

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 13th September 2016 at 7:15 PM**

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

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

**Membership:-**

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

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 [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) by 3pm on the day of the meeting.

N BEACH  
Chief Executive

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

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest**

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest 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 Disclosable Pecuniary Interest or other Pecuniary Interest 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.

### **Question Time**

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [demse@braintree.gov.uk](mailto:demse@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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## **PUBLIC SESSION**

## **Page**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the minutes of the meeting of the Planning Committee held on 16th August 2016 (copy previously circulated).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

#### **PART A**

Planning applications:-

<b>5a</b>	<b>Application No. 15 01515 FUL - Lanham Manor Farm, CRESSING</b>	<b>5 - 23</b>
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<b>5b</b>	<b>Application No. 16 00735 FUL - The Old School House, FINCHINGFIELD</b>	<b>24 - 33</b>
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<b>5c</b>	<b>Application No. 16 00705 FUL - Stables Rear of 3 Brook Street Cottages, WETHERSFIELD</b>	<b>34 - 43</b>
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#### **PART B**

Minor planning applications:-

<b>5d</b>	<b>Application No. 16 00971 FUL - 23 Greenway Gardens, BRAINTREE</b>	<b>44 - 49</b>
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<b>5e</b>	<b>Application No. 16 00993 FUL - Vine Cottage, GREAT BARDFIELD</b>	<b>50 - 56</b>
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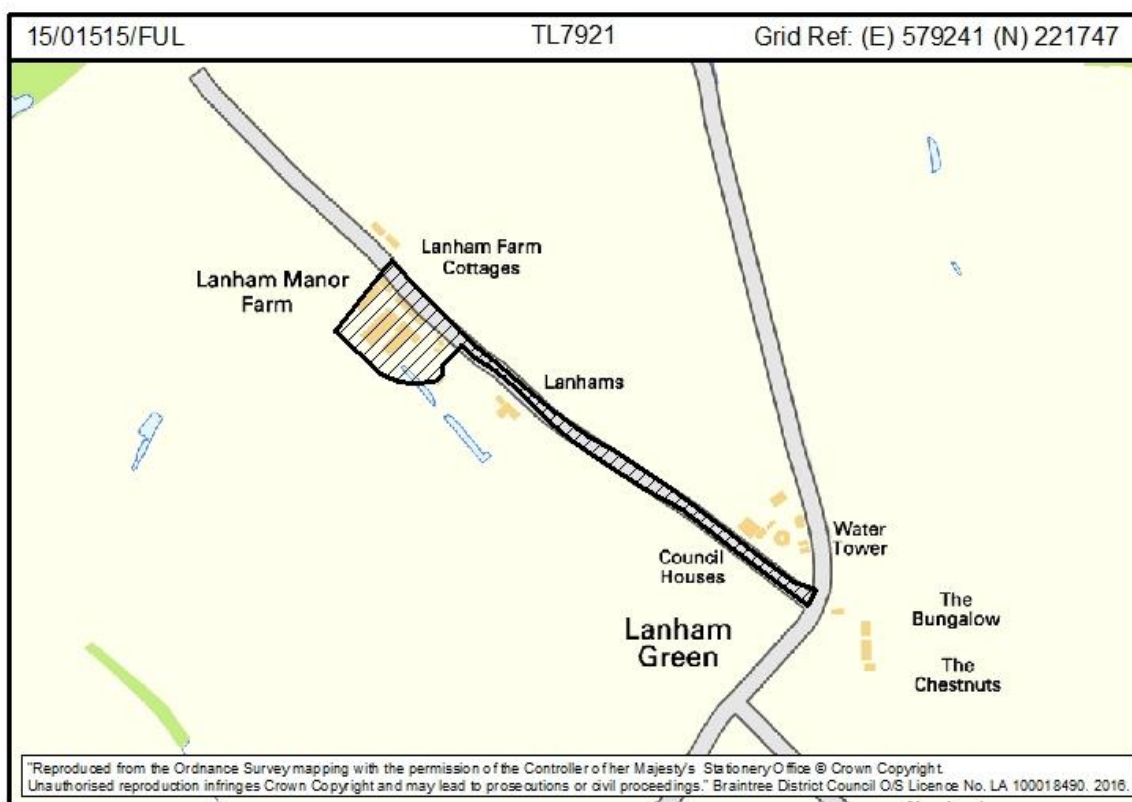


## DEFERRED ITEMS

## AGENDA ITEM NUMBER 5a

APPLICATION NO: 15/01515/FUL      DATE: 09.12.15  
VALID:  
APPLICANT: Mr Simon Dixon-Smith  
Lyons Hall, Lyons Hall Road, Braintree, Essex, CM7 9SH  
AGENT: Sue Bell Planning Consultant  
Mrs Sue Bell, Ropers Hall, 9 Lodge Road, Writtle,  
Chelmsford, Essex, CM1 3HY  
DESCRIPTION: Demolition of barns (B) and (E), construction of new building (F), use of building for Class B1 and change of use of agricultural buildings for Class B1 use, replacement of building E for parking, proposed new internal road, creation of parking spaces and landscaping.  
LOCATION: Lanham Manor Farm, Lanham Farm Road, Cressing, Essex, CM77 8DX,

For more information about this Application please contact:  
Mr Timothy Havers on:- 01376 551414 Ext.  
or by e-mail to: [timha@braintree.gov.uk](mailto:timha@braintree.gov.uk)



## SITE HISTORY

04/02302/COU	Change of use of farm buildings to B1 use	Granted	22.02.05
09/01494/FUL	Change of use of farm buildings to B1 use	Granted	13.01.10
14/00620/HDG	Notice of intent to remove part of a hedge - Remove 6 metres of hedgerow	Pending Consideration	

## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

### Braintree District Local Plan Review

RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility

RLP105      Archaeological Evaluation  
RLP106      Archaeological Excavation and Monitoring

### Supplementary Planning Guidance

Essex Design Guide  
Essex Parking Standards Design and Good Practice 2009  
Open Spaces Supplementary Planning Document  
Open Spaces Action Plan

### APPLICATION DEFERRED

This application was originally considered at Planning Committee on 19<sup>th</sup> July 2016. The Planning Committee deferred the decision in order to obtain confirmation from Essex County Highways that they have carried out an adequate examination of the junction between Lanham Farm Road and Lanham Green Road, Cressing and the potential effect of the application and its proposed use on this junction. The application is now brought back to the Planning Committee with a County Highways Officer in attendance to provide relevant confirmation on highway matters. The content of the below Officer report remains unchanged.

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

This application is brought before the Planning Committee as the Parish Council has objected to the proposal, contrary to the Officer recommendation.

### SITE DESCRIPTION

The application site is located in the countryside and lies to the north of Cressing Village. It measures approximately 0.68 hectares and consists of a complex of agricultural buildings with associated curtilage. The site is bounded to the front (north-east), rear (south-west) and on one side (north-west) by agricultural land. To the south-east it sits adjacent to Lanham, a detached dwelling. No's 1 – 4 Lanham Farm Cottages are also positioned in close proximity to the north of the site.

Vehicular access is currently achieved by via Lanham Farm Road, which adjoins Lanham Green Road further to the south-east. Lanham Farm Road is initially a metalled road but becomes an unsurfaced stone track as it passes the frontage of the majority of the application site becoming Byway 1 (Cressing).

### PROPOSAL

The applicant seeks planning permission for the use of the site in a Use Class B1 (business) capacity with the conversion of 3 of the existing buildings, the demolition and replacement of another existing building, the erection of a new building and the demolition of a final existing building. An internal access road

with parking layout and landscaping is also proposed, with a one way access road routing vehicles into and out of the site from Lanham Farm Road using the existing access points.

## CONSULTATIONS

### Cressing Parish Council

Objection. Parish Council also objected to the previously approved 2009 application and current scheme is an expanded version of this. Cressing already has two industrial areas, Apple Tree Farm and Cordons Farm. Cordons Farm has a history of creeping development. Parish Council unable to support the long term intensive activity now proposed in a tranquil rural setting, especially in view of the intensification at both existing industrial sites. Concerned about impact on biodiversity and protected species and note residents' concerns in relation to barn owls, bats and an ancient Oak Tree. Also note proximity of Lanham Wood Local Wildlife Site.

Particularly concerned about safe vehicle access and scale and frequency of traffic which will be generated but cannot be accommodated on the road system. Lanham Farm Road is a narrow road leading to a byway. Also concerned about the inability of the wider road network in the area to accommodate the proposed development in terms of highway safety.

Amount of traffic generated by the development would also have an adverse impact upon the countryside amenity of this tranquil setting with regard to existing residents. A B1 use will also change the character of the countryside irrevocably – even quiet noises are easily heard in the presence of a quiet backdrop.

The site is located in Landscape Setting Area B10 (Braintree Settlement Fringes Landscape Area 2015). Erection of new farm buildings could have an adverse impact on the character area. Also object on the grounds of impact upon the historic environment. Site can also be seen from public highway. Lanham Farm Road is an intensively used Byway and additional vehicular traffic would endanger pedestrians, a resident's dog has already been killed by a vehicle.

The structural survey/submitted plans show that 3 buildings are to be converted, two outbuildings demolished and a new building constructed. When only half the buildings are to be converted we question whether Policy RLP38 can be used to support this application.

### Historic Environment Officer, Specialist Archaeological Advice (Essex County Council)

No objection subject to a condition requiring a programme of archaeological work prior to the commencement of development.



Lead Local Flood Authority (Essex County Council)

No objection.

BDC Landscape Officer

No objection. Planning condition requiring a Tree Protection Plan showing root protection zones of trees to be retained and specifying no dig construction where required is necessary. Also request a condition requiring a landscape scheme that provides opportunities for wildlife habitat, such as new hedging for nesting birds and provision of bird/bat boxes.

BDC Environmental Services

No objection subject to conditions relating to; noise levels; hours of operation; details of sewage treatment system; details of external lighting; provision of contaminated land assessment; dust control scheme; green travel plan and restriction on hours of construction/demolition/associated deliveries.

Essex County Council Highways

No objection subject to conditions relating to the section of Byway 74 (Cressing) which runs from the end of Lanham Farm Road to the most north-western part of the application site (opposite No.1 Lanham Farm Cottage) being constructed to full depth and to a requirement for wheel washing facilities during construction.

Historic Buildings Advisor (Essex County Council)

No objection.

Ramblers Association

Comment. Request that plans are updated to show adjacent footpath Cressing 36 which runs past the north-eastern boundary of the site. Dimensions on plans would be useful. Site can be seen from public highway – application form states it cannot. Question whether it is proposed to carry out a count of vehicular traffic along Lanham Green Road and Lanham Farm Road.

Essex County Council Rights of Way Officer

No objection subject to a s106 Agreement requiring the adoption of an identified section of Byway 1 (from the end of Lanham Farm Road to the last property comprising the row of Lanham Farm Cottages). The Byway must also be kept open at all times unless a temporary diversion order is applied for.

## District Councillor (Councillor Abbott)

### Objection.

- Significant intensification of use in open countryside to detriment of nearby residents who enjoy a very quiet rural situation and outlook
- Site not allocated for commercial/business/employment use in Draft Local Plan
- Access wholly unsuitable. Narrow single track lane serving scattered houses. Becomes non-metalled near proposed development site. Development would strongly conflict with byway use and harm resident's amenity. Byway well used by local people for leisure/dog walking
- Water tower site is already used as skip hire use. Assessment of cumulative impact with proposed development required
- Existing barns host protected species – bats and owls. Erecting boxes near such a large scale re-development with likely light/noise would carry significant risk of failing to provide protection/mitigation
- Development risks introducing significant light pollution
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### REPRESENTATIONS

17 letters of objection and 4 letters of comment have been received. The main material and non-material reasons of objection stated are set out below:

- Highway safety
- Inability of existing road network to accommodate proposed traffic levels
- Inability of Lanham Farm Road itself to accommodate proposed traffic levels
- Safety improvements required at Lanham Farm Road/Lanham Green Road junction
- Lanham Farm Road only 2.9m wide and 2 domestic vehicles cannot pass. Widening/passing places required
- Pedestrians must be considered
- Will experience significantly higher traffic levels than low levels currently experienced
- Lanham Green Road used as rat run from A120 to Galley's Corner Real safety concerns with further increased traffic. Restricted Road with weight limit and 25mph speed limit
- Concerned about HGV's using Lanham Green Road
- Junction of Lanham Green Road and The Street is already an accident blackspot
- Other local junctions are very dangerous
- Impact of vehicle movements on rural landscape and residents amenity
- Lanham Green Road already used as dangerous rat run and no ability to accommodate proposed development traffic
- Application refers to Light Goods Vehicles giving impression these are small vans/lorries. Can actually be up to 3,500kg. LGV also stands for Long Goods Vehicles so clarity required

- Application also states parking for x7 Heavy Goods Vehicles
- Increased carbon emissions
- Noise pollution, in particular from significantly increased traffic movements
- No requirement for employment land in the countryside. B1 use not appropriate for countryside location
- B1 use allows office use, light industry or research and development type uses – impossible to assess impact of such a general proposed use
- Historical value of farm buildings should be preserved
- Is archaeological monitoring still required?
- Appears that ditch alongside Lanham Farm Cottages would be used for drainage/sewerage – health hazard
- Poplar Trees and ancient Oak Tree on site should be protected
- Have repeatedly witnessed Barn Owls using Building A. Alternative owl and bat accommodation required
- Detrimental landscape impact
- Contrary to Policy 38 as there is a new building so not a conversion
- Design of buildings proposed is very urban and industrial, out of keeping with rural environment
- Public consultation insufficient
- Site visible from public highway – application form states it is not
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## REPORT

### Principle of Development

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

The application site is located in the countryside. Core Strategy Policy CS5 states that development in the countryside will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance its landscape character, biodiversity, geodiversity and amenity.

Adopted Local Plan Policies RLP38 (Conversion of Rural Buildings) and RLP40 (Minor Industrial and Commercial Development in the Countryside) set out forms of development which are considered appropriate in countryside locations. RLP38 permits the conversion of rural buildings, including modern buildings. Such buildings should be capable of conversion without major extension or complete reconstruction, their form, bulk and design should be in keeping with their surroundings and there should be no unacceptable impact on the landscape, historic environment or protected species. Safe vehicular access and parking must also be provided without detriment to the setting of the buildings, residential amenity and landscape. The scale and frequency of traffic generated must also be able to be accommodated on the road system.

Policy RLP40 permits small scale Industrial and Commercial proposals within the countryside which would secure significant improvements to the local environment and the extension of existing industrial and commercial development providing it is on a small scale compatible with the surrounding area.

The National Planning Policy Framework (NPPF) is explicit in its instruction that (para. 28) *'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development'*. It goes on to state that plans should *'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings'*. Subject to the relevant criteria set out in Local Plan Policies RLP38 and RLP40, the principle of the proposed development is therefore considered acceptable.

### Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments.

The applicant proposes to convert 3 of the existing buildings, identified as buildings A, C and D. A Structural Survey has been submitted in support of the application which demonstrates that each of these buildings is capable of being converted to a B1 use without the need for major extension or complete reconstruction.

Building A is a traditional timber framed barn. The proposed conversion would primarily utilise existing openings for door and window provision. A new mezzanine floor would replace the existing and would be supported by a separate steel mezzanine structure. The existing corrugated metal sheeting/corrugated asbestos cement sheeting on the roof would be replaced with composite corrugated roofing sheets and the open fronted single storey lean to positioned across the front of the barn would be enclosed. Existing black feather edged boarding to the walls would also be replaced. These changes are minor in nature and the overall form, bulk and design of the building would remain in keeping with its surroundings.

Building C is a more modern steel framed barn with a profiled sheet /concrete asbestos cement roof and brick infill walls. Again the proposed conversion would primarily utilise existing openings for door and window provision. The existing ventilation upstand to the roof would be removed reducing the buildings highest point by approximately 0.4m and the buildings main ridge line would then be raised by approximately 0.3m. The proposed changes are minor in nature and the overall form, bulk and design of the building would remain largely unchanged.

Building D is a steel framed barn with corrugated asbestos cement sheeting roof and corrugated metal sheeting walls. The proposed conversion would

require the creation of new roller shutter openings and doors on the north-east and south-east elevations. The existing corrugated asbestos cement sheeting roof and corrugated metal sheeting walls would be replaced with composite profiled roof and wall panels. The overall form, bulk and design of the building would remain largely unchanged.

Building E, a single storey open fronted timber framed barn with an asbestos cement sheeting roof would be demolished and replaced with a similar but slightly smaller structure. The new barn would also be clad in black feather edge weatherboarding but would have a brown tile roof as opposed to the existing building's asbestos cement sheeting. The design of the proposed structure is considered in keeping with that of the existing and the form and bulk would be slightly reduced.

Building B, a timber clad single storey structure with corrugated asbestos roof would be demolished, in addition to 3 existing circular metal grain silos. An unidentified single storey building in very poor condition located on the site's northern boundary would also be demolished. A new building, Building F would then be erected. Building F would consist of a single storey building clad in composite profiled panels. Its design and form would be in keeping with existing buildings on the site, in particular buildings C and D.

In terms of proposed site layout, buildings A, C and D would remain in their current positions. Building E would be replaced by a slightly smaller structure in the same location and building F, the new building would be located on the south-eastern side of the site. Buildings A, C, D and F would therefore form the core of the site, being located in close proximity and contained by the one way internal access road.

### Ecology and Landscape

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species.

The applicant has submitted an Ecology Survey in support of the application which has been reviewed by the Council's Landscape Officer. The survey identified buildings A and B as providing ecological habitat with the presence of low numbers of two bat species and the presence of roosting barn owls although nesting was considered unlikely. Two old swallow nests were also recorded. Mitigation is recommended in the form of the erection of 4 bat boxes and two bat adapted tiles to be installed on the roof of building B1, minimisation of external lighting and the retention of hedges and the veteran Oak Tree on the site. Precautionary measures in the form of the erection of two barn owl boxes and four swallow nesting cups and the erection or re-location of a large rotting stump which is of primary ecological value for

invertebrates on the site are also required. It is recommended by the Council's Landscape Officer that these mitigation and precautionary measures are secured by way of condition.

With regard to landscape impact, it is not considered that the conversion of buildings A, C and D and the replacement of Building E with a similar but slightly smaller structure would have any significant impact. Building F would be a new structure, however this must be balanced against the demolition of building B and the 3 circular metal grain silos. Building F would measure approximately 5.6m in height and would be shielded by buildings A, C and D to the north and west, which would measure approximately 6.6m, 6.2m and 6.5m in height respectively. To the south and east the building would be more visible but it is not considered that its form and bulk would be out of keeping with the existing buildings on the site. It is recommended that a condition is attached to any permission granted to require samples of the external materials of all the buildings to be submitted to and approved in writing by the Local Planning Authority and also for the submission of a hard and soft landscape scheme to bolster/soften the existing site's boundaries as appropriate.

The Council's Landscape Officer has no objection to the application but has recommended that the protection and retention of the veteran Oak Tree on the site, in addition to other trees identified for retention is secured by way of condition.

### Highways

The applicant proposes to utilise the existing site access points to create an internal one way system. Vehicles would exit the building complex onto Lanham Farm Road which subsequently joins Lanham Green Road. The northern existing access point leads onto the unsurfaced section of Byway 1. A number of local residents have objected to the development on a wide range of highway grounds, including the level of traffic generated by the proposed development and the ability of Lanham Farm Road to accommodate traffic from the proposed scheme, in terms of its surfacing and its width.

Both Essex County Council Highways and Essex County Council Rights of Way Officers have been consulted with regard to the highway impact of the proposal. A survey of the section of Byway 1 adjacent to the application site was also completed by the County Council during the course of the current planning application. The County Council do not object to the planning application, however County Rights of Way Officers originally requested that the proposed development be subject to a s106 Agreement, requiring the adoption of the unsurfaced section of Byway 1 which runs adjacent to the application site and on to Lanham Farm Cottages. County Council Highway Officers however stated that as the remainder of Lanham Farm Road is not built to adoptable standards a planning condition should instead be used, requiring the section of unsurfaced Byway which runs adjacent to the application site's north-western boundary to be constructed to full depth. This condition is therefore recommended. It is also recommended that a condition

requiring vehicle passing places to be constructed along Lanham Farm Road is attached to any planning permission granted.

It is accepted that the proposed development will result in an increased number of vehicle movements to and from the site, however the Highway Authority have no objection to the proposal and it is not considered that the application could reasonably be refused on the basis of increased vehicular traffic which the Highway Authority consider the road network is capable of accommodating. With regard to residential amenity and vehicle movements, it is recommended that in accordance with the Council's Environmental Health Officers consultation response, the hours of opening of the site are limited to those stated in the application ( 0700 – 1900 Monday to Friday and 0800 – 1800 on Saturdays with no Sunday or Bank Holiday opening). A condition restricting the use of the site to uses which fall within use Class B1 (Business) only is also recommended to ensure that the site cannot be used for B8 (Storage and Distribution) uses at a later date, as the General Permitted Development Order allows some movement between the two classes (as permitted development) if unrestricted by way of condition.

In terms of impact upon the character of the countryside, the NPPF is clear in its direction that economic growth in rural areas is to be supported. Officers do not consider that any negative impact upon the character of the countryside caused by increased traffic would outweigh the significant economic benefits of re-developing this rural site.

With regard to parking, the development proposes a total of 53 car parking spaces (3 being blue badge spaces), 7 loading bays for lorries, 4 motorbike parking spaces and 25 bicycle parking spaces. The level of parking proposed complies with the Essex Parking Standards which would require a maximum of 56 parking spaces for the site. In addition, the replacement Building E would provide 5 car parking spaces which would be allocated to Lanham farm Cottages to replace the 5 spaces in the existing building.

#### Impact Upon Neighbour Amenity

Lanham Farm Cottages are situated to the north of the application site and Lanhams, a detached dwelling to the south-east. The Council's Environmental Health Officer has recommended that a condition is attached to any permission granted restricting noise levels emitted from the site to not exceed background noise levels. A condition restricting the hours of opening to those applied for (0700 – 1900 Monday to Friday and 0800 – 1800 on Saturdays with no Sunday or Bank Holiday opening) is also recommended, in addition to a requirement for details of any external lighting to be approved by the Local Planning Authority. With these measures in place it is not considered that the proposed development would have a detrimental impact upon neighbour amenity.

The Use Classes Order defines Use Class B1 (Business) as offices (other than those used for Financial and Professional services); research and development of products and processes and light industry appropriate in a

residential area. The applicant will be restricted to uses which fall within this Use Class and are appropriate in residential areas.

Residential amenity in relation to vehicular traffic has been previously addressed in the above report.

## OTHER MATTERS

### Heritage

Neither the Historic Building's advisor nor the County Council's Historic Environment Officer (Archaeology) object to the application. A condition requiring the securing of the implementation of a programme of archaeological work in accordance with a written scheme of investigation submitted to and approved by the Local Planning Authority prior to the commencement of any development is recommended by the Historic Environment Officer.

### Construction Activity

The Council's Environmental Services Team have no objection to the proposal subject to a number of conditions which include, in relation to construction activity, conditions to control hours of working, require a dust control scheme and the undertaking of a contaminated land survey.

### Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The Lead Local Flood Authority (Essex County Council) has no objection to the proposed development.

### Section 106

### Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or the improvement of existing accessible green space. The applicant has submitted a Unilateral Undertaking, which in accordance with the adopted standards (as set out in the Open Spaces SPD) specifies a financial contribution of £8,214.54. The Parish Council have identified that this money will be used towards the expansion and modification of the playing fields and equipment and development of new facilities at Rainbow Field, The Street, Cressing.

## CONCLUSION

The proposed development would accord with the NPPF's emphasis on supporting economic growth in rural areas. There are no technical objections to the proposal and the scheme is considered to comply with the relevant adopted Local Plan Policies.



The proposed layout, access and parking provision is considered acceptable and mitigation measures have been identified to address potential impacts upon residential amenity. Officers consider that the proposed development would be sustainable and it is therefore recommended that planning permission is 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

Existing Plans	Plan Ref: 001
Existing Site Plan	Plan Ref: 002
Existing Plans	Plan Ref: 003
Existing Plans	Plan Ref: 004
Existing Plans	Plan Ref: 005
Existing Site Plan	Plan Ref: 006
Proposed Plans	Plan Ref: 010
Proposed Plans	Plan Ref: 012
Proposed Plans	Plan Ref: 013
Proposed Plans	Plan Ref: 014
Proposed Plans	Plan Ref: 015
Proposed Site Plan	Plan Ref: 016
Proposed Block Plan	Plan Ref: 017
Refuse Information	Plan Ref: 018
Location Plan	Plan Ref: 019

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

#### Reason

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

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

#### Reason

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

- 3 Prior to commencement of development, byway 74 Crossing from its start (from the end of Lanham farm Road) shall be constructed to full depth (with a base, sub base and hard surface) to the most north western part of the site (opposite No 1 Lanham Farm Cottage). Full details of the proposed works shall be submitted to and agreed in writing by the local planning authority and the works shall be implemented in accordance with

the approved details and permanently maintained as such.

Reason

In the interests of highway safety. The works are required to be completed prior to the commencement of development to ensure that the existing unsurfaced byway and site accesses are capable of carrying construction traffic during the development phase.

- 4 No development or preliminary ground works of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason

The site may be of archaeological interest. The implementation of a programme of archaeological work is required prior to the commencement of development to ensure that any archaeology on the site is recorded before development groundworks commence.

- 5 Development shall not be commenced until details of the means of protecting all of the existing trees and hedges to be retained on the site as identified on Proposed Site Layout Plan 016 from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

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

Reason

To ensure the protection and retention of existing/remaining trees and hedges. The protection measures are required prior to the commencement of development to ensure that they are in place before works commencement on site which may otherwise cause the loss of or

damage to the trees and hedges.

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

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

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a validation report undertaken by 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 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 to mitigate risk from land contamination, if required are in place before work

commences on site.

- 7 Development shall not be commenced until a dust control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

In the interests of the amenity of residents of the locality. These details are required prior to the commencement of development because they relate to the method of construction.

- 8 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

To enhance the appearance of the development.

- 9 No above ground construction of any new/replacement buildings and no external works to any existing buildings to be converted shall be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the location

of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

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

Reason

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

- 11 Prior to first occupation details of a scheme for the provision of nest/roost sites for bats and birds shall be submitted to and approved in writing by the local planning authority. The provision of roost sites shall be implemented in accordance with the approved details prior to the first occupation and thereafter so maintained.

Reason

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

- 12 The parking spaces provided by replacement Building E, as identified on Proposed Site Layout Plan 016 shall be permanently retained for use by the occupiers of Lanham Farm Cottages only.

Reason

To ensure that the development does not result in any loss of existing parking to the occupants of Lanham Farm Cottages.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) the site shall be used for uses falling within use Class B1 only.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding areas and to allow the Local Planning Authority to assess the impact of any alternative use on the highway network.

- 14 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 15 Prior to occupation of the site details of the sewage treatment system for the site shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall be carried out in their entirety, in accordance with the approved details before the development is first occupied and shall be permanently maintained as such.

Reason

In order to ensure that the development is served by an adequate sewage treatment system.

- 16 The use of the site as approved by this decision shall only take place between the hours of:-

Monday to Friday 0700 hours - 1900 hours  
Saturday 0800 hours - 1800 hours  
Sundays, Public and Bank Holidays - closed

Reason

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

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

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

Reason

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

- 18 Following occupation of the site the rating level of the noise emitted from the site shall not exceed the background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements shall be made in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound.

Reason

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

- 19 Prior to commencement of development details of a wheel washing facility

within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel washing facility shall be provided at the commencement of development and maintained during the period of construction.

**Reason**

To ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety. These details are required prior to the commencement of development because they relate to the way in which construction will be undertaken.

- 20 Prior to occupation of the development a Travel Plan which shall include monitoring shall be submitted to and approved in writing by the Local Planning Authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

**Reason**

In the interests of sustainable development.

- 21 Prior to occupation of the site details of vehicle passing places to be constructed along Lanham Farm Road between the junction with Lanham Green Road and the entrance to the proposed one way system on the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

**Reason**

To ensure that vehicles using Lanham Farm Road are able to pass one another without having to reverse back onto Lanham Green Road.

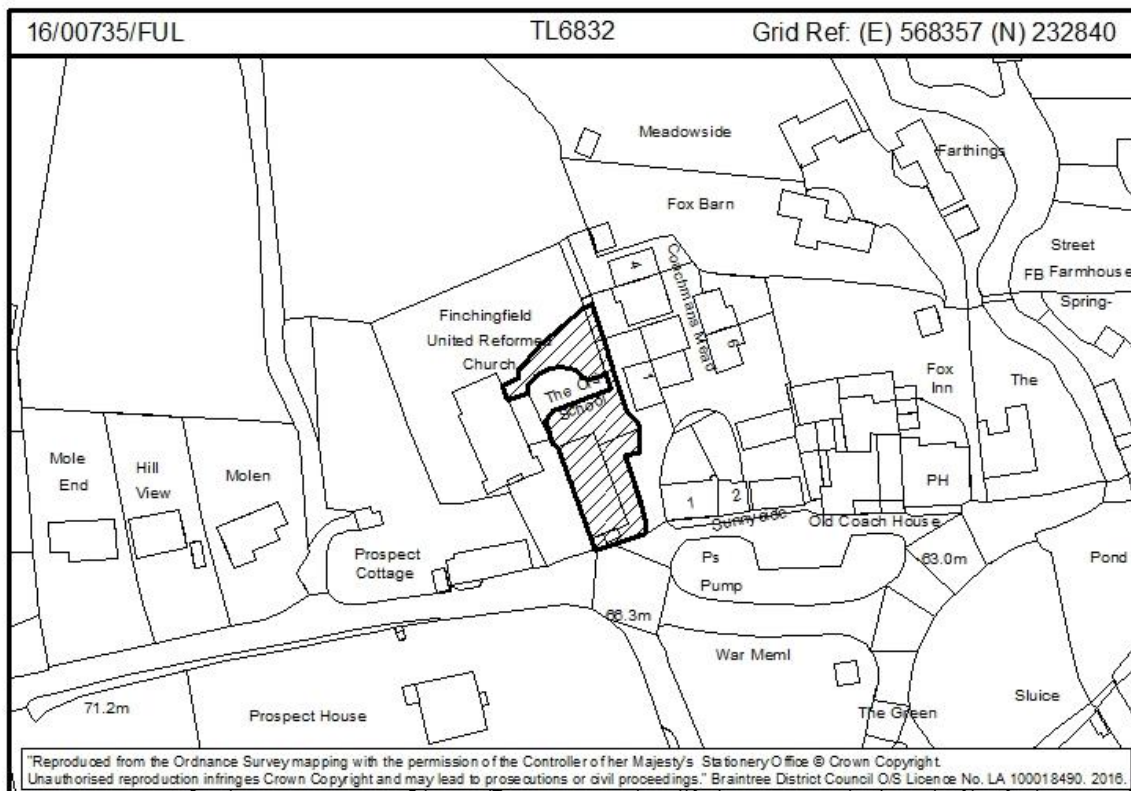
**INFORMATION TO APPLICANT**

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

PART A

APPLICATION NO: 16/00735/FUL DATE: 27.04.16  
 VALID:  
 APPLICANT: Mrs Amanda Turner  
 Vine Cottage, Mill Lane, Walthams Cross, Great Bardfield,  
 Essex, CM7 4QH  
 AGENT: Robert Wood Studio  
 Mr Robert Wood, Parsonage House, The Pightle,  
 Finchingfield, Essex, CM7 4LB  
 DESCRIPTION: Change of use from C3 residential to D1 non-residential  
 nursery school  
 LOCATION: The Old School House, The Green, Finchingfield, Essex,  
 CM7 4JS,

For more information about this Application please contact:  
 Mr Sam Trafford on:- 01376 551414 Ext. 2520  
 or by e-mail to: sam.trafford@braintree.gov.uk





## SITE HISTORY

06/01883/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - cut back branches of 1 ash tree overhanging neighbours roof	Granted
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

## National Planning Guidance

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

## Braintree District Local Development Framework Core Strategy

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

## Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP56	Vehicle Parking
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP128	Maintenance of Rural Services and Facilities
RLP150	Educational Establishments
RLP160	Local Facilities in Rural Areas

## Braintree District Draft Local Plan

LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP47	Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas
LPP54	Educational Establishments

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is presented to the Planning Committee as the number of neighbour representations received during the consultation exercise indicate that the proposal could be considered significant in its impacts.

## SITE DESCRIPTION

The Old School House is a former residential dwellinghouse located within the village envelope and Conservation Area of Finchingfield. It consists of a red brick building, distinctive in the street scene and highly visible from the main green. It is also sited in close proximity to several listed buildings, and could be considered to be within their 'setting'.

The building was built as a school house in the Victorian era, and used as a school house until approximately the Second World War; when it was used as a community hall. Since 1993, the building has been used as a residential dwellinghouse.

The building has been on the market, advertised as a residential dwellinghouse for both sale and to let. It is understood that there has not been a positive response to the advertising, and that it has been on the market for a number of years.

The site is currently served by a parking area to the rear, and a communal parking area to the front owned and maintained by Essex Highways.

### PROPOSAL

The application seeks planning permission for a material change of use, from a residential dwellinghouse (C3) to a non-residential children's nursery school (D1).

The nursery would provide 24 nursery places. The nursery would operate three staff members (1one Early Year Teacher and two Early Years staff), and work on a morning/afternoon session basis. The building would be open and in operation between the hours of 08:00 and 18:00 on weekdays.

Three parking spaces for the three members of staff would be located to the rear, where there is an area for parking.

No physical alterations to the exterior of the building would take place under this planning application. Internal alterations would take place, but as the building is not listed, no consent is required for this.

### CONSULTATIONS

Historic Buildings Advisor – No Objections.

Environmental Health Officer – No Objections; Recommends a condition restricting the use of the gardens outside of operating hours to protect neighbouring residential amenities.

Highways – No Objection. Consider the proposal to comply with highway policies due to the historic use of the site as an educational establishment.

Parish Council – There have been many objections from village residents. The council reiterates its concern re traffic and lack of parking. Please confirm parking arrangements are sufficient.

### REPRESENTATIONS

A site notice was displayed at the site, and neighbours were notified of the planning application by letter. A total of 14 representations were received as a result of the consultation exercise. These are summarised below:

### **1 Coachmans Mead**

- Inadequate pick up/drop off area
- Traffic Congestion
- Noise

### **3 Coachmans Mead**

- Inadequate parking provision
- Traffic Congestion
- Noise Pollution
- Existing Nursery in Village

### **4 Coachmans Mead**

- Inadequate staffing numbers
- Traffic Congestion
- Parking spaces shown on application are not on land owned by the applicant
- Inadequate pick up/drop off area
- Noise Pollution
- Existing Nursery in Village

### **Sunnyside**

- Loss of Privacy
- Vehicle noise
- Traffic Congestion
- Inadequate Parking

### **Prospect Cottage**

- Lack of justification for change of use from a dwellinghouse
- Inadequate Parking
- Traffic Congestion
- Impact of the 'School Gate Phenomenon'

### **The Mount (Former United Reformed Church)**

- Inadequate parking
- Access to parking area to rear
- Inadequate pick up/drop off zone
- Graveyard adjacent to site still in use

### **Finchingfield Nursery (via SJK Planning)**

- Noise impact on residential neighbours
- Impact on traffic flow
- Inappropriate drop off times
- Inadequate parking provision
- Neighbourhood planning would not place nursery there

## REPORT

### Principle of Development

The site is located within the village envelope of Finchingfield, where according to Braintree District Local Plan Review Policy RLP3, the principle of development is considered acceptable subject to meeting detailed criteria. Policy RLP11 relates to changes of use within a residential area. The policy states permission shan't be granted for changes of use within residential areas where the proposed use would result in an increased amount of unacceptable noise, fumes, smell or traffic and make the area a less pleasant place to live.

In principle, the use of the existing building as a pre-school nursery is acceptable subject to appropriate design, highway considerations and providing there is no undue or unacceptable impact on neighbouring residential amenities. These particulars are discussed later on in the report.

### Design, Appearance and Layout

The NPPF states that new development should seek to improve "streetscapes and buildings to create attractive and comfortable places" by using design which reflects "local character and history, and reflect the identity of local surroundings and materials", thereby resulting in a form of development which is "visually attractive as a result of good architecture and appropriate landscaping." In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

The site is located within the Conservation Area of Finchingfield, and close to several listed buildings. The NPPF allows for new development within designated Conservation Areas, where the new development would "enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably." However where the development or works would lead to "substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Braintree District Local Plan Review policy RLP95 states that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the conservation area such as the street scene, scaling and proportions of its surroundings.

From a design perspective, there would be no external changes to the exterior appearance of the building, and it is on this basis that the Historic Buildings and Conservation Area Advisor raises no objection to the application.

The only physical form of 'development' would be the introduction of a section of hardstanding to be used for the parking of staff members' cars, to the rear of the site. This element would not have any impact upon the street scene or Conservation Area, and is considered to be acceptable.

#### Impact on Neighbour Amenities

The NPPF states that new development should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings", whilst policies RLP11 and RLP90 from the Braintree District Local Plan Review allows for new development where there would be "no unacceptable or undue impact" on neighbouring residential amenities.

The site is surrounded by the office building, known as The Mount, a graveyard and residential properties along the eastern boundary. A number of neighbours have raised concern over the potential for noise generated from use of the garden adversely impacting on the residential amenity of surrounding properties.

As part of this consideration, the Council's Environmental Health Officer was consulted on the application and undertook a desktop assessment of the proposal. The Environmental Health Officer commented, considering that whilst it was "unlikely that an issue will present from the use of the external play areas, in order to minimise the potential for impact upon amenity of local residents [they] recommend that the proposed hours of operation are restricted by condition or that the garden areas are precluded from use outside of those hours proposed for operation of the nursery".

No. 1 Coachmans Mead is located to the east of the application site and is at a lower level than the application site. The dwelling is immediately adjacent to the garden which would be used as the outdoor play area for the nursery. No's 3 and 4 Coachmans Mead, also to the east of the site, wouldn't immediately adjoin the outdoor play area but are in close proximity to the garden. It is noted that both properties have short rear gardens and are located at a lower level than the application site. These neighbours have all objected to the application in regard to increased noise levels generated by the nursery, in particular use of the garden.

The comments from the Environmental Health Officer have been taken into account however from visiting the site and noting the proximity of the neighbouring sites, together with the change in levels, it is considered that the increased intensity of activity in the rear garden would adversely harm the residential amenities of the adjoining properties, in particular no. 1 Coachmans Mead but also no's 3 and 4 Coachmans Mead through noise and disturbance. Restricting use by way of condition, as suggested by the Environmental Health Officer, would not overcome this impact. It is not considered appropriate or practical to restrict use of the garden area during nursery opening hours as this would impact on the operation of the nursery and be difficult to enforce.

Accordingly, whilst the use of the building itself as a nursery would not result in a harmful impact on neighbours in terms of noise and general disturbance the use of the garden for outdoor play, which is a requirement of the Early Years Foundation Stage 2012, would unduly and unacceptably harm the amenities of the adjacent properties.

### Highway Issues

The Council refers to the Council's adopted Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires development relating to a new D1 use to have at least one space per full time equivalent member of staff, as well as a drop off/pick up facility.

The nursery proposed in this planning application states a total of 3 full time members of staff would be employed by the nursery. The application includes parking provision for these 3 members of staff to the rear of the building and accessed through the car park of the adjoining former church building (which The Old School House has a right of way over). A previous issue relating to the red line not encapsulating this area on the submitted block plan was resolved.

It is noted that an objection was raised on the basis of the nursery potentially not having enough staff to cover the number of children attending, which would then further impact on parking provision. The application currently provides adequate parking at the proposed staffing numbers. If the application were to be recommended for approval a condition could be imposed restricting the number of staff to three to ensure adequate parking for staff.

No parking is provided on site for pick up and drop off facilities. The Planning Statement submitted with the application states that there is a drop off and pick up area, containing four parking spaces, to the front of the site available for general parking. It also sets out there is substantial parking provision alongside the Village Green. The applicants propose to use phased drop off and pick up times to activity manage this activity.

The submitted information appears to assume that this area would remain clear at all times; given this area is not within the applicant's control, this assumption cannot be made and it is therefore not possible to assume this area can be used as a drop off/pick up area during the times indicated within the application. Officers have visited the site on two occasions; both visits were undertaken on weekdays, the first at 3pm and the second visit at 9am. On both occasions the spaces immediately to the front of the site were all occupied and the availability of off street parking was very limited.

A number of representations have been received from neighbours who raise concerns regarding the existing lack of onsite parking provision and are concerned that the reliance on the existing on street parking provision will result in congestion, safety issues and parents parking on double yellow lines and blocking existing accesses. A number of photographs were submitted

with some of the representations showing how the traffic and parking is at present, particularly during peak hours.

Officers are concerned that the lack of any on site provision for drop off and pick up will result in people parking in inappropriate and potentially illegal places. It is considered likely that the adjacent car park serving The Mount could be used for drop off and pick up facilities together with neighbouring driveways resulting in a nuisance to existing occupiers. On this basis it is considered that the proposal would result in an unneighbourly form of development through the increased on street parking and nuisance caused by inappropriate and inconsiderate parking due to the lack of any on site drop of and pick up facilities.

It is noted that the Highway Authority raises no objection to the proposal as it complies with Local Transport Plan policies. The main justification for this is that the building was formerly used as a school, and there is on street parking available nearby. Notwithstanding this, the school use ceased and the building has been used as a residential dwellinghouse for at least 20 years. Parking requirements and the traffic congestion have changed considerably in this time and policy documents have been updated to reflect this. Therefore, it is considered that little weight should be attached to the previous use of the building.

Furthermore, through neighbour representations and officer site visits it is apparent that there with the lack of on site provision for drop off and pick up facilities combined with an existing lack of on street parking the proposal will only exacerbate the existing parking issues.

### Other Issues

A number of representations raised objection to the application on the basis it would reduce users of the existing children's nursery facility within Finchingfield. The National Planning Practise Guidance (NPPG) (para.49) is quite explicit on this subject; stating "Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators". It is therefore considered that competition within two nurseries operating within the same village does not constitute a material planning consideration, and therefore shouldn't be taken into consideration when determining the application.

An objection received from a neighbour, stating the 'school gate phenomenon' would pose an issue in this location. Case law dictates this can be used as a material planning consideration; however in the context of a nursery use, it is considered less likely this phenomenon would occur. Generally, parents drop off their children in a nursery on their way to work. The likelihood of parents remaining outside the building when they are on their way to work is relatively low, and so this wouldn't be considered a reason to refuse the application.



## RECOMMENDATION

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

- 1 Braintree District Local Plan Review policy RLP3, the principle of development is considered acceptable subject to meeting detailed criteria. Policy RLP11 provides for changes of use within residential areas and states permission will not be granted for changes of use within residential areas where the proposed use would result in an increased amount of unacceptable noise, fumes, smell or traffic and make the area a less pleasant place to live. Policy RLP 90 states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is immediately adjacent to a number of residential properties. It is considered that the use of the rear garden as the children's outdoor play area would unacceptably adversely harm the residential amenities of the adjoining properties, in particular Nos. 1, 3 and 4 Coachmans Mead, through noise and disturbance due to the type of use proposed and the increased intensity of activity in this relatively confined area.

Furthermore, the lack of any on site provision for drop off and pick up will likely result in people parking in inappropriate and inconsiderate places in an area where there is already considerable pressure on on-street parking. It is considered likely that the proposal would harm the amenities of neighbours as it would result in an unneighbourly form of development through the increased on street parking and nuisance caused by inappropriate and inconsiderate parking due to the lack of any on site drop of and pick up facilities.

Accordingly, the proposal is not in accordance with the above mentioned policies.

## SUBMITTED PLANS

Location Plan

Plan Ref: RWS/OSH/01

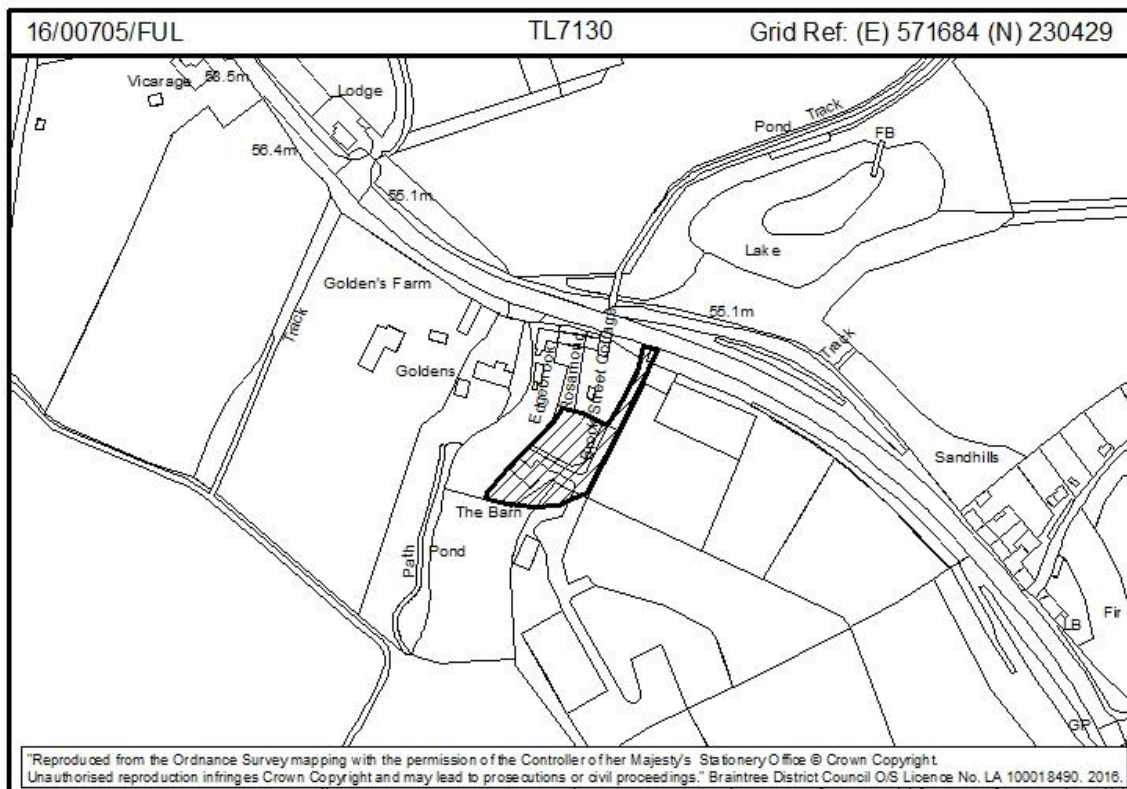
General Plans & Elevations

Plan Ref: RWS/OSH/02

PART A

APPLICATION NO: 16/00705/FUL DATE: 03.05.16  
 VALID:  
 APPLICANT: Mr P Mangham  
 Slomans Farm, Hyde Lane, Blackmore End, Braintree,  
 Essex, CM7 4DR  
 AGENT: Sue Bell Planning Consultant  
 Mrs S Bell, Ropers Hall, 9 Lodge Road, Writtle, Chelmsford,  
 Essex, CM1 3HY  
 DESCRIPTION: Conversion of stables to dwelling, and erection of single  
 storey side extension.  
 LOCATION: Stables Rear Of 3 Brook Street Cottages, Braintree Road,  
 Wethersfield, Essex, ,

For more information about this Application please contact:  
 Mr Sam Trafford on:- 01376 551414 Ext. 2520  
 or by e-mail to: [sam.trafford@braintree.gov.uk](mailto:sam.trafford@braintree.gov.uk)



## SITE HISTORY

91/00994/PFBN	Erection Of Stables, Tack Room And Feed Store	Granted	07.10.91
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## POLICY CONSIDERATIONS

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

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

### Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

### Braintree District Draft Local Plan

LPP28	Housing Type and Density
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings

### 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

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

## SITE DESCRIPTION

The site consists of an existing stable block located to the rear of a row of cottages known as Brook Street Cottages, which is a Grade II listed building. The site is situated outside of any development boundary or village envelope, but within the Wethersfield Conservation Area (designated 1973). The stable block was granted planning permission in 1991, and a condition was placed upon the permission restricting its use to uses ancillary to, and in connection with, 3 Brook Street Cottages. The site is accessed via a separate access to 3 Brook Street Cottages.

## PROPOSAL

The proposed development includes changing the use of an existing stable block, which was approved planning permission in 1992 and is currently associated with 3 Brook Street Cottages, an existing residential dwellinghouse.

Proposed physical alterations include the erection of a single storey lean to extension to the side elevation, and various window and doors in order to make the building habitable.

The development would include the provision of a private garden area and a parking area.

## CONSULTATIONS

Drainage Engineers – No record of surface water issues on site.

Essex Highways – No Objection subject to appropriate parking spaces.

Historic Buildings Advisor – No Objection as building not changing substantially, but notes the setting of the Grade II listed building could be affected due to the higher intensity of use.

Wethersfield Parish Council – No Objections.

## REPRESENTATIONS

A site notice was displayed opposite the entrance to the site, and neighbouring properties were notified by letter. Three representations were received and are summarised below:

#### Goldens Barn:

- Object on the basis the proposed development would impact the enjoyment of their amenity space.
- Object to impact on Conservation Area and Grade II listed building.
- Object to increase in vehicular movements on the site.

#### Rosamond Cottage:

- Object to the noise levels from a residential use.
- Object to the marketing information, as the rural building was being advertised at a price too high.
- Object to the increase of vehicular movements on the site.

#### 2 Tees Close, Witham:

- Lack of secure cycle parking.

### REPORT

#### Principle of Development

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

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

Notwithstanding this general policy of development restraint in the countryside, policy RLP38 allows for the conversion of rural buildings for residential use in some circumstances, subject to compliance with criteria set out within the policy. The policy states:

*“The conversion of rural buildings (including modern buildings) for business re-use will be permitted provided that:*

- *they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction;*
- *their form, bulk and general design are in keeping with their surroundings;*

- *there would be no unacceptable impact on the landscape or protected species or historic environment;*
- *safe and satisfactory vehicular access and egress can be provided together with adequate space within the curtilage to accommodate car parking to the Council's standards and lorry manoeuvring without detriment to the setting of the building residential amenity and the landscape within which it is located;*
- *the scale and frequency of traffic generated can be accommodated on the road system without adverse effects on the road system itself, residential amenity or the character of the countryside;*
- *there shall be no open storage of goods, containers, waste materials or finished products.*

*Conversion to residential use will only be acceptable where:*

*i) The applicant has made every reasonable effort to secure suitable employment or community re-use and the application is supported by a statement of the efforts that have been made; or*

*ii) Residential conversion is a subordinate part of a scheme for business re-use of the building; and*

*iii) In either case, the criteria set out above are met."*

As is clear from the above, the policy allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community reuse of the building and the application is supported by a statement of the efforts made.

Section 3 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local Authorities should support sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. It is considered that RLP38 is consistent with this approach.

Planning permission was granted for the building in 1992, under reference 91/00994/FUL, and the stable has existed in this form since. It is understood from the submitted supporting information that the property and stable has remained in the same ownership, until recently when circumstances led to the site being sold.

At the time of the submission of the application the subject building had been advertised on the open market for a commercial use since June 2015. The property has been marketed at a national and local level. A total of 42 enquiries were made in this time but no further action was taken by the enquirers. It is noted that there were a number of enquiries received to continue the use as a stable building, however the lack of land associated with the stables meant the enquirers couldn't proceed with this use. Nevertheless the application submission indicates that the applicant controls

land beyond its application site and it is not clear why some of the land could not have been included (for sale or rent) as part of the marketing of the site. Use as a stable building would certainly have been a suitable re-use of the rural building, subject to an application to remove the restrictive condition tying the building to 3 Brook Street Cottages being approved.

It is also of note that the marketing information submitted didn't mention the planning condition attached to the previous planning permission restricting the use of the stable building to 3 Brook Street Cottages.

The agent for the planning application argues that Local Plan Review Policy RLP38 should be attached little weight, as the agent considers it not to be up to date. There is an argument that the proposal is also not NPPF compliant.

The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. These special circumstances are listed in Paragraph 55 of the NPPF; one of which being "where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting".

Although not yet formally adopted, the text at the beginning of the report provides justification for attaching a relevant amount of weight to the draft Braintree District Local Plan. Policy LPP34 from this document states the following:

*"The conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re-building to residential use will only be permitted where they meet all the following criteria:*

- *The location of the site is accessible and sustainable in the terms of the Framework;*
- *There is no unacceptable impact on protected species or the historic environment;*
- *The site is served by a suitable existing access;*
- *There is no unacceptable impact on residential amenity;*
- *There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.*

*Applications for such proposals must be supported by a frame survey, structural survey and, where listed, a heritage statement setting out the implications of the development on the special architectural or historic interest of the subject building/s and their setting."*

The proposed conversion of the stable building into a residential dwellinghouse would constitute a 're-use' of a redundant building; however the existing setting of the site and its immediate surroundings are not harmful to the character of the area or untidy, and so it is considered that the

conversion of the building to residential, which would bring about residential paraphernalia, would not 'lead to an enhancement to the immediate setting' and therefore is also not considered to be acceptable using this approach.

### Design, Appearance and Layout

Paragraph 64 of the NPPF makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where "...poor design... ...fails to take the opportunities available for improving the character and quality of an area...". In addition to this, policy RLP90 of the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance. Policy LPP 42 of the Braintree District Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The NPPF allows for new development within designated Conservation Areas, where the new development would "enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably." However where the development or works would lead to "substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Braintree District Local Plan Review policy RLP95 and policy LPP 47 of the Braintree District Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detailing on significant buildings within the conservation area are retained both physically and in their significance.

Policy RLP100 of the Braintree District Local Plan Review and policy LPP 50 of the Braintree District Draft Local Plan state development which could affect the setting of either a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not cause harm to the setting, character, structural stability or fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

The proposed form of development would include the erection of a small lean to extension, as well as various alterations to the building to make it habitable as a dwellinghouse. In terms of design, the building would largely retain its rural appearance. The application is supported by a structural survey which



advises the host building is of permanent and substantial construction and is capable of conversion without major extension or complete reconstruction. Some repairs will be necessary but are not considered to amount to complete reconstruction of the building.

The Historic Buildings Advisor raises no objection to the application, advising the proposed alterations to the building would not have a detrimental impact on the setting of the listed building located to the north of the site. He advises the use of the building for residential purposes could have an impact on the setting; however given its location to the rear of the building and somewhat obscured from view, it is considered this use would not cause undue or unacceptable harm which would warrant refusal of the application. The site is not visible from any public point within the Conservation Area, and the Conservation Area advisor considers that there would be no impact on its character or appearance.

Therefore from a design and appearance perspective, and in terms of its impact on the nearby Grade II listed building, it is considered that the proposed form of development is acceptable.

#### Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Policy RLP90 of the Braintree District Local Plan Review allows for new development where there would be “no unacceptable or undue impact” on neighbouring residential amenities.

The proposal would introduce a new residential unit in close proximity to a number of other residential units. 2 of the letters of objection were based partly on impact on neighbouring residential amenities. The objections based on loss of private amenity space and increase in noise levels will be discussed below.

The site backs onto a row of residential dwellinghouses, which are located approximately 50 metres to the north of the stable building. The private amenity spaces of the houses are located to the rear, and back directly onto the application site. Notwithstanding this, there is a relatively large amount of space separating the sites. A representation received from Goldens Barn objects to the proximity of the proposed site to their garden, citing the areas as being a tranquil spot. This is acknowledged; however the garden is relatively large and the building on the application site already exists. Rosamond Cottage objected to the potential for an increase of noise on the site. The use of the building as a residential dwellinghouse would bring the noise, vehicular movements and general activity associated with a residential use, but given the size of the neighbouring plots any impact on their residential amenities is not considered to be unacceptable.

## Highway Issues

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

The site is quite considerable in size, and the submitted plans indicate a location for 2 parking spaces. The plans don't indicate the sizes of these spaces; however there is ample space on site for parking and it is not considered this would be a problem. The Highway Authority raises no objection to the application, as the access already exists and pending a condition requiring the spaces meet parking standard size requirements.

## Other Issues

A bat survey was submitted with the application which states that no evidence of bats was found within the building. On this basis it is not considered necessary for any further work to be undertaken in regard to protected species.

## CONCLUSION

The proposal is for the conversion of a former stable building to a residential use. Local Plan policy allows for residential reuse but only where employment or community reuse has been shown not to be achievable.

In this case the Local Planning Authority considers that the decision to market the building with little associated land has severely restricted the potential for suitable commercial or community re-use, particularly given the level of interest in potential equestrian use of the premises.

As it has not been demonstrated that every reasonable effort has been made to secure an employment or community re-use for the building the proposed development would conflict with policy RLP38 of the adopted Local Plan and introduce a new dwelling in an unsustainable countryside location, contrary to the objectives of national and local planning policy.

## RECOMMENDATION

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

- 1 The National Planning Policy Framework seeks to achieve sustainable development. In terms of residential development in rural areas it states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special

circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

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

Policy RLP38 of the adopted Local Plan allows for the conversion of rural buildings for business re-use subject to specific criteria relating to site circumstances and the impact upon the rural character of the locality. The policy only allows for conversion to residential use where the applicant has made every reasonable effort to secure suitable employment or community reuse of the building and the application is supported by a statement of the efforts made.

In this case the Local Planning Authority considers that the decision to market the building with little associated land has severely restricted the potential for suitable commercial or community re-use, particularly given the level of interest in potential equestrian use of the premises.

As it has not been demonstrated that every reasonable effort has been made to secure an employment or community re-use for the building the proposed development would conflict with policy RLP38 of the adopted Local Plan and introduce a new dwelling in an unsustainable countryside location, contrary to the objectives of national and local planning policy.

#### SUBMITTED PLANS

Location Plan

Site Plan

Block Plan

Existing Plans

Proposed Plans

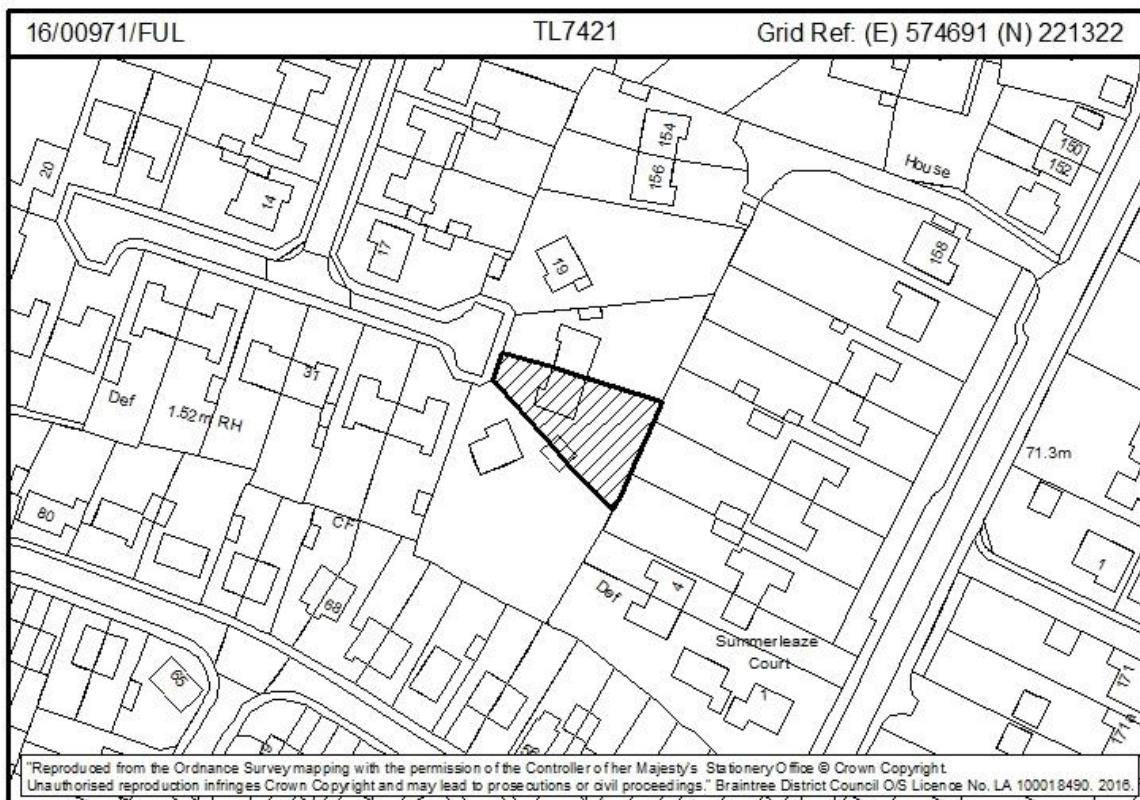
Plan Ref: EX01

Plan Ref: PR01

PART B

APPLICATION NO: 16/00971/FUL DATE: 22.06.16  
 VALID:  
 APPLICANT: Mr Simon Hoy  
 23 Greenway Gardens, Braintree, Essex, CM77 7QB,  
 AGENT: Dave Farrow  
 49 Mount Road, Braintree, Essex, CM7 3JA  
 DESCRIPTION: Proposed front and side extensions,  
 LOCATION: 23 Greenway Gardens, Braintree, Essex, CM77 7QB,

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

16/00297/FUL	Proposed demolition of existing garage and erection of replacement garage	Granted	18.04.16
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

## National Planning Guidance

National Planning Policy Framework (NPPF)

## National Planning Practice Guidance (NPPG)

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

RLP3            Development within Town Development Boundaries and Village Envelopes  
RLP17          Extensions and Alterations to Dwellings in Towns and Villages  
RLP56          Vehicle Parking  
RLP90          Layout and Design of Development

### Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
SP5            Space Shaping Principal  
LPP29          Residential Alterations, Extensions and Outbuildings within Development Boundaries  
LPP42          Built and Historic Environment  
LPP46          Layout and Design of Development

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

This application is reported to the Planning Committee because the applicant is related to a member of staff.

### SITE DESCRIPTION

The site comprises a semi-detached bungalow in cul-du-sac location on a 1960's/70's style housing development. The bungalow is constructed of brick with a tiled roof. The plot size is of a triangle shape and has a fair sized rear garden amenity. There is ample parking on the frontage for cars.

### PROPOSAL

The proposal comprises a front and side extension. The front extension introduces a modern glazed element to the frontage of the bungalow with the appearance of a porch. It would measure 2.5 metres in width by 1.5 metres in depth and would be 3.5 metres in height. The side extension would wrap around the rear of the dwelling and would project 4.5 metres into the rear garden and 2.4 metres to the side of the bungalow. The overall height of this element would be 4.1 metres high.

### CONSULTATIONS

None

## REPRESENTATIONS

None

## REPORT

### Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Policy RLP17 of the Braintree District Local Plan Review reiterates this, allowing for the extension of an existing dwelling within the settlement boundary provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and also providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

Furthermore, the NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance.

In this case it is considered that there are no objections in principle of the proposal subject to compliance with the abovementioned criteria.

### Design and Appearance

In terms of size, design and impact upon the street scene, it is considered that the proposed extensions would appear subordinate in their size and would relate well to the host dwelling. Furthermore it is considered that the design of the proposal would be in keeping with the character and appearance of the existing dwelling. Sufficient amenity space would be retained at the property.

After due consideration it is officer opinion that the proposed extensions relate well to the host dwelling and will be compliant with the above mentioned policies.

### Impact on Neighbouring Residential Amenities

Policies RLP17 and RLP90 of the Local Plan Review indicate that there should be no adverse impact on the amenities of adjoining residential

properties, including on privacy, overshadowing and loss of light. In this case it is considered that the extensions will not have a detrimental impact on neighbouring residential amenity owing to the distance from the boundary and the orientation of the site. The extensions will be visible to the occupiers of the neighbouring property of No.21 and No.25 Greenway Gardens, however the proposal would not have a detrimental impact upon these properties in terms of overlooking or overshadowing. The proposal is therefore considered compliant with the above mentioned policies.

#### Parking considerations

Policy RLP56 states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. It is considered that sufficient off street parking on the site frontage is retained in accordance with the adopted parking standards.

#### CONCLUSION

In conclusion, it is considered that the proposal is acceptable and would comply with the aforementioned policies.

#### 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: 01	
Proposed Floor Plan	Plan Ref: 03	Version: A
Elevations	Plan Ref: 04	Version: A
Elevations	Plan Ref: 05	Version: A

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

#### Reason

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

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

#### Reason

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

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



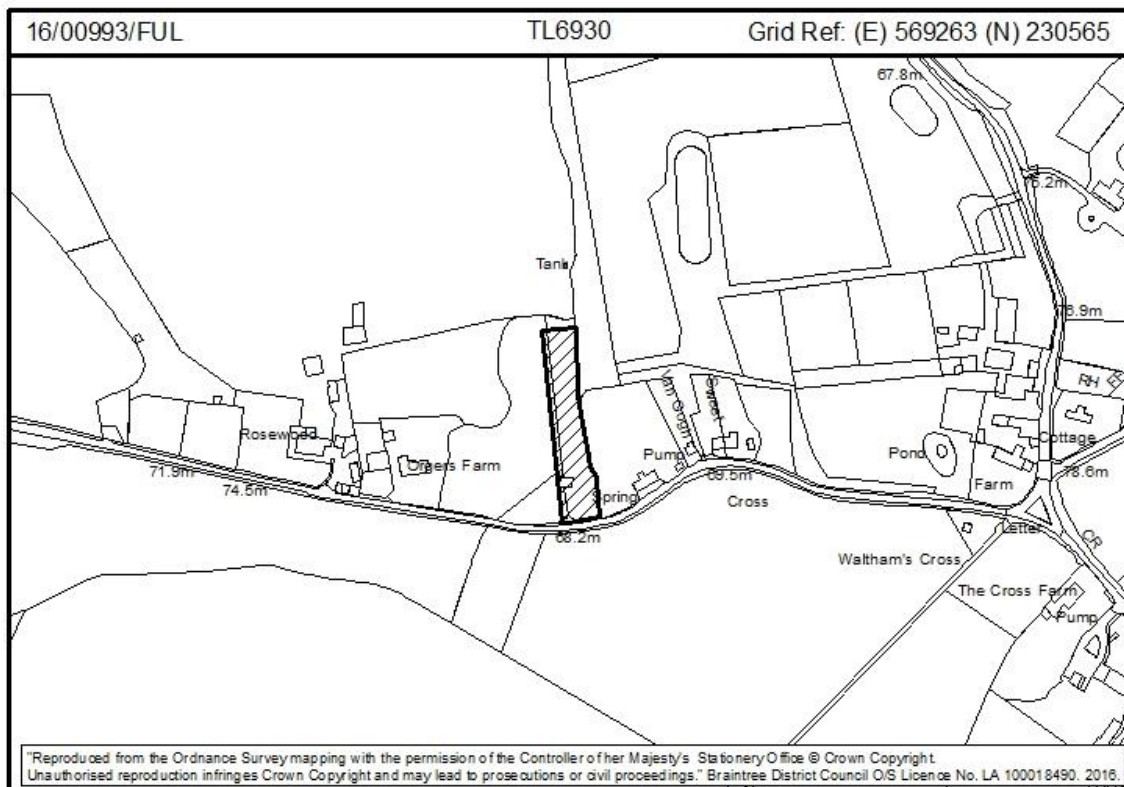
Reason

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

PART B

APPLICATION NO: 16/00993/FUL DATE: 08.06.16  
 VALID:  
 APPLICANT: Ms Amanda Turner  
 Vine Cottage, Walthams Cross, Great Bardfield, Essex,  
 CM7 4QH,  
 AGENT: Mr Robert Wood  
 Robert Wood Studio, Parsonage House, The Pightle,  
 Finchingfield, Essex, CM7 4LB  
 DESCRIPTION: Retrospective application for gravel driveway and path to  
 Vine Cottage, together with new gate and fence  
 LOCATION: Vine Cottage, Walthams Cross, Great Bardfield, Essex,  
 CM7 4QH,

For more information about this Application please contact:  
 Mrs N Banks on:- 01376 551414 Ext. 2545  
 or by e-mail to: natalie.banks@braintree.gov.uk



## SITE HISTORY

04/00393/FUL	Erection of one and a half storey side extension	Granted	01.06.04
04/00394/LBC	Erection of one and a half storey side extension	Granted	01.06.04
16/00736/FUL	Erection of single storey dwelling	Withdrawn	27.05.16
16/00994/LBC	Retrospective application for: 1) spiral staircase in kitchen of ground floor extension; 2) insertion of bathroom at first floor level of cottage	Granted	12.08.16

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Development Framework Core Strategy

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

#### Braintree District Local Plan Review

RLP2           Town Development Boundaries and Village Envelopes  
RLP87          Protected Lanes  
RLP90          Layout and Design of Development  
RLP100        Alterations and Extensions and Changes of Use to Listed  
                     Buildings and their settings

#### Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development  
SP5            Space Shaping Principal  
LPP29          Residential Alterations, Extensions and Outbuildings within  
                     Development Boundaries  
LPP42          Built and Historic Environment  
LPP46          Layout and Design of Development  
LLP50          Alterations, Extensions and Changes of Use to Heritage Assets  
                     and their Settings

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

This application is being reported to the Committee because the Parish Council has expressed a view which is contrary to the recommendation of Officers.

#### SITE DESCRIPTION

Vine Cottage is a Grade II Listed Building set close to the road in Walthams Cross, Great Bardfield. Waltham Cross Road is an unclassified road but is designated as a 'Protected Lane' in the Braintree District Local Plan Review. The dwelling sits within a large well-landscaped garden adjacent to which is a strip of ancillary land to the west that has a less manicured appearance. On

this land, there is a timber outbuilding and a recently installed gravel driveway, parking area, pathway leading to the rear of the Cottage and improved access, together with a 5-bar gate and timber post and rail fencing. A significant portion of the site is covered with trees, particularly to the west of the cottage.

## PROPOSAL

This application is for retrospective consent for the gravel driveway and pathway to the side and rear of Vine Cottage. Although not mentioned in the description of development, the plans indicate the installation of a new 5-bar gate and timber and rail fencing which extends to the boundary of the curtilage of the listed building. The application has been submitted to regularise a breach of planning control. Section 171A of the Town and Country Planning Act 1990 defines a breach of planning control as:

*'The carrying out of development without the required planning permission; or*

*Failing to comply with any condition or limitation subject to which planning permission has been granted.'*

Planning permission is required in part because some of the development is outside of the curtilage of the dwelling and due to the fact that other parts of the development have taken place within the curtilage of the listed building. Either way, the development does not benefit from '*permitted development rights*' under the terms of the Town and Country Planning (General Permitted Development) Order 2015.

## CONSULTATIONS

ECC Historic Building Consultant raises no objection to the development.

Great Bardfield Parish Council objects to the proposal on the grounds that the access is on dangerous position on a bend in the road. They also point out that the land was in agricultural use and does not appear to have permission for change of use.

## REPRESENTATIONS

Two letters of representation have been received objecting to the application on the following grounds:

- The position of the access on this narrow lane is detrimental to highway safety;
- Vine Cottage has already been extensively developed;
- The site is poorly lit due to the extensive tree cover;
- No change of use application has been submitted for this former agricultural land;

- The development has been undertaken in anticipation of a future dwelling on the site. An application has been submitted and withdrawn.

## REPORT

This application is for retrospective consent as a result of a complaint made to the Council's Enforcement Team and whilst the local planning authority would not wish to encourage people to carry out development requiring planning permission and then seek planning permission, it has a duty to determine this type of application in accordance with the National Planning Policy Framework (NPPF) and relevant planning policy. The National Planning Practice Guidance states that local planning authorities have discretion to take enforcement action, when they consider it as expedient to do so having regard to the development plan and any other material planning considerations.

In considering any enforcement action, the local planning authority should have regard to the NPPF, in particular Paragraph 207. This states that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.

In cases where an unauthorised development has occurred, such development is immune from enforcement if no action is taken:

Within four years of substantial completion for a breach of planning control consisting of operational development;

Within four years for an unauthorised change of use to a single dwellinghouse;

Within ten years for any other breach of planning control (essentially other changes of use).

These time limits are set out in section 171B of the Town and Country Planning Act 1990.

A local planning authority can invite a retrospective application. In circumstances where they consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application under Section 73A of the Town and Country Planning Act 1990 without delay.

It is important to note that although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission. Such an application

must be considered in the normal way. The local planning authority is therefore obliged to consider the development or use as if it never happened.

Representations made to the Council refer to the fact that the area of land containing the new driveway has not been granted a change of use and this is correct – no planning permission has been granted previously. However, it is apparent from evidence submitted to the Council with a previous application that a change of use of the area of land to the west of the grounds had occurred before 2004. In respect of the change of use referred to by the Parish Council, it is therefore concluded that the Council would be time-barred from taking any enforcement action.

The site comprises a Grade II listed building accessed off a Protected Lane in the countryside, beyond the established Village Envelope for Great Bardfield. The following policies are therefore relevant:

Policy RLP2 of the Braintree District Local Plan Review and CS5 of the Braintree District Local Development Framework seek to confine new development to within defined settlements.

Policy CS8 of the Core Strategy indicates that where development is proposed in the countryside it must have regard to the character of the landscape and its sensitivity to change.

Policy RLP87 of the Local Plan Review seeks to conserve the traditional landscape and nature conservation of roads designated as Protected Lanes, including their associated verges, banks and ditches. Proposals that would adversely affect the physical appearance of these lanes or give rise to a material increase in the amount of traffic using them will not be permitted.

Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy seek to secure a high standard of design in all developments, large or small.

Policy RLP100 states that proposals affecting the setting of a listed building will only be permitted if they do not harm the setting, character, structural stability and fabric of the building or structure.

The concerns of the Parish Council and neighbours with regard to highway safety are understandable, however, this development has been undertaken to provide off-road parking on a very narrow lane where there is little scope to park at the front of the dwelling.

The access has been formed on an unclassified road so the Council do not need to consult the Highway Authority. The road does not carry a significant volume of traffic and Officers consider that the access should not be refused on grounds of highway safety.

The other works comprise a gravel drive, pathway, gate and fence. In terms of the design of the development and the materials used, it is considered that they are appropriate for a rural area and due to the retention of the trees on

the boundary, the area is well screened limiting the visual impact on the surrounding area. In addition, the Historic Buildings Consultant does not consider that the proposal has harmed the setting of the listed building. It is therefore considered that it would be difficult to demonstrate that any harm has occurred as a result of this development.

### CONCLUSION

In conclusion it is considered that this development is discrete and will serve to prevent the parking of vehicles to the front of the listed building. It has been well designed to respect the context of this rural location, does not harm the setting of the listed building and is therefore acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	Plan Ref: RWS/VC/01	Version: A
Location Plan	Plan Ref: RWS/VC/01	
Photograph	Plan Ref: SHOWING DRIVEWAY & PATHWAY	

- 1 The development hereby permitted shall have been carried out in accordance with the approved plans listed above and thereafter so retained.

### Reason

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



PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 16/01119/FUL  
DATE: 29.06.16  
VALID:  
APPLICANT: Mr Lee Carter  
11 Duncombe Close, Witham, Essex, CM8 1GR,  
DESCRIPTION: Installation of set of garage doors to the front of existing cart port  
LOCATION: 11 Duncombe Close, Witham, Essex, CM8 1GR,

For more information about this Application please contact:  
Mrs Liz Williamson on:- 01376 551414 Ext. 2506  
or by e-mail to:



## SITE HISTORY

06/01143/OUT	Erection of approx. 268 Dwellings, B1 business park, primary school, neighbourhood centre, community facilities, open space, landscaping and ancillary infrastructure	Granted with S106 Agreement	28.11.08
12/01071/OUT	Revised masterplan for a mixed use development comprising a commercial area for employment, neighbourhood centres, community facilities including food retail, non-food retail, a pub/restaurant, Class B1 office, retail warehousing, other uses within Classes A1 to A5, children's day nursery, health centre, sports facilities, residential dwellings, open space, landscaping and ancillary infrastructure at land to the south of Hatfield Road forming part of the Maltings Lane development	Granted with S106 Agreement	26.07.13
14/00100/REM	Application for reserved matters: Erection of 135 no. dwellings, associated access, infrastructure, parking and landscaping, provision of playing fields and associated changing facilities	Granted	02.06.14

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Development Framework Core Strategy

CS9            Built and Historic Environment

### Braintree District Local Plan Review

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

### Braintree District Draft Local Plan

SP1            Presumption in Favour of Sustainable Development

SP5	Space Shaping Principal
LPP29	Residential Alterations, Extensions and Outbuildings within Development Boundaries
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development

## INTRODUCTION

This application is brought before the Planning Committee as Witham Town Council have objected to the application.

## SITE DESCRIPTION

The application site comprises a new build terraced property on the Maltings Lane Development within the Witham Development boundary. The property benefits from an open fronted carport which fronts onto Duncombe Close. The carport has an internal breeze block finish. There are a number of similar properties in the locality.

## PROPOSAL

The applicant seeks planning permission to enclose the car port by installing a garage door. The original proposal was for an up and over metal door, however a wooden up and over door is now proposed.

Permission is required in this case, as a condition was included on the Reserved Matters Approval for this phase of the Maltings Lane development (Condition 5 of Application Reference 14/0100/REM). Condition 5 states that: *“the carports and garages hereby permitted shall be retained as approved and shall only be used for the parking of vehicles associated with the dwelling, and, notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order), they shall not be converted for living accommodation or enclosed by doors as might otherwise be permitted by Class A of Part 1 of Schedule 2 of that Order without first obtaining planning permission from the local planning authority”*.

## CONSULTATIONS

Witham Town Council have objected to the application on the grounds that the installation of garage doors could mean that the carport is used for storage and not for the parking of a vehicle.

## REPRESENTATIONS

A site notice was displayed at the front of the property and neighbouring properties at 9 Duncombe Close; 12 Duncombe Close; 15 Duncombe Close; 22 Duncombe Close and 24 Duncombe Close were notified of the proposal. A representation was received from 9 Duncombe Close, supporting the application and stating that the installation of garage doors will enhance the

design of the proposed development and will not have a detrimental impact on the property.

## REPORT

### Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, Policy RLP90 of the Braintree District Local Plan Review requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance. The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to the detailed policies in the plan. There is therefore no objection in principle to this proposal.

### Design, Appearance and Layout

The original proposal was for an up and over metal door however this raised concerns on design grounds. In the case of integral garages in terrace houses, the Essex Design Guide states that the metal up and over door is a feature of poor visual quality...A well designed timber door inset within an opening at least 200mm deep is (also) an acceptable solution.

The Local Planning Authority have previously granted planning permission for a similar proposal (Application Reference 15/01250/FUL) to enclose a carport, at a property in Hardy Walk, which is located in close proximity of the application site. The carport fronted a rear facing parking court and not directly onto the street unlike the current application. Side hung timber doors were approved for this proposal.

Given that the carport faces onto the street, it is considered that the proposal to enclose the carport to secure the vehicle is a reasonable request. Following discussions with the applicant during the course of the application, it was agreed that a timber up and over door would overcome the concerns raised in respect of visual amenity. A side hung door was not feasible in this case as it would restrict the width of the carport and the ability to park a vehicle inside. Revised plans have been submitted during the course of the application and it is considered that these satisfactory address the abovementioned issues. The proposal is considered to be acceptable in this regard.

### Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

### Highway Issues

As stated previously, a condition was included on the Reserved Matters Approval for this phase of the Maltings Lane development (Condition 5 of Application Reference 14/00100/REM) which ensures that all carports are retained for the parking of vehicles associated with the dwellings. This application seeks to secure the car port and does not seek to remove or vary the condition relating to the parking of a vehicle. Furthermore, the installation of a garage door in this case would not prevent a vehicle being parked in the carport. Therefore, it is considered that there would be no highway implications associated with this application.

### CONCLUSION

In conclusion, it is considered that the proposal is acceptable and would comply with the aforementioned policies.

### 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

#### Materials Details

Location Plan	Plan Ref: CAR/01
Block Plan	Plan Ref: CAR/02
Proposed Elevations	Plan Ref: CAR/03
Floor Plan	Plan Ref: CAR/04
Garage Details	Plan Ref: REVISED

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

#### Reason

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

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

#### Reason

To ensure that the development is in character with the surrounding area

and does not prejudice the appearance of the locality.

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

**Reason**

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