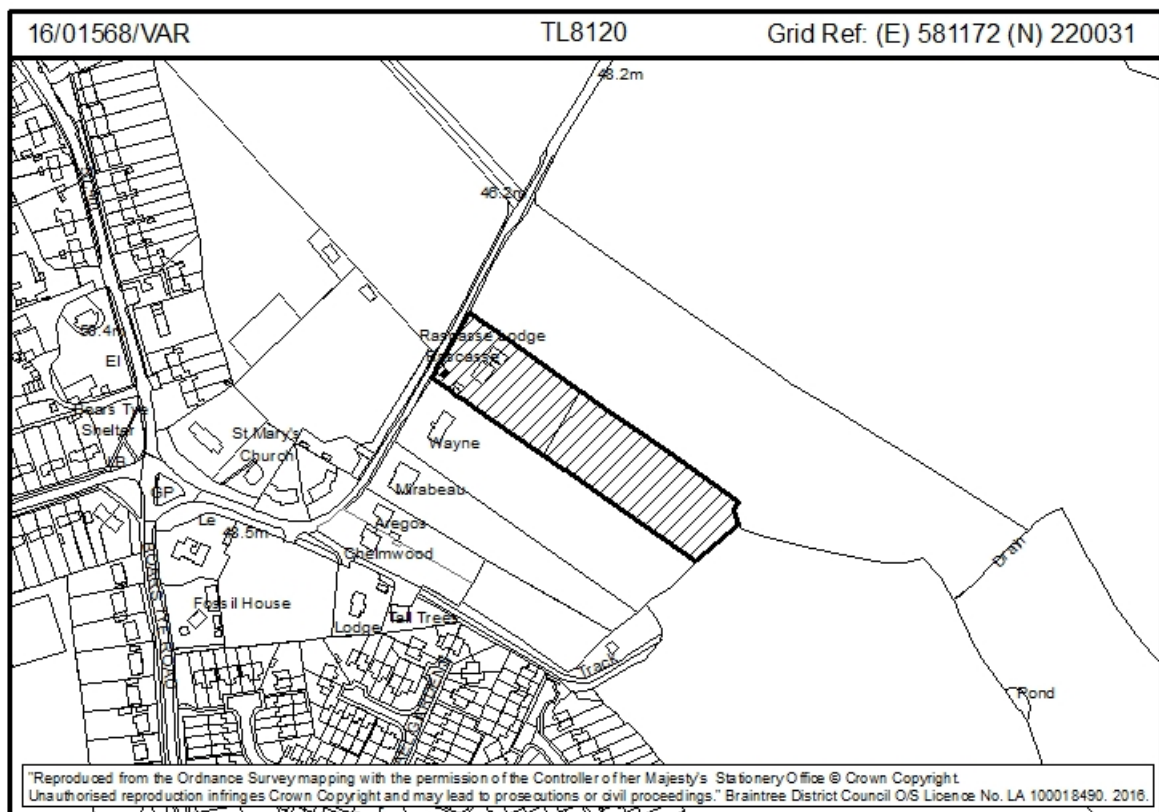
To protect the amenities of the occupiers of nearby residential properties and the surrounding area, and to limit the amount of environmental pollution caused by the equestrian use.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 16/01568/VAR DATE: 15.09.16  
 VALID:  
 APPLICANT: Zero Three Care Homes  
 Mr Gary Leckie, Suite 1 The Exchange Court, London  
 Road, Feering, Colchester, Essex, CO5 9FB  
 AGENT: HGN Design Limited  
 Mr Steven Higgon, 6 Proctor Way, Marks Tey, Colchester,  
 Essex, CO6 1XE  
 DESCRIPTION: Application for variation of Condition 3 of approved  
 application 12/00731/FUL - Which limits the number of  
 bedrooms for residents from 7 to 8  
 LOCATION: Rascasse, Sheepcotes Lane, Silver End, Essex, CM8 3PJ

For more information about this Application please contact:  
 Mrs Sandra Green on:- 01376 551414 Ext. 2557  
 or by e-mail to: [sandra.green@braintree.gov.uk](mailto:sandra.green@braintree.gov.uk)





## SITE HISTORY

11/00057/REF	Erection of annexe including four additional bedrooms and ancillary accommodation and Change of Use from Class C3b to C2 (residential institution)	Appeal Dismissed	03.05.12
01/01980/FUL	Erection of extension	Granted	29.01.02
75/00069/P	Erection of a prefabricated garage	Granted	19.02.75
05/01186/FUL	Erection of triple garage with granny annexe above at side of property	Withdrawn	19.07.05
06/00016/FUL	Erection of double garage with granny annexe above at side of property	Granted	01.03.06
09/00960/PLD	Proposed Lawful Development - Use as a dwellinghouse	Granted	03.09.09
09/01518/FUL	Erection of single storey side extension, replacement conservatory and change of use to class C2 care home for people with learning disabilities	Refused	19.01.10
11/00388/FUL	Erection of annexe including four additional bedrooms and ancillary accommodation and Change of Use from Class C3b to C2 (residential institution)	Refused	26.08.11
12/00731/FUL	Proposed additional bedroom within existing building and change of use from Class C3b to C2 (residential institution)	Granted	25.07.12
15/01295/FUL	Erection of single storey extension to annexe to provide self-contained additional single bedroom accommodation to existing residential care home	Withdrawn	16.11.15
16/00484/FUL	Erection of single storey extension to annexe to provide self-contained additional single bedroom	Granted	06.07.16

accommodation to existing  
residential care home

## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

## Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP21	Institutional Uses in the Countryside
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP90	Layout and Design of Development

## Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP5	Space Shaping Principle
SP6	Spatial Strategy for North Essex
LPP26	Specialist Housing
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

## SITE DESCRIPTION

The site is located at the rural edge of Silver End outside of the Silver End Conservation Area and outside of the development boundary, which is drawn approximately 70 metres to the south east of the site, and includes the first few properties in Sheepcotes Lane. "Rascasse" is the last in a linear group of dwellings on the east of Sheepcotes Lane, with open fields to the north and east, and land used for horse grazing to the west of the site. The land is generally fairly flat and the site is visible in long views when driving in a north western direction along Sheepcotes Lane towards the village.

"Rascasse" is a large former dwelling house situated towards the northern end of a very generous plot. There is a detached cartlodge to the southwest of the main house, and a detached annexe building to the northeast of the main house, which follows the general building line along Sheepcotes Lane. The front curtilage is mainly laid to gravel with an in and out semi-circular drive arrangement and also features lawn areas and mature trees. Parking is provided to the north side of the annexe. The large rear private amenity area is enclosed at the boundaries by close board timber fencing topped with trellis, the combined height of which is approximately 1800mm.

## PROPOSAL

No physical changes to the building or its grounds are proposed under this variation application. The variation is sought to address the breach of planning condition that came about when application 16/00484/FUL to extend the annexe creating a total of eight bedrooms for residents was granted earlier this year.

## CONSULTATIONS

BDC Environmental Services Pollution – No adverse comment in respect of the proposed variation. The applicant is reminded of the need to comply with condition 4 of the consent 16/00484/FUL in any case.

Parish Council – Objection: Overdevelopment. New sewerage system needs to be in place (condition 416) and upheld before approval.

## REPRESENTATIONS

None

## REPORT

### Principle of Development

The site is located outside of any development boundary and is therefore classified as countryside, where development is strictly controlled to uses appropriate to the countryside.

The site has an extensive planning history. A Proposed Lawful Development Certificate for use as a Dwelling House within Class C3 was granted on 3rd September 2009 (application reference 09/00960/PLD). Planning permission was also granted for the erection of an annexe extension, and change of use from Class 3b (residential home for up to 6 residents living as a single household where care is provided) to Class C2 (residential institution) for people with learning disabilities, in 2012 (reference 12/00731/FUL).

Lastly planning permission was granted earlier this year to erect an extension to the existing annexe to provide an additional (resident) bedroom, taking the total number to eight (application reference 16/00484/FUL). The original C2 consent (planning application reference 12/00731/FUL refers) was subject to a condition limiting the number of resident bedrooms to 7 in order that the Local Planning Authority could control any future intensification of the C2 use. This application seeks permission to vary Condition 3 of planning permission 12/00731/FUL.

The annexe extension, and the associated intensification of the C2 use was considered in terms of its principle, design, amenity and highways impacts under application 16/00484/FUL and was found to be acceptable in these

regards. The applicant was advised to apply to vary Condition 3 of the original C2 planning permission granted under 12/00731/FUL to increase the number of permitted bedrooms from 7 to 8 in order to address the breach of planning condition that came about when the recent consent was granted. There is therefore no objection to this variation application on the grounds of principle or any other matters.

#### Design, Appearance and Layout

No changes to the design, appearance and layout of the site are proposed under this variation application.

#### Impact on Neighbour Amenity

It is considered that there are no residential amenity impacts associated with this variation.

#### Highway Issues

It is considered that there are no highways impacts associated with this variation.

#### CONCLUSION

The applicant was advised to seek to vary the original C2 consent granted under 12/00731/FUL to address the breach of planning condition that came about when the recent consent was granted. There is therefore no objection to this variation application on the grounds of principle or any other matters.

#### 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

Existing Plans	Plan Ref: 5165 10
Proposed Plans	Plan Ref: 5165 12

- 1 The property shall have no more than eight bedrooms for residents (excluding staff sleep over space).

#### Reason

To determine the scope of this permission and to ensure that the Local Planning Authority can control any intensification of the Class C2 Use hereby approved.

## INFORMATION TO APPLICANT

- 1 The applicant is reminded of the requirement to discharge condition 4 of planning consent 16/00484/FUL:

No development shall commence until details of 1:) how the Environment Agency "General Binding Rules" are to be met, and 2): confirmation of the throughput of the two plants, have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

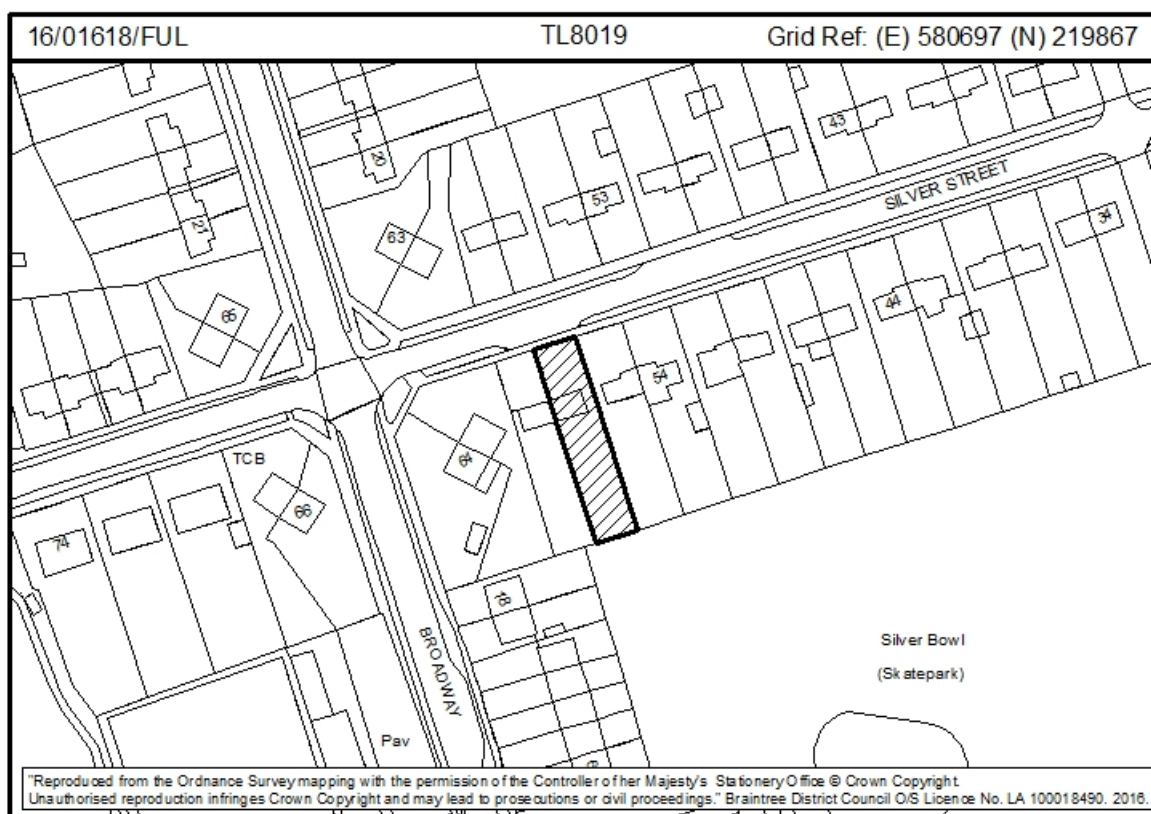
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION 16/01618/FUL DATE 26.09.16  
NO: VALID:  
APPLICANT: Mrs Jennifer Claydon  
58 Silver Street, Silver End, Essex, CM8 3QG  
DESCRIPTION: Replacement windows  
LOCATION: 58 Silver Street, Silver End, Essex, CM8 3QG

For more information about this Application please contact:  
Mrs Liz Williamson on:- 01376 551414 Ext. 2506  
or by e-mail to: [liz.williamson@braintree.gov.uk](mailto:liz.williamson@braintree.gov.uk)



## SITE HISTORY

85/01013/P	Construction of vehicular access with hardstanding	Granted	13.09.85
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

Accordingly the Council can currently afford some weight to the emerging Draft Local Plan 2016.

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

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



## Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

## Braintree District Local Plan Review

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

## Braintree District Draft Local Plan

SP5            Place Shaping Principal  
LPP29          Residential Alterations, Extensions and Outbuildings within Development Boundaries  
LPP42          Built and Historic Environment  
LPP47          Preservation and Enhancement of Conservation Area, and Demolition within Conservation Areas

## Supplementary Planning Guidance

Silver End Conservation Area Guide

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

## SITE DESCRIPTION

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

## PROPOSAL

The application seeks to replace 5 no. existing Crittall windows with white aluminium windows. The windows to be replaced on the front elevation are the lounge window on the ground floor and the bedroom and bathroom window on the first floor. On the side elevation, two first floor windows are proposed to be replaced. The original drawings submitted with the application failed to provide detailed information to support the proposal. Subsequently, additional details have been submitted by the agent, providing detailed drawings of the section and elevation of the proposed windows.

## CONSULTATIONS

Historic Building Consultant initially raised no objection to the proposal in principle, but requested more detailed information. The Historic Building Consultant commented that the windows proposed have been approved for use elsewhere within the Conservation Area. Therefore, it is considered that the proposed windows would be acceptable for use within the Conservation Area. Since the submission of the detailed drawings, the Historic Building Consultant has responded by stating that he is supportive of the proposal.

## REPRESENTATIONS

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

A site notice was displayed at the front of the property but no representations from neighbouring properties have been received.

## REPORT

### Principle of Development

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.

The NPPF allows for new development within designated Conservation Areas, where the new development would “enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.” Braintree District Local Plan Review Policy RLP95 states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District’s historic villages, where development affects the setting of historic

or important buildings, Conservation Areas, and areas of highest archaeological and landscape sensitivity.

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

#### Design, Appearance and Impact upon the Character and Appearance of the Conservation Area

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

It is recognised that the proposed window design differ from those adopted in the Silver End Conservation Guide, however, as referenced above, the replacement windows have been approved elsewhere within the Conservation Area. Any replacement windows must provide the best visual match possible in order to ensure the character of the building is maintained. The proposed window section shows a thickness of 24mm which is considered to be acceptable and reflects consents granted in recent years for replacement windows. The principle of replacing Crittall windows with windows of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Buildings Consultant has raised no objections to the proposal from a heritage perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

#### Impact on Neighbour Amenities

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no representations have been received from neighbouring properties in connection with this proposal.

#### CONCLUSION

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

## 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

Additional Plan

Plan Ref: SECTION

Other

Plan Ref: HERITAGE STATEMENT

Location Plan

Window details

Photograph

- 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 does not prejudice the appearance of the Conservation Area.

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

### Reason

To ensure that the development does not prejudice the appearance of the Conservation Area.

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 **October 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.	<b>Application No/Location</b>	15/01354/OUT – Land off Braintree Road, Great Bardfield
	<b>Proposal</b>	Erection of up to 37 dwellings
	<b>Council Decision</b>	Refused at Committee – RLP2, RLP7, RLP8, RLP9, RLP10, RLP22, RLP49, RLP50, RLP51, RLP52, RLP53, RLP54, RLP55, RLP56, RLP65, RLP67, RLP69, RLP70, RLP71, RLP72, RLP74, RLP77, RLP80
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. Whether the proposal would be appropriately located, having regard to national and local planning policy;</li> <li>2. Whether future residents would have reasonable access to services and facilities; and</li> <li>3. Whether there would be a significant loss of the best and most versatile agricultural land.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>The site comprises approximately two hectares of agricultural land at the south eastern edge of Great Bardfield. The site lies outside, but directly adjacent the settlement boundary of Great Bardfield. The proposal would be contrary to both policies RLP2 of the Braintree District Local Plan and Policy CS5 of the Core Strategy which seek to strictly control development outside development boundaries, village envelopes and industrial development limits. The appellant contends that the Council has only about 3 years housing land supply whereas the Council considers it has over 3.5 years supply. Since the appeal was submitted both parties now agree that the LPA is unable to demonstrate a five year supply of deliverable housing sites.</p> <p>Great Bardfield is designated in the Core Strategy (CS) as an 'other village'. These settlements are at the bottom tier of the settlement hierarchy, with a limited range of services. The parties have stated that the proposal would result in an increase of the population of Great Bardfield of between 8% and 12%. This would not overwhelm the existing settlement and as the policies for the supply of housing in the CS are out of date its strategy for the location of housing is not, in itself, a compelling factor. The Inspector acknowledges that there are relatively limited employment opportunities within Great Bardfield,</p>

	<p>however, the Planning Practice Guidance on Rural Housing observes that all settlements can play a role in delivering sustainable development in rural areas and that rural housing is essential to ensure viable use of local facilities. An increase in the population of the village may generate demand for further goods. Taking all of the above into account the Inspector concludes that the proposal would be appropriately located.</p> <p>The centre of Great Bardfield is less than a kilometre away from the proposed site and includes local facilities. There is no primary health care facility or secondary school within the village but there are such facilities within a 5 mile radius of the site. Overall the Inspector concludes that future residents would have reasonable access to services and facilities.</p> <p>Paragraph 112 of the Framework states that local planning authorities should take into account the economic and other benefits of the best and most versatile land. There would be some harm arising from the loss of grade 2 agricultural land. The LPA has stated that there are other sites available for development with lower quality Grade 3 agricultural land to the north of Great Bardfield. However, it is considered that the District is well supplied with good quality agricultural land. Therefore the Inspector concludes that the proposal would not have a major adverse impact on the available resource of farming land in the area. Consequently, the proposal would cause limited harm in this respect.</p> <p>The LPA requires planning contributions for affordable housing and infrastructure in accordance with CS Policy CS2. The submitted unilateral undertaking would provide for 14 affordable housing units, with a tenure mix that would meet the LPA's policy requirements. Contributions would also be secured towards a new playground and pavilion at the Playing Field in Bendlowes Road and a replacement of temporary accommodation at Gt Bardfield Primary School. The development would generate demand for these local facilities which future occupiers would use.</p> <p>In conclusion, the proposal would be contrary to Local Plan Policy RLP2 and CS Policy CS5 and with the development plan as a whole. Planning permission should not therefore be granted unless material considerations indicate otherwise. Overall the adverse impacts identified do not significantly and demonstrably outweigh the social and economic benefits. Consequently, the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that</p>
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		<p>planning permission should be granted for development that is not in accordance with the development plan.</p> <p>Therefore the Inspector concludes that the appeal should be allowed.</p>
2.	<b>Application No/Location</b>	16/00114/FUL – Land between Coppice and Maplestead Court, Sudbury Road, Little Maplestead
	<b>Proposal</b>	Erection of detached dwelling
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP9, RLP16, RLP56, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<p>1. Whether the proposed development would constitute a suitable site for housing having regard to local and national policy and the principles of sustainable development</p>
	<b>Inspector's Conclusion</b>	<p>Policy RLP2 of the Braintree District Local Plan directs new development to Town Development Boundaries and Village Envelopes as a means of protecting the countryside and focusing new development within settlements. Policy CS5 of the Braintree District Core Strategy 2011 states that development in the countryside will be strictly controlled. The Inspector states that the proposal would be further sporadic development in the countryside even though it would be sited on previously developed land. Thus the proposal would be contrary to the above policies and would undermine the broad strategy for housing and the protection of the countryside contained in the Development Plan. Policy RLP16 permits, as an exception to the broad strategy of restraining most development in the countryside, some housing outside of village envelopes. This is when it involves the erection of a single dwelling in a gap between existing properties in a discernible nucleus of development. Development in the vicinity of the appeal site is sporadic in nature and is not a discernible nucleus. Consequently, the Inspector shares the view of the LPA that the proposal does not glean support from RLP16.</p> <p>The appeal site is a hard standing located between a small block of flats to the east and a dwelling to the west. To the north is a commercial property and to the south agricultural field and beyond this is a loose scattering of properties in Collins Road. The development in the vicinity of the appeal site is sporadic and the proposal does not 'read' as discernible settlement, although the appeal site would be part of a loosely defined built up frontage along the A131.</p> <p>Therefore the Inspector concludes that the development is an isolated dwelling outside of a village envelope, the appeal proposal presents a conflict with the development</p>



		<p>plan. More significantly in this case, the development is contrary to the Framework (Paragraph 55 in particular), which seeks to deliver development that maximises the adverse impacts by siting development in locations that maximise opportunities for future residents to live in a sustainable way.</p> <p>Therefore, for the reasons given, and having regard to all other matters raised, the Inspector concludes that the appeal should be dismissed.</p>
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