

PLANNING COMMITTEE AGENDA

Tuesday, 31 July 2018 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

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

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

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

1 Apologies for Absence**2 Declarations of Interest**

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 17th July 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 17 00818 FUL - White Hart House, The Street, GREAT SALING | 5 - 19 |
| 5b | Application No. 17 00819 LBC - White Hart House, The Street, GREAT SALING | 20 - 26 |
| 5c | Application No. 17 00820 FUL - White Hart House, The Street, GREAT SALING | 27 - 39 |
| 5d | Application No. 17 00821 LBC - White Hart House, The Street, GREAT SALING | 40 - 46 |
| 5e | Application No. 17 02271 OUT - Land adjacent to Watering Farm, Coggeshall Road, KELVEDON | 47 - 98 |

5f	Application No. 18 00649 OUT - C Ambrose Motors, 7-9 Colchester Road, BURES HAMLET	99 - 116
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PART B

Minor Planning Application:-

5g	Application No. 18 00824 FUL - Workshop, Cobbs Fenn, SIBLE HEDINGHAM	117 - 136
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6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

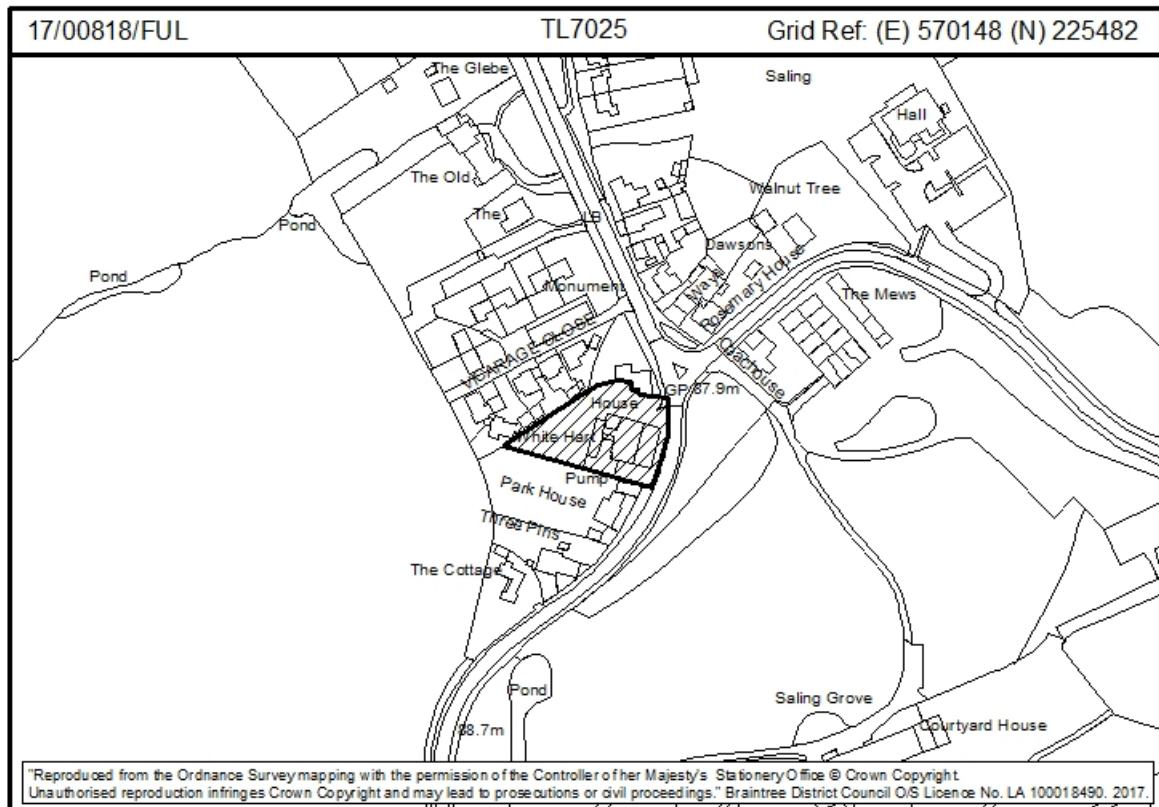
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 17/00818/FUL DATE: 05.05.17
 VALID:
 APPLICANT: Repton Heritage Restoration Limited
 Mrs A Courtauld, Saling Grove, Great Saling, Essex, CM7 5DP
 AGENT: Andrew Martin - Planning
 Mrs Kate Sutton, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN
 DESCRIPTION: Change of use of tearooms (A3) to holiday let accommodation
 LOCATION: White Hart House, The Street, Great Saling, Essex, CM7 5DR

For more information about this Application please contact:
 Lisa Page on:- 01376 551414 Ext. 2516
 or by e-mail to: lisa.page@braintree.gov.uk



SITE HISTORY

08/01603/FUL	Retention of 2.1m high close boarded fence	Granted	03.10.08
08/01604/LBC	Retention of 2m high close boarded fence	Granted	03.10.08
11/00820/LBC	Re-roof main building, re-point chimneys and renew weatherboarding and insulate walls of the Bakehouse	Granted	31.08.11
11/01519/FUL	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted with S106 Agreement	08.11.12
11/01520/LBC	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted	08.11.12
13/00362/FUL	Erection of traditional fencing to front of premises	Granted	23.05.13
17/00818/FUL	Change of use of tearooms (A3) to holiday let accommodation	Pending Decision	
17/00819/LBC	Change of use of tearooms (A3) to multi-purpose tourist accommodation	Pending Decision	
17/00820/FUL	Creation of 1 x 1 bedroom dwelling	Pending Decision	
17/00821/LBC	Proposed reinstatement of 1	Pending	

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP128	Maintenance of Rural Services and Facilities
RLP146	Tourist Accommodation
RLP151	Protection of Community Services

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP65	Local Community Services and Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee following consultation with the Chair and Vice Chair of the Planning Committee due to the level of public interest in the application.

SITE DESCRIPTION

The site is located within the Great Saling development boundary and is within a Conservation Area. The building which occupies a substantial plot, is a former public house, built in the seventeenth century, and is of timber and plastered construction. The building has been much altered, but is of historic and architectural significance and is Grade II Listed.

The site occupies a prominent position on a bend in The Street. The building is reasonably well set back from the road behind a picket fence. There is a substantial mature Lime tree in the front curtilage. The north side and rear curtilage is laid to hard standing for parking and there are mature trees on properties bordering the site, some of which are subject to Tree Protection Orders. There appears to be a tarmacked second vehicular access to the southern side of the site leading to an enclosed service area.

Subsequent to the approval of planning application reference 11/01519/FUL, the building has been subdivided and now comprises the vacant A3 unit at the

ground floor, with an independent C3 residential unit known as “Swallow Cottage” in the converted former bake-house at the rear. The first floor is split between an independent C3 residential unit, and a vacant D1 Gallery unit above the restaurant at the northern end of the building, which is accessed via the ground floor A3 unit.

The property is a registered Asset of Community Value (ACV) (reference 012 on the List of Assets of Community Value). It was nominated in November 2013 by the Parish Council and added to the list on 7th January 2014, at which time it was in use as a Tearoom and its former public house use was noted. The current registration expires on 7th January 2019.

PROPOSAL

It is proposed to change the A3 unit (vacant tearoom) at the ground floor to holiday let accommodation (the applicant originally described the submitted proposal as “multi-purpose” tourist accommodation, and has subsequently agreed the change to the development description for clarity as to the proposed use). Part of the space to the front of the building behind the picket fence would provide an outdoor seating area for the residents of the existing first floor dwelling; this area was previously used for outdoor seating in connection with the tearoom use. Amenity space for the holiday let would be provided to the south of the building and behind the main building between it and Swallow Cottage.

Minimal physical changes are proposed to facilitate the new use, namely: the addition of new partition walls at the ground floor to create the three proposed bedrooms; the two existing internal doors either side of the lobby would be retained and fixed closed to provide an independent front entrance to the existing first floor flat; and blocking off the proposed separate residential unit at the northern end of the building (planning application reference 17/00820/FUL and 17/00821/LBC refer). A second existing door in the front elevation would provide access to the holiday accommodation at the ground floor. Externally, no works are proposed to the building itself, but means of enclosure are proposed. A Listed Building Consent application for the proposed works has been submitted in tandem with the current planning application.

Two parking spaces are proposed to serve the holiday accommodation and these would be located to the north of the building. A total of seven spaces are proposed on site: two to serve the holiday let accommodation, as well as two to serve the existing separate residential units on site, at a ratio of one space per 1 bedroom unit, one space for the proposed cottage, plus two visitor’s spaces.

There are separate applications with the Council and these relate to the associated listed building consent for this development (17/00819/LBC) as well as planning application reference 17/00820/FUL and Listed Building Consent application 17/00821/LBC, which seek approval for a one bedroom dwelling within the northern part of the building.

CONSULTATIONS

ECC Historic Buildings Consultant – No objection from a conservation perspective: The proposed internal changes are wholly limited in scope. As the internal plan form of the building has already been considerably altered, and the works are minimal in extent, I do not believe that these works would harm or compromise the historic or architectural significance of the building. The works are also not considered to cause harm to the character and appearance of the Conservation Area. No conditions required in respect of any approval.

ECC Highways – No comments given the area available for parking within the site complies with the adopted parking standards.

Landscape Services – A Tree Protection Plan should be submitted and agreed in writing under condition to be agreed and in place on site before development commences to ensure the mature Lime at the front and trees in immediately adjacent properties are not damaged during construction. The Lime at the front has high amenity and its retention should also be ensured by condition for 5 years from the date of occupation of the building for its permitted use.

Environmental Health – No objection; conditions re hours of construction etc. recommended due to proximity to nearby residential properties.

Great Saling Parish Council –

Originally commented (12th June 2017):-

- Regret that the local asset will be completely lost to the community.
- Seek a restriction of 31 days for each letting, with a maximum number of months per year for such lettings.
- Note that the layout does not provide for direct bathroom access.
- Request that during construction, all vehicles be parked on site.

They subsequently commented (14th December 2017):-

- Seek to retain the tea room as this is the only community asset in the village.
- The Parish Council took out an Asset of Community Value on the property, to prevent a change into a dwelling. The White Hart was sold by Greene King and subsequently changed to a tea room with ancillary accommodation; however, the residents felt that it's opening hours were too restrictive (in part due to terms of the lease) to give it the best chance to be a going concern. With the right person managing the tea room this could be a thriving business and asset to the village.
- Losing this property to holiday accommodation, will lose access to a treasured historical landmark and a valuable place to meet and socialise within the village.

REPRESENTATIONS

A site notice was displayed on the fence at the front of the site and neighbour notification letters were sent out to adjacent properties. In response, nine letters of representation have been received that object to the application on the following grounds:

- Statement fails to mention that the White Hart is registered as an Asset of Community Value.
- One of the reasons for allowing the original application for the conversion of the pub to the tearooms was that this would allow a community meeting place to be maintained; this will be lost if the application is approved.
- With the correct management there is no reason why it cannot become an economically viable community hub.
- It is stated that the community will have a venue at Saling Hall at which to meet; since planning permission was granted to change Saling Hall to a restaurant with rooms the Hall is empty.
- Community is lacking an informal meeting place.
- Holiday accommodation would not assist in ensuring a strong and thriving community; low paid employment - no demand.
- Question the viability of the links with the Gallery in the Garden.
- The recent Resident's Survey for the Neighbourhood Plan identified a local pub and local shop as being facilities believed to be missing from a community the size of Great and Little Saling. Several comments also referred to the absence of the White Hart and tearooms.
- The tearooms and pub was not managed well. It was closed on a Monday, including Bank Holidays, closed every day at teatime (4pm) and refused to serve cyclists. (The Blue Egg on the outskirts of Great Bardfield has been a roaring success and is packed out; it is open on Mondays, serves cyclists and is open until at least 5pm).
- There would be substantially more employment opportunities available operating as a pub, with or without accommodation.
- The viability of the pub was impacted by Ridley's rental policy. Other pubs in the area, run as free houses, are perfectly viable.
- If the proposed West of Braintree Garden Suburb goes ahead, as scheduled in the draft Local Plan, a pub or tearoom at The White Hart would be extremely viable but tourist accommodation much less so; it would seem that the proposals do not align with the draft Local Plan.
- When the owner of the White Hart purchased the property, she sent round a survey, stating on it that "The White Hart will remain a village pub"; it was later turned into a tea-room with limited opening hours and over-priced food and drinks.
- Will deny the village the opportunity to investigate and achieve a pub and shop which the residents desire.
- This is doomed to fail, as was the tearoom. Will then be sought for housing development.
- As a pub it would employ many more people, especially with the proposed "Garden Village" on our doorstep; it would be a village meeting place; if

the Garden Village is approved Great Saling will survive as an independent community, the ACV is there to help achieve the amenities the villagers should have.

- Suggest that the substantial Great Saling Village Hall could be regularly used by the applicant in order to supplement their Saling Grove Art/Music activities.

A petition which asked if people would like the White Hart to be re-opened with over ninety signatures has also been received

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development. There is further policy support in the Publication Draft Local Plan Policy SP4 (Providing for Employment and Retail) and within the NPPF which promotes a prosperous rural economy, and supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Further, Braintree District Local Plan Review Policy RLP146 (Tourist Accommodation) states that proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be damaged. This applies to new building, change of use of an existing building or extension to existing accommodation.

However, Braintree District Local Plan Review Policy RLP128 (Maintenance of Rural Services and Facilities) states that within the rural areas, support will be given to the continuance of services and facilities, in order to maintain community life, and proposals which would lead to the loss of village facilities will not be permitted unless sufficient evidence is provided to demonstrate that they are not viable and that all options for their continuance have been fully explored. This is further supported in Policy RLP151 (Protection of Community Services) and Publication Draft Local Plan Policy LPP65 (Local Community Services and Facilities), which states that proposals that would result in the loss of key community facilities, or services, outside the urban areas, will be resisted, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The applicant sought, and received pre-application advice in July 2016 at which time they were advised that the building was considered to be a community facility and is formally designated by the Council as an Asset of Community Value. The Committee Report for the 2011 consent to change the use of the pub to an A3/D1 use (planning application reference 11/01519/FUL) stated that *'the proposal would result in the loss of the existing community facility, however it would be replaced by a restaurant which would*

provide another community facility in the village'. In addition, weight was given to the creation of a D1 use (the Gallery) which it was considered could provide a tourist attraction to complement the restaurant use.

The applicant was also advised that any future application for the proposed change of use must be supported by a detailed report completed by a suitably qualified letting/sales Agent, covering a period of marketing of at least 6 months, setting out evidence of efforts made to attract new tenants to the property, details of a marketing campaign, schedule of enquiries etc. No such detailed Marketing Report has been submitted in respect of the current planning application.

A Planning Statement has been submitted in support of the application which sets out the commercial history of the building from 2004 to 2010 when it was leased to Green King. The building was purchased by the applicant in January 2011. The Statement includes information in respect of the viability of the pub during 2004 to 2010. Given that the loss of the pub has been accepted in light of the previous approval, its viability or lack thereof is not considered material to the current application. The Statement also sets out the history of the tearoom, the lease for which commenced on 1st July 2013. The tenants left on 1st February 2015. It is stated that the tenants had not felt supported by the small number of people living in the village and the business had not been a success. The Statement also contains details of other alternative A3 uses within the village and the surrounding area, including the Orangery Tearooms at the Gallery in the Garden within the curtilage of Saling Grove.

The applicant's agent has also submitted an additional letter dated 29th September 2017 which advises that: despite being popular 40 years ago, the White Hart in its last seven years, ended up with five tenants and selling only half a keg of beer a week. Sold by the brewers, the White Hart was purchased by the applicants, who have always lived in Great Saling. They made a significant investment in first making the building water tight with a new rear roof and weatherboarding, followed by a major refurbishment programme, new electrics, plumbing, heating, flooring etc. working in conjunction with listed building officers.

They further advise that: there was not sufficient demand for the premises to remain a public house, and planning permission was granted for change of use from Class A4 to A3. Offered to Tiptree Tearooms – they felt the premises were unsuitable as it was considered a 'drive through village'. The premises were subsequently let to experienced tearoom tenants, who then left at two weeks' notice after eighteen months of their two year tenancy.

They consider that the tearooms have been replaced by an equally good, sustainable location at the Gallery on the Garden, which is across the road from the White Hart. They state that there are a dozen other establishments serving teas within a ten minute drive at Bardfield, Finchingfield, Shalford, Stebbing, Blake End and Felsted. They also refer to the Blue Egg, situated between Saling and Bardfield as being particularly popular and has had

planning approval to increase in size, and The Open All Day bar being even closer on Andrewsfield Airfield.

It is advised that the “Applicants” (presumably individuals who want to run a holiday let as the application has been made in the name of Mrs A Courtauld) wish to enter into a commercial lease with Amanda Courtauld who runs the Gallery in The Garden opposite. It is advised that this is an arts facility giving talks, concerts and guided local walks, which since the demise of the White Hart Tearooms, has included a tearoom. They therefore consider that the White Hart facility has effectively been relocated to the Gallery in the Gardens and attracts a wider clientele.

They further consider that the ‘spontaneous buy’ has retracted and the Gallery in the Garden needs to create a new revenue stream offering artists and writers retreats as well as tourist and visitor accommodation at the White Hart House. They consider, overall, the proposals represent the best and optimum use to secure the preservation and enhancement of the listed building. They further state that although the White Hart tearooms were designated as an Asset of Community Value in January 2014, there has never been any intention of the owner to sell the property. The ACV designation expires on 7 June 2019.

Notwithstanding the applicant’s statement that it is considered highly improbable that a tearoom at both the Galley and The White Hart could have co-existed, and therefore there is no overall loss to the village of a community facility, and the fact there are other A3 uses in the wider area, it is considered that the lack of evidence of the site being marketed has not sufficiently demonstrated that there is no demand for the building in a community facility type use and that all other options for its continuance have been fully explored, including uses other than tearooms that would also be considered to be community facilities. Accordingly it is considered that the loss of such a community facility, albeit one that is currently vacant, will be resisted as contrary to Policy.

The Local Plan Review did not set out details of how long an appropriate marketing exercise should last but it is of note that a.) emerging policy sets a tougher test in terms of the timescales for marketing, and b.) the value of the premises as an Asset of Community Value is recognised by its registration as an ACV. The preamble to Publication Draft Local Plan Policy LPP65 Local Community Services and Facilities states at paragraph 7.56 that: *Applications for the change of use or loss of a community facility will be expected to be accompanied by a marketing and viability appraisal which will be independently verified at the cost of the applicant before the application is determined. The appraisal will be expected to cover at least a twelve month period.* Given the additional status of the building as an Asset of Community Value, it is considered reasonable to require a minimum of twelve months of marketing.

It is recognised that tourism makes an important contribution to the District economy and people visiting the District need suitable accommodation. There

is policy support for proposals for hotels or bed and breakfast accommodation within village envelopes subject to meeting relevant criteria. The preamble to Publication Draft Policy LPP9 Tourist Development within the Countryside states at paragraphs 6.34 that: appropriate research should be carried out into the local tourism market before submitting an application to show that there is a need for tourist accommodation in that area. In some cases this will be subject to independent verification at the cost of the applicant. Proposals to remove occupancy conditions or to change the use of tourist accommodation to permanent residential use will not normally be approved.

Paragraph 6.35 states that: To ensure that the district's countryside is protected from inappropriate conversions of new tourist accommodation to residential usages, a reasonable business case - i.e. costings and business model, will be required for new tourist accommodation proposals to ensure the long term viability of such proposals.

It is considered that the applicant has not demonstrated to the satisfaction of the Local Planning Authority that there is a sufficient market/demand for tourist accommodation in the area. There is therefore reasonable uncertainty that the change of use to tourist accommodation is viable in the long term. With the likelihood that a C3 use would be sought if the anticipated demand did not materialise, which would be of very limited benefit to the wider community save for the addition of a single or small number of units to the housing supply.

There is policy support for the creation of new jobs. The application form states that there would be five full-time employees associated with the business. No details of the jobs to be created are given and it is difficult to imagine one three-bedroom holiday let supporting five full time jobs.

However, in this case, the creation of one unit of holiday let accommodation is not considered to outweigh the loss of a community facility, and registered Asset of Community Value. There is therefore an in principle objection to the proposal.

Design, Appearance and Layout / Impact to setting of the Listed Building

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development. Furthermore, the Council seeks a high standard of layout and design in all developments (RLP90 Layout and Design of Development). The requirements in respect of a high standard of design have been carried through to the Publication Draft Local Plan.

In respect of the layout of development, it would appear that amenity space has been an afterthought to the development. Although a plan indicating external amenity space and parking is defined on the plans, it is unclear how the frontage can be appropriately divided and what will remain for the rear of the site. Whilst the external outdoor amenity space is shown, the detail of the demarcation of these spaces (assumed to be with a fence or similar) is not

shown. Such means of enclosure requires planning permission. The erection of such boundary treatments will result in artificial dividing of the site and will have an adverse impact to the character and appearance of the street scene and the wider Conservation Area and harm to the setting of the listed building. The artificial and contrived division would result in a poor quality layout of development and resultant harm to the Conservation Area and setting of the listed building would be contrary to Braintree District Local Plan Review Policy RLP90, RLP97 and RLP100; Policies LPP50, LPP56 and LPP60 of the Publication Draft Local Plan; and Policy CS9 of the Core Strategy which states that a change of use or extension to a listed building and extension and alterations to buildings within a Conservation Area will only be permitted if the development is sympathetic to the special architectural and historic significance of the building and its setting, and preserves or enhances the character and appearance of the area. Further, whilst the layout of parking utilises the existing hard surfacing, it fails to take the opportunity to improve the site and will remain prominent within the street scene.

Only limited external and internal changes are proposed. Internally, the works would not harm the historic plan form or result in loss of historic fabric in accordance with Policy RLP100 Braintree District Local Plan Review, but as outlined above there would be harm to the setting of the building in conflict with the above Policies.

Impact on Amenity

In terms of the impact to neighbouring properties, taking into account the position of the building and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties (beyond the site boundaries) in terms of overlooking or light. Parking for the development will be along the boundary with the northern dwelling, which will have some impact to their amenity in terms of noise disturbance and similar, however, as the existing and former uses also had parking along this boundary, it is, on balance, considered acceptable.

However, it is considered that the layout of development will impact upon the amenity of the units on the site. The kitchen within the holiday let will be affected by overlooking from the entrance of the adjoining proposed self-contained unit. Were a boundary proposed as shown on the plans, then this would result in a poor outlook and light provision for the kitchen. Further, the rear access to the holiday let will be via the main living windows of the existing 1 bed unit (Swallow Cottage), and cause unacceptable loss of privacy. Equally the erection of any enclosure here to prevent such overlooking (and create the amenity areas as indicated) would result in harm to outlook from the windows in Swallow Cottage, and a reduction in daylight to internal spaces.

In terms of amenity for future occupiers, internally the layout would provide for acceptable room sizes. However, the areas of external amenity space are generally limited in size and contrived. Amenity space for the existing first floor dwelling is shown on the revised plans to the front of the building, fronting

onto the main road. This would offer a poor quality of non-private amenity space to the residents and further, being in front of the windows of the holiday let unit would also result in overlooking and disturbance to the occupiers of the holiday let. The amenity space also appears to block access to the holiday let unit. It is unclear why the rear of the site is not being used for some allocated or shared amenity space.

Highway Issues

The access for the development will remain as per the existing for the former use. The access is acceptable for the development proposed and will not result in harm to highway safety or capacity.

In terms of parking, the plans indicate a total of 7 spaces for the uses on the site. The holiday let has 2 spaces and there are 2 visitor spaces shared with the other uses. This level of parking provision would meet the Council's standards.

SUMMARY / PLANNING BALANCE

Whilst there is policy support in principle for the provision of holiday let accommodation, in this case, it would result in the loss of a community facility and registered Asset of Community Value, to which there is therefore an in principle objection to the proposal.

The layout of the development would result in contrived subdivisions of the site to provide amenity areas and to overcome overlooking between the units. The development would provide for poor amenity for future occupiers to the holiday let unit and further, it is considered that the proposal would adversely affect the amenity enjoyed by the occupiers of "Swallows Cottage" due to a lack of privacy. It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

- 1 The applicant has not provided evidence which demonstrates that the retention of the community facility at the premises would not be economically viable and that all other options for its continuance have been fully explored. Accordingly the loss of such a community facility at the premises will be resisted. The creation of one unit of holiday let accommodation is not considered to outweigh the loss of the community facility, and registered Asset of Community Value; there is therefore an in principle objection to the proposal. Further, the applicant has not provided evidence which demonstrates a market/sufficient demand for holiday let

accommodation in the area in the long term. The proposal is therefore considered to be contrary to the Policies RLP128 and RLP151 of the Braintree District Local Plan Review, and Policies LPP9 and LPP65 of the Publication Draft Local Plan.

- 2 The proposed development by reason of its layout, would result in a contrived division of the plot, which would harm the character and appearance of the street scene, wider Conservation Area and the setting of the Listed Building. Further, the layout would result in a loss of amenity in terms of overlooking and outlook to occupiers of the holiday let accommodation and the occupiers of Swallows Cottage. The proposal is therefore considered to be contrary to Policies RLP90, RLP97 and RLP100 of the Braintree District Local Plan Review, Policies LPP50, LPP55 and LPP56 of the Publication Draft Local Plan and the National Planning Policy Framework.

SUBMITTED PLANS

Location Plan	Plan Ref: 15030_01
Existing Floor Plan	Plan Ref: 15030_06 A
Existing Elevations	Plan Ref: 15030_08
Existing Elevations	Plan Ref: 15030_09
Planning Layout	Plan Ref: 15030_13 E
Proposed Elevations	Plan Ref: 15030_15 D
Existing Floor Plan	Plan Ref: 15030-05 A

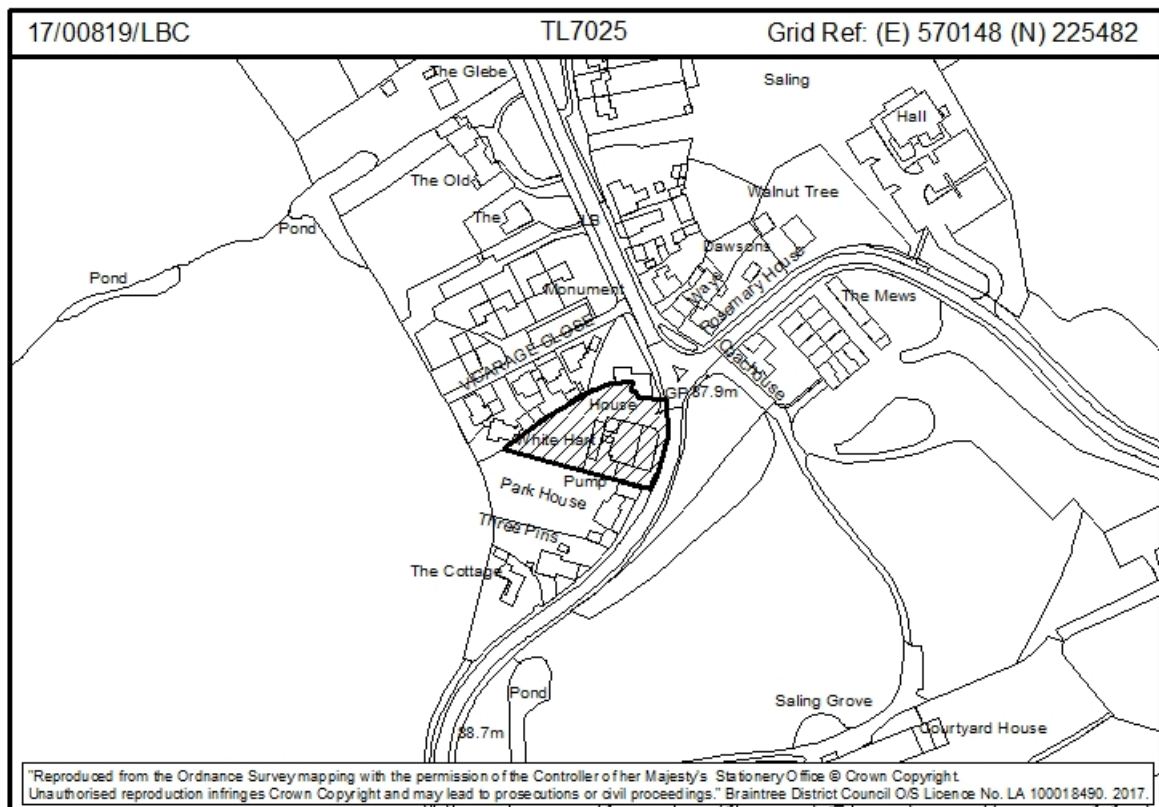
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 17/00819/LBC DATE: 05.05.17
 VALID:
 APPLICANT: Repton Heritage Restoration Limited
 Mrs A Courtauld, Saling Grove, Great Saling, Essex, CM7 5DP
 AGENT: Andrew Martin - Planning
 Mrs Kate Sutton, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN
 DESCRIPTION: Internal works/alterations
 LOCATION: White Hart House, The Street, Great Saling, Essex, CM7 5DR

For more information about this Application please contact:
 Lisa Page on:- 01376 551414 Ext. 2516
 or by e-mail to: lisa.page@braintree.gov.uk



SITE HISTORY

08/01603/FUL	Retention of 2.1m high close boarded fence	Granted	03.10.08
08/01604/LBC	Retention of 2m high close boarded fence	Granted	03.10.08
11/00820/LBC	Re-roof main building, re-point chimneys and renew weatherboarding and insulate walls of the Bakehouse	Granted	31.08.11
11/01519/FUL	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted with S106 Agreement	08.11.12
11/01520/LBC	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted	08.11.12
13/00362/FUL	Erection of traditional fencing to front of premises	Granted	23.05.13
17/00818/FUL	Change of use of tearooms (A3) to holiday let accommodation	Pending Decision	
17/00819/LBC	Change of use of tearooms (A3) to multi-purpose tourist accommodation	Pending Decision	
17/00820/FUL	Creation of 1 x 1 bedroom dwelling	Pending Decision	
17/00821/LBC	Proposed reinstatement of 1	Pending	

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee following consultation with the Chair and Vice Chair of the Planning Committee as the associated planning application has generated a high level of public interest.

SITE DESCRIPTION

The site is located within the Great Saling development boundary and is within a Conservation Area. The building which occupies a substantial plot, is a former public house, built in the seventeenth century, and is of timber and plastered construction. The building has been much altered, but is of historic and architectural significance and is Grade II Listed.

The site occupies a prominent position on a bend in The Street. The building is reasonably well set back from the road behind a picket fence. There is a substantial mature Lime tree in the front curtilage. The north side and rear curtilage is laid to hard standing for parking and there are mature trees on properties bordering the site, some of which are subject to Tree Protection Orders. There appears to be a tarmacked second vehicular access to the southern side of the site leading to an enclosed service area.

Subsequent to the approval of planning application reference 11/01519/FUL, the building has been subdivided and now comprises the vacant A3 unit at the ground floor, with an independent C3 residential unit known as “Swallow Cottage” in the converted former bake-house at the rear. The first floor is split between an independent C3 residential unit, and a vacant D1 Gallery unit above the restaurant at the northern end of the building, which is accessed via the ground floor A3 unit.

The property is a registered Asset of Community Value (ACV) (reference 012 on the List of Assets of Community Value). It was nominated in November 2013 by the Parish Council and added to the list on 7th January 2014, at which time it was in use as a Tearoom and its former public house use was noted. The current registration expires on 7th January 2019.

PROPOSAL

It is proposed to change the A3 unit (vacant tearoom) at the ground floor (excluding the northern end of the building) to holiday let accommodation.

Minimal physical changes are proposed to facilitate the new use: namely the addition of new partition walls at the ground floor to create the three proposed

bedrooms; the two existing internal doors either side of the lobby would be retained and fixed closed to provide an independent front entrance to the existing first floor flat; and blocking off the proposed separate residential unit at the northern end of the building (planning application reference 17/00820/FUL and 17/00821/LBC refer). The steps to the basement would be blocked off. A second existing door in the front elevation would provide access to the holiday accommodation at the ground floor. No exterior works are proposed to the building. A Full application for the proposed change of use has been submitted in tandem with the current Listed Building Consent application.

CONSULTATIONS

Please see previous report.

REPRESENTATIONS

Please see previous report.

PLANNING CONSIDERATIONS

This application relates to the internal works necessary for the change of use for holiday let accommodation to occur to this Grade II Listed Building. The change of use requires no external alterations and the revised internal layout details the extent of the proposed internal changes. These are wholly limited in scope, relating to the insertion of a small number of new partition walls. As the internal plan form of the building has already been considerably altered, and the works are minimal in extent, it is not considered that these works would harm or compromise the historic or architectural significance of the building.

It is therefore recommended that listed building consent be granted. Although the associated full planning application for the change of use of the building is recommended for refusal, there is no policy reason why the listed building consent cannot be granted.

CONCLUSION

It is considered that the proposed works would not harm or compromise the historic or architectural significance of the building, and it is recommended that listed building consent be granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 15030_01	
Existing Floor Plan	Plan Ref: 15030_06	Version: A
Existing Elevations	Plan Ref: 15030_08	
Existing Elevations	Plan Ref: 15030_09	
Planning Layout	Plan Ref: 15030_13	Version: E
Proposed Floor Plan	Plan Ref: 15030_15	Version: D
Existing Floor Plan	Plan Ref: 15030-05	Version: A

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

Reason

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

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

Reason

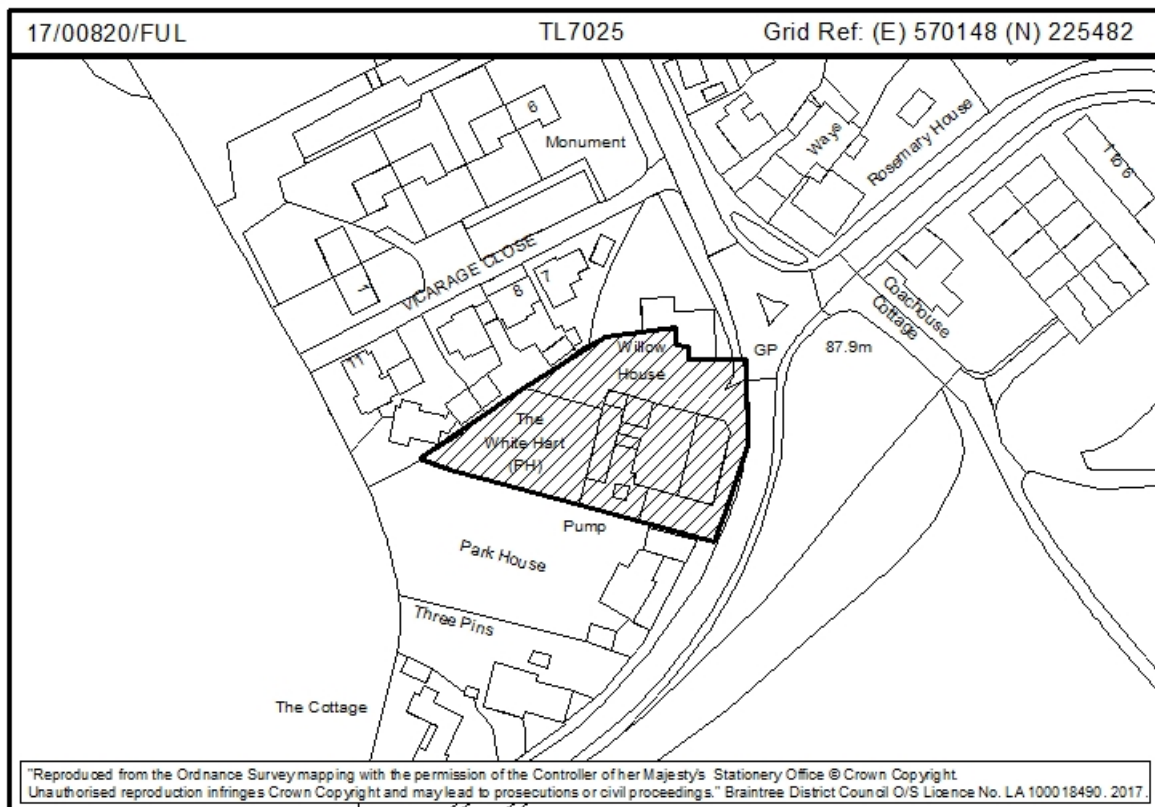
For the avoidance of doubt and in the interests of proper planning.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION 17/00820/FUL DATE 05.05.17
 NO: VALID:
 APPLICANT: Repton Heritage Restoration Limited
 Mrs A Courtauld, Saling Grove, Great Saling, Essex, CM7 5DP
 AGENT: Andrew Martin - Planning
 Mrs Kate Sutton, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN
 DESCRIPTION: Creation of 1 x 1 bedroom dwelling
 LOCATION: White Hart House, The Street, Great Saling, Essex, CM7 5DR

For more information about this Application please contact:
 Lisa Page on:- 01376 551414 Ext.
 or by e-mail to: lisa.page@braintree.gov.uk



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17/00819/LBC	Change of use of tearooms (A3) to multi-purpose tourist accommodation	Pending Decision	
17/00820/FUL	Creation of 1 x 1 bedroom dwelling	Pending Decision	

17/00821/LBC

Proposed reinstatement of 1
bedroom cottage within
northern part of the building

Pending
Decision

POLICY CONSIDERATIONS

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

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At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

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its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP128	Maintenance of Rural Services and Facilities
RLP151	Protection of Community Services

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP65	Local Community Services and Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee following consultation with the Chair and Vice Chair of the Planning Committee as the applications at the site have generated relatively large public interest.

SITE DESCRIPTION

The site is located within the Great Saling development boundary and is within a Conservation Area. The building which occupies a substantial plot, is a former public house, built in the seventeenth century, and is of timber and plastered construction. The building has been much altered, but is of historic and architectural significance and is Grade II Listed. The site occupies a prominent position on a bend in The Street. The building is reasonably well set back from the road behind a picket fence. There is a substantial mature Lime tree in the front curtilage. The north side and rear curtilage is laid to gravel for parking and there are mature trees on properties bordering the site, some of which are subject to Tree Protection Orders. There is a tarmacked second vehicular access to the southern side of the site leading to an enclosed service area.

Subsequent to the approval of planning application reference 11/01519/FUL the White Hart building has been subdivided, and now comprises the vacant A3 unit at the ground floor, with an independent C3 residential unit known as "Swallow Cottage" in the converted former bake-house at the rear. The first floor is split between an independent C3 residential unit, and a vacant D1

Gallery unit above the restaurant at the northern end of the building which is accessed via the ground floor A3 unit. The Heritage Statement advises that the northern end of the building was formerly in use as a separate dwelling, before being incorporated into the public house in the 1980s.

The property is a registered Asset of Community Value (reference 012 on the List of Assets of Community Value). It was nominated in November 2013 by the Parish Council and added to the list on 7th January 2014, at which time it was in use as a Tearoom and its former public house use was noted. The current registration expires on 7th January 2019.

PROPOSAL

It is proposed to create a new dwelling within the northern part of the building through the creation of a separate one-bedroom property. The submitted application described the re-instatement of a one-bedroom dwelling, however as the residential use was abandoned many years ago the development description has been amended following discussion with the applicant.

No external changes are required to the building. The fence which currently encloses the space to the rear of the proposed unit will be moved to enlarge the space which is to be used as the private amenity space for the new dwelling. An existing internal staircase would be altered in order to provide access into the existing cellar. One parking space would be provided and this would be located to the northern boundary of the site.

The application is being brought to Committee in tandem with planning application reference 17/00818/FUL, and Listed Building Consent application 17/00819/LBC, which is seeking approval for a change of use of the ground floor (excluding the northern end of the building) to holiday let accommodation.

The application has chosen to submit the proposals for the holiday let accommodation and new dwelling separately in order to ensure that the potential outcome of one proposal does not prejudice the outcome of the other.

CONSULTATIONS

BDC Land Drainage – This will not affect the surface water drainage.

ECC Historic Buildings Consultant – No in principle objection to the scheme.

BDC Landscape Services – No response received.

ECC Highways – No comments given the area available for parking within the site which complies with adopted parking standards.

Environmental Health – No objection; hours of construction etc. to be conditioned given proximity to nearby residents.

Great Saling Parish Council – No objections. Seek a restriction on this property to be for holiday let, subject to a maximum number of let days. While the work is being carried out vehicles should be parked in the car park not the road to minimise disturbance on the road.

REPRESENTATIONS

A site notice was displayed on the fence at the front of the site and neighbour notification letters were sent out to adjacent properties. In response, one letter of representation has been received that objects to the application on the following grounds:

- Contrived step towards turning the property into a full residential use;
- The business failed due to poor management, this does not mean that the pub is non-viable;
- This is an Asset of Community Value, which will help protect the possibility of the pub reopening under more experienced management;
- The use of the tearooms seems to have been replaced by the owner's current Orangery tea room facilities in Saling Grove;
- There was little attempt to get the business to succeed as a community asset – it never opened on public holidays and did not welcome cyclists;
- They cite that the Orangery tea room is a replacement community asset, but go on to state that it is seasonal and open by appointment;
- The economic business plan is flawed; it is suggested that the Gallery in the Gardens business needs this accommodation at the White Hart. It is not the case that this is a busy and flourishing arts and music environment, limited exhibitions/recitals/talks;
- Optimistic number of full time positions to be created;
- The White Hart is viable as a pub (possibly with rooms), providing a place of historical interest and a facility that can be used by the village, holiday makers at Golden Grove Caravan Park, as well as substantial passing trade. Even ignoring the preferred West of Braintree Garden village site at Blake End this would give far more local employment potential and be an invaluable asset to the community and beyond.

PLANNING CONSIDERATIONS

Principle of Development

The site is located within the development boundary of the Village, where there is a general presumption in favour of sustainable development. The principle of residential development is therefore acceptable.

Furthermore, the NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this, stating under paragraph 47 of the NPPF that Councils are obliged to have plans which "...meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council are unable to

demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

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

The impact of this is demonstrated at paragraph 14 which states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate that development should be restricted.

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

However, Braintree District Local Plan Review Policy RLP128 (Maintenance of Rural Services and Facilities) states that within the rural areas, support will be given to the continuance of services and facilities, in order to maintain community life, and proposals which would lead to the loss of village facilities will not be permitted unless sufficient evidence is provided to demonstrate that they are not viable and that all options for their continuance have been fully explored. This is further supported in Policy RLP151 (Protection of Community Services) and Publication Draft Local Plan Policy LPP65 (Local Community Services and Facilities), which states that proposals that would result in the loss of key community facilities, or services, outside the urban areas, will be resisted, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The applicant sought, and received pre-application advice in July 2016 at which time they were advised that the building was considered to be a community facility and is formally designated by the Council as an Asset of Community Value. The Committee Report for the 2011 consent to change the use of the pub to an A3/D1 use (planning application reference 11/01519/FUL) stated that *‘the proposal would result in the loss of the existing community facility, however it would be replaced by a restaurant which would provide another community facility in the village’*. In addition, weight was given to the creation of a D1 use (the Gallery) which it was considered could provide a tourist attraction to complement the restaurant use.

The applicant was also advised that any future application for the proposed change of use must be supported by a detailed report completed by a suitably qualified letting/sales Agent, covering a period of marketing of at least 6 months, setting out evidence of efforts made to attract new tenants to the property, details of a marketing campaign, schedule of enquiries etc. No such detailed Marketing Report has been submitted in respect of the current planning application.

A Planning Statement has been submitted in support of the application which sets out the commercial history of the building from 2004 to 2010 when it was leased to Green King. The building was purchased by the applicant in January 2011. The Statement includes information in respect of the viability of the pub during 2004 to 2010. Given that the loss of the pub has been accepted in light of the previous approval, its viability or lack thereof is not considered material to the current application. The Statement also sets out the history of the tearoom, the lease for which commenced on 1st July 2013. The tenants left on 1st February 2015. It is stated that the tenants had not felt supported by the small number of people living in the village and the business had not been a success. The Statement also contains details of other alternative A3 uses within the village and the surrounding area, including the Orangery Tearooms at the Gallery in the Garden within the curtilage of Saling Grove.

The applicant's agent has also submitted an additional letter dated 29th September 2017 which advises that: despite being popular 40 years ago, the White Hart in its last seven years, ended up with five tenants and selling only half a keg of beer a week. Sold by the brewers, the White Hart was purchased by the applicants, who have always lived in Great Saling. They made a significant investment in first making the building water tight with a new rear roof and weatherboarding, followed by a major refurbishment programme, new electrics, plumbing, heating, flooring etc. working in conjunction with listed building officers.

They further advise that: there was not sufficient demand for the premises to remain a public house, and planning permission was granted for change of use from Class A4 to A3. Offered to Tiptree Tearooms – they felt the premises were unsuitable as it was considered a 'drive through village'. The premises were subsequently let to experienced tearoom tenants, who then left at two weeks' notice after eighteen months of their two year tenancy.

They consider that the tearooms have been replaced by an equally good, sustainable location at the Gallery on the Garden, which is across the road from the White Hart. They state that there are a dozen other establishments serving teas within a ten minute drive at Bardfield, Finchingfield, Shalford, Stebbing, Blake End and Felsted. They also refer to the Blue Egg, situated between Saling and Bardfield as being particularly popular and has had planning approval to increase in size, and The Open All Day bar being even closer on Andrewsfield Airfield.

It is advised that the “Applicants” (presumably individuals who want to run a holiday let as the application has been made in the name of Mrs A Courtauld) wish to enter into a commercial lease with Amanda Courtauld who runs the Gallery in The Garden opposite. It is advised that this is an arts facility giving talks, concerts and guided local walks, which since the demise of the White Hart Tearooms, has included a tearoom. They therefore consider that the White Hart facility has effectively been relocated to the Gallery in the Gardens and attracts a wider clientele.

They further consider that the ‘spontaneous buy’ has retracted and the Gallery in the Garden needs to create a new revenue stream offering artists and writers retreats as well as tourist and visitor accommodation at the White Hart House. They consider, overall, the proposals represent the best and optimum use to secure the preservation and enhancement of the listed building. They further state that although the White Hart tearooms were designated as an Asset of Community Value in January 2014, there has never been any intention of the owner to sell the property. The ACV designation expires on 7 January 2019.

Notwithstanding the applicant’s statement that it is considered highly improbable that a tearoom at both the Galley and The White Hart could have co-existed, and therefore there is no overall loss to the village of a community facility, and the fact there are other A3 uses in the wider area, it is considered that the lack of evidence of the site being marketed has not sufficiently demonstrated that there is no demand for the building in a community facility type use and that all other options for its continuance have been fully explored, including uses other than tearooms that would also be considered to be community facilities. Accordingly it is considered that the reduction in the size of this community facility, will only serve to weaken its potential to be re-used as a similar use, and as such is resisted, as contrary to Policy.

The Local Plan Review did not set out details of how long an appropriate marketing exercise should last but it is of note that a.) emerging policy sets a tougher test in terms of the timescales for marketing, and b.) the value of the premises as an Asset of Community Value is recognised by its registration as an ACV. The preamble to Publication Draft Local Plan Policy LPP65 Local Community Services and Facilities states at paragraph 7.56 that: *Applications for the change of use or loss of a community facility will be expected to be accompanied by a marketing and viability appraisal which will be independently verified at the cost of the applicant before the application is determined. The appraisal will be expected to cover at least a twelve month period.* Given the additional status of the building as an Asset of Community Value, it is considered reasonable to require a minimum of twelve months of marketing.

As set out later in this report, the proposal is not considered to be detrimental to heritage assets. The proposal would not ‘boost significantly’ the supply of housing by itself, but the introduction of one dwelling would contribute to the District’s 5-year housing supply, and this weighs in favour of the application. As such, it is considered the development would deliver some economic and

social benefits, albeit these benefits would be limited due to the scale of the development. In this case, the creation of one dwelling is not considered to outweigh the significant reduction in the size of the community facility, which would weaken its potential opportunity for re-use as a similar use. There is therefore an in principle objection to the proposal.

Design, Appearance and Layout / Heritage Impacts

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development. Furthermore, the Council seeks a high standard of layout and design in all developments, large and small, in the District (RLP90 Layout and Design of Development). The requirements in respect of a high standard of design have been carried through to the Publication Draft Local Plan.

In respect of the layout of development, it would appear that amenity space has been an afterthought to the development. The site plan proposes the private amenity space for the dwelling to be a modest area directly to the rear, which would have significantly implications on the amenity of the adjacent building (shown to be the kitchen for the proposed holiday let unit). The enclosure for private amenity will require the erection of boundary treatments, which will result in the artificial dividing of the site which will have some impact to the character and appearance of the site, the wider Conservation Area and the setting of the listed building. Further, whilst the layout of parking utilises the existing hard surfacing, it fails to take the opportunity to improve the site and will remain prominent within the street scene. In this respect the layout of the development would be contrary to Braintree District Local Plan Review Policy RLP90 and RLP97; Policies LPP56 and LPP60 of the Publication Draft Local Plan; and Policy CS9 of the Core Strategy which states that a change of use or extension to a listed building and extension and alterations to buildings within a Conservation Area will only be permitted if the development is sympathetic to the special architectural and historic significance of the building and its setting, and preserves or enhances the character and appearance of the area.

No external alterations are proposed to the exterior of the building and the areas proposed for parking are already laid to hardstanding/gravel. Minimal internal changes are proposed which are considered further in the report for Listed Building Consent reference 17/00821/LBC. The only physical alterations proposed under the current application relates to the stud wall at the ground floor to separate off the holiday let accommodation and alterations to the stairs to provide access into the cellar.

Impact on Amenity

In terms of the impact to neighbouring properties, taking into account the position of the building, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties (beyond the site boundaries) in terms of overlooking or light. Parking for the development will be along the boundary

with the northern dwelling, which will have some impact to their amenity in terms of noise disturbance and similar, however, as the existing and former uses also had parking along this boundary, it is, on balance, considered acceptable.

However, it is considered that the layout of development will impact upon the amenity of the units on the site. The entrance to the dwelling will overlook the kitchen within the proposed holiday let and the site plans show that the proposed amenity space adjoins this kitchen. Were a boundary proposed (as show on the plans for the application on the holiday let layout), then this would result in a poor outlook and light provision for the kitchen in the holiday let.

In terms of amenity for future occupiers, internally the layout would provide for acceptable room sizes. However, the area of external amenity space is limited in size, falling below the adopted standards, and would be overlooked by the windows within the adjoining unit (the proposed kitchen to the holiday let). It is noted that the kitchen window is an existing window, however, the space it overlooks is currently associated with the A3 window /D1 use, whereas if the application was to be approved, the amenity space would be associated with the new dwelling unit that is proposed to be created.

Highway Issues

The access for the development will remain as per the existing for the former use. The access is acceptable for the development proposed and will not result in harm to highway safety or capacity.

In terms of parking, the plans indicate a total of 7 spaces for the uses on the site. The proposed dwelling has 1 space and there are 2 visitor spaces shared with the other uses. This level of parking provision would meet the Councils standards.

CONCLUSION

In this case, the creation of one dwelling is not considered to outweigh the significant reduction in the size of the community facility, and registered Asset of Community Value. This reduction is likely to affect the likelihood of a similar community use being retained within the wider building. There is therefore an in principle objection to the proposal. Furthermore, the layout would result in a contrived subdivision of the plot to create amenity space and prevent overlooking, which will adversely impact the character and appearance of the site, the Conservation Area and the setting of the listed building. It is further considered that the proposal would provide poor amenity to the occupiers of the new dwelling by reason of the limited provision of private amenity space which would suffer from overlooking from the adjoining proposed holiday let accommodation. The development would also create overlooking and harm to the adjoining use (A3 as existing but proposed as a holiday let), and should any boundary treatment be erected to overcome this, it would result in a loss of light and harmful outlook. It is therefore recommended that planning permission be refused.

RECOMMENDATION

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

- 1 The proposal would result in a significant reduction in the size of the community facility and registered Asset of Community Value, which is likely to adversely impact upon the opportunity and viability of the retention of the building for similar uses. The proposal is therefore considered to be contrary to Policy CS9 of the Braintree District Core Strategy; Policies RLP128 and RLP151 of the Braintree District Local Plan Review; Policy LPP65 of the Publication Draft Local Plan and the National Planning Policy Framework.

- 2 The proposed development by reason of its layout, would result in a contrived division of the plot which would harm the character and appearance of the Conservation Area and the setting of the listed building. Further, the development would provide for limited private amenity space for the the new dwelling, contrary to the standards set out within the Essex Design Guide, and would result in overlooking between the window of the adjacent unit. The proposal is therefore considered to be contrary to Policies RLP90, RLP97 and RLP100 of the Braintree District Local Plan Review; Policy CS9 of the Braintree District Core Strategy; Policies LPP50, LPP55 and LPP56 of the Publication Draft Local Plan; and the National Planning Policy Framework.

SUBMITTED PLANS

Location Plan	Plan Ref: 15030_01
Existing Floor Plan	Plan Ref: 15030_06 A
Existing Elevations	Plan Ref: 15030_08
Existing Elevations	Plan Ref: 15030_09
Planning Layout	Plan Ref: 15030_13 E
Proposed Floor Plan	Plan Ref: 15030_15 D
Existing Plans	Plan Ref: 15030_05 A

TESSA LAMBERT
DEVELOPMENT MANAGER

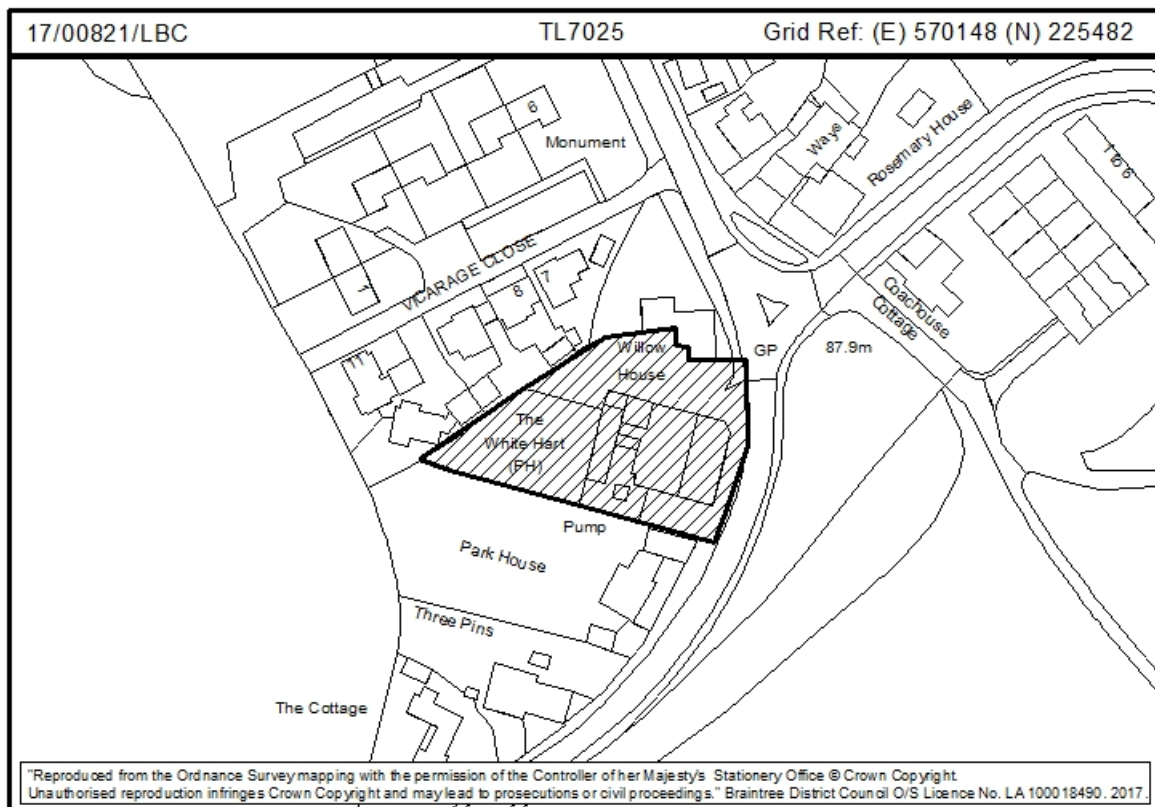
PART A

APPLICATION NO: 17/00821/LBC DATE: 05.05.17
 VALID:
 APPLICANT: Repton Heritage Restoration Limited
 Mrs A Courtauld, Saling Grove, Great Saling, Essex, CM7 5DP
 AGENT: Andrew Martin - Planning
 Mrs Kate Sutton, Town Mill, Mill Lane, Stebbing, Dunmow, Essex, CM6 3SN
 DESCRIPTION: Internal walls/alterations.
 LOCATION: White Hart House, The Street, Great Saling, Essex, CM7 5DR

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

or by e-mail to: lisa.page@braintree.gov.uk



SITE HISTORY

08/01603/FUL	Retention of 2.1m high close boarded fence	Granted	03.10.08
08/01604/LBC	Retention of 2m high close boarded fence	Granted	03.10.08
11/00820/LBC	Re-roof main building, re-point chimneys and renew weatherboarding and insulate walls of the Bakehouse	Granted	31.08.11
11/01519/FUL	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted with S106 Agreement	08.11.12
11/01520/LBC	Change of use of ground floor from Public House (A4) to Restaurant (A3), of bake-house from ancillary accommodation to independent residential unit (C3), of first floor of public house from ancillary accommodation to part independent residential (C3) and part gallery (D1) and associated internal alterations and extension to rear	Granted	08.11.12
13/00362/FUL	Erection of traditional fencing to front of premises	Granted	23.05.13
17/00818/FUL	Change of use of tearooms (A3) to holiday let accommodation	Pending Decision	
17/00819/LBC	Change of use of tearooms (A3) to multi-purpose tourist accommodation	Pending Decision	
17/00820/FUL	Creation of 1 x 1 bedroom dwelling	Pending Decision	
17/00821/LBC	Proposed reinstatement of 1	Pending	

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

SP1 Presumption in Favour of Sustainable Development
LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee following consultation with the Chair and Vice Chair of the Planning Committee as the applications at the site have generated relatively large public interest.

SITE DESCRIPTION

The site is located within the Great Saling development boundary and is within a Conservation Area. The building which occupies a substantial plot, is a former public house, built in the seventeenth century, and is of timber and plastered construction. The building has been much altered, but is of historic and architectural significance and is Grade II Listed. The site occupies a prominent position on a bend in The Street. The building is reasonably well set back from the road behind a picket fence. There is a substantial mature Lime tree in the front curtilage. The north side and rear curtilage is laid to gravel for parking and there are mature trees on properties bordering the site, some of which are subject to Tree Protection Orders. There is a tarmacked second vehicular access to the southern side of the site leading to an enclosed service area.

Subsequent to the approval of planning application reference 11/01519/FUL the White Hart building has been subdivided, and now comprises the vacant A3 unit at the ground floor, with an independent C3 residential unit known as "Swallow Cottage" in the converted former bake-house at the rear. The first floor is split between an independent C3 residential unit, and a vacant D1 Gallery unit above the restaurant at the northern end of the building which is accessed via the ground floor A3 unit. The Heritage Statement advises that the northern end of the building was formerly in use as a separate dwelling, before being incorporated into the public house in the 1980s.

The property is a registered Asset of Community Value (reference 012 on the List of Assets of Community Value). It was nominated in November 2013 by the Parish Council and added to the list on 7th January 2014, at which time it was in use as a Tearoom and its former public house use was noted. The current registration expires on 7th January 2019.

PROPOSAL

It is proposed to change the northern end of the A3 unit (vacant tearoom) at the ground floor and the D1 Gallery above to create a one dwelling for rental accommodation. The unit would be accessed via an existing external staircase at the rear of the building giving access to the first floor.

Minimal physical changes are proposed to facilitate the new use: namely blocking off the unit at the ground floor, and altering an internal staircase to provide access to the cellar. The fence which currently encloses the space to the rear of the proposed unit will be moved to enlarge the space which is to be used as the private amenity space for the new dwelling. One parking space would be provided and this would be located to the northern boundary of the site.

CONSULTATIONS

Please see previous report.

REPRESENTATIONS

Please see previous report.

PLANNING CONSIDERATIONS

This application relates to the internal works necessary for the change of use to a dwelling to occur to this Grade II Listed Building. The change of use requires no external alterations. The internal changes are limited in scope, relating to the blocking off the unit at the ground floor, and altering an internal staircase to provide access to the cellar. The wider internal plan form of the building has already been considerably altered, and as the works proposed here are minimal in extent it is not considered that the proposal would harm or compromise the historic or architectural significance of the building.

It is therefore recommended that listed building consent be granted. Although the associated full planning application for the change of use of the building is recommended for refusal, there is no policy reason why the listed building consent cannot be granted.

CONCLUSION

It is considered that the proposed works would not harm or compromise the historic or architectural significance of the building, and it is recommended that listed building consent be granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 15030_01	
Existing Floor Plan	Plan Ref: 15030_06	Version: A
Existing Elevations	Plan Ref: 15030_08	
Existing Elevations	Plan Ref: 15030_09	

Planning Layout
Proposed Floor Plan
Existing Plans

Plan Ref: 15030_13
Plan Ref: 15030_15
Plan Ref: 15030-05

Version: E
Version: D
Version: A

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

Reason

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

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

Reason

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

- 3 Prior to the commencement of any works to alter the existing internal staircase, full details of the works proposed to the staircase, including plans, sections, details of materials and any required 'making good', shall be submitted to and approved in writing by the Local Planning Authority, and the works shall thereafter be carried out in accordance with the approved details.

Reason

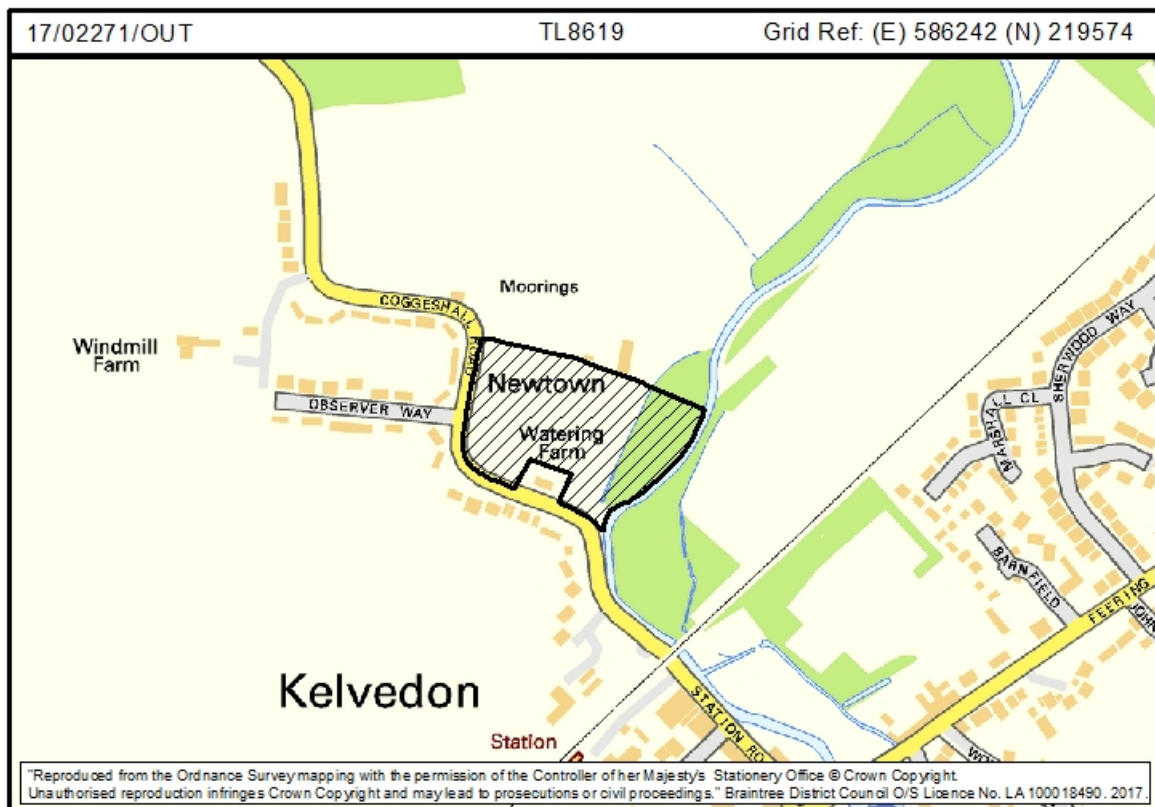
In the interests of the special character and significance of the property.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/02271/OUT DATE: 24.01.18
 VALID:
 APPLICANT: Parker Strategic Land Limited
 Mr Adrian Lott, C/o Andrew Bamber, Mather Jamie Limited ,
 Bank Court, Weldon Road, Loughborough, LE11 5RF
 AGENT: Andrew Hiorns Town Planning Limited
 10 Lissel Road, Simpson, Milton Keynes, MK6 3AX
 DESCRIPTION: Outline Application with All Matters Reserved except for
 Access for up to 35 Dwellings, Open Space and Parkland
 with Access From Coggeshall Road
 LOCATION: Land Adjacent To Watering Farm, Coggeshall Road,
 Kelvedon, Essex

For more information about this Application please contact:
 Mr Neil Jones on:- 01376 551414 Ext. 2523
 or by e-mail to: neil.jones@braintree.gov.uk



SITE HISTORY

POLICY CONSIDERATIONS

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National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks

RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing

LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document (2006)
 Essex Design Guide for Mixed Use and Residential Areas (2005)
 Essex Design Guide Urban Place Supplement (2005)
 External Lighting Supplementary Document
 Open Space Supplementary Planning Document
 Open Spaces Action Plan
 Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)
 Braintree District Settlement Fringes – Evaluation of Landscape Analysis (June 2015)

Kelvedon Neighbourhood Plan

The Kelvedon Neighbourhood Plan (KNP) team completed a full report on their Community Survey carried out in June 2016. More recently, a face to face consultation was carried out on Saturday 15th July 2017 where direct feedback was sought on the KNP draft policy suggestions under six headings: housing, education, health, environment, business and moving around.

Work is still underway on the KNP and Officers understand that public consultation under Regulation 14 will commence during July – lasting 6

weeks. As a draft plan has not yet been published Officers consider that it can only be given very limited weight at this time.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the development is considered to be of significant public interest and represents a departure from the Development Plan. It is therefore an application which has significant policy implications.

Kelvedon Parish Council has also raised objection to the proposal which is contrary to the Officer recommendation to approve the application.

NOTATION

The application site lies outside the Kelvedon Village Envelope as designated in the Braintree District Local Plan Review (2005) (BDLPR) with its south eastern boundary formed by the River Blackwater. BDLPR Policy 86 (River Corridors) seeks to protect the open character, nature conservation importance or recreational importance of the floodplains. The lower (eastern) half of the site is also within Flood Zones 2 & 3.

SITE DESCRIPTION

The application site is broadly rectangular in shape and currently comprises 2.68 hectares of predominantly agricultural land located to the west of the Blackwater valley, with Coggeshall Road running along the west and south west boundaries, a pair of semi-detached cottages and their respective plots (1 & 2 Watering Farm) punctuate the latter halfway along. The north eastern boundary is largely shared with the site of a commercial business - Seven Seas Bespoke Kitchen Worktops – which appears a relatively low key industrial use; to the north west of which fronting Coggeshall Road is 'Moorings', a grade II Listed Building of early eighteenth century construction.

Also beyond the north eastern boundary, which includes part of the application site, is a wet woodland (willow plantation) which runs adjacent to the river through which passes a Public Footpath (92-4) which leads off in a northern direction towards Coggeshall Hamlet.

There are open views across the site when approaching it from the north, with the arable land in the foreground which has been assessed within the Agricultural Land Classification system as being Grade 3A. The land within the site generally slopes down to the south east, towards the Blackwater Valley. Where present, boundary habitats comprise scrub, semi-improved natural grassland and hedgerow.

PROPOSAL

This is an outline planning application, with all matters reserved except for access. As highlighted above, and as set out within the planning application form, the proposals are for up to 35 dwellings, open spaces and parkland with access from Coggeshall Road due north east of and on the opposite side to Observer Way.

The proposed access arrangements plan submitted with the application identifies the visibility splays that would be provided on the eastern side of the bend in Coggeshall Road to be re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road.

It is also proposed that the existing drainage ditch will be repositioned based on the drainage assessment to be carried out at the reserved matters stage, and that the lighting columns would be repositioned to the back of the verge, in accordance with the Lighting Assessment, also to be carried out at the reserved matters stage.

As details of the appearance, landscaping, layout and scale are all reserved matters, approval is not sought for these at this stage and details are not required. If the application were to be granted planning permission then before development could commence the Local Planning Authority would need to have received and approved reserved matters applications.

The following drawings and documents have been submitted as forming part of the planning application:

- Location Plan;
- Illustrative Master Plan;
- Proposed Access Arrangements Plan;

- Acoustic Planning Report;
- Air Quality Assessment;
- Archaeological Desk – Based Assessment;
- Design and Access Statement;
- Drainage Assessment Summary and Checklist; and Infiltration testing report;
- Ecological Impact Assessment; and Reptile Report with eDNA Survey of Watercourses;
- Flood Risk Assessment;
- Heritage Statement;
- Landscape and Visual Appraisal;
- Lighting Strategy;
- Phase 1 Desk Study (Site Appraisal) - ground engineering and contamination;
- Planning Statement;
- Service Supply Assessment;
- Soils and Agricultural Land Quality of Land report;

- Transport Assessment.

Additional information submitted since the application was first validated, and the subject of re-consultation includes:

- Revised Illustrative Master Plan (showing up to 35no dwellings rather than the originally proposed 41no);
- Revised Illustrative Master Plan with dimensions overlay;
- Parameter Plan (identifying land uses, pedestrian routes, areas of planting, the extent of flood zone 2 and surface water attenuation);
- Proposed Southern Pedestrian Access Plan;
- Flood Model Extents Plan;
- Ecological Mitigation and Enhancement Plan; and
- Otter Survey Report.

The applicant has also confirmed that in addition to meeting the Council's adopted parking and amenity space standards, the buildings would be limited to no more than two storeys high.

CONSULTATIONS

Anglian Water; No objection – no conditions recommended.

BDC Environmental Services; No objection. Conditions recommended regarding contaminated land survey; recommendations of the noise report to be implemented; construction management, including dust and mud control scheme; details of piling (if applicable); control of construction working hours; and approval of external lighting scheme.

BDC Housing Research and Development; No objection, subject to 40% of dwellings on-site being provided as Affordable Housing.

BDC Operations; No comments

Environment Agency; No objection. The application site contains land designated as being fluvial Flood Zone 3, 2 and 1, defined as having a high, medium and low risk of flooding respectively. The EA registered an initial holding objection as it was unclear how far across the site Flood Zones 2 & 3 extended or the depths of water that would be experienced in flood events, allowing for climate change. Following assessment of additional modelling undertaken by the applicant the EA are satisfied that the model has been updated with the 1 in 100 year flow with 65% climate change allowance which demonstrates that the proposed layout of the site suitably locates the development outside of this flood extent. The EA go on to note that the houses have been sequentially sited outside the flood extent for a 1% (1 in 100) annual probability event, including an allowance for climate change.

Essex County Council (ECC) Education; No objection subject to financial contributions being secured through a S106 legal agreement for Early Years

and Childcare (EY&C) places, primary school places, and transport of children to secondary school.

ECC Flood and Water Management; No objection, subject to conditions which include the need to agree the design of a detailed surface water drainage scheme.

ECC Highways; No objection to the proposal, subject to the imposition of planning conditions/obligations to ensure suitable access to the site; construction management; highway safety; mitigate the impact of the development on the highway network; and promote more sustainable forms of transport.

ECC Place Services - Historic Buildings Consultant; No objection. There is no physical or visual link between the application site and the Kelvedon Conservation Area.

The development would be screened by the curvature of the road from the Grade II Listed Building at Moorings Farm and the field was not historically associated with the Farm. The site does however make a contribution to the environment in which the listed building is understood, and would therefore have the potential to impact on the visual landscape in which the listed building is experienced. The Council's Historic Buildings Consultant (HBC) states that the development will result in a level of harm to the significance of the listed building, which can be quantified at the lowest end of less than substantial harm as per paragraph 134 of the NPPF, and this should be weighed against the public benefits accrued from the scheme.

ECC Place Services - Historic Environment Officer; No objection subject to a condition requiring an archaeological and geo- archaeological evaluation condition be imposed.

ECC Place Services - Principal Ecological Consultant; No objection. Initially a holding objection was registered as there was insufficient ecological information available to understand the residual impacts of development on Protected and Priority species & habitats post construction and provision of a biodiversity enhancements plan. Following receipt of additional ecological reports submitted the holding objection was withdrawn, subject to a number of planning conditions / obligations.

Essex Wildlife Trust; Objection. Summary of issues raised in the initial response:

- Recreational impacts on rare and sensitive wet woodland priority habitat;
- Increased disturbance to protected and priority species;
- Insufficient evidence to enable proper assessment of impacts on protected species and the Habitat Regulations.

The application will result in recreational impacts leading to damage and degradation of this rare, priority habitat, with a consequent reduction in habitat quality and biodiversity.

Local authorities in England and Wales have a legal duty to conserve biodiversity. This is recognised and formalised within Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

Protected species - The proposed development will result in disturbance to protected species, including otters, bats and reptiles (this includes damaging their habitats).

Otter - Insufficient evidence has been provided by the developer to enable Braintree DC to fulfil their obligations under the Habitats Regulations.

Bats - The application site includes species-rich hedgerow and wet woodland which together provide ideal foraging and commuting habitat for bats, while also providing connectivity to the wider landscape. The River Blackwater also acts as an important wildlife corridor for bats and many other species. Local Planning Authorities should request surveys and mitigation plans before making a decision on planning applications.

Reptiles - The sites contains a good population of common lizard and a low population of grass snake on the application site. Both common lizard and grass snake are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Where loss of reptile habitat occurs as a result of development, compensation should ensure that once completed, there will be no net loss of breeding or resting sites.

A second response was provided following receipt of additional ecological information from the applicant. EWT state that the first consideration for BDC should be the avoidance of harm and that translocation of protected species to a separate receptor site should only ever be considered as a last resort, when there are no suitable alternative locations for the proposed development and insufficient suitable habitat remaining on the application site.

They go on to state that BDC should consider the need for the development in this location against the loss of protected species habitat, but if it is minded to grant approval, the reptile mitigation and management plan should be secured by a S106 agreement, while the exclusion of the public and dogs from the wet woodland/river bank using a permanent wooden fence and wire mesh should be included as a condition of approval.

Highways England; No objection. No conditions recommended.

Kelvedon Parish Council; Objection, on the following grounds:

- The site lies outside the adopted and proposed village envelope of Kelvedon and as a result is contrary to policy. The NPPF allows weight to be given to the emerging Local Plan given its highly advanced stage;
- Development of the site would be contrary to the Councils policies in respect of protecting the countryside (Policy CS5); the natural environment, habitats, biodiversity and character of the landscape

(Policy CS8 and RLP80); and harm the open character of the floodplains of local rivers (Policy RLP86);

- Development will effectively extend the urbanisation of this route into the Village and destroy the character and amenity of this countryside area, particularly in the River Blackwater valley;
- Development would affect many species of bird and mammal which utilise river corridors, and, in addition, common lizards.
- The edges of any wildlife habitat adjacent to a development become degraded and decrease in their value for biodiversity through actions such as cats hunting, children exploring and den building, gardeners disposing of non-native species cuttings over their fences, noise pollution, light pollution, etc;
- The site was not allocated for development when considered for inclusion in the new Local Plan;
- It is undesirable to build homes near to the flood plain and there are better sites with a lower risk of flooding;
- The proposed pedestrian crossing points are not in suitable locations and could lead to people crossing a busy road in locations that are not safe;
- The Parish Council disputes the response from ECC Highways, that there should be no objections to this site on Highways grounds. They consider the information in the Transport Assessment to be inaccurate and state that the Highway Authority have agreed in the past that this section of road and the issues on the Station Road/High Street junction are problems which need to be solved;
- The site is poorly served for pedestrians with existing pavements along Station Road/Coggeshall Road being narrow.
- Significant and severe harm resulting from development would demonstrably outweigh any benefit from the development.

Second Consultation Response

The Parish Council have submitted a further response to the second consultation.

- Still have concerns regarding the potential impact of this development upon otter populations within the River Blackwater given that there is evidence of otter activity adjacent to the site.
- The Parish Council is also concerned regarding the proposed translocation of reptiles from this site; Despite the ecological mitigation measures now outlined the Parish Council still believe that significant harm will still occur to otters and bats if this proposed development goes ahead;
- Concerns about the arrangements for pedestrian access to the site. If BDC are minded to allow this development pedestrian access to the site should be restricted to the northern and southern most points to create the safest desire lines for pedestrians travelling to the village.

Ramblers Association; Object, on the following grounds:

- The ambience of the Public Right of Way would be drastically altered by building in such close proximity;

- Highway safety – there are poor sight lines when exiting from footpath 4 onto the road;
- The development make no provision for road or pavement widening, for the improvement of sight lines or the shallowing of the bend other than that already included in the granted Monks Farm development;
- Kelvedon footpath 4 must have a minimum width of 2m through the site;
- The PROW has a natural grassy surface which becomes soft & soggy in wet weather / when the river floods as the footpath is in the flood plain. Due to the likely increase in the use of the footpath, the Ramblers would wish to see a more hard-wearing permeable surface to the footpath that is still in-keeping with the natural environment;
- Cycle access to the development site should be improved to facilitate sustainable transport.

LETTERS OF REPRESENTATION

58 Letters of representation have been received from third parties objecting to the proposal. The objections raised centre upon the following issues/make the following comments:

- The local plan has hit its target of homes needed in Kelvedon and therefore these suggested dwellings are not deemed to be needed.
- The Monks Farm development will make the junction at Station Road more congested, and the proposal to install a 4 way traffic light system will cause traffic to back up even further, especially at peak times.
- To allow another development on this already dangerous stretch of road is only going to further increase the inevitable problems that the Monks Farm development will cause.
- Coggeshall Road has several blind bends.
- The turning in to Seven Seas is situated on a blind bend and any further entrance situated from Coggeshall road on to the proposed development would pose a risk to drivers and pedestrians.
- Flooding of Coggeshall Road impacts the pathways getting into the village.
- The effect of these homes, alongside the proposed 250 at Monks Farm will have serious impact in the safety of drivers and other road users on Coggeshall Road.
- Public Transport is not sufficient, the train station which has made Kelvedon a Key Service Village is at capacity, not enough seats, insufficient parking and these issues will only get worse.
- There is only one paved footpath that is accessible for pushchairs, wheelchair and mobility scooter users that leads east along Coggeshall Road towards the station and High Street.
- The proposed site has a public footpath which is well used by the community, dog walkers, families, runners, and ramblers. This public footpath is included in Kelvedon Parish Council's list of circular walks. It is also recommended on the internet to fellow ramblers. It provides access to Coggeshall and the Essex Way.
- Building on land adjacent to Watering Farm will have obvious disruption to the feeding, roosting and breeding pattern of these birds and mammals. Some

of these birds appear on the RSPB Red list; Species needing urgent action to protect and conserve. Stag beetles can be found on the marsh land and on Watering Farm, perhaps suggesting a prevalent population.

- Japanese Knot Weed exists on the land behind the existing Watering Farm dwellings and is on the land subject to this application.
- The application will result in recreational impacts leading to damage and degradation of this rare and priority habitat, with a consequent reduction in habitat quality and biodiversity.
- The development will impact upon protected species - bats, badgers, otters, deer all live and feed on the proposed site.
- Loss of valuable agricultural land.
- The development would inevitably suburbanise the semi-rural character of the area.
- Development of modern homes on this proposed site will destroy the aesthetic qualities that this aspect provides as a gateway into the village itself.
- Damage to the visual landscape of this part of the Blackwater Valley.
- Despite measures being proposed in the Ecological Mitigation and Enhancement plan for coping with ground-nesting birds, no evidence found that any research has been conducted to establish the species that need to be accommodated.
- Note that it is proposed to erect a post and rail fence, to deter dogs and people from entering the wet woodland, as part of the otter protection plan. Question what is the evidence that this sort of fencing is effective as it appears that a dog could easily jump through the upper gaps; also ask who will be responsible for maintaining the fence going forward.
- The site is partially on flood plain and floods on a regular basis.
- Proposed building reduces ability to soak up excess rain water.
- The Flood Model Extents diagram confirms that in times of flood, the proposed play area and parkland could be inundated, as could the pedestrian access through it.
- The development will bring noise & light pollution to residents who currently live on Newtown / Coggeshall Road.
- The village lacks the infrastructure and facilities to support further development, including the doctor's surgery, Children's Nursery, Primary School are already at capacity.
- Suggested area for recreation space is unsuitable.
- Valuable access route to the countryside would be lost.
- Concerns mentioned with regard to the rear access routes to the buildings as alleyways increase risk of crime.
- Mooring Farm is a listed property which is 50m away from the proposed site whose setting would be adversely affected by the proposed development.
- No archaeological studies have been undertaken by the developer. This site is known to be near a previous roman road and possible settlements.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

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

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

"That the broad spatial strategy for the District should concentrate development on Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

The Growth Locations identified under the Core Strategy are also carried forward. These include the following:

- Land to the North-West of Braintree - off Panfield Lane;
- Land to the West of the A131 at Great Notley (entirely employment related);
- Land to the South-West of Witham - off Hatfield Road;
- Land to the North-East of Witham (in Rivenhall Parish) - off Forest Road.

Taken together, these initiatives amount to significant steps that are designed to increase the delivery of housing (and economic growth) in the District, in line with government policy as set out in the NPPF.

The application site is located close to, but outside the existing Kelvedon Village Envelope as designated in the Braintree District Local Plan Review (2005). The site is however opposite an established ribbon of residential properties that line the southern side of Coggeshall Road, and the nucleus of development known as Newtown. Notwithstanding this, for the purposes of the assessment of planning policy is situated in an area where countryside planning policies apply, as defined in Core Strategy Policy CS5, Policy RLP2, RLP3 and Inset Map No 38 of the Braintree District Local Plan Review 2005. Further, the site is not identified as an allocation in the Publication Draft Local Plan June 2017 (see below).

Kelvedon is identified in the adopted Core Strategy as a 'Key Service Village', one of six within the District. 'Key Service Villages' sit below the main towns, but above 'Other Villages' within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Kelvedon as a key service village has been carried forward into the Draft Local Plan (DLP). It is therefore accepted that at the strategic level the village of Kelvedon is identified as being one of the more sustainable locations within the District, acting as a local centre for its surrounding rural area, in common with the other key service villages.

With regard to the site in question and as highlighted by a number of representations, the site was submitted for consideration by the applicant through the 'Call for Sites' as part of the process for creating the DLP but the site was not allocated for development. The Officer report to the Local Plan Sub-Committee stated;

"A development here would be juxtaposed with the 'Newtown' settlement on the other side of [Coggeshall Road] and would inevitable [sic] suburbanise the semi-rural character of the area. Within the wider landscape setting, the plot is well contained on all four sides with the Seven Seas and its boundary planting forming a defensible barrier to the countryside in the north.

The 2015 landscape capacity assessment concluded that the site has medium landscape capacity with good containment from the wider landscape to the north-east. Coggeshall Road and a public footpath running parallel with the River Blackwater in the east are key viewpoints which would be significantly affected by development.

Some of the site is within the functional floodplain of the River Blackwater and is proposed to remain undeveloped, this corridor has low landscape capacity and potentially high ecological value. There could be some negative ecological effect such as encroachment of human activity or even loss of habitat but a full ecological survey would normally be required at planning application stage.

Any development would be restricted by the floodplain and the requirement to provide on-site mitigation for surface water run-off. This could have a further downwards effect on site capacity.

The Braintree Highways Preferred Options Assessment modelled the impact of 300 dwellings north of the Coggeshall Road. This study shows that with mitigation, the junction at London Road/Coggeshall Road will be operating near or at capacity. The Highways Authority has not raised any objection to 300 dwellings on Monks Farm (KELV 335), therefore as this development is now being pursued for 250 dwellings, there is likely to be residual capacity for at least 50 more dwellings.

Overall officers are not recommending this site for allocation due to the potential for impact on the river edge, the further erosion of the footpath network and the introduction of housing on the east side of Coggeshall Road which extends Kelvedon further into the countryside and has an urbanising effect on the gateway to Kelvedon and character of Coggeshall Road."

Consequently, when assessed against the Development Plan, the proposal is not considered acceptable as a matter of principle, however this must be tempered against the presumption in favour of sustainable development which is contained within the NPPF. For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in the Framework indicate that development should be restricted. (NPPF para. 14).*

5 Year Housing Land Supply

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

The Council's view as at 31 March 2018 was that the forecast supply for the period January 2018 – December 2022 was 5.51 years by the 'Liverpool' approach and 4.33 years by the 'Sedgefield' approach, in the context of considering current planning applications. Consequently, although there have been a small number of applications approved since this calculation the Council does not currently consider that it can robustly demonstrate a five year supply.

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

This does not mean that all sites outside of existing development boundaries are automatically appropriate for new development. However, notwithstanding the fact that other sites within Kelvedon benefit from extant planning permissions, and that in total they exceed the allocation made by the DLP to the village, the lack of a 5 year housing land supply is a material consideration which must be afforded significant weight in the consideration of the planning balance as set out at NPPF paragraph 14 in evaluating proposals for sustainable development.

Site Assessment

Access

Part 4 of the NPPF indicates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Saved Policy RLP54 and RLP55 require that a Transport Assessment is submitted with all proposals for major new development.

As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means.

It is acknowledged that in addition to the Parish Council, a significant number of letters of representation have raised objections to the proposal on accessibility and highway safety grounds. Areas of particular concern have been pedestrian connectivity and the widths of the footways along Coggeshall Road and Station Road; the safety of drivers along Coggeshall Road given volumes of traffic, speeds and the winding nature of the road; and increased congestion at the Station Road/ Swan Street/High Street/Feering Hill/ junction and elsewhere on the local road network.

Members will recall that similar concerns were raised during consideration of the application that the Council approved for up to 250 dwellings at Monks Farm. Objectors have highlighted that there will be a cumulative impact on highway conditions if this application is approved in addition to the Monks Farm development.

As part of the S106 agreement for the development of Monks Farm (pursuant to 17/00418/OUT), the applicant agreed to fund a number of highway related works as follows:

A financial contribution of £250,000 towards improvements at the Station Road/Feering Hill/Swan Street/High Street junction. As part of that application the applicant provided a number of plans which indicated how the junction could be improved. Given proposals to improve the A12 and the aspiration to improve the A120 the Highway Authority consider that the nature and extent of the impact of this development on the junction is uncertain. A financial contribution was secured, rather than a requirement that the developer carry out highway improvements, as the Highway Authority wanted to retain flexibility in this matter. By securing a financial contribution the Highway Authority can keep the junction under review and if after the development is being built out there is a need to improve the junction the Highway Authority can determine how best to achieve this. If the junction continues to operate in an acceptable manner after the development is built out then no

improvements would have to be made and the financial contribution would be returned to the applicant.

Notwithstanding this, the Local Highway Authority (LHA) highlight that as they are looking to secure improvements to the Station Road/ Swan Street/High Street/Feering Hill/ junction, given the uncertainty around future traffic flows in the area they are minded to secure a further financial contribution (in addition to the one referred to above, from the Monks Farm development) towards junction improvements, if this is deemed the most appropriate course of action in light of the emerging plans for the A12 and A120 improvements/realignments.

Other highway related planning obligations attached to the approval of the approved Monks Farm development (17/00418/OUT) include:

- Bus stop improvements in the locality;
- Improvements to the footway (including widening) along the south side of Coggeshall Road and Station Road between Observer Way and the High Street;
- Widening and surfacing to a minimum 2 metres of the Public Right of Way (PRoW) which runs through the southern end of the Monks Farm site to connect the PRoW to the east and west of the site;
- Off-site works to the existing Public Right of Way (92-12) connecting the Monks Farm site to Kings Meadow Court in the east and the footbridge over the railway line to the west. In the event that the applicant is unable to carry out the agreed off-site works then a financial contribution will be made to the Highway Authority to enable them to carry out works;
- Residential Travel Plan and payment of a Travel Plan monitoring fee to ECC.

With regard to these, the works are required to be carried out by and at the cost of the Owner in accordance with any requirements of the Highway Works Agreement. The legal agreement requires that the works are completed prior to the occupation of the Monks Farm development.

In respect of the case before Members, third party concerns are noted with regard to the safety of the proposed access into the site, and its relation to the bends in the road, as well as the speed of passing traffic. As highlighted in the Proposal section above, the scheme would be served by a new access diagonally opposite Observer Way onto Coggeshall Road with visibility splays to be provided which includes an area of land on the eastern side of the bend in Coggeshall Road (opposite the proposed access) to be re-profiled to ensure levels are no greater than 0.6m above the level of the existing access road. The new junction and highway works would also include the provision of 2no right turn lanes into the site and Observer Way respectively, as well as a footway along the eastern side of Coggeshall Road up to Watering Farm, with the highway boundary overall being extended into the site.

In terms of the wider highway network, notwithstanding the concerns of the Parish Council with regard to the accuracy of the traffic survey data submitted with the application, the proposal is assessed as only being likely to add a

relatively small amount of additional traffic, especially given it is accessible by public transport, particularly the railway, with Kelvedon station only a short walk away. Objectors have highlighted the lack of capacity with the existing service but the Council are aware of plans that Abellio Greater Anglia have to significantly increase passenger capacity on all their lines through the introduction of new rolling stock (passenger carriages) with typical capacity increases of 55%.

Accordingly Officers consider the proposals to be acceptable with reference to NPPF para 32, as the Highway Authority are satisfied that safe and suitable access to the site can be achieved; that the development provides opportunities for residents to use sustainable transport modes; and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It is not considered that any residual highways impacts of development would be severe and warrant refusal of the application on transport grounds.

The other key highway/accessibility related issue to arise from the public consultation process is with regard to the provision of pedestrian crossing facilities from the site to the footway on the south western side of Coggeshall Road.

The Parish Council have highlighted that the proposed pedestrian refuge island between the Observer Way junction and the access road to the application site is north of two of the pedestrian access points shown into and out of the site; and would require pedestrians to have to walk back on themselves approximately 72m and 200m respectively from/to them. They opine that it is most likely that the highest priority desire path for pedestrians would be via the existing PROW, as this would represent the most direct walking route from the site to the village centre and schools. Therefore pedestrians would seek to cross the road, close to a bend, where there is no form of crossing proposed.

In response to this, the applicant has identified within its Proposed Southern Pedestrian Access Plan that a new section of footway would be constructed along the northern side of the bend in Coggeshall Road where adjacent to the start of the PROW. This would extend up to the boundary with Watering Farm and would also include tactile paving to facilitate crossing the road to the other side. The footway on the southern side of Coggeshall Road would also be widened, in accordance with the scheme secured by the S106 attached to the grant of 17/00418/OUT.

The site is on the edge of the village and can already be accessed via footways and the PROW network. Reference has been made within the representations to the adequacy of the existing iron railway bridge as an alternative pedestrian route into the village/school, as it has steep steps, with the Church Road side not having the space to create a suitable ramp, thus making it inaccessible to wheelchairs, mobility scooters, prams and buggies. As a consequence the majority of the increased pedestrian traffic from the

development would more likely use the pavement along Coggeshall Road/Station Road.

As a result, and in combination with the Monks Farm development, the Highway Authority has sought other improvements in the form of footway widening along Coggeshall Road/Station Road, as well as an improved link into and along the route of FP 92-21 from Coggeshall Road for those who choose to use that Public Right of Way. These improvements should encourage walking to and from the site and in particular between it and services, schools etc. located in Kelvedon and Feering. Although it is accepted that future occupants cannot be forced to leave their cars at home, nonetheless, due to the site's proximity to the main commercial services and facilities, in addition to the railway station that this is a relatively sustainable site in terms of accessibility.

All in all, the site access arrangements have been the subject of dialogue between the LHA and the applicant's highway consultant, both at the pre-application stage and during the determination process of the proposal. From a highway and transportation perspective the impact of the proposal is considered acceptable to the LHA subject to the imposition of a number obligations and conditions as explained in the consultations section of this report.

Overall, it is considered that the site is positioned in a sustainable location with reasonably good public transport access to the services and facilities of the larger settlements of the District and beyond.

Landscape and Ecology

Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 Natural Environment and Biodiversity states that *"development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment"*. Policy CS8 also states that *"the restoration and enhancement of the natural environment will be encouraged through a variety measures"*. These aims are supported by Policies RLP80 and RLP84 of the Local Plan Review. Furthermore Policy RLP86 stipulates that development will not be permitted which would harm the open character, nature conservation importance or recreational importance of the floodplains of a number of rivers, including the River Blackwater.

In terms of the adopted Local Plan, the site is not covered by any particular landscape designation, although the 2006 Landscape Character Assessment and the Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 (LCAn) make explicit reference to this site, pursuant to Policy CS8. The LCAn is finely grained to the point where it deals with specific land parcels, in this case Land Parcel 1j which is described, along with Parcel 1h on the opposite side of Coggeshall Road (the Monks Farm site) as follows:

“4.15 Occupying the broadly east facing valley slopes of the River Blackwater, the Parcels are split in two by the B1024 (Coggeshall Road) and the prominent presence of Newtown, a block of housing relating to modern expansion to Kelvedon but currently disconnected from the town by the presence of the London to Colchester railway line. Ribbon development extends south along the B1024 to the edge of the railway station. Feering to the south-east is visually contained by the vegetated path of the River Blackwater. Both areas have a relatively well defined landscape structure with especially good containment from the wider landscape to the north-east....Proposed development would form a natural extension to the housing at Newtown and would provide a more coherent edge to Kelvedon.

4.16 The analysis highlights that development within Parcel 1j should be located away from the flood plain of the River Blackwater. The existing vegetation framework should be enhanced with hedgerows and tree planting to Parcel boundaries improved. Development should reflect the vernacular features in Kelvedon to provide greater visual connections with the main settlement and improve the approach to Kelvedon from the Coggeshall Road. The scale and form of development should reflect the settlement patterns of the village and be sensitive to the setting of the Conservation Area. Key views from public footpath routes should be protected and the amenity value of these links preserved. Opportunities to enhance connections with the river and green links between the settlements and the wider landscape should also be taken.”

The proposal has been made in this context, although it is imperative that the reserved matters that follow any grant of outline planning permission reflect the importance of ensuring that the site can absorb new development in a suitable and sympathetic manner. There is quite clearly an opportunity for the development to provide some feature planting as part of a landscape scheme and the green buffer formed by the POS and the ecological land (wet woodland) to the eastern side would ensure that the open character of the flood plain be essentially retained, whilst complying with Policy CS10 of the Core Strategy: this requires the Council to ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs; and that new development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents. It is noted that some objectors have cast doubt on the value of the Public Open Space and play area as ground conditions mean that part of this area is often wet and it is questioned whether it would be useable year round. The Council's policies specify minimum standards for Open Space provision and the proposals for this site are far in excess of that, so whilst the extent to which the Public Open Space can be used may be restricted at some times of the year Officers are satisfied that the proposals are appropriate to the context of the site and the scale of the proposed development.

The landscape buffer would also provide for surface water mitigation, and with a limited level of ecology/biodiversity recorded on the previously cultivated

(main) part of the site, the expectation is that this can be improved with a suitable landscape scheme at the reserved matters stage and a sympathetic approach to the design of the SUDS features. Consequently, the illustrative Site Plan demonstrates how the site could accommodate the proposed quantum of development whilst incorporating soft landscape features around the periphery of the site, and allowing the retention and bolstering of existing tree and hedge lines.

Quite clearly the development of this site would change the views one receives on entering the village from Coggeshall, and would reduce the manner in which the valley is experienced, where immediately due north of Coggeshall Road, to more short range views. Officers are aware that one of the main reasons as to why the site was not included as an allocation for residential development within the DLP was landscape impact and an urbanising effect upon the gateway to Kelvedon. However, Officers must be mindful of the LCA, as quoted above, which identified the site as having a medium capacity to absorb development.

The LCA specifically stipulated that the site has a relatively well defined landscape structure with especially good containment from the wider landscape to the north-east and that proposed development would form a natural extension to the housing at Newtown and would provide a more coherent edge to Kelvedon. The analysis highlighted that development within Parcel 1j should be located away from the flood plain of the River Blackwater, and amongst other things, that the scale and form of development should reflect the settlement patterns of the village and be sensitive to the setting of the Conservation Area (which would be assessed at the reserved matters stage/s). As the LCA forms part of the DLP's evidence base, it is a material consideration in the determination of this planning application, pursuant to S38 (6) of the Planning and Compulsory Purchase Act 2004.

The NPPF in paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, amongst other things these include:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged; and
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy RLP80 states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Policy RLP84 states that planning permission will not be granted for development, which would have an adverse impact on protected species' and where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats.

The information submitted with the application was assessed by the Councils Ecological Adviser. They requested further information to be able to determine the potential impact of the development. As a result the applicant submitted an Otter survey report; Ecological mitigation and enhancement plan; and Illustrative Masterplan Drawing 003 Rev D. Having assessed this additional information the Council's Specialist Adviser is satisfied that there is sufficient information available to understand all of the impacts of development on Protected and Priority species & habitats and consider that the biodiversity enhancements plan provided is reasonable and appropriate.

The area highlighted as being the location for the proposed houses is predominantly cultivated arable land which will have had very limited ecological value. However, the submitted Reptile Report highlights that a 'Good' population of common lizard and 'Low' population of grass snake are present on the site within the field margins and uncultivated land to the south east of the site. Where land is to be disturbed by operational development it is proposed to translocate the reptiles to fallow land within the applicants land holding approximately 1.5km to the north of the application site along Coggeshall Road, near Coggeshall Hamlet. The land receiving the reptiles is not publicly accessible.

It was noted that the Essex Wildlife Trust were concerned that the development would result in the loss of Priority Wet Woodland Habitat, however having visited the site, the Council's Specialist Adviser does not consider that the cricket bat willow plantation adjacent to the River meets the criteria to constitute that type of habitat but they acknowledge that it is likely to support Protected and Priority species which could be affected by this development. They are satisfied that the recent otter survey report confirms that there were no holts within the 8km of river surveyed. However the area is suitable for otters to establish a holt in the future and use some locations as "laying-up" sites.

The applicant has proposed that the wet woodland area would be protected from lighting and recreational use (currently that is not the case and Officers consider that given the proximity of the area to the PRoW it is likely that it is used informally and without authority by members of the public and dogs who stray off the PRoW), and managed post construction to avoid impacts to Protected and Priority species. In particular they welcome the clarification that a wildlife protection notice would be in place and in that the fencing would be

“post and rail fencing with wire mesh to deter dogs and members of the public from entering the wet woodland” as part of the otter mitigation requirements. A S106 agreement can include an obligation that the fence is maintained by a Management Company who will manage the Public Open Space within the development.

The Council's Ecological Adviser is also reassured that the reptiles which would be moved off the development site would have a suitable and long term receptor site and recommend that management measures for this location are secured. The Council's Ecological Adviser states that it would be unreasonable to require survey& assessment of all wildlife if impacts can be avoided.

Consequently now the LPA has certainty of likely impacts on biodiversity from the proposed development and can secure effective mitigation and reasonable enhancement measures, it can demonstrate that it has met national planning policy and its statutory biodiversity duty. Impacts would be minimised such that the proposal would be acceptable subject to the conditions.

Therefore, in totality, having made their own assessment of the site and considered the applicant's landscape and ecological documentation submitted in support of the proposal, the Council's own Landscape Capacity Analysis study of the site, and taking advice from ECC's Principal Ecological Consultant, Officers do not consider that there is an objection to the proposed residential development on the grounds of landscape or ecological impact subject to the imposition of reasonable planning conditions.

Agricultural Land

Policy CS8 of the Core Strategy states that *‘Development should protect the best and most versatile agricultural land’*. The NPPF states that *‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality’*.

The submitted Soils and Agricultural Quality report states that the land has sandy clay loam topsoils over slowly permeable heavy clay loam subsoil; and is of subgrade 3a agricultural quality, limited by wetness.

As Members will be aware the majority of agricultural land within the District falls within grade 2 or grade 3 agricultural land, which means that the majority of the agricultural land in the District will fall within the definition of Best and Most Versatile Agricultural Land (Grade 1, 2 & 3a). In such circumstances, the loss of this particular site to agricultural use is not considered to represent a sufficient basis for resisting the development, notwithstanding a preference for developing Brownfield sites wherever possible.

Flood Risk and Drainage

Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Furthermore, Policy CS8 of the Core Strategy states that the Council will minimise exposure of people and property to the risks of flooding by following the national guidance. In particular the sequential test will be applied to avoid new development being located in the areas of flood risk.

The Environment Agency (EA) highlight that the application site lays within fluvial Flood Zones 3, 2 and 1, defined as having a high, medium and low risk of flooding respectively. The majority of the site, and where the residential development is proposed, lays in Flood Zone 1 however. Therefore with the proposal being for a '*more vulnerable*' form of development, as defined in Table 2: Flood Risk Vulnerability Classification of the PPG, development is appropriate and it is considered unnecessary to apply the Sequential and Exception Tests as set out therein.

Prior to the submission of additional information from the applicant, the EA's earlier holding objection stated that it was unknown how far Flood Zones 2 and 3 would extend across the site or depths of flooding on site when the new climate change allowances were added. Therefore flood risk mitigation measures to address flood risk for the lifetime of the development included in the design could have been inadequate. The EA required further work be undertaken to ensure that the appropriate climate change allowances have been assessed.

The EA have reviewed the modelling information submitted, as well as the applicants Flood Risk Assessment and are satisfied that the modelled information now shows the extent of the 1 in 100 year flow with a 65% climate change allowance. This modelling has demonstrated that the houses have been sequentially sited outside the flood extent for a 1% (1 in 100) annual probability event, including the allowance for climate change. They also state that the site does not benefit from the presence of defences, but the proposal does have a safe means of access to the north of the site in the event of flooding from all new buildings to an area wholly outside the floodplain up to a 1% (1 in 100) annual probability including climate change flood event.

It is acknowledged that local residents have expressed concerns about the risk of surface water flooding as a result of the development. The applicant has had to demonstrate through their application that surface water run-off from the site can be controlled and then discharged in a controlled manner that does not increase flood risk elsewhere. The masterplan identifies a location for an attenuation basin that would be constructed and which would store surface water before it is released at an agreed discharge rate. Having reviewed the proposals and associated documents which accompanied the planning application, the Lead Local Flood Authority – Essex County Council -

confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures.

In addition, Anglian Water states that the foul drainage from this development is in the catchment of Coggeshall Water Recycling Centre that will have available capacity for these flows. Therefore it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of fluvial and surface water flooding, or sewerage capacity.

Heritage Assets – Conservation Area and Listed Building

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority is required, as set out at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Planning (Listed Building and Conservation Areas) Act 1990 also imposes a statutory duty on local planning authorities to preserve and enhance the character of designated conservation areas.

Furthermore, the significance of a listed building is based on a range of heritage values that make up their overall architectural and historic interest and they have aesthetic value as attractive buildings within the landscape. The NPPF makes clear that the significance of heritage assets derives not only from their physical presence, but also from their setting. The NPPF defines setting as the surroundings in which a heritage asset is experienced.

In addition as a material consideration, Policy 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, amongst other things, respect and respond to the local context, where development affects the setting of historic buildings, and areas of highest archaeological and landscape sensitivity. These sentiments are supported by Policy RLP 100 and DLP Policy LPP60.

As identified by ECC Place Services' Historic Buildings Consultant (HBC), the site falls to the north of the Kelvedon Conservation Area; a designated heritage asset for the purposes of the NPPF. To the north of the site, Moorings is a grade II Listed Building of early eighteenth century construction.

The site is separated from the Conservation Area by the railway line and the modern housing on the southern side of Coggeshall Road opposite the site. This means that there is not a physical or visual link between the application site and the Conservation Area. The distance between the edge of the Conservation Area and the site, and the nature of the development along the intervening stretch of Coggeshall Road means that there is also no sense of arrival into the Conservation Area. They therefore do not believe that the development of the site would result in harm to this heritage asset and Officers have been given no substantive reason to come to a different

conclusion on this. Consequently, the proposal would preserve the character or appearance of the Conservation Area.

The HBC states that the site would encompass the whole of the field to the south east of Moorings, albeit part of the development would be screened by the curvature of the road [and the field hedgerow that runs along the northern boundary of the site]. They go on to state that the field does not have an historical association with the Listed Building at Moorings Farm, but rather was associated with Watering Farm, a farm complex which was located at the south eastern edge of the site before it was demolished in the twentieth century. Instead the historic mapping suggests that the more significant connection is with the land to the north and south west, as well as with the windmill to the south west. The site does however make a contribution to the environment in which the listed building is understood, and would therefore have the potential to impact on the visual landscape in which the listed building is experienced. It would also result in the cumulative intrusion of modern housing which has drawn the building into the settlement edge of Kelvedon.

The HBC therefore agrees with the conclusions drawn in the Heritage Statement that accompanies the scheme; that the development would result in a level of harm to the significance of the listed building, which can be quantified at the lowest end of less than substantial harm as per paragraph 134 of the NPPF which states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*. This weighing exercise is carried out within the ‘Planning Balance’ section below.

Heritage Assets – Archaeology

In its glossary, the NPPF highlights that *“There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them.”* Policies LPP63 and Policy RLP106 also apply, these state that where permission is given for development which will affect remains, conditions are required to ensure that the site is properly excavated and recorded before the commencement of development.

As highlighted by the Council’s Historic Environment Officer, the Essex Historic Environment Record (HER) shows that the proposed development lies to the north of the historic settlement at Kelvedon whose origins can be traced back to the Middle Iron Age period. There was a Roman settlement to the south of the High Street and prehistoric settlement to the north. Nearby cropmark evidence suggests further survival of archaeological features that may be associated with this settlement history and a Roman road may have run northwards from the High Street towards Coggeshall close to the proposed development site.

The river runs along the boundary of the site and its course has been diverted for some purpose, there may be waterlogged remains preserved within the development site which may contain palaeoenvironmental evidence. There are two scheduled monuments along the river to the north and south of the proposed site which highlights the symbolic use of rivers floodplains along this stretch of the Blackwater.

In addition Palaeolithic findspots nearby have been associated with the Pleistocene sediments which are mapped within the development area and a recent project on the Palaeolithic potential of the sediments within Essex has identified this area as one of high potential.

Therefore, it is recommended that a condition requiring an archaeological and geo- archaeological evaluation condition be imposed upon any grant of planning permission.

Living Conditions and other Environmental Matters

One of the Core Principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants. This is supported by Policy RLP90 which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. The DLP Policies have similar objectives as those set out in the Local Plan Review.

Matters of layout and scale are reserved for future determination. However, it is noted that the distances between new and existing dwellings shown in the indicative layout could be well in excess of those required by the Essex Design Guide and Officers do not consider that there are any grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development.

Furthermore, the illustrative Site Plan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.

No objection is raised by Environmental Services to the proposal in respect to noise (principally from the railway line), provided that the recommendations of the Acoustic Planning Report are implemented; and which comprise acoustic specifications for glazing and indicative ventilator types.

With regard to other aspects of environmental protection, Environmental Services raise no objection to the proposal subject to the imposition of a number of recommended conditions regarding investigation of ground conditions and the usual conditions controlling construction work and the submission of a lighting scheme.

Finally, the submitted Phase 1 Site Appraisal stipulates that no invasive plant species were identified on the site, the author admits that they are not a specialist in this topic and has not conducted such a survey. Therefore, whilst they stated that they endeavour to report easily recognisable issues such as Japanese Knotweed, and Giant Hogweed, when seen on site, an ecological specialist should be consulted. Furthermore, the Ecological Impact Assessment submitted with the application also states that no presence of Japanese knotweed, or any other plant species listed on Schedule 9 of the Wildlife and Countryside Act (as amended), was identified during the survey.

However, one of the local residents has made reference to the presence of Japanese knotweed being found behind the Watering Farm cottages and that they have been treating this. Members may be aware that it is an offence to cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990. Therefore, taking a precautionary approach it is recommended that a suitably worded planning condition be imposed that requires a survey to be carried out that detects the presence or otherwise of Japanese knotweed on the site, and if found requires details of appropriate treatment and management, including methods of disposal.

Reserved Matters - Appearance, Landscaping, Layout and Scale

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to *'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'*.

Policy CS9 of the Core Strategy states that *'the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment'*. This is supported by Policy RLP90 of the Local Plan Review and these sentiments are also reflected with DLP Policies SP6, LPP37, LPP50 and LPP55 which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development respectively.

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents. The development would include structural landscaping; amenity space and an equipped play area.

The current application is an outline application with all matters reserved except access. The applicant has submitted an indicative site layout drawing, in addition to a parameter plan, setting out their vision for developing the site, which along with the Design and Access Statement demonstrates one way in which the site could be developed. As referred to above, a detailed access drawing has also been submitted which identifies the proposed main vehicular access onto Coggeshall Road.

The application originally sought permission for up to 41 dwellings but Officers had concerns that this number of dwellings may not be possible to achieve this in an acceptable manner. The description of development has been amended and is now for up to 35 dwellings, giving rise to a net density of approximately 34 dwellings per hectare. The Council's Draft Local Plan states that *"As a general guide the Council would expect densities in the District to be at least 30 dwellings per hectare to ensure the most efficient use of land"*. This is considered appropriate in this location, which whilst on the edge of the village is in close proximity to the railway station where one would often expect higher densities. However, bearing in mind the rural location, the applicant has agreed with Officers to limit the scheme to a maximum of 2 storeys high. Whilst Officers have some concerns about the illustrative layout provided it is considered that taking into account the reduced number of units, and the submitted dimensions overlay plan, that this quantum of development could be satisfactorily achieved on the site, whilst adhering to the Essex Design Guide and ECC's Parking Standards.

The applicant states that it is intended that the proposal would take cues from the Essex vernacular, and Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.

The main area of Public Open Space (POS) would be located to the eastern side of the site, within which (to its south) would be a surface water attenuation area just outside of Flood Zone 2. The eastern boundary would be formed by the existing PRow, beyond which is the wet woodland adjacent to the River Blackwater, an area to be restricted in access and retained solely for ecological purposes (as discussed in more detail earlier).

Although appearance, landscaping, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village and close to the station, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.

Site Assessment Conclusion

With the exception of the above, there are no substantive objections to the application from any statutory consultees. Having assessed the specific merits of the site in terms of its potential to accommodate the proposed development in a sustainable manner, Officers are of the opinion that the proposed quantum of development could be accommodated without significant adverse impacts, subject to securing planning obligations in respect of social infrastructure and facilities and the 'Planning Balance' exercise carried out thereafter.

Planning Obligations

Policy CS11 Infrastructure Services and Facilities of the Core Strategy 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 are delivered in a timely, efficient and effective manner.

The following identifies planning obligations that the District Council would seek to secure through a S106 agreement.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the countryside adjacent to the village of Kelvedon where the provision of 40% affordable housing accords with the requirements of Policy CS2. The number of Affordable Units would be determined by the number of dwellings constructed – the application is for up to 35 residential dwellings – but could result in the provision of up to 14 affordable homes.

Policy RLP 3 of the Local Plan Review 2005 requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP 7 and RLP 8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures.

It is acknowledged that details concerning the type and mix of dwellings would be subject to a reserved matters application. However, it would be expected that the affordable mix should be tailored to meet recorded housing need. Although an indicative mix has not been provided in the application, the Council's Housing Enabling Officer has stated that he considers the following mix below of affordable housing would be appropriate (based on 14 Affordable Units being provided):

- 2 x 1 bed flats
- 6 x 2 bedroom 4 person flats

- 4 x 2 bedroom 4 person houses
- 2 x 3 bed 5 person houses

Additional requirements concerning affordable housing that should be considered are as follows:

- A tenure mix of 70% Affordable Rent and 30% Shared ownership
- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to Homes England
- Accessibility requirement for units accessed at ground level to meet Part M Cat 2 of Building Regulations

Community Building

Policy CS11 of the Core Strategy states that the Council will work with partners, including the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Infrastructure services and facilities could include *'transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities'*.

The Heads of Terms submitted by the applicant acknowledge this and include a contribution towards improvements to Community Meeting Places, such as Community Halls. Officers discussed the village's requirements with the Parish Council when determining the Monks Farm site, and they identified a project to replace the existing pavilion building at the Kelvedon Recreation Ground with a larger new, improved facility to encompass, amongst other things changing facilities; a social area for the football club / meeting space and possible parish office in the future.

Based on schemes of comparable scale, in the District, the contribution sought would be £16,181.

Education

The Education Authority (ECC) in their consultation response state that a development of this size can be expected to generate the additional need for up to 3.15 Early Years and Childcare (EY&C) places, 10.5 primary school, and 7 secondary school places. The Education Authority letter provides an indication of the contribution levels and these are reported below for Members information, however the actual level of contribution will be determined when the final number and mix of units is known at Reserved Matters stage.

With regard to EY&C, they report that there is insufficient capacity in the ward to meet the projected demand for additional places as a result of the development. As a result additional capacity will need to be created and a financial contribution is requested. The Education Authority seek a contribution of £14,519 per place and so this could potentially require a

developer contribution of £45,734.85 index linked to April 2017 based on projected demand for an additional 3.15 places.

Primary Education, this development sits within the priority admissions area of Kelvedon St Mary's Church of England Primary Academy, which is currently full with only one spare place. Although there is some surplus capacity in the wider area, it must be noted that up to 250 homes have recently been permitted at Station Field/Monks Farm and that development will take-up any spare capacity. The Education Authority seek a contribution of £12,734 per place and so this could potentially require a developer contribution of £133,707 index linked to April 2017 based on projected demand for an additional 10.5 places.

Secondary Education - according to the latest data, there are sufficient secondary places to accommodate children generated by this development. However there would be a requirement for a secondary transport contribution. The development could potentially generate the need for 7 additional secondary places and this level of demand could result in a contribution of £24,272.50 being sought.

Highways and Transport

As set out in the Access section above, the Highway Authority has advised that works are required to be carried out to mitigate the highways and transportation impacts of the proposed development. Those aspects that are recommended as mitigation and to be included within the S106 agreement include:

- A financial contribution of £35,000 (index linked) towards improvements at the Station Road/Feering Hill/Swan Street/High Street junction;
- A priority junction to provide access to the proposal site;
- A right turn lane in Coggeshall Road at the site access and Observer Way with pedestrian refuge island;
- An upgrade to current Essex County Council specification the two bus stops which would best serve the proposal site; and
- A footway to be provided along the north side of Coggeshall Road between the proposal site access and Watering Farm and between Watering Farm and 1 Coggeshall Road, all as shown in principle on the planning application drawings bar the junction improvements in the first bullet point.

Public Open Space

Policy CS10 of the Core Strategy requires that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for equipped children's play areas and informal and casual open space on site. The applicant's parameter plan identifies 0.62ha of land to be provided for informal public open space and a play area, in addition a further 0.69ha of land is to be managed for ecological purposes. Whilst this will have a visual amenity value access to this land will be restricted / discouraged and so it is not defined as Public Open Space.

The SPD also specifies that a financial contribution should be sought towards the provision of off-site outdoor sports facilities and allotment provision. Officers have previously discussed with the Parish Council how the future needs of residents of this development could best be provided for through these financial contributions. They have advised that the toilets and changing facilities at Kelvedon Recreation Ground – the villages main sports ground – need improvement and that the Outdoor Sport contribution should be used for this purpose. The Parish Council has also identified a number of improvements to improve capacity and provision at the Stoney Flint allotment site, Church Hill, Kelvedon.

The financial contribution would be calculated on the number and size of the dwellings constructed, to be determined at the reserved matters stage/s, however as a very broad guide Officers estimate that based on a housing mix reflective of the District's housing needs the contributions would be approximately £29700 for Outdoor Sports and £955 for allotments.

It will also be necessary for the S106 to include an obligation for the applicant to form a Management Company responsible for the day to day and longer term management and maintenance of the Public Open Space, including the Play Area and the Ecological protection area.

Ecology

Finally, with regard to the translocation of reptiles from the site, a receptor site has been identified on land at Coggeshall Hamlet which is owned by Wallasea Farms, a subsidiary of Parkers of Leicester (the applicant). Following the advice of the Council's Ecological Consultant, the receptor site should be managed in accordance with the management prescriptions set out in the Ecological Mitigation and Enhancement Plan.

PLANNING BALANCE/ CONCLUSION

This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off Coggeshall Road, the Highway Authority has no objection to the proposed access arrangements and Officers consider these to be acceptable. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.

NPPF paragraph 14 stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. For example, those policies relating to designated heritage assets; and locations at risk of flooding.

With regard to the latter, the EA have reviewed the modelling information submitted, and the applicants Flood Risk Assessment and are satisfied that the modelled information now shows the extent of the 1 in 100 year flow with a 65% allowance for climate change. This modelling has demonstrated that the area where the dwellings would be constructed has been sequentially sited outside the flood extent for a 1% (1 in 100) annual probability event, including the allowance for climate change. They also state that the site does not benefit from the presence of defences, but the proposal does have a safe means of access to the north of the site in the event of flooding from all new buildings to an area wholly outside the floodplain. Therefore despite the proximity to the river the risk of fluvial flooding is low.

The applicant has also demonstrated through that surface water run-off from the site can be controlled and then discharged in a manner that does not increase flood risk elsewhere; and having reviewed the proposals and associated documents which accompanied the planning application, the Lead Local Flood Authority confirm that, subject to the imposition of reasonable conditions, the proposal would provide appropriate measures to manage surface water through the implementation of SUDS and other engineered hydrological measures. The risk of surface water flooding within and from the site is therefore also low.

With regard to designated heritage assets, it has been concluded that the proposal would give rise to less than substantial harm to the setting of the listed building known as the Moorings. Paragraph 134 of the NPPF states that in such situations this harm should be weighed against the public benefits of the proposal.

Clearly in times where there is significant pressure to increase the delivery of developable housing land, the granting of planning permission would go some way in meeting the Council's Objectively Assessed Needs. This, along with the provision of affordable housing, of an appropriate dwelling type mix to meet social needs, also falls in favour of the proposal. Other benefits stemming from the proposal include the provision of public open space and children's play space on site which would be available to other local residents, as well as financial contributions towards replacing the existing pavilion building at the Kelvedon Recreation Ground, off-site provision of outdoor

sports facilities and allotments. The scheme would generate a number of construction jobs during the build phase, in addition to bringing new residents to Kelvedon to provide further support for existing services and businesses. It is considered that these public benefits outweigh the less than substantial harm caused to the setting of the listed building.

It has been acknowledged that the site is situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, due to the fact that the Council cannot currently demonstrate a five year supply of housing land relevant policies are deemed out of date. This is a factor which must be given significant weight in the determination of this application, notwithstanding the fact that it has not been identified as a housing allocation within the DLP. This means that the LPA must consider the proposals in the context of the 'tilted balance' indicated by the first bullet point of paragraph 14 of the Framework.

It has already been concluded above that the impact of the proposal upon the setting of a designated heritage asset would lead to less than substantial harm. The impact of the proposal upon the loss of agricultural land and the local landscape, including necessary highway works, have also been highlighted as key issues in the determination of the application, which ultimately cannot be replaced or rectified once development has gone ahead. However, it is considered that these adverse impacts of approving the development would not significantly and demonstrably outweigh the previously cited benefits when assessed against the policies of the Framework taken as a whole.

The applicant has submitted a suite of detailed documents which demonstrate that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and through planning obligations (S106 Agreement):

The Council's ecologist has advised that subject to appropriate mitigation the LPA has certainty of likely impacts on biodiversity from the proposed development and can secure effective mitigation and reasonable enhancement measures, and therefore can demonstrate that it has met national planning policy and its statutory biodiversity duty. It is also noted that a Public Right of Way already runs through the site and close to the river. The proposed housing would result in an increase in human activity but this is not a situation where there was previously no human activity. The application includes proposals which would introduce measures to manage human activity near the river where currently there is none.

The site is capable of providing strategic landscaping and public open space which meets or exceeds the Council's adopted policy requirements, whilst ensuring that SUDS techniques could be employed to minimise the risk of off-site surface water flooding; and that any archaeological remains are properly extracted and recorded.

The Highway Authority has found that the proposal would not give rise to a material increase in traffic, nor would it give rise to conditions that would be detrimental to highway safety, provided that their recommended access and highway improvements are implemented. In addition, the site is considered to be well positioned for access to the facilities of the village, as well as to both bus and rail services connecting to the local towns, service centres, and beyond.

Therefore, having assessed the specific merits of the application, Officers consider that the benefits of the proposal outweigh the adverse impacts of permitting the scheme, subject to specific mitigation, that the presumption in favour of sustainable development applies and that planning permission should be granted.

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 the following Heads of Terms:

- **Affordable Housing** – 40% of units on-site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with a 70/30% ratio of affordable rent over shared ownership; and built to conform to standards acceptable to Homes England; and Accessibility requirement for units accessed at ground level to meet Part M Category 2 of Building Regulations;
- **Allotments** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage to fund improvements at Stoney Flint allotment site, Church Hill;
- **Community Facility** - Financial contribution towards the provision of a new building at Kelvedon Recreation Ground of £16,181.
- **Education** - Financial contributions for Early Years and Childcare provision and Primary School provision in the locality. Contribution to be calculated in accordance with standard ECC provisions based on the number of dwellings to be constructed, index linked to April 2017. Financial contribution towards the cost of secondary school transport for future residents, with the contribution to be calculated in accordance with standard ECC provisions and the number of dwellings that are developed;
- **Equipped Play Facility** – To be provided on-site with equipped to a minimum value as calculated in accordance with updated figures from the Open Spaces SPD;
- **Highways & Transport** – Financial contribution of £35,000 towards an improvement at the Station Road/Feering Hill/Swan Street/High Street junction; bus stop improvements; A priority junction to provide access to the proposal site; A right turn lane in Coggeshall Road at the site access and Observer Way with pedestrian refuge island; An upgrade to current Essex County Council specification to the two bus stops which would best serve the proposal site; and a footway to be provided

along the north side of Coggeshall Road between the proposal site access and Watering Farm and between Watering Farm and 1 Coggeshall Road.

- **Outdoor Sports** - Financial contribution calculated in accordance with updated figures from the Open Spaces SPD and the number and size of dwellings approved at Reserved Matters stage, to be spent at Kelvedon Recreation Ground;
- **Public Open Space** (on-site) a minimum area of 0.62ha for informal Open Space and equipped play; a further 0.69 ha of land to be managed for Ecological purposes. Areas of public open space; equipped play and area managed for ecological purposes all to be managed by a Management Company to an agreed specification;

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: KEL002-001	Version: B
Location Plan	Plan Ref: KEL002-002	Version: A
Access Details	Plan Ref: JNY8842-011	Version: F
Access Details	Plan Ref: JNY8842/15	Version: B

1 Details of the:-

- (a) scale, appearance and layout of the building(s); and the
- (b) landscaping of the site (hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the first reserved matters, for the first phase of the development, shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall be implemented not later than 2 years from the date of approval of the last of the reserved matters to be approved for the first phase.

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The submission of the reserved matters application/s pursuant to this outline planning permission shall together provide for no more than 35 Dwellings, Open Space and Parkland with Access From Coggeshall Road and demonstrate compliance with the approved plans listed above.

Reason

For the avoidance of doubt as to the scope of the permission and to ensure that the site is not over-developed, in the interests of protecting the character and appearance of the area, in addition to the living conditions of the occupants of existing neighbouring dwellings and future occupiers of the proposed development.

- 3 No development or preliminary groundworks can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.

A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of postexcavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

The site may be of archaeological interest and the programme of archaeological works must be completed prior to development commencing in order that any archaeological remains that do exist on the site are assessed and recorded before they might be harmed by construction activity.

- 4 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points.

Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes. No dwelling shall be occupied until the refuse bins, and where applicable, storage areas and collection points, for that dwelling have been provided and are available for use.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 5 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development;
- iv. Wheel and underbody washing facilities;
- v. Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- vi. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. Measures to control the emission of dust and dirt during both groundworks and the construction of the proposed development;
- viii. A scheme for recycling/disposing of waste resulting from groundworks and construction;
- ix. Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities, sensitive working hours

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

Reason

To ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 and DM20 of the Highway Authority's Development Management Policies February 2011. In addition this condition is necessary to protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement

of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 6 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels and shall include cross sections of the site and show the relationship of the proposed development to existing neighbouring development.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy, and in the interests of the character and appearance of the area.

- 7 No vehicular movements relating to the construction of the development to, from or within the site shall take place outside the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no vehicular movements

Reason

In the interests of the amenity of residents of the locality.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

In the interests of the amenity of residents of the locality.

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

Reason

In the interests of the amenity of residents of the locality.

- 10 A Phase II ground investigation, in accordance with the recommendations as set out within Section 6 of the Phase I Site Appraisal (Desk Study) produced by GRM dated September 2017 submitted with the application

shall be carried out, to assess the nature and extent of any contamination on the site. A copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

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

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by 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 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. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors before any on-site work commences.

- 11 Any Reserved Matters application for layout, scale and appearance shall demonstrate that:

a) all external amenity areas shall achieve a noise level of less than 50 dB LAeq,16hr. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the external noise limit. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

b) Internal noise levels shall not exceed noise levels given within Table 4 of BS8233 (2014) Guidance on Sound Insulation and Noise Reduction in Buildings. The maximum level of 42dB(A) arising from passing trains shall not be exceeded within bedrooms between the hours of 2300 to 0700 hours. A scheme shall be submitted to the Local Planning Authority for approval detailing the mitigation measures to achieve the internal noise limits. The development shall only be implemented in accordance with the approved details and thereafter retained as approved.

With reference to determining the levels of insulation then it should be recognised that the performance of acoustic insulation schemes may be below that specified as it is affected by the quality of installation, materials used, source noise spectrum assumed and in future years general wear and tear of the components and therefore there should be a safety margin to account for this within calculations submitted.

Furthermore, prior to the first occupation of the development a report validating the noise mitigation measures and confirming that such measures have achieved the required noise mitigation standards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an adequate living environment for the future occupiers of the proposed development and to ensure that the approved noise mitigation measures are carried out in full.

- 12 No external lighting shall be provided within a development area or phase unless details thereof have first been submitted to and approved in writing by the Local Planning Authority. Prior to slab level, a bat friendly detailed lighting scheme for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:

a) Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED;

b) Clearly demonstrated that the boundary vegetation to be retained, as

well as that to be planted, will not be lit in such a way as to disturb or prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme, and shall be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To minimise pollution of the environment, to safeguard the amenities of the locality and the appearance of the development and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 13 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system, this also includes modelling of surcharging of the outfall.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment.

- 14 No works shall take place until a scheme to minimise the risk of offsite

flooding caused by surface water run-off and groundwater during construction works and measures to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

- 15 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 16 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 17 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works for individual dwellings and any flats for each phase of the development. This shall include 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, refuse storage, signs and lighting.

All areas of hardstanding shall be constructed using porous materials laid

on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme 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 relevant building which it serves.

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

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 18 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP:Biodiversity) has been submitted and approved in writing by the local planning authority. The CEMP should be informed by the ecological mitigation & enhancement measures and/or works specified within the Ecological Impact Appraisal and Reptile Survey reports (both Lloyd Bore, Nov 2017), Otter survey report (Lloyd Bore, April 2018), Ecological mitigation and enhancement plan (Lloyd Bore, May 2018). The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
 - d) The location and timing of sensitive works to avoid damage to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act

2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 19 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including the reptile Receptor site;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 20 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning permission, the approved ecological measures secured through Condition 19 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats, reptiles, otters and farmland birds and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and

new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 21 No removal of hedgerows, trees or shrubs shall take place in any phase of the development, between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason

In the interests of biodiversity and to demonstrate the LPA has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

- 22 The Reserved Matters application(s) shall include details of a scheme for the provision of bat and bird boxes including a strategy for the scheme's implementation. The development shall be implemented in accordance with the approved details and thereafter so retained.

Reason

In the interests of protecting and enhancing biodiversity.

- 23 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the survey and investigation for Japanese Knotweed rhizomes, particularly where adjacent to the boundaries shared with Watering Farm cottages; and if found, the identification of containment and control measures, in addition to methods for their removal/eradication from the site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason

It has been brought to the attention of the local planning authority that Japanese Knotweed is present in the soil adjacent to Watering Farm Cottages, and it is necessary to investigate, and where necessary treat/remove this non-native invasive plant species, pursuant to the Wildlife and Countryside Act 1981 which stipulates that it is an offence to

introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 24 The first Reserved Matters application for Appearance on each phase of the proposed development shall include details of all gates / fences / walls or other means of enclosure which shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures and shall be implemented prior to the occupation of the relevant plot and shall be permanently retained as such, in accordance with the approved details.

Reason

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

- 25 No dwelling/building erected on the site shall exceed two storeys in height.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity, ensuring that the scale of buildings erected are in character with the site's immediate built context.

- 26 Prior to installation of any meter cupboards on the external fabric of the principal elevation of any building hereby approved details of the location, design and materials for the relevant phase of the development shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interests of visual amenity.

- 27 All electrical and telephone services to the development shall be run underground and all service intakes to dwellings, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 28 No above ground works shall commence in the relevant phase of the development until a schedule and samples of the materials to be used on the external finishes of the dwellings and buildings on the site have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 29 No occupation of any dwelling shall take place until Residential Travel Information Packs in accordance with Essex County Council guidance have been provided to the first occupier of each respective dwelling.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 30 The reserved matters application(s) shall be in general accordance with the principles shown in Parameter Plan: KEL002 - 003 - D.

Reason

To ensure that the reserved matters applications accord with the design parameters that are agreed when granting this planning permission.

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 £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

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

3 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

4 Your attention is drawn to condition 3 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

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

6 All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester CO4 9QQ.

7 In respect of Condition 4 you are advised that the details should include provision for the storage of three standard sized wheeled bins for each new dwelling with a collection point no further than 25 metres from the public highway.

8 You are advised to notify the local planning authority of the presence of any significant unsuspected contamination which becomes evident during the development of the site.

9 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) 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'.

10 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.

11 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.

12 All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

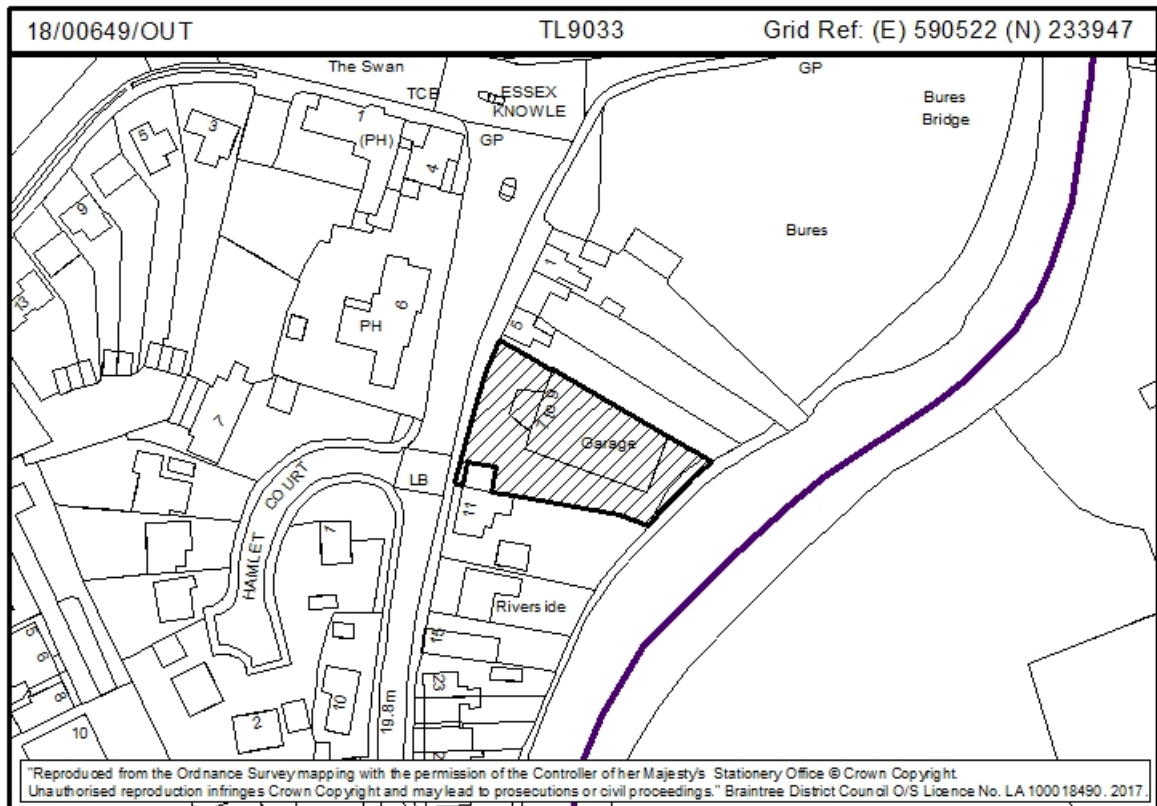
Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00649/OUT DATE: 10.04.18
 VALID:
 APPLICANT: CCC Property
 Mr G Sharp, 144 New London Road, Chelmsford, Essex,
 CM2 0AW
 AGENT: The Planning And Design Bureau Ltd
 Mr Stewart Rowe, 45 Hart Road, Thundersley, Benfleet,
 Essex, SS7 3PB
 DESCRIPTION: Application for outline planning permission with some
 matters reserved - cease car wash use, demolish part
 single, part two-storey console building, workshop and flat,
 remove canopy and hardstanding, and fell three trees, erect
 2 no. detached and 2 no. semi-detached dwellings and
 associated car ports, adjust ground levels and lay out
 parking, amenity areas, private drive and landscaping
 (landscape only reserved)
 LOCATION: C Ambrose Motors, 7 - 9 Colchester Road, Bures Hamlet,
 Essex, CO8 5AE

For more information about this Application please contact:
 Melanie Corbishley on:- 01376 551414 Ext. 2527
 or by e-mail to: melanie.corbishley@braintree.gov.uk



SITE HISTORY

88/00841/P/A	Display of non-illuminated fascia sign.	Refused	07.07.88
78/00132/P	Change of use to insurance brokers, estate agents and a building society agency.	Granted	21.03.78
81/00629/P	Change of use of existing offices to residential accommodation.	Granted	28.07.81
88/00032/P	Change Of Use From Offices To Hairdressers	Granted	18.03.88
88/00840/P	Change Of Use From Workshop To Offices	Refused	05.07.88
88/00841/P	Display Of Non Illuminated Fascia Sign	Refused	05.07.88
88/00857/P	Display Of Fascia Sign	Granted	05.07.88
95/00955/FUL	Erection of satellite dish	Granted	20.09.95
99/01418/ADV	Display of illuminated workshop sign	Refused	24.02.00
07/00469/FUL	Demolition of all existing buildings, erection of new mixed complex containing shops/restaurant/offices/ 2 no. 1 bed flats	Refused	24.05.07
07/00470/CON	Demolition of all existing buildings, erection of new mixed complex containing shops/restaurant/offices/ 2 no. 1 bed flats	Refused	24.05.07
08/00090/FUL	Demolition of all existing buildings, erection of new mixed complex containing shops/offices/ 2 no. 2 bed flats	Refused	11.03.08
08/00091/CON	Demolition of all existing buildings, erection of new mixed complex containing shops/offices/ 2 no. 2 bed flats	Refused	11.03.08
11/01349/FUL	Continued use of vehicle washing facility	Granted	29.12.11
13/00014/DAC	Application for approval of details reserved by condition no. 2, 4 and 6 of approval 11/01349/FUL	Granted	02.11.13
14/00773/FUL	Variation of condition relating to opening hours on approved application 11/01349/FUL - Proposed	Application Returned	

opening hours on a Sunday
10am - 4pm -
APPLICATION NOT
PROCEEDED WITH,
WITHDRAWN BY
APPLICANT

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP1	Housing Provision
RLP2	Town Development Boundaries and Village Envelopes

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP110	Retail and Town Centre Development - The Sequential Approach
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP66	Flood Risk in Developed and Urban Areas
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP57	Demolition in Conservation Areas
LPP60	Heritage Assets and their Settings
LPP78	Flooding Risk and Surface Water Drainage

Other Material Considerations

Site Allocations and Development Management Plan Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The Parish Council supports the application and the recommendation is for refusal.

SITE DESCRIPTION

The application site is an irregularly shaped area of land and extends to about 0.1 hectare in area. It is situated on the east side of the B1508 Colchester Road in the settlement of Bures Hamlet. The rear of the site directly adjoins the River Stour.

Ground levels fall slightly from the centre of the site towards the front and rear by about 0.3 metre, and step down by approximately 1.2 metres beyond a brick retaining wall at the extreme eastern end of the site to a landing stage on the riverbank.

The site was historically a garage and petrol filling station and prior to 1940, it was part of the village's gas works site.

The site currently contains a large part single, part two storey flat roofed garage and workshop with self-contained flat and canopy attached to the front of the building. To the front of the building is a concrete forecourt and there are two existing vehicular access points onto Colchester Road.

The whole site is contained within flood zone 2 and the front and rear parts of the site are located within flood zone 3. The whole site is located within a Conservation Area, and a pair of grade II listed cottages are located to the north of the site and a grade II listed public house known as the Eight Bells is located to the west of the site.

The whole site is located within the Village Envelope of Bures Hamlet.

PROPOSAL

Outline permission is sought for the clearance of the site, the removal of three trees and the erection of 2 detached houses and a pair of semi-detached houses, car ports, adjust ground levels, car parking amenity areas and private drive.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the local planning authority, before a fully detailed proposal is put forward. Details regarding access, appearance, layout and scale are provided and matters regarding landscaping would be a Reserved Matter.

The application is also supported by a suite of documents which include –

- Design and Access Statement
- Flood Risk Assessment
- Heritage Asset Assessment
- Planning Statement
- Sequential and Exceptions Test Report
- Tree Report

- Covering Letter
- Location Plan
- Proposed Site Plan and Streetscenes
- Proposed Plans
- Tree Constraints Plan

CONSULTATIONS

Bures Hamlet Parish Council- Bures Hamlet Parish Council has no observations to make against this application and therefore gives its full support to the proposals.

ECC Archaeology- The Essex Historic Environment Record (HER) shows that the proposed development lies within a potentially sensitive archaeological area within the centre of the historic settlement of Bures Hamlet. Surviving buildings in the immediate area indicate a late medieval or earlier origin of the hamlet which grew slowly in the postmedieval period. The site lies adjacent to the River Stour close to a crossing point, which may pre-date the settlement. The valley of the Stour contains much evidence of occupation and activity dating from prehistoric times and evidence for this can be seen in cropmarks and chance finds. The Heritage Statement submitted with the application documents the industrial history of the site from the site of a gas works c.1850 to the modern garage building which fills a large proportion of the site. There is the potential for below ground remains associated with the gas works as well as modern disturbance from the garage and petrol tanks. These may have impacted upon surviving archaeological deposits, however the area of the street frontage may have below ground remains associated with earlier settlement and there is potential for deeper buried deposits closer to the river which may be waterlogged and preserve palaeoenvironmental deposits. The degree of disturbance from the modern industrial activity will need to be established to ensure that archaeological deposits are not destroyed by the proposed development. Conditions are suggested.

Babergh District Council- I note that the site is close to the district boundary. The application site is within direct sightlines of the Conservation Area and several listed buildings within the Babergh District, including the Grade I Listed Church of St Mary. Although we do not wish to comment on the application we would draw your attention to the Heritage Assets of which the development may affect their settings. I am sure that your own Heritage Advisors and Historic England will give the relevant advice on this aspect of the development, especially as the development is not consistent with the existing linear form of development in this particular area of Bures Hamlet. It is also noted that the site is within flood zones 2 and 3.

BDC Environmental Services- I have no objection in principle to the development on Environmental Health grounds, however, due the history of the site as a Petrol Station, Gas Works and Blacksmiths, a condition should be included on the planning permission in relation to contaminated land to protect future occupants of the development. Conditions are also suggested

regarding contamination, working hours, no burning, dust and mud control management scheme and piling.

Historic Buildings Advisor- The application site is prominently located within the Bures Conservation Area. The frontage is sandwiched between two traditional buildings - the Gd II listed Blacksmiths Cottage and the non-listed 19th Century 'River House'. It is opposite the Gd II listed Eight Bells PH and there are more listed buildings immediately to north of the application site. The sensitive heritage nature of this site is acknowledged in the Heritage Asset Statement contained with the application. There is no objection to the demolition of the existing buildings and no in-principle objection to the residential re-development of the site.

This consultation follows previous advice by my colleague (dated 18th May 2018) which raised a number of concerns relating to the design of the proposed and maintained an objection until these matters were addressed. The applicant has since provided amended plans to the local planning authority in response to these concerns.

The applicant has addressed the majority of concerns raised with one exception. Within the previous consultation my colleague stated that "*The upper section of the proposed gambrel roof is too shallow in pitch for a traditional gambrel. A 45/50 degree upper and 65/70 degree lower roof pitch on a narrower plan is more typical and I recommend the proposal is revised to take account of this (perhaps 3 bedrooms rather than 4?)*". Whilst the pitches of the gambrel roof have been altered they have not achieved the requested pitches nor reduced the depth of the plan.

The applicant is requested to reduce the depth of the plan to 5m, rather than 6m, so as to match that of the gambrel of the adjacent Grade II listed property. This would allow them to achieve the roof pitches previously mentioned by my colleague. Until such time that this matter has been resolved I maintain the objection raised within the previous consultation.

Upon receipt of amended plans I would not object to permission being granted subject to conditions regarding material samples, use of Flemish bond, sample panel, details regarding verges and eaves, painted external joinery, use of pentice boards, cast metal rainwater goods, conservation type rooflights, larger scale drawings, no trickle vents or surface mounted glazing bars, positioning of windows and design of meter cupboards.

ECC Highways- All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding vehicular visibility, surface material for new driveway, provision of residential travel information packs and the siting of the dwellings

BDC Landscaping- No objections to the proposal but the foliage of the existing vegetation does provide a softening of the view from across the river. A suitable landscape scheme would be required to provide some suitable amenity in this respect by way of mitigating for the proposals in the arboricultural report. The arboricultural report provides a fair assessment of the existing tree cover and there is little worthy of retention within a site that has been approved for change of use to residential development. The Tree Protection Plan should be implemented and in place before development commences. This should be addressed by condition. It is also noted that a large Cupressus tree (conifer) is close to the site and will be a dominant feature to the setting; the tree will continue to increase in size as it matures.

Environment Agency- No comments received.

REPRESENTATIONS

Seven representations received making the following comments:

- Proposed scheme is quite reasonable, especially given the eyesore that the site currently presents.
- Please give consideration to developing a shop on the site instead, which would be supported locally
- Existing shops in the village should be given the opportunity to utilise the site.
- Error on the application form regarding land contamination
- Commercial development of the site would provide jobs for the local area and smaller flats for local people
- Lost opportunity to provide facilities for the village
- Loss of light to neighbouring property
- Objection to removal of trees from the neighbouring garden
- Retail opportunities, having been explored, do not appear to be viable at this juncture, and this must not be seen as a reason for delay.
- Need for units in the village

REPORT

Principle of Development

The site is located within the Village Boundary of Bures Hamlet where, in accordance with Policy RLP2, the principle of residential development is acceptable.

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal. The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

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

Moreover paragraph 14 of the NPPF identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse*

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. It is anticipated that the Inspector's report into the EIP will resolve this matter but at present, these appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 31 March 2018) is considered to be 5.51 years based on the Liverpool approach, it is 4.33 years based on the Sedgefield approach.

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

Flood Risk

The sequential, risk-based approach to the location of development is used to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

The site sits wholly in flood zone 2 and partly within flood zone 3.

Application of the sequential approach in the plan-making and decision-making process helps ensure that development can be safely and sustainably delivered. According to the information available, other forms of flooding should be treated consistently with river flooding in mapping probability and assessing vulnerability to apply the sequential approach across all flood zones.

The sequential test report submitted by the agent with the application indicates that the development passes this test as it considers that within Bures Hamlet there are no other sites suitable for development.

No evidence has been submitted to show that there are no reasonably available sites in the whole District in flood zone 1 and, and whilst the Council cannot currently demonstrate a 5 year supply of housing land, there are more appropriate sites that could be developed in flood zone 1.

On the basis of the evidence presented by the applicant, the proposal does not pass the Sequential Test and fails to comply with guidance from the NPPF.

Design, Appearance and Layout

The NPPF requires a high quality design and good standard of amenity for all existing and future occupiers of land and buildings. Policy CS9 of the Core Strategy and policy RLP90 of the Local Plan Review require a high standard of design in all new developments. Policy RLP3 of the Local Plan Review states that residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP 9 of the Local Plan Review requires new residential development to create a visually satisfactory environment and be in character with the site and relate to site surroundings. Policy RLP10 seeks to control residential density and advises that density should be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping.

The matters of layout, scale, access and appearance of the development are for consideration at this stage.

The submitted block plan indicates that two, four bed, detached properties would be located at the front of the site at the back edge of the pavement. An access road is proposed between the two dwellings which leads to a parking and turning area and two double cartlodes. Beyond this at the rear of the site are a pair of semi-detached, three bed, properties.

The existing layout of dwellings along the eastern side of Colchester Road indicate that dwellings are located close to the road, with undeveloped gardens to the rear, where they run down to the river. The proposal at hand is seeking to place two dwellings at the rear of the plot, which would be out of keeping and at odds with the character of existing development nearby, contrary to Policies RLP3, RLP9, RLP10, CS9 and the NPPF. The development would be akin to back land development which would not be supported in this location.

Following amendments and in isolation, the design and appearance of the proposed dwellings is considered broadly acceptable, but does not outweigh the harm indicated above.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policies RLP90 and RLP100 of the Local Plan Review seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. CS9 of the Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

The application site is prominently located within the Bures Conservation Area. The frontage is sandwiched between two traditional buildings - the Grade II listed Blacksmiths Cottage and the non-listed 19th Century 'River House'. It is opposite the Grade II listed Eight Bells PH and there are more listed buildings immediately to north of the application site. The sensitive heritage nature of this site is acknowledged in the Heritage Asset Statement contained with the application. Given the poor state of repair of the existing buildings and structures on the site no objection is raised to the principle of the demolition of the existing buildings and no in-principle objection to the residential re-development of the site.

Following amendments to the design of the dwellings received during the application process, the vast majority of the Historic Buildings Advisor observations originally made have been incorporated within the revised designs. However the overall depth of the plan form of plots 1 and 2 remains 6m when it was suggested that the depth should be reduced to 5m to mirror the plan depth of the neighbouring listed cottage. The upper section of the proposed gambrel roof is too shallow in pitch for a traditional gambrel. A 45/50 degree upper and 65/70 degree lower roof pitch on a narrower plan is more typical when trying to create a traditional gambrel. Given these reservations, it is considered that the proposal fails to comply with the policies outlined above.

On balance, the proposed development, given the above reservations, will result in harm to the Bures Hamlet Conservation Area as well as to the setting of heritage assets nearby. For the purposes of planning this harm is

considered less than substantial, and in accordance with the NPPF (Para.134), this harm is weighed against the public benefits of the proposal.

Impact on Neighbour Amenity

Policy RLP90 of the Local Plan states that the Council will seek a high standard of layout and design in all development, large and small in the District. It sets out a number of criteria which includes that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. One of the Core principles of the NPPF as set out in paragraph 17 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.

Given the size and scale of No.11 Colchester Road, it is considered that the resulting relationship between it and plot 2 would be acceptable in terms of light, outlook and privacy.

Plot 1 would be taller than No.5 Colchester Road, however given the orientation of plot 1 and the degree of separation between the two it is considered that the resulting relationship in terms of light and outlook would be acceptable. The first floor of plot 1 would contain bedroom windows that would offer some oblique views across the garden belonging to No.5, however it is not uncommon to have such overlooking in a village location.

However plots 3 and 4 both contain first floor bedroom windows in their front elevations, which would offer potential views into the private gardens belonging to No.5 and No.11 Colchester Road, and therefore would be detrimental to the amenity the occupiers of these dwellings currently enjoy, contrary to Policy RLP90 and guidance from the NPPF.

Highway Issues

No objection is raised to the new access that would serve the four new dwellings.

Policy RLP56 from the Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

The adopted parking standards require two off street parking spaces for each property with more than two bedrooms. The preferable bay sizes for cars should be 5.5m by 2.9m. The layout indicates that four surface car parking spaces will be provided and all measure 2.9m by 5.5m. Therefore these are considered acceptable. The remaining four spaces are located within two car ports. These spaces measure 2.5m by 5.9m. The minimum bay size is 2.5m by 5m and should only be used in exceptional circumstances. Whilst these spaces comply with the minimum bay size, it is not considered that exceptional circumstances exist in this case. Therefore the parking layout proposed is unacceptable and does not comply with the adopted standards,

and the sub-standard spaces are a symptom of the overdevelopment of the site.

Landscaping

Details regarding landscaping are reserved for consideration at a later date. However information regarding landscaping has been submitted in support of the application and these details are considered acceptable in principle.

CONCLUSION

The application site is located within the Village Envelope for Bures Hamlet whereby residential uses are considered acceptable in principle.

However the site sits wholly in flood zone 2 and partly within flood zone 3. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The sequential test submitted with the application indicates that the development passes this test as it considers that within Bures Hamlet there are no other sites suitable for development.

No evidence has been submitted to show that there are no reasonably available sites in the District in flood zone 1 and, whilst the Council cannot currently demonstrate a 5 year supply of housing land, there are more appropriate sites that could be developed in flood zone 1 elsewhere in the District.

On the basis of the evidence presented by the applicant, the proposal does not pass the Sequential Test and fails to comply with guidance from the NPPF and Local Plan Policy RLP66.

As the development of the site involves land at risk of flooding, the application of the 'untitled' balance of paragraph 14 of the NPPF indicates that development should be restricted and accordingly, refusal is recommended.

Officers also consider that the development could not take place without causing detrimental impact to the character of the site by way of introducing back land development to the site, out of character with the existing development layout in this part of the village contrary to Policies RLP3, RLP9, RLP10, CS9 and the NPPF. Furthermore the parking proposed provides sub-standard sized parking spaces within the proposed cartlodes, contrary to the Adopted Parking Standards, and is a symptom of over development of the site.

Plots 3 and 4 both contain first floor bedroom windows in their front elevations, which would offer potential views into the private gardens belonging to No.5 and No.11 Colchester Road, and therefore would be detrimental to the amenity the occupiers of these dwellings currently enjoy, contrary to Policy RLP90 and guidance from the NPPF.

Officers have identified that the proposed span and roof design for the two dwellings, proposed at the site frontage, result in a form of development that would detract from the setting of a neighbouring listed building and from the character and appearance of the Conservation Area.

In circumstances where there are 'footnote 9' (of paragraph 14 of the NPPF) grounds for restricting development, this harm would not be outweighed by any benefits of the development.

RECOMMENDATION

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

- 1 The Local Planning Authority considers that the limited area covered by the sequential test is unacceptable and that given the application site's status as within Flood Zone 2 and Flood Zone 3, alternative sites within the District, with a lower probability of flooding could accommodate the proposed residential development.

The proposal therefore is contrary to the provision of paragraphs 100 to 103 of the NPPF and Local Plan Policy RLP66 .
- 2 The development could not take place without causing a detrimental impact to the character of the site by way of introducing back land development to the site, out of character with the existing development layout in this part of the village contrary to Policies RLP3, RLP9, RLP10 of the Local Plan, and Policy CS9 of the Core Strategy and the NPPF. In addition, the deep span and roof design for the proposed plots 1 and 2 result in a form of development whose bulk and scale would detract from the setting of the neighbouring listed building and the character of the Conservation Area, contrary to policies RLP95 and RLP100 of the Local plan and Policy CS9 of the Core Strategy. Furthermore the parking proposed provides sub-standard sized parking spaces within the proposed cartlodges, contrary to the Adopted Parking Standards and RLP56, and is a symptom of over development of the site.
- 3 Plots 3 and 4 both contain first floor bedroom windows in their front elevations, which would offer potential views into the private gardens belonging to No.5 and No.11 Colchester Road, and therefore would be detrimental to the amenity the occupiers of these dwellings currently enjoy, contrary to Local Plan Policy RLP90 and guidance from the NPPF.

SUBMITTED PLANS

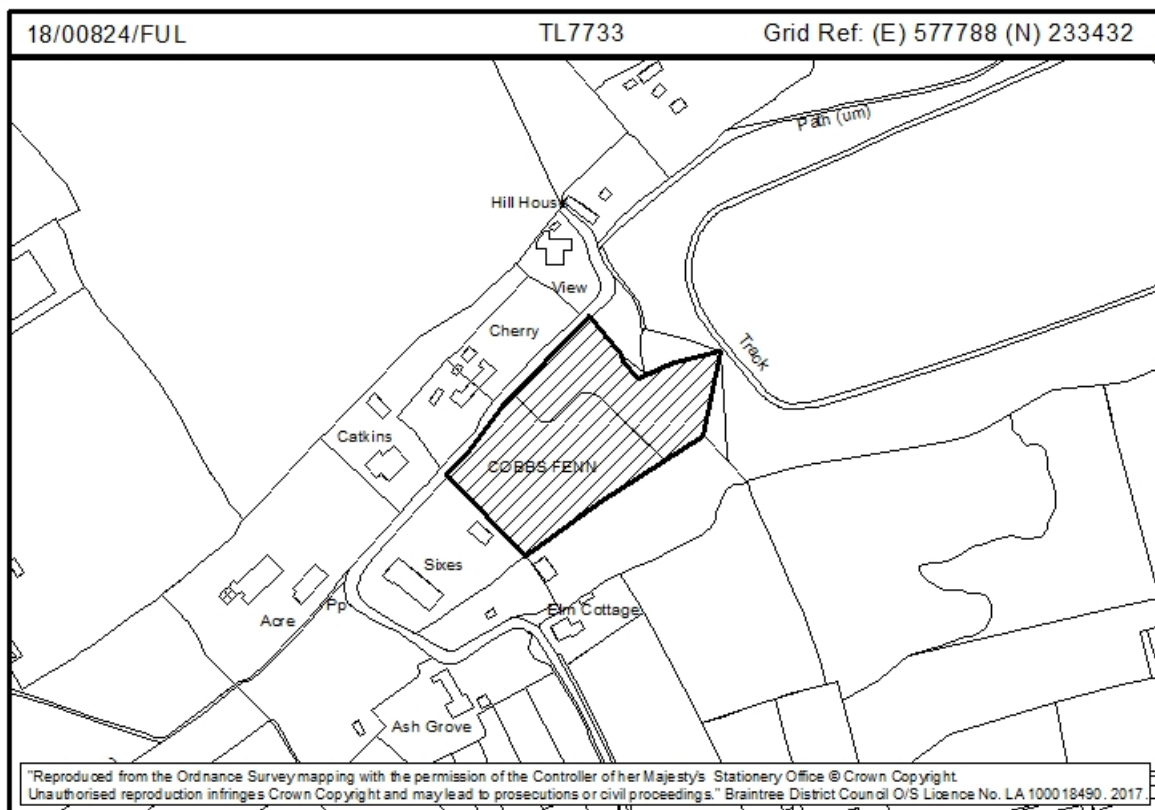
Location Plan	Plan Ref: 17/12/01
Existing Site Plan	Plan Ref: 17/12/02
Proposed Site Plan	Plan Ref: 17/12/03
Proposed Plans	Plan Ref: 17/12/04
Carport / Cartlodge Details	Plan Ref: 17/12/05
Tree Plan	

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/00824/FUL DATE: 08.05.18
 VALID:
 APPLICANT: Harding Joinery
 Kim & Tanya Harding, Unit 3, Fifth Avenue, Bluebridge
 Industrial Estate, Halstead, Essex, CO9 2SZ
 AGENT: Urban Landscapes
 Alkis Riziotis, 47 Vanderbilt Road, London, SW18 3BG
 DESCRIPTION: Revision to planning permission ref 17/01236/FUL to
 complete two partly erected residential buildings allowed on
 appeal on 01/03/2018 with the only alteration being a site
 plot reduction and all other matters remaining identical as
 approved
 LOCATION: Workshop, Cobbs Fenn, Sible Hedingham, Essex

For more information about this Application please contact:
 Melanie Corbishley on:- 01376 551414 Ext. 2527
 or by e-mail to: melanie.corbishley@braintree.gov.uk



SITE HISTORY

04/00071/REF	Proposed replacement of existing buildings with new	Appeal	21.04.05
95/00016/REF	Change of use of former storage building to occasional overspill workshop, siting of one container and laying new hardened area for access and car parking	Dismissed Appeal Dismissed	06.10.95
97/00019/REF	Proposed dwelling with garage/stables	Appeal Dismissed	03.10.97
17/00052/COND	Application for a single dwelling with associated workshop and store building. The workshop and store building to be used for all uses within the B1 Business use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended)	Appeal Allowed	01.03.18
17/00072/REF	Completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space.	Appeal Allowed	01.03.18
03/00084/FUL	Proposed upgrade of existing buildings, extension of hardstanding	Granted	22.07.03
03/02391/OUT	Proposed replacement of existing buildings with new	Refused then dismissed on appeal	23.07.04
04/00084/FUL	Demolition of existing workshop and erection of new house and re-use of existing store as garage	Refused	09.03.04
74/00267/P	Change of use of piggery for woodworking.	Refused	05.07.74
86/00002/EU	Workshop and Joinery Workshop.	Refused	10.02.87
87/00002/87EU	Joinery Workshop	Refused	28.07.87
87/00746/P	Use of existing building as	Granted	23.07.87

91/00260/E	joinery workshop, improve access and parking facilities new toilets and drainage. Proposed Outline Permission For Three Or Four Houses		
94/01521/COU	Change of use of former storage building to occasional overspill workshop, siting of one container and laying new hardened area for access and car parking	Refused then dismissed on appeal	12.04.95
95/00476/COU	Proposed change of use for stationing of 2 containers and laying of hardened area for car parking	Granted	23.06.95
96/01207/FUL	Proposed dwelling with garage/stables	Refused then dismissed on appeal	15.11.96
06/02075/FUL	Conversion of existing joinery workshop to single dwelling with associated workshop	Granted with S106 Agreement	02.02.07
07/02021/FUL	Alterations to existing store buildings and clarification of upgrading following approved application 06/02075/FUL	Granted	07.12.07
08/01106/FUL	Alterations to existing store buildings following approval of 07/02021/FUL to include repositioning of door, incorporation of rooflights and windows	Granted	10.07.08
08/01818/FUL	Conversion of existing joinery workshop to single dwelling with associated workshop. Amendment to approved application 06/02075/FUL	Granted with S106 Agreement	03.12.08
10/01182/FUL	Conversion of existing joinery workshop to single dwelling with associated workshop and store buildings - amendment to approved applications 08/01818/FUL and 08/01106/FUL	Granted with S106 Agreement	11.11.10

12/00194/DAC	Application for approval of details reserved by condition nos. 2, 3, 7, 8, 9, 10, 12, 13, 14 and 15 of approval 10/01182/FUL	Part Grant, Part Refused	10.06.13
12/01560/MMA	Application for a minor material amendment to approved application 10/01182/FUL - Amendment to allow new supporting structure to be placed outside of the existing structure and not within as originally intended	Granted	11.02.13
14/00368/MMA	Variation of application 10/01182/FUL to resite store building 500mm from edge of road and to lower the floor level of the building	Granted	01.07.14
15/01299/FUL	Application for a minor material amendment to approved application 10/01182/FUL - NOT PROCEEDED WITH	Application Returned	
16/00638/FUL	Design variations to planning permission 10/01182/FUL (as amended by consent 12/01560/MMA - Amendment to allow new supporting structure to be placed outside of the existing structure and not within as originally intended) for a single dwelling with associated workshop and store building	Granted	10.08.16
16/01606/DAC	Application for approval of details reserved by condition no. 6 of approved application 16/00638/FUL	Granted	11.01.17
16/01935/DAC	Application for approval of details reserved by condition no. 17 of approved application 16/00638/FUL	Granted	21.06.17
17/00026/FUL	Application for a single dwelling with associated workshop and store building. The workshop and store building to be used for	Granted	13.04.17

	all uses within the B1 Business use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended)		
17/01236/FUL	Completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space.	Refused	30.08.17
18/00823/OUT	Outline Planning Application for 1no. dwelling with all matters reserved	Refused	13.07.18

POLICY CONSIDERATIONS

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

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

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

At the time of writing no decision has been made as to which option the NEAs will proceed with, and no timetable set. However all options will result in a delay to the adoption of the Local Plan.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

A revised National Planning Policy Framework is due to be published by the end of July 2018.

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP38	Conversion of Rural Buildings
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP80	Sustainable Urban Drainage Systems
LPP71	Landscape Character and Features

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee because an objection has been raised by the Parish Council, contrary to Officer recommendation.

SITE DESCRIPTION

The site is located in the countryside to the south of Sible Hedingham.

A public footpath passes along three boundaries of the site of which one crosses the northern part of the site.

Planning permission was granted for the conversion of an existing joinery workshop to a single dwelling with associated workshop and store in 2006, 2010, and 2016 (amendments also approved in 2013 and 2014).

More recently planning permission (17/00026/FUL) was granted for a single dwelling with associated workshop and store building (new build). The original frames were removed and a new steel frame erected prior to the submission of this application.

Planning permission was refused for 'Completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space' 17/01236/FUL on 30.8.2017. However a subsequent appeal was allowed on 1.3.2018. A copy of the appeal decision is appended to this report.

The site sits at a lower position from the road and is surrounded by mature trees

PROPOSAL

The current application remains the same as the scheme allowed on appeal in March 2018, and seeks only a revision to the application site boundary by way of a reduction in the site area.

There is a separate application (ref: 18/00823/OUT) which seeks outline permission for a dwelling on the area of land that has been removed from the former application site.

CONSULTATIONS

Sible Hedingham Parish Council- Sible Hedingham Parish Council objects to this application on the grounds of loss of amenity to the residents.

ECC Highways- From a highway and transportation perspective the Highway Authority has no comments to make on this proposal, as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Open Spaces Society- Public Footpath Sible Hedingham 107-88 passes through the site and should be maintained open for use by the public during and after any works as stated in the application.

REPRESENTATIONS

8 representations received from 6 addresses making the following comments:

- This application must be viewed in conjunction with 18/00823/OUT
- Concern about the comments made by ECC Highways which conflict with the resident's view of the road and safety

- The application would conflict with a clause within an existing s106 which stipulates the applicant 'Not sell, transfer or otherwise dispose of any part of the site except by way of a disposal of the whole site'.
- The application is not to downsize the garden but to release the land for a new dwelling as evidenced by 18/00823/OUT
- The existing buildings would occupy a smaller site and would be less appropriate for the area
- A reduction on the site area would make the development less open
- Too many applications submitted for this site over the past 20 years, can the Council not draw the line and say no more applications?
- We are considering contacting the Local Government Ombudsman regarding this matter for maladministration as we feel this a prime example of how not to handle this type of case.
- Loss of ecology from the site
- Site is outside the village envelope
- Proposal is not in keeping with rural life
- Road is in a poor state of repair
- Footpaths near the site are used regularly
- The existing plot size is acceptable
- Restriction on boundary treatment in allowed appeal

REPORT

Principle of Development

The development of this site, and in particular the completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space, has been established by the allowed appeal in March 2018.

This application relates solely to a reduction in the red line site area and in all other respects the proposal remains the same as the allowed appeal.

Therefore this application is only considering the acceptability of a smaller red line site area.

Design, Appearance and Layout

The design, appearance and layout of the built form remains the same as allowed by the appeal in March this year. A smaller site area is proposed and would be approximately 3,840sqm in size.

Despite the reduction, the area proposed is considered an acceptable size for the buildings and use allowed by the recent appeal.

The submitted block plan does not indicate whether physical boundary treatment would be placed along the new south western boundary of the site. The application form indicates that a timber boundary treatment will be used.

To ensure that this new boundary treatment is commensurate with its rural setting, it is considered necessary to impose a condition requiring details to be submitted prior to its erection on site.

Implications of existing s106 Agreements

Planning permissions 06/02075/FUL, 08/01818/FUL, and 10/01182/FUL related to the conversion of existing workshop into a dwelling with associated workshop. These permissions were all subject to s106 agreements, which a number of residents make reference to.

However it is clear from the planning history that these conversion consents were not implemented, as outlined in the report for application 17/00026/FUL.

The 2016 planning application was for design variations to planning permission 10/01182/FUL. It was stated in the supporting documentation that these were “essentially minor changes to windows and adjustments none of which affect the principle of the development or in our view could be considered significant in their implications especially given that the building stands in its own grounds, being relatively isolated in its gardens”. It was also stated that “The development remains the same as approved and is not significantly different. The scale and nature of the development as originally approved is not substantially different and the result is a better quality building overall. The issue with the application is purely one of detailed design with the concept still approved and valid in an extant planning permission” (as set out in the ‘Design Amendment Submission’). The submission indicated that the principle of the development remained the same. An email from the Case Officer to the agent during the determination of the application stated that the application was being considered as a conversion. The agent did not indicate/clarify otherwise. There was no indication within the written documents that the then existing structure would be removed. However, upon review, it is acknowledged that the approved plans do not show the retention of the original structure.

Unfortunately the current situation is that there is very little left of the original structure, except for some block walls at ground floor level. Issues have arisen and the present situation exists as the original structure has been left to deteriorate despite having planning permission for over 10 years. This proposal can no longer be considered as a conversion under the terms of RLP38.

Taking a pragmatic approach, it is accepted that the applicant has an extant planning permission and that there is a fall-back position. New structures have recently been erected on site. Officers do not consider that that the most recent planning permission has been implemented as the pre-commencement conditions have not been discharged. Whether or not the original structure is retained, permission was granted for a new external structure in 2013 and the original structure would have been subsumed and not visible from the exterior.

In terms of visual impact, the alterations which were approved last year (and remain the same as part of the current application) would not have a more harmful impact upon the character of the area than the design that was previously approved.

Therefore as the permissions were not implemented, the clauses and requirements of the s106 agreements are no longer applicable to this site.

As the most recent planning consents and the appeal decisions have not had such an agreement imposed, it is considered unreasonable for a s106 agreement to be requested at this stage.

Notwithstanding this, the current application is solely seeking a reduction in the size of the planning unit in relation to the approved residential use on the site. Any planning application for a new residential unit, and in this case a proposal has been submitted under reference 18/00823/OUT, would be considered on its own merits.

Impact on Neighbour Amenity

The reduction in the planning unit would not materially harm the amenities of the nearby neighbours.

Highway Issues

The change in area of the site would not have any material impact on the existing highway network.

CONCLUSION

No objection is raised to the alteration to the red line of the application site. Concerns have been raised that this alteration will allow for the site to be developed further. However this application is solely changing the red line of the application site, and any further developments would require a separate grant of planning permission. As Members are aware all applications are considered on their own merits, and in this case a separate application has been made for a dwelling (18/00823/OUT) and was refused planning permission on 13th July 2018.

The conditions indicated in the recommendation reflect those applied to the permission granted at appeal, with the addition of condition No.10 relating to the boundary treatment for the south west boundary.

Based on the above, it would be unreasonable for permission not to be granted and a recommendation for approval is made.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Location Plan	Plan Ref: 101	
Site Plan	Plan Ref: 110	
Existing Floor Plan	Plan Ref: 111	Version: A
Proposed Site Plan	Plan Ref: 210	
Proposed Site Plan	Plan Ref: 220	
Proposed Floor Plan	Plan Ref: 221	
Proposed Sections	Plan Ref: 222	
Proposed Elevations	Plan Ref: 223	
Proposed Sections	Plan Ref: 231	
Proposed Elevations	Plan Ref: 232	

- 1 The development hereby permitted shall begin no later than 23rd January 2021.

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 further development shall take place until details of tree protection in accordance with the relevant British Standards have been submitted to and approved in writing by the local planning authority. Tree protection shall be carried out in accordance with the approved details.

Reason

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

- 4 No further development shall take place until a Habitat Protection Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Protection Plan.

Reason

To protect features of recognised nature conservation importance.

- 5 Prior to their installation, details of the materials to be used in the construction of the external surfaces of the development hereby permitted

shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

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

- 6 Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include planting plans, a schedule of plants and trees (noting species, sizes and numbers), seeding and turfing treatment, hard surface materials and an implementation and management programme. The scheme of hard and soft landscaping shall be carried out in accordance with the approved details, implemented in accordance with the approved implementation programme and maintained in accordance with the approved management programme thereafter. Any trees, shrubs or plants which are removed, die or become seriously damaged or diseased within five years of planting, shall be replaced within the next planting season by trees, shrubs or plants of the same size or species.

Reason

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

- 7 Prior to the occupation of the development hereby permitted, all enclosures, including the retaining wall along the north western boundary of the site, shall be erected in accordance with the approved plans and shall be permanently retained and maintained thereafter.

Reason

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

- 8 The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.

Reason

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

- 9 Demolition, site clearance or construction works shall take place only between 0800-1800 hours on Mondays to Fridays and 0800-1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason

To protect the amenities of the occupiers of nearby residential properties

and the surrounding area.

- 10 Prior to first occupation of the development hereby approved details of the proposed boundary treatment for the south west boundary shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosure. The enclosure as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently maintained as such.

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 23 January 2018

by **Alex Hutson MATP CMLI MArborA**

an Inspector appointed by the Secretary of State

Decision date: 1 March 2018

Appeal Ref: APP/Z1510/W/17/3187037

Cobbs Fenn Workshop, Sible Hedingham, Halstead CO9 3RX

- 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 Mr and Mrs Kim and Tanya Harding – Cardel and Grant against the decision of Braintree District Council.
 - The application Ref 17/01236/FUL, dated 4 July 2017, was refused by notice dated 30 August 2017.
 - The development proposed is completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space.
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Decision

1. The appeal is allowed and planning permission is granted for completion of development of two partly erected buildings into a single residence composed of a main house building with an ancillary residential annex, both entirely comprised of residential living space at Cobbs Fenn Workshop, Sible Hedingham, Halstead CO9 3RX in accordance with the terms of the application, Ref 17/01236/FUL, dated 4 July 2017, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr and Mrs Kim and Tanya Harding – Cardel and Grant against Braintree District Council. This application is the subject of a separate Decision.

Preliminary matters

3. The Council accepts that it cannot demonstrate a five year housing land supply. Therefore, the fourth bullet point of Paragraph 14 of the National Planning Policy Framework (the Framework) is engaged. This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
4. During the course of the appeal, the High Court issued a judgment¹ in respect of the interpretation of Paragraph 55 of the Framework. The Council makes reference to this in its appeal statement so I am satisfied that the appellant is aware of it and has had the opportunity to make any comments in respect of it.

¹ *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin) dated 15 November 2017

5. I have also dealt with another appeal (Ref APP/Z1510/W/17/3179561) in respect of the appeal site. That appeal is the subject of a separate decision.
6. The appeal site, a plot of land of a substantial size, contains the recently constructed steel frames of two buildings, with the rest of the site comprising open ground. One of the buildings is sited in the northeastern part of the site and the other within the northwestern part. The appeal site has an extensive planning history. Of note is a planning permission granted in 2007² for the conversion of an existing joinery workshop to a dwelling with an associated and adjoining workshop. This consent has subsequently evolved over the years through other related planning permissions³, culminating in a standalone and extant planning permission in 2016⁴ for, effectively, the replacement of the original buildings with new ones to provide a dwelling with an adjoining joinery workshop and a separate store. The other appeal I have dealt with on the site, which I have allowed, is similar in many respects to the 2016 consent but widens the use of the workshop and store building for all Class B1 purposes.
7. It is my understanding that the steel frames I saw on the appeal site represent the commencement of development under the 2016 consent. It appears that some pre-commencement conditions imposed on this consent, including in respect of materials, landscaping, tree protection and a retaining wall, have not yet been discharged. On this basis, the Council raises the concern that the 2016 consent has not been lawfully implemented. However, the principle of buildings on the site, including for residential purposes and correlating with the dimensions and position of those I saw, has been established. In addition, whilst technically not implemented due to the outstanding discharge of some pre-commencement conditions, I have no substantive reasons to consider that these could not be discharged within the timeframe of the consent were the Council to take any enforcement action. Thus, the 2016 consent represents a valid fallback position to which I afford considerable weight. I recognise the matters surrounding the reported viability of this consent. However, the widening of the use of the workshop and store building for Class B1 purposes, whilst still questioned in viability terms, would be likely to provide greater return on what has already been invested. Thus, I also afford considerable weight to the fallback position of the development the subject of the other appeal I have dealt with in respect of the site.

Main issue

8. The main issue is whether the countryside location of the proposal is acceptable having regard to local and national planning policies.

Reasons

9. The appeal site lies outside of any settlement boundary and therefor lies within the countryside for planning policy purposes. Policy CS5 of the Braintree District Council Core Strategy 2011 (Core Strategy) seeks to limit development outside settlement boundaries to uses appropriate to the countryside, in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity of the countryside. Saved Policy RLP2 of the Braintree District Local Plan Review 2005 (Local Plan Review) reflects this aim, though allows an

² Ref 06/02075/FUL

³ Including Ref 07/02021/FUL; Ref 08/01106/FUL; 08/01818/FUL; Ref 10/01182/FUL; Ref 12/01560/MMA; and Ref 14/00368/MMA

⁴ Ref 16/00638/FUL

exception for affordable housing. Policy CS7 of the Core Strategy requires, amongst other things, development to be provided in accessible locations to reduce the need to travel.

10. Paragraph 55 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances.
11. The proposal would introduce a dwelling with an annexe onto the appeal site. The dwelling would effectively be contained within the partially erected building within the northeastern part of the site and the annexe within the partially erected building in the northwestern part.
12. The appeal site is located towards the end of a country lane. However, there are a number of dwellings along this lane, including some to the immediate north, northeast and southeast of the appeal site. Therefore, whilst the proposed dwelling would occupy a countryside location, it would be closely related to an existing cluster of development and would not be isolated in this context. Whilst I recognise that there are no essential services or facilities in the immediate vicinity of the appeal site, having regard to the aforementioned High Court judgment, this is not a determining factor in the consideration of whether a dwelling would be isolated or not.
13. Saying that, the settlement of Sible Hedingham, which contains a range of services and facilities, is only a short distance away. Given the lack of footpaths and lighting along the roads to this settlement, I accept that any future occupiers would be largely reliant on the use of a private motor vehicle to gain access to such services and facilities. Nonetheless, the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In addition, the number of trips generated as the result of a single dwelling would be likely to be modest in any event and would be unlikely to be any greater than those generated under the extant planning permissions in respect of the appeal site.
14. On the basis of these factors, the proposal would not represent an isolated home in the countryside. In addition, the proposal would assist, albeit to a modest extent, with maintaining and enhancing the vitality of rural communities through the provision of housing and by any future occupiers supporting services and facilities within Sible Hedingham. The proposal would therefore accord with Paragraph 55 of the Framework. Furthermore, given the short journey time that it would take for any future occupiers to gain access to these services and facilities, albeit by means of private motor vehicle, this would reduce the need to travel longer distances by this method of transport. Moreover, and as mentioned above, the number of trips generated would be modest and not materially different when compared with the situation under other extant consents in respect of the appeal site, which include an element of residential development. I therefore find no material conflict with Policy CS7 of the Core Strategy.
15. As the proposal lies outside of a defined settlement boundary and would not be of a use that requires a countryside location, there would be some conflict with Policy CS5 of the Core Strategy and saved Policy RLP2 of the Local Plan Review. However, as the strict compliance with these policies would hinder the reduction in the Council's five year housing land supply shortfall, I afford

limited weight to such conflict. Moreover, the principle of residential development on the site has been established in any event. Furthermore, the Council's decision notice does not cite any specific harm to landscape character, biodiversity, geodiversity or the amenity of the countryside, which seem to me to be the matters which form the impetus behind these policies.

Other matters

16. The Council raises the concern that to allow wholly residential development in this location would set a precedent for other similar development the area. Nonetheless, each case must be determined on its own merits. Furthermore, no other specific sites with the same planning history or attributes as that of the appeal site have been brought to my attention. A concern is also raised that given the proportions of the main dwelling and annexe building, future applications may be made to convert them to further dwellings. However, this does not form part of the proposal before me and any such application would also need to be considered on its own merits.
17. The internal layout of a part of the main dwelling and of the annexe building has not been shown in any detail on the submitted plans. I note that the Council highlights that to facilitate the intended use of these elements of the proposal for residential purposes, some external changes, such as additional openings, would be likely to be required. Whilst this may be the case, I have no substantive reasons to consider that any such openings could not be undertaken in a manner sensitive to the overall design and appearance of the buildings.
18. I have had regard to the concerns of a number of interested parties including in respect of traffic, outlook, Special Landscape Areas (SLAs) and previous refusals⁵ for residential development on the site, some of which were dismissed on appeal. However, the Council has raised no concern in respect of traffic generation. On the basis of the evidence before me, and given that any increase in vehicular movements would be modest, I have no substantive reasons to take a different view. The proposed buildings would be no different to those consented under other extant permissions in respect of the appeal site. As such, they would have no greater effect on any views from neighbouring properties. Moreover, given the degree of separation between them and neighbouring properties, they would not appear overbearing for the occupiers of these properties and would not have a harmful effect on their outlook in any event.
19. I note that the appeal site falls within an area which has, in the past, been designated as a SLA. Nonetheless, the Council's officer report makes no reference to this or to any policies relating to SLAs. Without any compelling evidence to the contrary, it is therefore likely that any such designation and related policies are no longer in force. Proposals for residential development on the appeal site in 2004 and before this would have been considered under a different planning policy context. Moreover, the principle of some residential development, albeit in combination with other uses, has subsequently been established on the appeal site. Thus, the circumstances of these previous proposals are not helpfully comparable to those of the proposal I am to consider and their refusal or dismissal at appeal does not automatically mean that planning permission should be withheld in this instance. On the basis of

⁵ Including Ref 96/01207/FUL (Appeal Ref T/APP/Z1510/A/97/280857/P8); and Ref 04/00084/FUL

these factors, I do not consider that the abovementioned interested party concerns weigh against the proposal.

Conditions

20. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness and to reflect that the existing building frames on the appeal site would be used. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. Those conditions relating to tree protection, materials, landscaping and enclosures are necessary in the interests of character and appearance. A condition relating to a Habitat Management Plan is necessary in the interests of ecology. A condition relating to the ancillary use of the annexe building is necessary to prevent the creation of a separate planning unit. I also agree that a condition relating to working hours is necessary in the interests of neighbour living conditions.
21. However, I have not been provided with any exceptional circumstances to justify the removal of permitted development rights as suggested by the Council.

Planning balance and conclusion

22. The proposal would provide some short term construction jobs and would increase, to a slight degree, spending in the local area. It would make a contribution, albeit a modest one, to the supply of housing in the District and would occupy a location close to services and facilities within Sible Hedingham. Though these would need to be accessed by way of a private motor vehicle, the number of trips generated by a single dwelling would be modest, as would any journey times. The proposal would be located within the proximity of other dwellings and would not be or appear isolated. It would reuse previously developed land and would not give the impression of encroaching into open countryside. The buildings would reflect the size, scale and style of those consented under other extant planning permissions in respect of the site and would appear sympathetic to their surroundings. On the basis of these factors, the proposal would fulfil the economic, social and environmental roles of sustainable development as envisaged by Paragraph 7 of the Framework.
23. Whilst some conflict would arise with some local planning policies relating to settlement boundaries, I afford such conflict limited weight, given the Council's five year housing land supply position and the planning history of the site.
24. Accordingly, I conclude that there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, albeit that the benefits would, in the wider scheme of things, be limited in scale. Consequently, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 130/LOC; 1508 210 Rev B; 1508 221 Rev B; 1508 222 Rev B; 1508 223 Rev B; 1508 231 Rev A; and 1508 232 Rev A.
- 3) No further development shall take place until details of tree protection in accordance with the relevant British Standards have been submitted to and approved in writing by the local planning authority. Tree protection shall be carried out in accordance with the approved details.
- 4) No further development shall take place until a Habitat Protection Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Protection Plan.
- 5) Prior to their installation, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to the occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The details shall include planting plans, a schedule of plants and trees (noting species, sizes and numbers), seeding and turfing treatment, hard surface materials and an implementation and management programme. The scheme of hard and soft landscaping shall be carried out in accordance with the approved details, implemented in accordance with the approved implementation programme and maintained in accordance with the approved management programme thereafter.

Any trees, shrubs or plants which are removed, die or become seriously damaged or diseased within five years of planting, shall be replaced within the next planting season by trees, shrubs or plants of the same size or species.
- 7) Prior to the occupation of the development hereby permitted, all enclosures, including the retaining wall along the north western boundary of the site, shall be erected in accordance with the approved plans and shall be permanently retained and maintained thereafter.
- 8) The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.
- 9) Demolition, site clearance or construction works shall take place only between 0800-1800 hours on Mondays to Fridays and 0800-1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.