

Planning Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 04 March 2014

Time: 19:15

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

Membership:

Councillor J E Abbott
Councillor P R Barlow
Councillor E Bishop
Councillor R J Bolton
Councillor L B Bowers-Flint
Councillor C A Cadman
Councillor T J W Foster (Chairman)
Councillor P Horner

Councillor S C Kirby
Councillor D Mann
Councillor Lady Newton
Councillor J O'Reilly-Cicconi
Councillor R Ramage
Councillor L Shepherd
Councillor G A Spray

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

Page

PUBLIC SESSION

1 Apologies for Absence.

2 Declarations of Interest.

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

3 Minutes of Last Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 18th February 2014 (copy to follow).

4 Public Question Time

(See paragraph below).

5 Planning Applications

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

PART A - PLANNING APPLICATIONS:-

- | | | |
|-----------|--|----------------|
| 5a | Application No. 13 01485 FUL - Land adjacent to Plantation Cottage, Duck End, FINCHINGFIELD | 5 - 24 |
|
 | | |
| 5b | Application No. 14 00012 FUL - Land off Rectory Lane, WICKHAM ST PAUL | 25 - 34 |

PART B - MINOR PLANNING APPLICATIONS:-

- | | | |
|-----------|---|----------------|
| 5c | Application No. 13 01490 FUL - 21-29 Upper Holt Street, EARLS COLNE | 35 - 46 |
|
 | | |
| 5d | Application No. 14 00039 FUL - Primrose Cottage, Parkhall Road, GOSFIELD | 47 - 54 |
|
 | | |
| 5e | Application No. 14 00040 LBC - Primrose Cottage, Parkhall Road, GOSFIELD | 55 - 60 |

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling the agenda there were none.

PRIVATE SESSION

8 Urgent Business - Private Session

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

A PEACE
Member Services Manager

Contact Details

If you require any further information please contact Alison Webb on 01376 552525 or e-mail alison.webb@braintree.gov.uk

Question Time

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

Members of the public wishing to speak should contact the Council's Member Services Section on 01376 552525 or email chloe.glock@braintree.gov.uk at least 2 working days prior to the meeting.

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

Health and Safety

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

Mobile Phones

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

Comments

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

Please let us have your comments setting out the following information

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

Comment

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

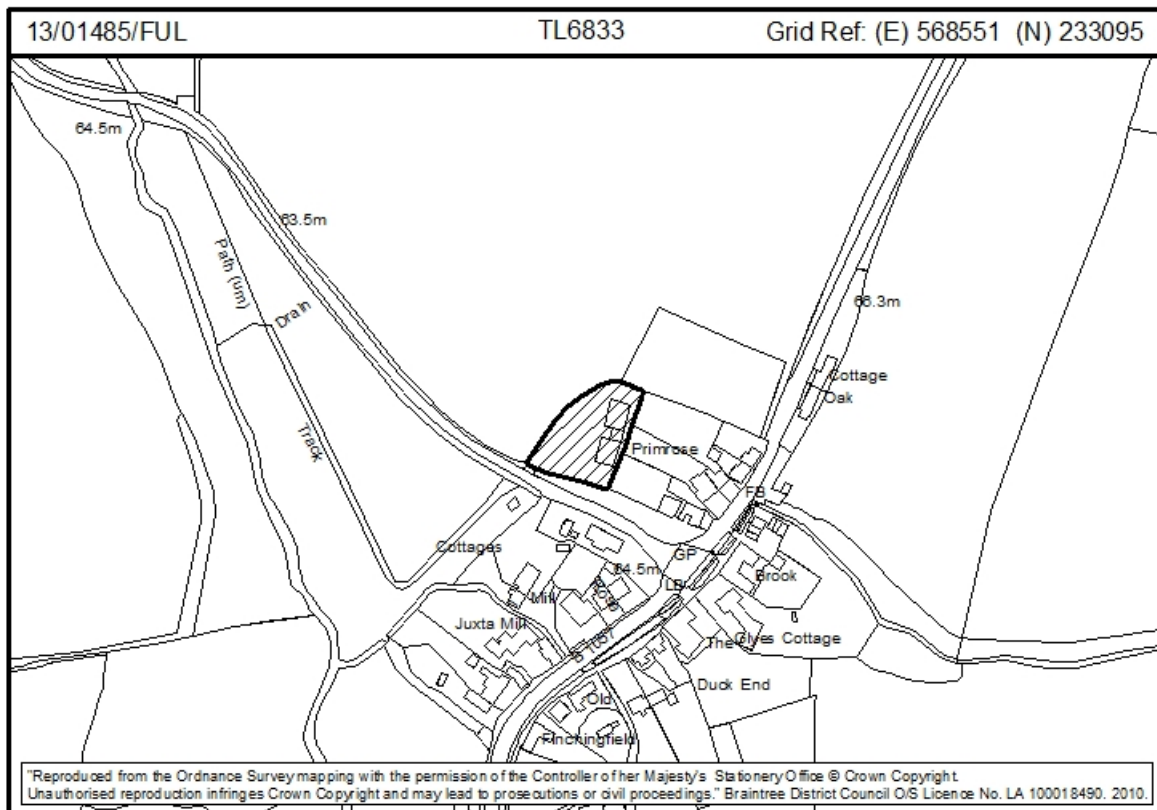
Contact Details:

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 13/01485/FUL DATE: 30.12.13
VALID:
APPLICANT: Mr & Mrs P & J Teale
Plantation Cottage, Duck End, Finchingfield, Essex, CM7 4NE
AGENT: Springfields Planning & Development Ltd
Mr Chris Loon, 15 Springfields, Great Dunmow, Essex, CM6 1BP
DESCRIPTION: Erection of building comprising three no. holiday lets, complete with parking and associated works
LOCATION: Land Adjacent Plantation Cottage, Duck End, Finchingfield, Essex

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



SITE HISTORY

No planning history.

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS5 The Countryside

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments
RLP146	Tourist Accommodation

Draft Development Management Plan

ADM1	Presumption in Favour of Sustainable Development
ADM23	Rural Enterprise
ADM47	Parking Provision
ADM52	Built Development in the Countryside
ADM55	Energy Efficiency
ADM60	Layout and Design of Development
ADM75	Tourist Development

These policies have been approved by full Council for submission to the Planning Inspectorate for examination. However they have not yet been subject to a public examination and therefore at this stage little weight can be afforded to them. It is noted that there are no material changes in the emerging policies in the draft Site Allocation and Development Management Plan relevant to this application. It is proposed that a policy titled 'Tourist Development' is included. This does not make a distinction between proposals within existing towns and villages and the countryside but indicates that they should be located at sites that relate well to defined settlements. It does not make any reference to the conversion of existing buildings in preference to new buildings. This is consistent with advice set out in the NPPF.

Supplementary Planning Guidance

ECC Parking Standards – Design and Good Practice, September 2009

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has objected to the application and letters of representation have been received which are contrary to Officer's recommendation.

NOTATION

The site falls within the countryside, outside the Finchingfield village envelope.

SITE DESCRIPTION

The site is located to the north of Finchingfield and falls just beyond the village envelope. It comprises a small field on the northern side of Spains Hall Road which is enclosed to the boundaries and adjacent the applicant's dwelling. The site measures approximately 0.13 hectares and is located on the very edge of the village. To the south and east are residential dwellings and to the west and north is agricultural land. The site abuts the Conservation Area and there are a number of listed buildings close to the site. To the rear of the site are a range of pole barns which are in a poor state of repair. The site is served by an existing access which is enclosed by a field gate. Spains Hall Road is a protected lane.

PROPOSAL

This application seeks planning permission for the erection of a building comprising 3 no. two bedroom holiday lets.

The building would measure approximately 17.5 metres in width and include two projecting front gables either side of the central section. The building would be single storey and measure approximately 5.5 metres in height. It would be positioned centrally within the site, set back from the highway by approximately 16 metres. The external materials would comprise weatherboarding to the walls with clay plain tiles to the roof.

Each unit would have a private patio area and a shared garden area to the rear. A gravel driveway would be created to the front of the building with parking for three vehicles. The existing pole barns within the site would be removed.

CONSULTATIONS

Parish Council – Do not consider that it has been demonstrated that there is a local need for tourist accommodation. The site is located close to a busy junction where parking creates visibility problems. Concerns that the design is out of keeping with neighbouring properties in the Conservation Area.

Environmental Services – No objection subject to conditions to protect neighbouring amenity during construction and a contaminated land survey being carried out.

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

Landscape Services – Agree with the conclusions of the tree report that the likelihood of serious damage to the mature trees on the site is very slight. The trees along the road frontage form a strong visual presence to this part of Spain's Hall Road and it is important to ensure that the proposed Tree Protection Plan is implemented in lines with the submitted report. The Extended phase 1 habitat survey does not identify anything of particular value on the site.

Historic Buildings Advisor – The development would not harm the setting of listed buildings. The form is based on a vernacular "agricultural" shed, of a type seen elsewhere in the Essex landscape. The building would be of an appropriate appearance for its location and would draw little attention to itself.

Highways – No objection subject to conditions in the interests of highway safety.

Economic Development – Supports the proposal. The Economic Development Prospectus identifies additional business starts as a priority. Business creation, including tourism, can contribute to regenerating rural areas. The site is located close to tourist related attractions and services and the proposal could provide opportunities for partnership working between different businesses, providing opportunities to capitalise on tourist spending.

Environment Agency – No comments. The proposal is outside of the statutory consultation requirements set out in the Development Management Procedure Order 2010.

REPRESENTATIONS

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

- The site is outside the village envelope;
- Flood risk, the area has previously suffered from flooding;
- Unlikely to be in keeping with surrounding properties;
- The development will be viewed in conjunction with listed buildings and the Conservation Area;
- The building has the appearance of a bungalow but there are no bungalows in the vicinity of the site;
- Vegetation has already been cut back and trees have been removed so that the dilapidated buildings can now be seen;
- Highway safety having regard to proximity to busy junction;

- Safety of the access during construction;
- Disruption and noise during construction and occupation;
- The land has always been agricultural and no change of use application has been made;
- The applicant has not consulted with neighbours prior to submission;
- There is no business plan or research to demonstrate that holiday accommodation is needed;
- A recent parish survey demonstrated that there was no appetite for more tourism;
- If the business is not successful it is inevitable that the buildings would become full time houses;
- The site provides habitats for wildlife;
- Part of the public area of parking to the front of the plot has been made into a new access for Plantation Cottage;
- The size of the building is excessive and inappropriate;
- Visitors may be disturbed by the busy road and neighbours' dogs;
- There is no indication to add new lighting. This is required for safety and security;
- There is accommodation in the village which has struggled to fill vacant spaces;
- Existing parking problems in Duck End will be exacerbated;
- Overflow parking in the applicant's garden would not be enforceable;

Eight letters of support have been received raising the following points:

- Accords with relevant policies and the NPPF;
- Will enhance the character of the area;
- Adequate parking is proposed;
- There is a lack of suitable accommodation in the area;
- This type of unit would be suitable for a small family on a budget;
- The holiday lets will enhance the quality and character of the village;
- The buildings would replace an unsightly and useless structure;
- Tourism is vital to the local businesses.

The owner of the Fox Inn in the village has advised that he often has to turn away visitors seeking accommodation. Also the pub relies heavily on the tourist trade.

A letter of support has also been received from the Tourism Manager at Visit Essex. This states that Finchingfield is a key location for visitors and tourist but there is very little accommodation close by to support this. A high standard holiday let would be an asset to the tourism industry and would also contribute towards the growth of the local economy.

REPORT

Principle of Development

National planning policy set out in the National Planning Policy Framework (NPPF), which is a material consideration in determining applications, states

that applications should be considered in the context of a presumption in favour of sustainable development.

The site is located just outside the village envelope, as set out in the Braintree District Council Local Plan Review. It is therefore in an area where Countryside planning policies apply in accordance with Policy RLP2 of the Local Plan Review. 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, biodiversity, geodiversity and amenity of the Countryside.

Para.2.15 of the Core Strategy refers to Finchingfield as a tourist attraction. Para 2.18 states that the quality of the environment in Braintree District, both natural and historic, creates opportunities for the tourist and leisure and recreation industries. Whilst this can help to support the rural economy, a careful balance must be achieved between economic pressures and the preservation and enhancement of the historic and natural environment.

Para. 6.23 of the Core Strategy states that Braintree District covers a large rural area, which contains nearly 50% of its residents. The Council supports protecting the countryside and maintaining the viability of agriculture, small businesses, farm diversification and rural tourism and seeks to expand rural enterprise in line with the recommendations of the Essex Rural Commission Report in 2009.

Policy RLP 146 sets out on the Council's policy on tourist accommodation. This states that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Large scale development proposals which are out of character with the rural areas will be resisted.

Section 3 of the NPPF promotes a prosperous rural economy through the sustainable growth and expansion of all types of business in rural area. This being through both the conversion of existing buildings and well-designed new building. It also indicates that support should be given to sustainable rural tourism that benefits businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Whilst Policy RLP146 indicates that preference will be given to the conversion of existing buildings, it does not state that new buildings will necessarily be unacceptable. The existing buildings on the site have obviously been part of the rural landscape for a long time but it is clear that they are not capable of conversion. National planning policy indicates that support should be given for appropriate tourist facilities, including well designed new buildings.

The site is located beyond the village envelope but abuts its boundary. It is the case that it is located at the edge of the village and that a balanced consideration must be given towards supporting proposals which would contribute towards rural tourism and the rural economy and also protection of the countryside.

The site is not located in a remote location. It is a modest sized plot which is enclosed from the agricultural land to the north and west by a mature laurel hedge which largely screens views of the site when travelling from the west towards Finchingfield. The character of the site is such that it is not perceived as open countryside with views across the landscape. It appears that it has not been used for crop production for some time and has a number of dilapidated buildings on it and is therefore different in character to the open arable land which surrounds it. The site is located adjacent to the existing settlement and close to existing dwellings. It is acknowledged that Finchingfield itself attracts a high number of tourists and visitors. Approximately a mile from the site is Spains Hall which is a wedding and conference facility. Within the village, and within walking distance of the site, are a range of services and facilities.

The existing policy (RLP146) does not state that it is necessary for the applicant to demonstrate the need for the development. However it is noted that this is a requirement of the emerging policy (ADM75). The applicant has sought to provide some information in respect of this. Information within the Planning Statement highlights the qualities of Finchingfield which make it a key tourist destination. It sets out the amenities which can be found within the village and its proximity to other leisure and tourist destinations. It indicates that there is no self-catering holiday let accommodation within the village and that there is a gap in provision. This is supported by a letter from Visit Essex. The applicants reside at the adjacent property and will manage the business.

In this case it is considered that the proposal would accord with national and local planning policies which seek to promote the rural economy and new tourist facilities, and that the location and character of the site are such that the use of this particular site for tourist accommodation would not have an adverse impact upon the character of the countryside in this location. It is therefore considered, on balance, that the principle of this proposal is acceptable.

Where the Council finds applications for holiday lets favourable it seeks to control the occupation of the building for restrictive periods to prevent it being occupied for long periods of time given the nature of the development, and to prevent it being occupied permanently as a dwellinghouse. This can be achieved by the imposition of an appropriately worded condition.

Design and Layout

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development.

CS9 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.

Policy RLP90 states that the Council seeks a high standard of layout and design in all developments. It states that the scale, density, height and elevational design of developments shall be in harmony with the character and appearance of the surrounding area. Designs shall be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and in proximity to parks and gardens of historic interest, ancient monuments and sites of archaeological importance.

Policies RLP95 and RLP100 seek to preserve the setting of Conservation Areas and listed buildings, ensuring that new building is sympathetic in design and appearance.

The site is located in a sensitive location on the edge of the settlement. It abuts the Conservation Area and there are a number of listed buildings in the vicinity. The proposed building would comprise three units and therefore the footprint reflects this scale. However the building would be single storey and designed and articulated in such a way to break up the mass of the building. The building would sit comfortably within the site, allowing for separation from the boundaries, and sufficient parking and amenity space. On balance, it is considered that the scale of the proposal is acceptable. A small private patio would be provided for each unit but the remainder of the amenity space would be a shared area which would limit the extent to which the site would take on a domestic appearance and character.

The existing buildings on the site are of poor quality and do little to enhance the visual quality of the area. They do however reflect the agricultural history of the site and such structures are often found within rural areas. These buildings would be removed, and this could be ensured by condition. It is not however considered that the removal of the structures alone justifies the proposed new building.

The proposed materials are appropriate for a rural location. The Historic Buildings Advisor does not consider that the scale or design of the building would have an adverse impact upon the historic environment. Revised plans have been submitted to address concerns regarding the use of render on the external elevations. The use of render has now been omitted. The boundary of the site with the open countryside to the west is defined by a mature hedge and a number of the existing trees on the site would remain. It is not considered that the building would have a harmful impact upon the character of the area.

Impact on Neighbouring Amenity

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

Policies RLP3 and RLP90 seek to ensure that there is no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed building would be single storey and set back within the site over 16 metres from the road. The existing trees and hedges provide a degree of screening to the site. Having regard to this, and the distance from nearby dwellings, it is not considered that the proposal would have an adverse impact upon neighbouring residential amenity.

Highway Considerations

Policy RLP56 states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009.

Policy RLP87 states that the Council will seek to conserve the traditional landscape and nature conservation character of roads designated as Protected Lanes, including their associated verges, banks and ditches. Any proposals that would adversely affect the physical appearance of these protected lanes, or give rise to a material increase in the amount of traffic using them will not be permitted.

The site is served by an existing access which is approximately 70 metres from the junction of Spains Hall Road with the B1057. The application does not propose a new access and it is acknowledged that the existing access could be used to any intensity and by large vehicles given the existing use of the site as agricultural land. It is not considered that the proposed use would give rise to such a significant number of vehicle movements or that the site is located so close to the junction that the proposal would have an adverse impact upon highway safety.

It is proposed to provide five parking spaces (one for each unit and two additional spaces) within the site. Given that the units would be providing holiday accommodation and are of a scale which would accommodate a small family or group, it is considered that this provision is appropriate. It is likely that occupants would travel in one car.

Spains Hall Road is designated as a protected lane, with the designation starting in the approximate location of the site. It is not considered that the vehicle movements associated with the proposed use would have an adverse impact upon the character of the road in this location.

It is noted that concerns have been raised regarding parking on an area of land between the site and Plantation Cottage and the vehicular access to

Plantation Cottage. This land falls outside of the application site and accordingly concerns regarding this cannot be controlled through the determination of this application. It is however understood that this land is publicly maintainable highway land.

Landscape & Ecology Considerations

Policy RLP80 states that proposals for new development should not be detrimental to distinctive landscape features. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

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

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

A Tree Survey and Phase 1 Habitat Survey have been submitted with the application.

The Tree Survey indicates that the none of the existing trees will need to be removed and that the proposed development will not adversely affect any of the existing trees or hedgerows providing the protection and other measures set out in the report are implemented. The proposed driveway and parking areas will be within the root protection area of one of the trees. Therefore in order to minimise the impact of the development on the tree, this area will be constructed using a 'no dig' technique with a permeable construction. It is recommended that a condition is imposed to ensure that the works are carried out in accordance with the details set out in the report.

The Habitat Survey indicates that the existing landscaping and structures within the site are unlikely to provide adequate habitats for legally protected species. The report concludes that the proposals could proceed without detriment to any legally protected species provided the guidance within the report is fully adhered to.

Sustainability

Policies RLP70 and 77 state that new developments shall demonstrate water and energy conservation and efficiency measures. Policy RLP74 states that space should be provided for the separation, storage and collection of recyclable waste. Policy RLP69 states that where appropriate, the District

Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Limited information has been provided regarding proposed sustainability measures. The submitted plans show an area for the storage of wheeled bins. Further details regarding such measures and details of any proposed external lighting can be ensured by condition.

Public Open Space

The Council has adopted the Open Space Supplementary Planning Document (SPD) in accordance with Policy RLP 138 of the Local Plan Review. This states that a financial contribution for the maintenance or improvement of public open space will be required for self-catering holiday accommodation that is capable of normal residential use. This would be secured through an agreement or a unilateral undertaking under S. 106 of the Town and Country Planning Act 1990. Policy CS10 of the Core Strategy also seeks to secure this.

The site is located in the Three Fields Ward and the Finchingfield Parish. The Open Spaces Action Plan indicates that within the Braintree rural area there is a deficit of outdoor sports provision, children's play space, and amenity green space. It also identifies some improvements within Finchingfield. In this case it is not considered appropriate that the applicant makes a contribution towards allotments and therefore the relevant proportion of the contribution for allotments has been discounted.

At the time of writing a Unilateral Undertaking to secure a financial contribution towards public open space was being prepared. The amount requested will be reduced by £20.32 per dwelling due to lack of a justification for the allotments element.

Other Matters

The following points seek to address other concerns which were raised in the letters of representation:

Flood risk – The site falls within Flood Zone 1, an area which is identified by the Environment Agency as at low risk of flooding. The river is located on the western (opposite) side of Spains Hall Road. Flood Zones 2 and 3 do not extend as far as Spains Hall Road in this location. The NPPF states that development should be directed away from areas at highest risk using a sequential approach. The Technical Guidance which accompanies the NPPF and provides further guidance on flood risk, states that the overall aim should be to steer new development to Flood Zone 1. It indicates that the proposed use is appropriate within Flood Zone 1 and there is not a requirement for the applicant to submit a flood risk assessment. Following concerns raised by local residents, Officers consulted the Environment Agency on the application. However, the Agency has advised that they have no comments as the site falls in Flood Zone 1 and is less than 1 hectare in size and therefore falls

outside of the statutory consultation requirements set out in the Development Management Procedure Order 2010. The submitted topographical survey shows that the land rises up from the access point with Spains Hall Road and therefore the building would be located on higher ground than the road and land which falls within Flood Zones 2 and 3.

The Technical Guidance states that in Flood Zone 1, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems. The Highway Authority has requested a condition requiring details to prevent surface water run-off onto the highway and accordingly this is listed in the recommended conditions. Conditions can also be imposed to ensure that all areas of hardstanding are constructed of porous material. Information within the application indicates that surface water will be disposed of via soakways. The size and design of these soakaways would be controlled by Building Regulations. It is therefore considered that measures to minimise surface water run-off from the site can be ensured. Furthermore, the proposed building and parking spaces will be on higher ground from the road, as the whole site rises up from the access point at Spains Hall Road. This can be ascertained from the existing levels on the topographical survey. There is also a large ditch at the front of the site.

The proposal is not contrary to national planning policy and advice, and an objection has not been received from the Environment Agency. It would therefore be difficult for the Council to substantiate withholding planning permission for reasons of flood risk.

Vegetation – Whilst it may be the case that some of the vegetation around the site has been cut back, this is not work which requires planning permission.

Access and noise during construction – Conditions as recommended by the Council's Environmental Health Department can be imposed in order to minimise disruption during construction. The site is served by an existing access and there is space within the site to accommodate deliveries. However the local planning authority cannot control parking within the public highway.

Consultation with neighbours – Whilst Officers encourage applicants to discuss their proposal with neighbours prior to submitting a planning application, there is no statutory requirement for them to do so.

CONCLUSION

The site falls beyond, but adjacent to the Finchingfield village envelope. Local and national planning policies indicate that support should be given to sustainable tourist facilities in rural areas. The design and layout of the proposed building is considered acceptable and it is not considered that the proposal would give rise to an adverse impact upon neighbouring amenity. The site is served by an existing access and adequate parking could be

provided within the site without compromising the character of the locality. Conditions can be imposed to control the impact of the development on the landscape, habitats, surface water run-off and potential impacts upon residential amenity during construction. The applicant has agreed to pay a contribution towards the provision/enhancement of public open space. Officers consider that the proposal complies with the planning policies set out above and, accordingly, approval is recommended.

RECOMMENDATION

It is RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) within one calendar month of the date of the resolution by Members to grant planning permission to cover the following matter:

- An Open Space Contribution of £3,709.11 towards the provision and enhancement of public open space;

the Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed within the aforementioned one month the Development Manager be authorised to REFUSE the grant of planning permission on the basis of the failure to make provisions in accordance with the relevant policies and the Open Spaces SPD.

APPROVED PLANS

Location Plan

Block Plan

Plan Ref: J.545 D1

Proposed Elevations

Plan Ref: J.545 D2a

Proposed Floor Plan

Plan Ref: J.545 D3

Parking Layout

Plan Ref: J.545 D4

Topographical Survey

Plan Ref: 1259-1

Other

Plan Ref: Phase 1 Habitat Survey Version: Nov '13

Other

Plan Ref: Tree Survey Version: Dec '13

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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 accommodation hereby permitted shall only be occupied on the following basis -
- (i) the units shall be occupied for holiday purposes only;
 - (ii) the units shall not be occupied as a person's sole, or main place of residence;
 - (iii) the units shall not be occupied by any leasee, tenant or guest for any period exceeding 28 days consecutively, or cumulatively within any calendar year;
 - (iv) the units shall not be sold, transferred, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans;
 - (v) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of all units on the site, and of their main home addresses, and shall make this information available to the Local Planning Authority at all reasonable times on request.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 4 Development 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.

Reason

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

- 5 Prior to installation, large scale, detailed designs for all new windows and doors shall be submitted to, and approved in writing by the local planning authority. These elements of the development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate detailing having regard to the proximity of the site to listed buildings and the conservation area.

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

Reason

To prevent the increased risk of flooding.

- 7 The development shall be carried out in accordance with the approved Tree Survey, Arboricultural Impact Assessment and Method Statement listed above, dated December 2013 and carried out by Mel Crow Associates Ltd.

Reason

To ensure existing trees, shrubs and hedges are protected and retained as they are considered essential to enhance the character of the development.

- 8 The development shall be carried out in accordance with the approved Extended Phase 1 Habitat Survey listed above, dated November 2013 and prepared by t4 ecology.

Reason

To ensure that legally protected species are protected during construction.

- 9 Prior to occupation of the development, the access shall be provided with a 2.4 metre parallel band visibility splay as measured from and along the nearside edge of the carriageway. The area within the splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 10 Prior to occupation of the development a vehicular turning facility of a design that has been previously approved in writing by the local planning authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason

To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 12 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its

entirety prior to the access becoming operational and shall be retained at all times.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- 13 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-

- (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction
- (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development
- (c) measures for the long term energy efficiency of the building(s), and renewable energy resources
- (d) details of any proposed external lighting to the site.

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

Reason

In the interest of promoting sustainable forms of development.

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

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

Reason

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

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

Reason

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

- 16 Prior to the commencement of development a comprehensive survey shall be undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved. Given the setting, a minimum of a phase 1 survey will be required. A phase 2 survey will only be required if the findings of the phase 1 survey indicate that it is necessary.

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

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

Reason

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

workers, neighbours and other offsite receptors.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of any of the three units or the provision of any building within the curtilage of the holiday let building, as permitted by Class A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the open countryside.

- 18 Prior to first use of the holiday lets hereby approved, the existing barns shown on the approved Location Plan and Block Plan (Drawing J.545 D1) shall be completely demolished and all materials resulting from the demolition shall be removed from the site.

Reason

In the interests of the appearance of the site and locality and to prevent the overdevelopment of the site.

INFORMATION TO APPLICANT

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

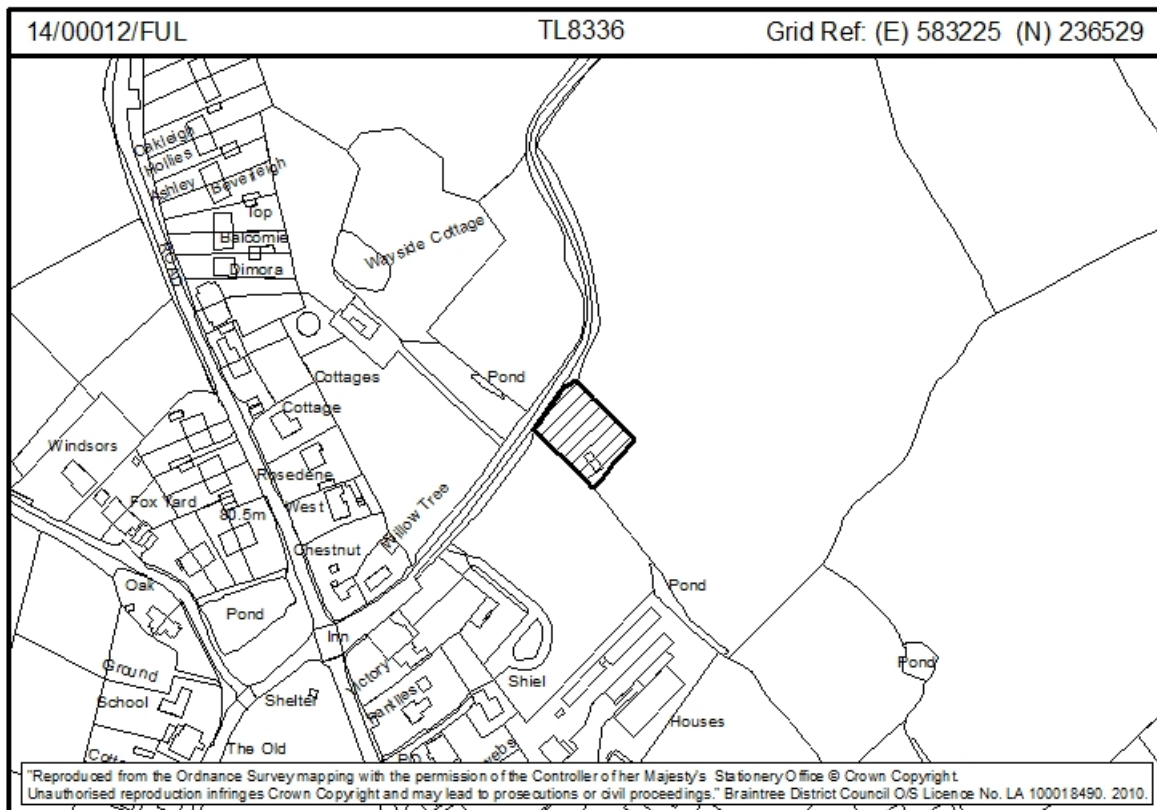
- 3 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations)
- 4 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631
- 5 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO:	14/00012/FUL	DATE VALID:	10.01.14
APPLICANT:	Mr & Mrs D Buckley Eaglefields, Office Lane, Little Totham, Maldon, Essex, CM9 8JE		
AGENT:	Mr E Gittins Edward Gittins & Associates, Unit 5 Patches Yard, Cavendish Lane, Glemsford, Sudbury, Suffolk, CO10 7PZ		
DESCRIPTION:	Use of caravan and outbuilding for private leisure use and/or holiday let with minor alterations to the outbuilding and access		
LOCATION:	Land Off, Rectory Lane, Wickham St Paul, Essex		

For more information about this Application please contact:
Ian Harrison on:- 01376 551414 Ext. 2524
or by e-mail to: ian.harrison@braintree.gov.uk



SITE HISTORY

11/01350/FUL	Erection of agricultural building	PER	08.12.11
--------------	-----------------------------------	-----	----------

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP138	Provision of Open Space in New Housing Developments
RLP144	Static Caravans, Chalets or Cabins
RLP146	Tourist Accommodation

National Planning Guidance

National Planning Policy Framework (NPPF)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the receipt of an objection from Wickham St. Paul Parish Council.

SITE DESCRIPTION

The application site is located to the South East of Rectory Lane in the countryside immediately to the east of Wickham St. Paul. The site measures 34 metres deep and 26 metres wide.

The site is bounded by trees on three sides, with a fence on the southern boundary. The site is accessed from the north corner, over a piped ditch, with the access enclosed by a pair of gates that measure approximately 2 metres tall.

The site contains a mobile home and two additional buildings. The site hosts an enclosed area that appears to be suitable for the keeping of poultry.

PROPOSAL

The application proposes the use of the caravan and outbuilding at the site for a private leisure use and/or holiday let. The application also proposes minor alterations to the access and the existing outbuilding.

The outbuilding to which this application relates was approved as an agricultural building under the terms of application 11/01350/FUL, but has been fitted out to enable use for habitable purposes.

The applicant's submissions indicate that they would be willing to accept a condition on the use of the premises to restrict occupation for no more than 4 consecutive weeks by any one person.

RELEVANT HISTORY

Planning application 11/01350/FUL was approved to allow the erection of an agricultural building. A condition of that permission required that the building only be used for the keeping of livestock in connection with the landholding shown to be within the applicant's control. The storage of associated items was also allowed for. The documents that accompanied that application indicated that the site was being operated as a smallholding and the static caravan had been present for more than 10 years.

Enforcement investigations have occurred with respect to the residential use of the site. An enforcement notice was served on 14 June 2011 aimed at the following breach "without planning permission, a material change in the use of the land from smallholding to a mixed use of a smallholding and for the stationing of a mobile home for residential/accommodation purposes." The enforcement notice was not appealed and came into effect on 01 August 2011. The enforcement notice required the occupant to "Cease any use of the mobile home for the purposes of human habitation, including any overnight staying/sleeping, save for the purpose of providing daytime shelter."

CONSULTATIONS

The Council's Environmental Services Team has objected to the application on the grounds that insufficient details had been provided of the ability to provide drinking water and sewerage at the site. They also highlighted the requirement for the site to be licensed as a caravan site.

The Highway Authority has raised no objection to the application subject to the imposition of a condition in relation to the surface treatment of the first six metres of the application site.

Wickham St. Paul Parish Council has objected to the application, but provided no reason for this objection.

REPRESENTATIONS

A site notice has been erected at the site. No letters of representation have been received.

REPORT

Principle of Development

The site lies beyond any development boundaries defined in the adopted Braintree District Local Plan Review. Therefore, in accordance with Policy RLP2, countryside policies apply. Policy RLP 2 states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes.

Core Strategy Policy CS 5 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.

Policies RLP144 and RLP146 combine to allow the creation of holiday accommodation within the countryside, subject to conventional planning considerations. Policy RLP144 states that in considering proposals for static caravans, chalets, or cabins, the Council will have regard to any impact on landscape character, road safety, wildlife, or residential amenity and also ensure that the site is not liable to flooding, nor that the proposal would cause the loss of the best and most versatile agricultural land. Policy RLP146 provides more generic support for tourist accommodation, particularly within Village Envelopes and Town Development Boundaries. It also allows for developments in the countryside, but indicates a preference for the conversion of existing buildings rather than the construction of new ones. At paragraph 28, the NPPF supports tourism developments as part of boosting the rural economy.

Policy RLP144 also states that where permanent residential development would not normally be approved, conditions will be used to limit the period of occupancy to ensure that the unit remains available only for holiday use. From this basis it is considered that the principle of providing tourist accommodation at the site can be supported in principle. The existing static caravan at the site is the subject of an enforcement notice and it is clear that it should not be used for residential use. However, it is considered that its retention and use for holiday/leisure purposes would not be contrary to policy RLP144.

Moreover, whilst approved as an agricultural building, it is considered that RLP38 would allow for the change of use of the existing outbuilding at the site to holiday accommodation.

From this basis, it is considered that no objection should be raised to the principle of using the site and the buildings for the purposes described. It is considered appropriate to impose the condition suggested by policy RLP144 and other conditions to clarify the terms of the permission as appropriate.

Whilst being in the countryside, the site is close to the village of Wickham St. Paul and its facilities and as such is considered a relatively sustainable location for tourist accommodation.

Design, Appearance and Layout

Policy RLP146 states that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Similarly, policy RLP144 states that “Static caravans, chalets and cabins will only be permitted where there is no significant impact on the character of a designated area, road safety, landscape, wildlife, or residential amenity and where essential services can be provided.”

In this instance it is noted that the site is well screened on three sides and the more open south side is the least prominent and least likely to be viewed. It is therefore considered that the proposed alterations to the site would have a minimal impact on the character and appearance of the countryside. The proposal would not require the enclosure of additional land and would not make the existing buildings and structures more prominent in the countryside than they are currently.

It is considered that the visual impact of the static caravan would be no greater than what would normally be expected under the terms of policy RLP144 and due to the mitigating landscaping, it is considered that the visual impact of the change of use would be minimal. The same is true of the conversion of the other existing outbuilding, which appears to have been constructed lawfully, although in breach of condition.

Due to its setting and existing screening it is considered that the change of use of the site would not lead to the introduction of significant domestic paraphernalia that would be above and beyond what would be expected under the terms of policy RLP144. This can be secured through the imposition of suitable conditions.

Impact on Neighbour Amenity

The proposals are unlikely to impact upon any neighbouring amenity to any unacceptable level with the nearest residential dwelling approximately 85 metres away from the application site.

Highway Issues

The proposed development would utilise an existing access, with that access being widened through works to the entrance of the site. The Highway

Authority has raised no objection to the proposal and as such it is considered that it would be unreasonable to object to the application on highway grounds, especially given that the proposal is not requiring the creation of a new access or the significant intensification of use of the access. The narrowness and poor condition of Rectory Lane are noted, but as no objection has been raised by the Highway Authority, it is considered that it would be unreasonable to object to the application.

The provision of two parking spaces is considered to be compliant with the Council's Adopted Parking Standards.

It is considered appropriate to impose a condition on any permission to require a landscaping scheme to be submitted and agreed, showing the provision of any hardstanding that is proposed, particularly in respect of the first six metres of the site which should be laid to a bound surface, as required by the Highway Authority.

Public Open Space

In April 2010 the Local Planning Authority adopted the Open Space SPD which requires many types of development to contribute towards the off-site provision of open space. This includes "Self-catering holiday accommodation that is capable of normal residential use."

Policy CS11 states that "the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community (including sport, leisure and local community facilities) are delivered in a timely, efficient and effective manner.

The Council's Adopted Open Space Supplementary Planning Document outlines the requirement for developments of this scale to contribute financially to the provision or enhancement of public open space. In this instance the scale of the development justifies a contribution of £1,256.69 which would be spent on one of the projects within the Hedingham and Maplestead Ward that are identified within the Council's Open Space Action Plan.

At the time of drafting this report, it is understood that the required legal agreement has not been completed. If an agreement is not completed in a timely manner, it is recommended that the failure to ensure the appropriate provision of an open space contribution forms a reason for the refusal of the application.

Other Matters

As set out above, policy RLP144 states that "Static caravans, chalets and cabins will only be permitted where there is no significant impact on the character of a designated area, road safety, landscape, wildlife, or residential amenity and where essential services can be provided." The Council's

Environmental Services Department initially objected to the application on the grounds that insufficient details of sewerage and drinking water provision had been provided by the applicant. Subsequently, the applicant has confirmed that their intention is to connect the site with mains electricity and water and install a Klargestar septic tank. The Environmental Services Team is satisfied with these arrangements and as such it is considered that the initial concern has been acceptably addressed.

CONCLUSION

Although the site is located within the open countryside, policy RLP144 allows for tourist accommodation to be created. It is therefore considered that the proposed development is in accordance with the policies of the Development Plan and the NPPF and should therefore be approved subject to the conditions set out below. It is considered that the proposed development would have no unacceptably harmful impacts on the amenity of neighbouring residents, the visual amenity of the site or the surrounding area or the safe use of surrounding highways.

RECOMMENDATION

It is therefore RECOMMENDED that, subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover a contribution of £1,256.69 towards the provision and/or enhancement of open space within the vicinity of the site the Development Manager be authorised to GRANT planning permission under delegated powers subject to the terms set out above and the conditions and reasons set out below.

Alternatively, in the event that a suitable planning obligation is not agreed by the statutory date for the determination of the application, the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan	
Planning Layout	Plan Ref: 124-13-01
Elevations	Plan Ref: 124-13-02
Elevations	Plan Ref: 124-13-03

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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 unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 4 The accommodation hereby permitted shall be used only for holiday accommodation purposes and shall not be occupied by any owner, leasee, tenant or guest for any period exceeding 28 days consecutively.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement or alteration of the buildings or provision of any ancillary building within the curtilage of the buildings, as permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the open countryside.

- 6 Development shall not be commenced until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority.

Such scheme shall incorporate a detailed specification or any proposed plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. The landscaping scheme shall include the provision of hardstanding as required by condition 3 of this permission and the provision of demarked turning and parking facilities, not necessarily in the position shown on the plans hereby approved.

Any 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 first occupation of the structures at the site for the uses hereby approved 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 structures at the site.

Development shall not be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

Reason

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

- 7 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

Reason

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

INFORMATION TO APPLICANT

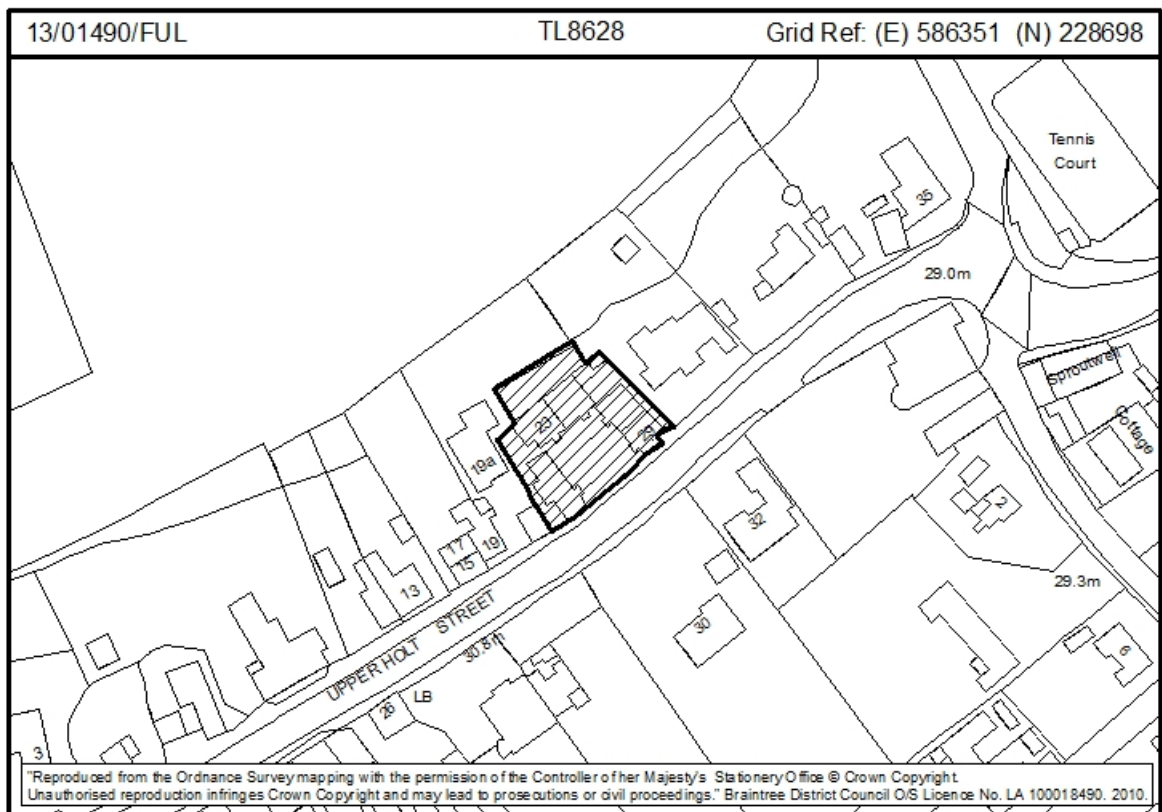
- 1 Please be aware that it is a legal requirement that the site is licensed as a caravan site. An application for a site licence must be made to the Environmental Services department at Braintree District Council. It is recommended that the applicant is familiar with the content of the Model Standards for Touring Caravan Sites - Caravan Sites and Control of Development Act 1960 (Section 5) as these will be the conditions which would typically apply to any license that is granted. This includes matters relating to water and sewerage arrangements.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 13/01490/FUL DATE: 03.01.14
 VALID:
 APPLICANT: H W Bone & Co. UK Ltd
 C/o Percival & Company, High Street, Earls Colne, Essex,
 CO6 2RN
 AGENT: Nick Peasland Architectural Service
 Mr N Peasland, 2 Hall Cottages, Assington Park, Assington,
 Sudbury, Suffolk, CO10 SLQ
 DESCRIPTION: Proposed new vehicular access together with parking and
 turning area
 LOCATION: 21 - 29 Upper Holt Street, Earls Colne, Essex, CO6 2PG

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



SITE HISTORY

03/00013/REF	Proposed vehicular access together with parking and turning area	DISMIS	09.08.03
02/01608/FUL	Proposed vehicular access together with parking and turning area	REFDIS	22.10.02
82/01305/P	Erection of extensions and alterations to bungalows (23 and 29)	PER	22.02.83
85/00195/P	Proposed rear single storey extensions and front porches to convert one dwelling to two single bedroom bungalows	PER	26.03.85
96/00157/FUL	Demolition of rear projection and roadside wall and proposed erection of new rear extension and rebuilding roadside wall	PER	26.03.96
96/00158/CON	Demolition of rear projection and roadside wall	PER	26.03.96

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

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
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas

Site Allocations and Development Management Plan - Draft for Consultation

ADM1	Presumption in Favour of Sustainable Development
ADM2	Development within Town Boundaries
ADM9	Residential Alterations, Extensions and Outbuildings within Development Boundaries
ADM47	Parking Provision
ADM60	Layout and Design of Development
ADM63	Preservation and Enhancement of Conservation Areas and Demolition in Conservation Areas

Other Guidance

Earls Colne Village Design Statement
Development Management Policies, Essex County Council Highways
Parking Standards, Design and Good Practice.

INTRODUCTION

This application is brought before the Planning Committee due to the receipt of representations in support of the application from the Parish Council, contrary to Officer's recommendation.

SITE DESCRIPTION

The application site is situated within the Earl's Colne village envelope and is within the village's Conservation Area. It comprises an attractive group of 19th century former alms-houses that make up three sides of a square, with iron railings across the front closing off the 4th side. In the middle of the square is a garden with narrow paths leading to the front doors of each dwelling. The paths are accessed through two pedestrian entrances in the railings.

The buildings along Upper Holt Street are varied in age and style. The garden area which is the subject of this application is one of the most significant open spaces within the street scene on the side of the road. It contrasts with the strong enclosures on the opposite side of the road and is considered to be of particular importance to the character and appearance of the Conservation Area as well as the setting of this group of dwellings.

PROPOSAL

This application seeks planning permission for the creation of a new vehicular access off Upper Holt Street leading to a proposed parking and turning area in place of the current communal garden to provide off-street parking to the houses. The parking area would be constructed using "Grasscrete" (concrete cast in situ in a cellular arrangement leaving voids which can be filled with soil and seeded with grass).

CONSULTATIONS

Highway Authority – Recommends refusal due to inability to provide visibility splays of 2.4mX90m in both directions to the detriment of highway safety and contrary to the Highway Authority's Development Management Policies adopted as County Council Supplementary Guidance. Also note that the parking bay sizes fall below the minimum bay size of 5.5X2.9m and the exceptional minimum size of 5mX2.5m as adopted by Essex County Council;

Parish Council – Support the application due to existing parking problems along Upper Holt Street which leads to highway safety issues.

Historic Buildings Advisor – Recommends refusal due to the replacement of the well landscaped garden with a barren car park that would be to the detriment of the appearance of the Conservation Area.

REPRESENTATIONS

A site notice was posted at the site and letters were sent to neighbouring residents. Two letters supporting the application have been received as well as one from the management company who manage the properties. In summary, their reasons for support are:

- The provision of off-street parking would increase highway safety;
- The application would result in improved vehicle security;
- The proposal would eliminate the need to park on the adjacent footpath thereby freeing it up for pedestrians;
- Recently introduced parking restrictions in Tey Road and Lower Holt Street have reduced already limited on-street parking.

REPORT

The Principle of Development

The site is located within the village development boundary as designated within the Braintree District Local Plan Review. In accordance with Policy RLP3 of the Local Plan Review the principle of residential development is acceptable, but only where it satisfies amenity, design, environmental and highway safety criteria, and where it can take place without detriment to the character of the settlement. The policy goes on to specify that proposals for development must seek to protect the character and historic interest of the locality along with the character of the street scene and the setting of attractive buildings.

The site is also located within the Earls Colne Conservation Area where there is a statutory duty on planning authorities to ensure that developments within such areas preserve or enhance the character or appearance of the Conservation Area. Policy RLP95 of the Local Plan Review sets out how the Council will seek to fulfil this duty. It states that new developments must not detract from the character and appearance of the essential features of the Conservation Area and must appear in harmony with the existing street scene.

RLP90 requires a high standard of design in all developments large and small in the District. Proposals should recognise and reflect local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance particularly within Conservation Areas.

The Council's development management policies sets out the issues the Highway Authority will consider when assessing new proposals to ensure highway safety is not compromised.

It is noted that the Earls Colne Village Design Statement makes no specific recommendations relating to Upper Holt Street that are relevant to the

application. The document does however highlight the importance of the village's Open Spaces and that these should be retained where possible.

Officers have considered the emerging policies contained within the Pre-Submission Site Allocation and Development Management Policies Plan. There are no significant variations in policy to the relevant policies from the Local Plan Review listed above.

Design and Appearance

The Council's Historic Buildings Advisor considers that the existing arrangement of Victorian single storey cottages around a courtyard garden form a distinctive and attractive feature of the Conservation Area. This is consistent with advice received from the then Historic Buildings Advisor when a similar application was made in 2002, as well as the judgement of the planning inspector when that refusal was appealed. A copy of the appeal decision is appended to this report (Appendix A). Whilst it is acknowledged that the applicant proposes to retain most of the railings that front onto Upper Holt Street and the cast iron lamp standard, it remains the case that the proposal would create a 3m wide opening in the railings and replace the attractive existing courtyard garden with a hardstanding. The use of *Grasscrete* is a non-traditional material and it is not always successful in establishing and maintaining the grass that is intended to soften the appearance of the hardstanding. Regardless of the surface treatment that is proposed the fact remains that if allowed the application would result in cars being parked directly in front of these attractive properties. For these reasons it is recommended that the application is refused for failing to preserve or enhance the setting of this attractive group of buildings and the contribution that this group makes to the character and appearance of the Conservation Area.

Officers therefore consider that the proposal fails to meet the criteria required according to these policies. The loss of the garden in the Conservation Area and its replacement with a hard surfaced parking area would compromise the character, setting and distinctive appearance of the Earls Colne Conservation Area, contrary to the policies outlined from the Braintree District Local Plan Review.

Impact on Neighbouring Residents

It is considered that the application would not result in any negative impact on the amenity of neighbouring residents.

Highway Arrangements and Parking Provision

As outlined above, the proposal fails the visibility splays standard at the proposed new entrance. Furthermore, the applicant falls some way short of meeting the required parking bay size standards applied to new parking areas. The Area Highways Officer therefore recommends refusal as the proposal would result in sub-standard parking spaces as well as not achieving

the minimum visibility criteria for vehicles entering and leaving a public highway from a privately own residential complex. These deficiencies would create highway safety issues in their own right with drivers not being able to use the access safely, not least because of the busy nature of Upper Holt Street. Given the size of the spaces to be provided it also questioned whether they would be usable in practice.

It has also been suggested that the number of parking spaces be reduced to achieve the bay size standards. Officers again consider this undesirable as at least one dwelling would be left without a bay thereby necessitating on-street parking as per the status-quo and thus rendering the *raison d'être* of the proposal moot. The character and appearance of the Conservation Area would be compromised while failing to achieve off-street parking to a satisfactory standard for all residents.

It is noted that the Parish Council and some local residents have supported the application stating there is a need for more off street parking and that this would improve highway safety. The Highway Authority does not share this view. Whilst numerous other properties nearby do have off street parking and it is generally desirable, in this particular instance any potential benefits are outweighed by the harm referred to above. It should also be noted that the planning inspector reached the same conclusion in 2003.

Other Matters

There are no further pertinent issues relating to this application.

CONCLUSION

In conclusion these proposals will have a damaging effect on the Conservation Area by the destruction and replacement of a well landscaped courtyard garden that is a positive feature in the Conservation Area with stark hardstanding and punctuated railings. This damage would be exacerbated by the parking of cars in close proximity to these Victorian dwellings which would detract from their setting and appearance and also be detrimental to the setting and appearance of the Conservation Area.

Furthermore, the proposed new access to the parking area cannot be provided with adequate visibility splays to allow users safe entry and egress from the site. This would be detrimental to highway safety and contrary to the Local Planning Authority's and the Highway Authority's development management policies.

Finally, the dimensions of the area are such that the parking bays would be smaller than the minimum bay sizes specified in the Council's adopted parking standards, making it less likely that they will be useable in the manner intended.

RECOMMENDATIONS

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

- 1 The site lies within the Earls Colne Conservation Area wherein it is the policy of the Council as set out in the Core Strategy CS9 and the Braintree District Local Plan Review Policies RLP90 and RLP95 to ensure that all new development will either preserve or enhance the character and appearance of the Conservation Area and its essential features including the buildings, open spaces and historic features. Building materials used should be authentic and complementary.

The proposed development is considered to have a damaging effect on the character and appearance of the Conservation Area by destroying a well landscaped courtyard garden that is a positive feature of the Conservation Area and replacing it with punctuated railings and a stark engineered hardstanding which would be contrary to the aforementioned policies. It would also result in cars being parked in close proximity to this attractive group of Victorian dwellings which would detract from their setting and character and, as a result, also be detrimental to the character and appearance of the Conservation Area.

- 2 The proposed development would create a new vehicular access onto Upper Holt Street, a busy classified road. When considering such a proposal the Local Planning Authority must have regard to relevant adopted highway safety policy.

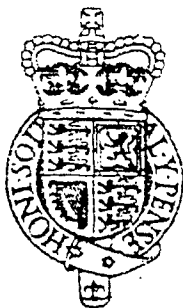
Policy DM1 of the Highway Authority's Development Management Policies 2011 seeks to ensure, amongst other things, that proposals will not create a significant potential risk or be detrimental to the safety of the highway network. In addition, the Local Planning Authority has adopted Parking Standards (Parking Standards, Design and Good Practice, September 2009) which seek to ensure the provision of sufficient off-street parking for new development with parking spaces achieving minimum length and width dimensions.

So far as can be determined from the submitted plans the proposed new access cannot be provided with adequate visibility splays to allow users of the access to enter and leave the site in a safe manner and without danger to them, or other highway users. The access would therefore be detrimental to highway safety contrary to Policy RLP3 and RLP56 of the Braintree District Local Plan Review and Policy DM1 of the Highway Authority's Development Management Policies.

Furthermore, the four parking spaces proposed would be significantly smaller than the minimum bay sizes specified in the Council's adopted parking standards. Such provision would be likely to result in the spaces not being useable in the manner intended and is therefore likely to result

in cars parking in a haphazard manner or even being unable to use all the spaces as intended. Any claimed benefit through the provision of off-street parking would not, in the Local Planning Authority's view, override the detriment to the character of the Conservation Area as set out in reason 1 above.

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 5 August 2003

by Nigel Burrows BA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 09 AUG 2003

Appeal Ref: APP/Z1510/A/03/1115482

No's 21, 25, 27 and 29 Upper Holt Street, Earls Colne, CO6 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by H W Bone and Co Ltd against the decision of Braintree District Council.
- The application (ref: 02/01608/FUL), dated 16 August 2002, was refused by notice dated 22 October 2002.
- The development proposed is a vehicular access together with parking and turning area.

Summary of Decision: The appeal is dismissed

Main Issue

1. I consider the main issue in this case is the effect of the proposal on the character or appearance of the Earls Colne Conservation Area.

Planning Policy

2. The Development Plan includes the Essex and Southend-on-Sea Replacement Structure Plan (2001) and the Braintree District Local Plan (1995). Structure Plan policy HC2 indicates the various elements of the environment that contribute to the character of conservation areas, including buildings and spaces, will be protected. Local Plan Policy BDP 41 states the primary objective of conservation policy is to preserve or enhance the present environmental character of conservation areas, and it sets out the principles for the consideration of development. Policy BDP 45 requires that where possible proposals for changes of use in conservation areas should have a positive effect on the character or appearance of the area.
3. The Council has referred to policies in the Braintree District Local Plan Review First Deposit Draft 2002. Policy RLP 95 carries forward the objectives of adopted policy BDP 41 and policy RLP 97 carries forward adopted policy BDP 45.

Reasons

4. The Council describes the appeal properties as an attractive group of nineteenth century former almshouses, and I consider this description accurately reflects their form, character and appearance. The properties are grouped around a communal garden area, which is enclosed on the main road frontage by iron railings; there are two pedestrian entrances serving the narrow paths around its perimeter, which lead to the front entrance of each dwelling. The proposal involves the adaptation of the whole of this area to provide four car parking spaces and turning facilities, including the provision of a pattern imprinted concrete surface and the removal of a 3m section of railings to provide the vehicular access.
5. The buildings within the Conservation Area have a wide variety of architectural styles

reflecting different periods of development. Whilst development on this side of Upper Holt Street is by no means continuous, the existing garden area is one of the most significant open spaces within this part of the street scene and it contrasts with the sense of enclosure on the opposite side of the road provided by a substantial flint wall. ~~This garden is a pleasant and interesting space and, in my opinion, it is of considerable importance to the setting of the appeal properties and to the character and appearance of the Conservation Area.~~

6. I consider the adaptation of this garden area to provide parking and turning facilities would ~~unacceptably erode the setting of the existing properties and would seriously diminish its contribution to the character and appearance of the Conservation Area.~~ The adverse impact of the proposal would be accentuated by the loss of most of the existing soft landscaping, and by the visual intrusion of vehicles parked in close proximity to the front elevations of these attractive properties. Ground cover planting would be provided immediately behind the railings, but this would not soften the adverse visual impact of this proposal.
7. The appellants contend there is a need for off street parking to serve these properties, which will improve road safety, and some local residents support this view. Furthermore, I note that off street parking has been provided to most other properties in the road. I have taken account of the concerns regarding highway safety and the desirability of reducing on street parking in the vicinity, but I consider that the benefits of providing these parking and turning facilities would be outweighed by the objections to the proposal that I have identified.
8. ~~I conclude on the main issue that the development would fail to preserve or enhance the character or appearance of the Earls Colne Conservation Area.~~ Accordingly, the proposal would conflict with Structure Plan policy HC2 and Local Plan policies BDP 41 and BDP 45.

Other Considerations

9. The appellants suggest that the Council's decision is inconsistent with the approval of the access arrangements for the redevelopment of the former Atlas Works, which they contend would have a greater material effect on the setting of Tillwicks House and the Conservation Area. However, I have no information concerning the balance of planning considerations that resulted in the approval of this development. In any event, I have considered the appeal proposal on its individual merits and ~~concluded that it would be unacceptable.~~

~~Conclusion~~

10. For the reasons given above and having regard to all other matters raised, I conclude that the ~~appeal should be dismissed.~~

Formal Decision

11. In exercise of the powers transferred to me, ~~I dismiss the appeal.~~

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

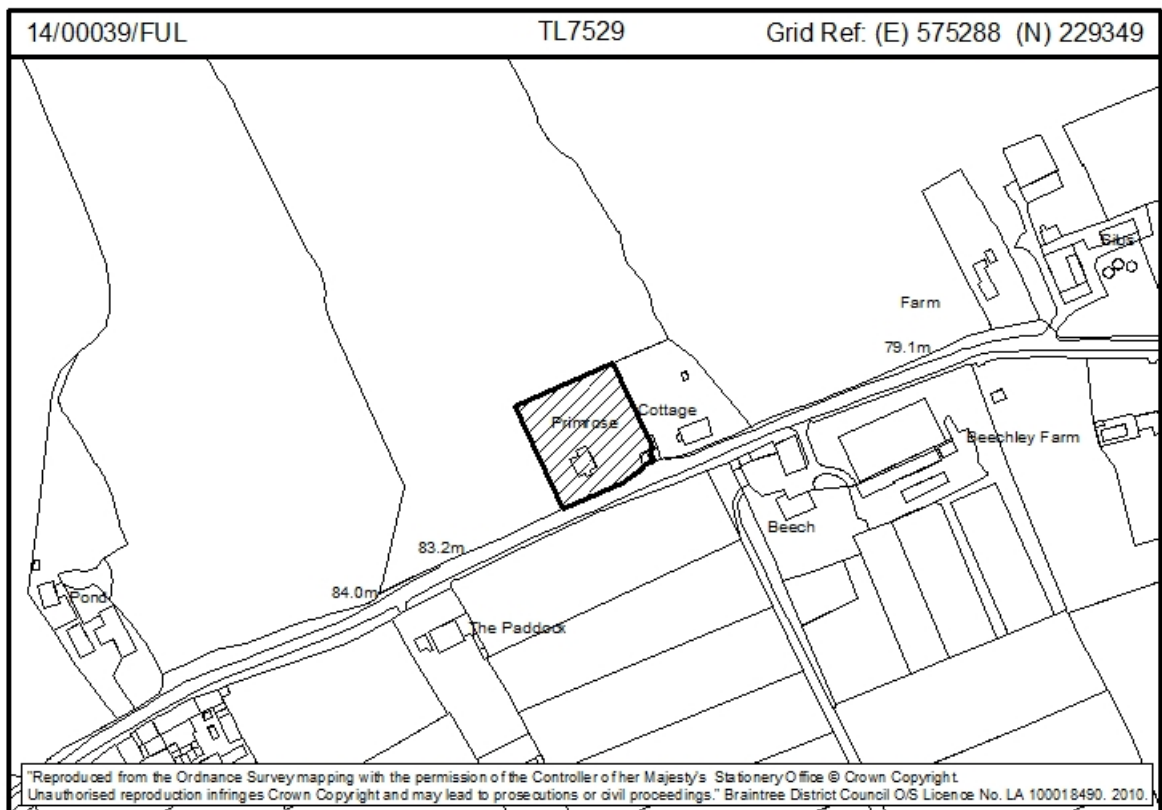
Signed xxxxxxxx

INSPECTOR

PART B

APPLICATION NO: 14/00039/FUL
 DATE VALID: 13.01.14
 APPLICANT: Mr Lee Houldershaw
 Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ,
 AGENT: Garratt Associates
 24 Butterfield Road, Boreham, Chelmsford, Essex, CM3 3BS
 DESCRIPTION: Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.
 LOCATION: Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ

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

88/01955/P	Erection Of Conservatory	PER	18.11.88
13/00708/FUL	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REFDIS	07.08.13
13/00709/LBC	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REF	07.08.13
13/00817/LBC	Installation of central heating system and new secondary glazing and replacement of existing secondary glazing.	PER	02.09.13
14/00009/FUL	Proposed alterations to fencing and provision of parking bay to highway boundary	PDE	
14/00010/LBC	Proposed alterations to fencing and provision of parking bay to highway boundary	NOTREQ	06.02.14
14/00040/LBC	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	PDE	

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own

development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

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
RLP18	Extensions to Existing Dwellings in the Countryside
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

INTRODUCTION

This application is being presented to Planning Committee because Gosfield Parish Council has objected to the proposals, which is contrary to the Officer recommendation.

SITE DESCRIPTION

Primrose Cottage is a Grade II listed timber framed cottage, dating back to the 17th Century. It has exposed timber frames with plaster infill, and a plain tile roof with gabled dormers. The site is located in the countryside, within a largely rural landscape, but with a neighbouring dwelling to the east of the

site. The dwelling is set back some distance from the narrow road, with the site enclosed by fencing and gates along its frontage.

The dwelling stands within an extensive garden and has previously been extended with a modern two storey extension to the rear at right angles to the main building, next to which is a single storey flat roofed extension. These two extensions cover the entire rear elevation of the house. There is a conservatory extending from the western end of the dwelling. Although the amount of additional floorspace provided by these extensions is significant in relation to the overall size of the original dwelling, the siting of the rear extensions and the relatively small scale of the conservatory limit their visual impact. As a result, when viewed from the front, the older elements of the building remain visually dominant.

NOTATION

The application site is in an area beyond any designated development boundary and, as a result, is an area where countryside planning policies apply.

DESCRIPTION OF PROPOSAL

The application seeks planning permission to demolish the existing conservatory, and the rear single storey kitchen. It is proposed that they would be replaced with a single storey side extension on the footprint of the conservatory, behind which there would be a single storey wing enclosing a small courtyard between it and the modern two storey extension. The element of the proposed extension that would accommodate the kitchen would measure 3.4m x 4.85m. Behind this there would be another element of the extension, which would step in from the proposed kitchen's wall line by 25cm and measure 3.15m x 3.75m. A toilet would be accommodated in a narrow extension at the rear, wrapping around the existing dwelling, and would measure 1.1m in width. The roof of the proposed extension would use natural slates, and the external walls would be rendered to match the existing dwelling. The applicant has also applied for listed building consent for the works (ref.14/00040/LBC).

CONSULTATION RESPONSES

Historic Buildings Advisor – Following submission of revised plans recommends approval, subject to conditions regarding materials and detailing
Parish Council – Objects because they believe the proposals are not in keeping with the cottage.

REPRESENTATIONS

A site notice was displayed on site. Letters of representation have been received from three neighbouring properties. None of the representations raise objection to the proposals and two express support.

OFFICER OPINION

1. Principle of Development

The application site is located outside any designated town or village development boundary wherein policies CS5 of the Council's Core Strategy and RLP2 of the Braintree District Local Plan Review state that development outside town development boundaries or village envelopes will be strictly controlled to uses appropriate to the countryside, and assessed against countryside policies.

Policy RLP 18 of the Local Plan Review does however allow for the principle of extending existing residential dwellings, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position. The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings.

The other key consideration is the fact that the building is a Grade II listed building. Policy RLP 100 of the Local Plan Review states permission will only be granted for internal or external alterations, extensions and partial demolitions to a listed building where these would not harm the setting, character, structural stability and fabric of the building and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In a similar vein policy CS9 of the Core Strategy also states that the careful consideration will need to be given to the design of the development and the impact on the historic environment.

Policy CS9 promotes 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 where proposals affect the District's historic or important buildings.

Based on the above policies, there is no in-principle objection to the application, subject to detailed consideration of the design and appearance of the proposed extensions.

Having considered the corresponding policies in the Pre-Submission Site Allocation and Development Management Policies Plan Officers do not consider there is any significant departure from the equivalent policies of the Core Strategy and Local Plan Review referred to above.

2. Design and Appearance and Impact on Listed Building

The design of the proposed extension needs to be assessed in terms of its impact upon the character and historic interest of the host dwelling. The Council refused an earlier application to extend the cottage on grounds that it would detrimentally harm the character of the listed building, due to its size. The refusal was appealed by the applicants and dismissed, with the Planning Inspector stating the proposal would “*have a materially harmful impact on the character and appearance of Primrose Cottage and would result in substantial harm to its special interest as a listed building.*”

The applicants subsequently sought pre-application advice from Officers and the resulting proposal is now the subject of this application. The Council's Historic Buildings Advisor has stated that “*The existing conservatory, and the rear single storey kitchen, would be removed and replaced with a single storey side extension on the footprint of the conservatory, behind which there would be a single storey wing enclosing a small courtyard between it and the modern two storey extension. This would benefit the appearance of the cottage from the front as the conservatory is very much of its time and does not really complement the historic building. The extensions would all be single storey and so not out of scale with the cottage, and there would be no impact on the historic fabric. I would recommend approval of the application*”.

The extensions would be subordinate to the existing dwelling, and use appropriate materials. Care has been taken to ensure the extensions harmonise with the local character of the area, and as a result this application is considered to be acceptable; complying with policies RLP18, RLP90 and RLP100.

At one stage it was proposed that the extension was going to be clad with weatherboarding but the submitted plans show it to be rendered. The Council's Historic Buildings Advisor has confirmed that render will be acceptable.

3. Impact on Neighbouring Residential Amenity

Policy RLP90 also states there shall be no undue or unacceptable impact on neighbouring residential properties. Due to the siting of the proposed extensions, and their relatively small size, the application is not considered to have any adverse impact on neighbouring residential amenities.

4. Highway Considerations

This application does not propose any alteration to highway access to the site, or off-street parking. Members will recall that an application concerned with alterations boundary fencing and the provision of parking within the site was referred to the last meeting of the Planning Committee (ref.14/00009/FUL).

5. Other Issues

None.

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

Plan Ref: 915/2

Version: B

Proposed Plans

Plan Ref: 915/1

Version: B

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

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 Development 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.

Reason

To ensure the use of appropriate materials having regard to the historic and architectural importance of this listed building.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s.

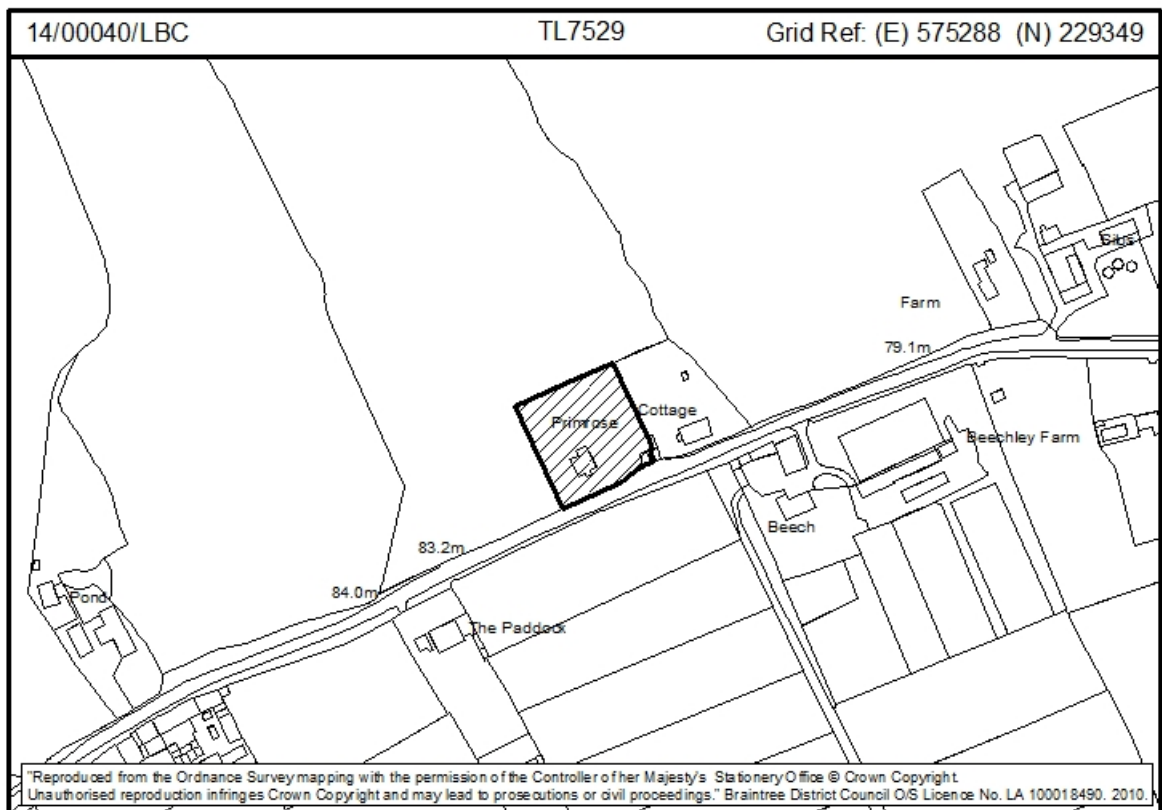
Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 14/00040/LBC
 DATE VALID: 13.01.14
 APPLICANT: Mr Lee Houldershaw
 Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ,
 AGENT: Garratt Associates
 24 Butterfield Road, Boreham, Chelmsford, Essex, CM3 3BS
 DESCRIPTION: Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.
 LOCATION: Primrose Cottage, Parkhall Road, Gosfield, Essex, CO9 1SQ

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

88/01955/P	Erection Of Conservatory	PER	18.11.88
13/00708/FUL	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REFDIS	07.08.13
13/00709/LBC	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	REF	07.08.13
13/00817/LBC	Installation of central heating system and new secondary glazing and replacement of existing secondary glazing.	PER	02.09.13
14/00009/FUL	Proposed alterations to fencing and provision of parking bay to highway boundary	PDE	
14/00010/LBC	Proposed alterations to fencing and provision of parking bay to highway boundary	NOTREQ	06.02.14
14/00039/FUL	Demolition of existing conservatory and single storey extension and erection of single storey side and rear extension.	PDE	

POLICY CONSIDERATIONS

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and is a material consideration in the determination of planning applications. Annex 1 to the NPPF explains that Local Planning Authorities will need, with some speed, to revise or review their existing development plans policies in order to take account of the policies of the NPPF.

In the case of Braintree District Council, the Authority had already begun the process of developing a new development plan prior to the publication of the NPPF, and adopted its Core Strategy in September 2011. The District Council has recently approved a Pre-Submission draft document which will shortly undergo a further period of public engagement, before it is submitted for an examination in public by an independent planning inspector in 2014.

This document, once adopted, will replace the remaining policies and Inset Maps in the Local Plan Review 2005. Annex 1 to the NPPF also outlines the weight that Local Planning Authorities should give the policies in their own

development plans following the publication of the NPPF and during this NPPF implementation stage. At paragraphs 215 and 216 the NPPF states:

Due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

From the day of publication, decision-takers may also give weight to other relevant policies in emerging plans according to:

- *The stage of preparation of the emerging plan*
- *The extent to which there are unresolved objections to relevant policies; and*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework*

In this report, Officers have identified the policies in the existing plans (the Local Plan Review and the Core Strategy) and emerging plan (the Site Allocations and Development Management Plan) that are considered relevant to the application and attached the weight afforded to those policies by the NPPF, as set out in the extract above.

National Planning Guidance

National Planning Policy Framework

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP90 Layout and Design of Development
RLP100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings

INTRODUCTION

This application is being presented to Planning Committee because Gosfield Parish Council has objected to the proposals, which is contrary to Officer Recommendation.

SITE DESCRIPTION

Primrose Cottage is a Grade II listed timber framed cottage, dating back to the 17th Century. It has exposed timber frames with plaster infill, and a plain tile roof with gabled dormers. The site is located in the countryside, within a largely rural landscape, but with a neighbouring dwelling to the east of the site. The dwelling is set back some distance from the narrow road, with the site enclosed by fencing and gates along its frontage.

The dwelling is set within an extensive garden and has previously been extended, with pitched and flat roof rear extensions across the whole width of the cottage. A modern conservatory has also been added to the side. Although the amount of additional floorspace provided by these extensions is significant in relation to the overall size of the original dwelling, the siting of the rear extensions and the relatively small scale of the conservatory limit their visual impact. As a result, when viewed from the front, the older elements of the building remain visually dominant.

DESCRIPTION OF PROPOSAL

Please refer to preceding report for 14/00039/FUL.

CONSULTATION RESPONSES

Please refer to preceding report for 14/00039/FUL.

OFFICER OPINION

1. Principle of Development

Please refer to preceding report for 14/00039/FUL.

2. Design and Appearance and Impact on Listed Building

Please refer to preceding report for 14/00039/FUL.

3. Impact on Neighbouring Residential Amenity

Please refer to preceding report for 14/00039/FUL.

4. Highway Considerations

Please refer to preceding report for 14/00039/FUL.

5. Other Issues

None.

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

Plan Ref: 915/2

Plan Ref: 915/1

Version: B

Version: B

- 1 The works hereby permitted shall be begun on or before the expiration of three years beginning with the date of this consent.

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 Works 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. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure the use of appropriate materials having regard to the historic and architectural importance of this listed building.

- 4 Works 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. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

- 5 With the exception of the boiler flue shown on the approved plans no electricity, gas or water meter boxes, soil ventilation pipes, air extraction pipes, boiler flues, ventilation grills or ducting shall be fixed to the exterior of the building without prior written approval of the local planning authority.

Reason

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

- 6 Prior to the commencement of works utilising these materials, sample panels of 1 square metre minimum shall be erected on site to show areas of new, exterior walling, and approved in writing by the local planning authority.

Where appropriate, these panels shall indicate:-

- render mix, finish and colour

The 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 on this listed building.

TESSA LAMBERT
DEVELOPMENT MANAGER