

PLANNING COMMITTEE AGENDA

Tuesday, 24 November 2020 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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

Membership:-

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

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

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

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, the order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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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 10th November 2020 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications.

PART A

Planning Applications

- | | | |
|-----------|--|------------------|
| 5a | Application No. 20 00437 FUL - Bower Hall, Bower Hall Lane, PENTLOW | 6 - 31 |
| 5b | Application No. 20 00438 LBC - Bower Hall, Bower Hall Lane, PENTLOW | 32 - 42 |
| 5c | Application No. 20 00480 FUL - Bower Hall, Bower Hall Lane, PENTLOW | 43 - 68 |
| 5d | Application No. 20 00481 LBC - Bower Hall, Bower Hall Lane, PENTLOW | 69 - 79 |
| 5e | Application No. 20 00821 FUL - Land South of Highfield Stile Road, BRAINTREE | 80 - 100 |
| 5f | Application No. 20 01395 FUL - 9 Queens Road, EARLS COLNE | 101 - 111 |
| 5g | Application No. 20 01421 VAR - Gridserve Electric Forecourt, Edison Way, GREAT NOTLEY | 112 - 135 |

PART B

Minor Planning Applications

There are no applications in Part B

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

PRIVATE SESSION

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7 Urgent Business - Private Session

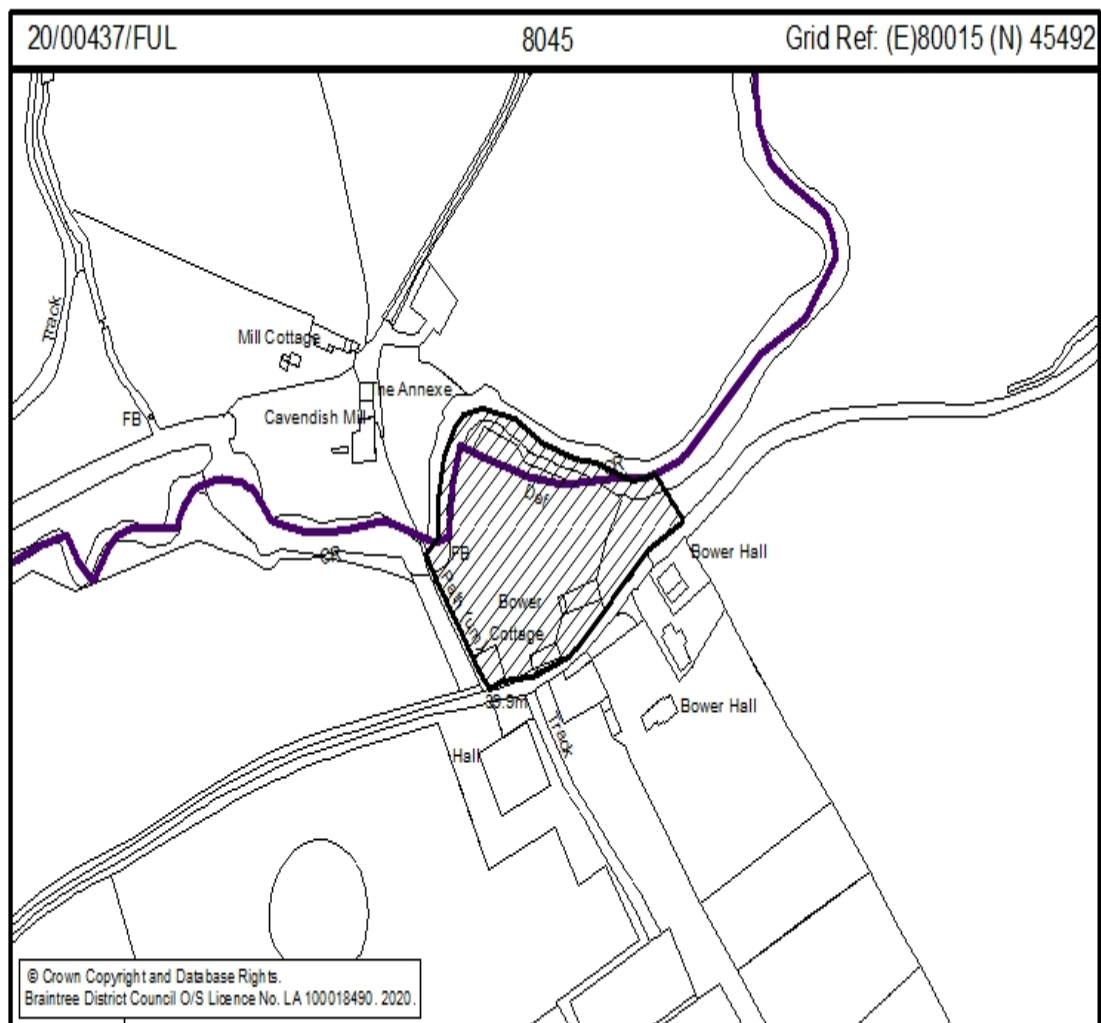
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00437/FUL
DATE VALID: 06.03.20
APPLICANT: Mr & Mrs Andrew Hestletine
Bower Hall, Bower Hall Lane, Pentlow, Essex, CO10 7JT
AGENT: Brighter Planning Ltd
Mrs Charmain Hawkins, 3 Hermitage Meadow, Clare, CO10 8QQ
DESCRIPTION: Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.
LOCATION: Bower Hall, Bower Hall Lane, Pentlow, Essex, CO10 7JT

For more information about this Application please contact:
Juliet Kirkaldy on:- 01376 551414 Ext. 2558
or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6RTF6BFL7K00>

SITE HISTORY

01/00497/FUL	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/00498/LBC	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/02071/COU	Change of use of land for construction of a manege	Granted	04.02.02
03/00376/COU	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00377/COU	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
03/00378/FUL	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00379/LBC	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00558/LBC	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00559/LBC	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
90/01345/P	Erection of 18 hole golf course	Refused	08.01.91
89/01655/P	Erection of extension	Granted	04.10.89
97/00986/COU	Change of use of part of grain store for paper	Refused	08.09.97

17/01531/LBC	storage Removal of existing cedar shingle tiles and replacement with handmade peg tiles made by Tudor Roof Tiles Ltd of Lidd, Kent. Colour - Medium antique and dark antique	Granted	13.10.17
20/00438/LBC	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00480/FUL	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00481/LBC	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00574/HH	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00575/LBC	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00606/HH	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00607/LBC	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00626/FUL	Erection of new barn outbuilding for use ancillary to domestic property of Bower Hall.	Withdrawn	16.07.20

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings

RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

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 application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Pentlow Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is situated outside of the defined development boundary to North West of Pentlow. The site is located in close proximity to the Essex/Suffolk border. The River Stour defines the northern boundary of the site. It is situated within the AONB Dedham Vale and Stour Valley project area. The 'Stables Barn and Briar Barn' subject to this application are Grade II Listed. They are situated to the north west of Bower Hall which is also Grade II Listed and fronts onto Bower Hall Lane, which also forms part of the Stour

Valley Way. They form part of the original farmstead. The principal elevation of the 'Stable Barn' faces towards Bower Hall. The 'Stable Barn' is currently in use as a stables and hay store. The site is on sloping land which slopes down towards the river. To the south and east of the site are open arable fields.

PROPOSAL

The proposal seeks full planning permission for the conversion of the 'Stable Barn' (a late fourteenth to early fifteenth century barn) into a single residential dwelling (5 bedroom) with associated amenity space to the north of the access road extending to the river with an adjacent paddock area. Car parking provision is proposed to the south of the main barn. It is proposed to remove the tack room extension to the west of the barn and restore a two storey bay to the western end of the building. Internal works are proposed with a central bay retained as a full height open space and stair cases installed. New openings are proposed for windows, doors and roof lights.

The 'Briar Barn' is a sixteenth century timber framed and weatherboard structure that is proposed to be retained and refurbished for ancillary domestic storage use in association with the main barn and a replacement tack room.

SUMMARY OF CONSULTATION RESPONSES

Environmental Agency

The site and parts of the development proposal lie within fluvial Flood Zone 3a and therefore defined as having a high probability of flooding. The proposal for residential development is classified as a 'more vulnerable' development. The application is therefore required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). Key points to note from the submitted (FRA):

- The site lies within the flood extent for a 1% annual probability event, including an allowance for climate change
- The site does not benefit from the presence of defences
- Finished ground floor levels have been proposed at 39.51m AOD. This is above the 1% (1 in 100) annual probability flood level including climate change at 65% of 39.32m AOD and therefore dry in this event.
- Flood resilience/resistance measures have not been proposed. The finished floor levels are above the 0.1% annual probability flood level including climate change of 39.37m AOD.
- There is refuge above the 0.1% (1 in 1000) annual probability flood level of 39.37m AOD.
- The site level varies between 39.1 – 40.0mAOD
- The access road to 'Storage Barn' is at 38.8mAOD and it is proposed to raise the level to 39.05mAOD (above the present day 1% (1 in 100) and to provide compensatory storage for the volume of flood plain lost.
- The area being lost is approximately 100m x 0.25m depth = 25 CUM
- It is proposed to remove an area greater than this 100m x 0.5m =50 CUM. This area of excavation should be stepped with the storage coming into effect to coincide with flood level rise. Removing more than

is being lost in this instance could displace water causing it to flow toward the existing Bower Hall Cottage and Bower House. We advise that further detail should be provided to confirm that this has been considered.

AONB Officer

In summary the following comments were made:

- The site is located within the Stour Valley Project Area.
- Concern regarding the level of fenestration proposed in the northern, southern elevations and the potential to increase glare and spill significant light into this part of the Stour Valley which is highly tranquil.
- Concern regarding cumulative impact of light spillage from the other developments proposed at Bower Hall.

Following these concerns raised the applicant submitted revised plans to address the issues. The AONB Officer was re-consulted and made the following comments on the revised scheme:

- The proposed amendments to the fenestration address our concerns regarding light spillage which will make a positive contribution towards conserving the tranquil character in the Stour Valley Project Area.

BDC Ecology Officer

No objection subject to conditions that the mitigation measures identified in the Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) and Further Bat Survey Report (Skilled Ecology, January 2020) should be secured and implemented in full to conserve and enhance Protected and Priority Species particularly bats, barn owls and breeding birds.

ECC Archaeological Consultant

No objection subject to condition. The barn proposed for conversion forms part of a historic farmstead at Bower Hall. A condition is suggested that a historic building record is made before any conversion or demolition takes place to provide a history of the origin and evolution of the buildings within the historic farmstead.

Historic Buildings Consultant

In summary the following concerns were raised:

- The barn use is currently in low key storage uses which are not considered to be sustaining the long term future of the two listed buildings. The Byre is in need of pressing conservation work. Conversion to residential use would ensure their upkeep and survival.
- The proposed overly modern domestic forms proposed in the conversion of the buildings contrast with their historic agricultural character.
- Concern regarding the proposed extent and appearance of the fenestration.

- There would be unnecessary loss of fabric that would result from such window openings that cannot be justified.
- The scheme would have a detrimental impact on the significance and character of the heritage assets.

Following these concerns raised the applicant submitted revised plans to address the issues. However, the Historic Buildings and Conservation Consultant still had concerns regarding the extent of fenestration and the unsympathetic appearance to the special character of the site. A further set of revised plans were submitted and the Historic Buildings Consultant was re-consulted and made the following comments on the revised scheme:

- The structural survey report indicates that the barn is capable of renovation and conversion.
- The barn's sole plate is sited above the flood risk levels, therefore mitigating any potential water damage to the existing timber frame.
- The proposed to raise part of the access road to the south west of the barn by 250mm would not have a detrimental impact on the setting of the listed buildings.
- The revised scheme has address previous concerns. The fenestration has been reduced and skylights and horizontal windows are no longer included.
- The repairs to the byre are considered acceptable.
- No objection subject to conditions.

BDC Landscape Services

No objection subject to condition.

Highway Authority

No objection subject to the conditions and informatives:

1. To ensure that Public Right of Way (Bridleway 27 and Public 13) shall be maintained free and unobstructed at all times
2. The provision and implementation of travel information packs

Informatives relating to surface water onto the highway, works within highway.

PARISH / TOWN COUNCIL

Pentlow Parish Council

Object. In summary the following concerns/questions were raised:

- Lack of infrastructure to support residential development in Pentlow.
- Conversion of 'redundant' agricultural building may set a precedent.
- The Public Right of Way must remain clear.
- General questions raised regarding the presence of bats/owls.
- General questions raised regarding design and appearance.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. Two objections have been received. In summary the following concerns have been raised:

- Concern regarding the boundary treatment and significant imposition on their property due to level differences with restricted levels of light passing into the property. However, this is specifically in relation to application 20/00480/FUL and 20/00481/LBC.
- Access road to Bower Hall is a single track lane. Increase in traffic would become dangerous to walkers, horse riders and motorists
- Loss of countryside.
- No consideration of heritage, landscape or environment.
- Concern regarding flooding.
- Impending access to farmland

REPORT

PRINCIPLE OF DEVELOPMENT

The Development Plan

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

The proposed site is situated outside of the defined development boundary therefore countryside policies apply as stated in Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy seeks to restrict development outside of development boundaries and strictly control to uses appropriate to the countryside.

The NPPF states in paragraph 79 that, *'decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: ...b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting'*. In this case, whilst the site is functionally isolated from services and facilities (Cavendish is approximately 3.2 miles by car according to Google maps) it is not physically isolated from surrounding development as there are immediate neighbouring properties at Bowers Hall Cottages, Bower Hall and Cherry Tree Barn at the entrance road to the site. The assessment of the planning application against the criteria of Paragraph 79 of the NPPF is therefore not applicable.

Policy RLP38 of the Adopted Local Plan permits the conversion of rural buildings to residential use providing that 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. The criterion states that, the buildings should be of a permanent and substantial construction and capable of conversion without major extension or complete reconstruction, their form, bulk and design are in keeping with surroundings, no unacceptable impact on landscape, protected species or historic environment, safe and satisfactory vehicle access and egress can be accommodates.

Policy LPP42 of the Draft Local Plan refers to the conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re building to residential use where: the location of site is accessible and sustainable; there is no unacceptable impact on protected species or heritage assets and their settings; site is served by an existing access; no unacceptable impact on residential amenity; no unacceptable impact on the character of the site or 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. Where considered appropriate surveys will be required for protected species.

The applicants state in paragraph 7.4 of their Planning Statement, *'the buildings have been redundant for farming use for some time. The main barn was granted consent to be used for stabling in 2003 and it remains in this use. This is not seen as an optimal alternative use as it has failed to secure the reinstatement and reasonable repair of the building which the current applications propose as part of the residential use of the building. The relatively isolated location and narrow access lanes which serve mainly residential properties are considered to preclude any commercial use of the buildings.'*

A Structural Report (prepared by Morrish consulting engineers – 14th June 2019) has been submitted with the application and concludes that, *'the barns are in relatively good condition for their aged but suffering from typical defects such as localised loss of timber elements, localised insect infestation and attack, piecemeal local repair, weathering damage to the perimeter brick plinth walls. For the buildings to function as residential use, they will need to undergo a regime of remedial repair and adaption, the building structures are considered capable of forming a sound basis for proposed renovation and conversions. It is also believed that the western end bay of the main barn was a two storey bay and a continuation of the main barn structure. This has been replaced in the past by the single storey lean-to which currently exists'*.

The NPPF states in Paragraph 192, local planning authorities should take account of, *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*. It further states that local planning authorities should, *'look for opportunities for new development within the setting of heritage assets to better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'*. Paragraph 185 of the NPPF

states, 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation'.

The proposal for conversion of the stable barn into a dwelling and the byre into a storage barn would provide new uses for the buildings to ensure their continued existence and longevity. It would also secure the optimum viable use of the heritage asset as the existing low key storage uses, to which the buildings are currently used for would not sustain the long term future of the listed buildings. Due to the location of the barns, other uses such as community or commercial use would not be feasible.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Location and Access to Services and Facilities

The strategy set out in the Draft Local Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of the development upon climate change. This will include requiring that future development be provided in accessible locations to reduce the need to travel and that sustainable transport links will be improved, including provision of and contributions for cycling and walking and quality bus partnership.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The site is situated outside of the defined development boundary approximately 2.6 miles (according to Google maps via car) from Pentlow and 2.4 miles from Belchamp St Paul. Pentlow does not have a development boundary and is considered to be within the countryside. Belchamp St Paul is classified in the Draft Plan as being within the 'third tier' of the settlement hierarchy. Third tier villages lack most of the facilities required to meet day to day needs, with poor public transport links and travel by private vehicle is usually required. The nearest village to the site with services and facilities including a village shop, public house, school is Cavendish situated outside of the Braintree District, approximately 3.2 miles from the site. Great Yeldham, the nearest Key Service Village to the site is situated approximately 6 miles to the south of the site.

The relatively poor links to services, facilities and employment by means other than the private car therefore weigh against the proposal and the sustainability of the site.

Impact on Heritage Asset

A Heritage Statement has been submitted with the planning application. The Stable Barn and the Byre form part of a farmstead group that served the Grade II Listed Bower Hall, a timber framed farmhouse circa 1600. The Stable Barn is situated approximately 40 metres from the main hall and predates the hall. The Byre is a sixteenth century timber framed and weather boarded structure. The Stable Barn and Byre are Grade II listed. As stated by the Historic Buildings Consultant, *'the site therefore has considerable historic significance and a special character that will need to be preserved or enhanced by any development'*.

A Schedule of Repairs has been submitted with the application detailing the works required.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow for changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance. Policy RLP106 of the Adopted Local Plan seeks to impose conditions to ensure archaeological remains are properly excavated and recorded prior to development commencing.

The proposed works would retain the original form of the Byre and in the case of the Stable Barn reinstate a bay which has formally been lost. The fenestration proposed in the Stable Barn, although, significantly reduced from that proposed in the original drawings submitted will 'domesticate' the appearance of the Stable Barn. The internal works proposed particularly at ground floor level are minimal to maintain the open aspect of the barn.

The Historic Buildings Consultant has suggested conditions be imposed relating to submission of method statements, details of necessary repairs be submitted, schedules and specifications of types and colours of materials, details of windows, doors, facia and sills, method of insulation and internal finishes, method of ventilating the building, and method of damp prevention, landscaping treatment. These conditions are considered reasonable given the works proposed to ensure that there is no detrimental harm to the listed building.

The Archaeology Consultant has been consulted and suggested that a condition be imposed for building recording to preserve, be record, the surviving form, features and any surviving fittings with the buildings prior to alterations or conversion to provide a history of the origin and evolution of the buildings within the historic farmstead. Officers consider this reasonable given the history of the site.

It is considered that the proposed works are sympathetic and would not give rise to any material harm to the character or appearance of the listed buildings.

The proposal complies with Policies RLP100, RLP101 and RLP106 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan seek to secure high quality design in all developments. Policy RLP100, RLP101 of the Adopted Local Plan and Policy LPP50 of the Draft Local Plan focus specifically on heritage assets. Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'. Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Stable Barn has a tin covering roof which formally would have been thatched. It has 4 bays, it would have formally had 5 bays but one has been lost and replaced with a single storey modern lean to addition on the western elevation of the building. The building has a red brick plinth and weather boarded walls. The proposed works include restoring a two storey bay to the western end of the building restoring it back to its original form of 5 bays. On the front elevation 6 modest windows are proposed, located within the new outer skin of construction and sitting in front of the existing timber frame structure. Glazed panels are proposed above and to the side of the main entrance to be formed within the existing barn entrance, this is mirrored on the rear north elevation. Two roof lights are proposed on the front elevation with 3 smaller windows proposed in the rear elevation. The submitted schedule of works refers to the surveying of the timbers once the wall linings etc have been removed and undertaking quality repairs to the timber work and strengthening as necessary. It further states where rebuilding of the brick

plinth is necessary, salvage sound bricks bedded in lime mortar for reuse. The submitted floor plan proposes the installation of a stair case to serve the east and west wing of the barn. Two of the bedrooms at first floor will be served by proposed roof lights providing light and ventilation. External windows will provide light and ventilation for the other three bedrooms.

The Byre is a four bay structure of lower height than the Stable Barn with two and a half open cart bays and one and a half enclosed bays. The bays are defined by timber posts with angle braces. It currently has a metal sheet roof which would have once been thatched. The walls have a red brick plinth which has been rebuilt in places and weatherboarding on the exterior which is in poor condition. The submitted schedule of works refers to the remedial works proposed including strengthening timber beams, rebuilding the brick plinth, replacing the roof with new corrugated galvanised steel sheeting. The Byre is proposed to be used for ancillary domestic storage and as a replacement tack room in association with the Stable Barn.

The Essex Design Guide 2005 seeks a minimum provision of 100sqm for 3 or more bedroom dwellings. The proposed provision of amenity space for the Stable Barn exceeds this minimum standard with provision of a garden and an associated paddock to the north of the site.

The introduction of a residential use, the conversion of the buildings and the and the division into separate curtilages will alter the character and appearance of the site, however, it is considered that the original character and charm of the buildings and the wider site can be retained by way of placing restrictions on boundary treatments and controlling permitted development rights by attaching planning conditions to any grant of consent. Subject to the above, the proposed complies with the abovementioned policies.

Impact on Dedham Vale and Stour Valley Project Area

The site is situated within the Stour Valley Project Area. The Valued Landscape Report for the Stour Valley Project Area considered that the Mid Stour Valley around Cavendish is a high value landscape that exhibits features similar to the Dedham Vale Area of Outstanding Natural Beauty. Paragraph 170a of the NPPF requires Valued Landscapes to be protected and enhanced.

The AONB Officer has raised no objection to the revised scheme.

Flooding

Policy CS8 of the Adopted Core Strategy states that the Council will minimise the exposure of people and property to the risks of flooding by following the national guidance laid out.

The River Stour is situated approximately 30 metres to the north of the site. The Stable Barn and Byre is situated within Flood Zone 3a.

A Flood Risk Assessment (prepared by Prior Associates February 2020) has been submitted as supporting documentation with the application. The Technical Guidance to the National Planning Policy Framework states in Table 2 that as the proposed development will be residential it would be classified as 'more vulnerable'. Changes of use are not subject to the sequential test and Table 3 of the Technical Guide states that, 'more vulnerable' development can be constructed within Zone 3a subject to an exception test.

The Flood Risk Assessment (FRA) states that a request was made to the Environment Agency for their product 4. The Planning Guidance states that, *'product 4 provides detailed flood risk assessment, including flood zones, defences and storage areas, areas benefiting from defences, statutory main river designations, historic flood event outlines and more detailed information from our computer river models (including model extent, information on one or more specific points, flood levels, flood flows)'*. The FRA refers to product 4 and states that, *'this indicates the Stable Barn and Briar Barn maybe in Flood Zone 2 or 3'*.

The FRA analyses in detail the modelling data provided by the Environment Agency and the site levels to Ordnance Datum. The FRA states in paragraph 4.6, *'comparing these existing levels to the predicted 1 in 100 level from the modelling, it is clear that the flood map for planning extends the flood areas further than in reality they are'*. The FRA further states that, *'4.7. Reference to the 1 in 1000 figures gives a value for node point STOU2_22911 of 39.33 metres AOD. Again, comparing to the survey figures, this suggests that the Stable Barn and Briar Barn are in Flood Zone 1, whilst the Storage Barn may by 30mm be within Flood Zone 2'*. Changes of use are not subject to the sequential test and Table 3 of the Technical Guidance states that 'more vulnerable' development can be constructed within Zones 1 and 2 without an exception test.

The FRA suggests in paragraph 4.10 that there is no risk from surface water flooding as the general slope of the ground towards the River Stour is a significant fall of approximately 1 metre.

The FRA further suggests that the risk of ground water flooding is remote given the ground conditions are permeable, sand and gravel over chalk.

The FRA suggests that the predicted 1 in 100 year flood level for the area is 39.05 metres AOD and suggests it would be sensible to set floor levels 300mm minimum above this.

The FRA considers the impact of climate change affecting flood levels and suggests that as the proposed development is 'more vulnerable' and within the Anglia region the climate change consideration should be based on a 35% increase in flood flows. The FRA suggests that it would be prudent to allow a freeboard above this level of 300mm, which gives a minimum floor level of 39.51 metres AOD. They conclude that climate change will not affect the

development if the levels at Stable Barn at 39.6 metres AOD and Briar Barn (Byre) at 39.9 AOD are employed.

The FRA refers to egress and access into the site and potential for local area of flooding on the road providing access to the storage barn (subject to application 20/00480/FUL and 20/00481/LBC). They suggest that the road is raised by 250mm so that the minimum highway level is 39.1 metres AOD. It is currently 38.8 metres AOD at its lowest point. This would mean a local area of flooding of the order of 250mm. The FRA indicated that this was not acceptable. The proposed raising of the land will result in the loss of 100m² of flood plain, the FRA suggests in paragraph 5.6.3 that, *'this should be replaced on a like for like basis by lowering the land to the east of the concrete paving shown to the south of Briar Barn'*. The FRA includes a diagram on page 13 illustrating the area to be lowered and suggests that 2 300mm diameter pipes, complete with screens and head walls would be installed. It illustrates that the loss of 100m² of current flood plain (to be raised) will be replaced by approximately 100m² by excavating and lowering the land to the east of the concrete paving shown to the south of Briar Barn, to the west of Storage Barn. It further states in the summary of the FRA *'Compensatory lowering is proposed so there is not a loss of the flood plain'*. Officers asked for the proposed alterations to land levels/flood plain to be shown on the Block Plan and a revised plan was subsequently submitted by the applicant (drawing 0081D-S01). The Environment Agency have raised a concern regarding the area of excavation stating that, *'this area of excavation should be stepped with the storage coming into effect to coincide with flood level rise. Removing more than is being lost in this instance could displace water causing it to flow towards the existing Bower Hall Cottage and Bower Hall.'* A condition is proposed requiring further detail to be submitted and requiring the works to be completed prior to occupation of the dwellings.

The Historic Buildings Consultant has raised no objection to the proposed alterations to the flood plain in terms of impact on the setting of the listed buildings.

The raising of the access road will result in access and egress being available at all times.

A Flood Evacuation Plan (prepared by Prior Associates Sept 2020) has been submitted. The report summarises in paragraph 1.5, *'that once the recommended level alterations to the highway have been carried out and floor level is installed as recommended in the FRA, areas subject to flooding are at least 10 metres from the proposed development'*.

The Environment Agency have highlighted in their response that, *'as proposal is classified as a 'more vulnerable' development as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance PPG, to comply with the national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).'*

The Planning Guidance states that for a change of use a sequential test is not required. In this case, the barn is changing use from a storage barn and stables into a residential dwelling.

The Environment Agency have raised in their response that '*supporting information and calculations are submitted to provide certainty that the buildings will be constructed to withstand these water pressures*'. They further state that as flood resistant/resilient construction measures are not proposed, consideration is to be given to use of flood proofing measures to reduce the impact of flooding when it occurs.

Following these comments from the Environment Agency the applicant has submitted a further letter from their engineer which states that, '*The barns are traditional oak, timber framed construction, built off a bulk timber sole plate, which is seated upon a substantial brick plinth wall. The sole plate is sited above the flood risk levels, therefore mitigating any potential water damage to the existing timber frame*'.

Officers are satisfied that the applicants have demonstrated through detailed analysing of data and surveying of the site that the site is at low risk of flooding. Floor levels will be above flood level and a flood evacuation plan has been submitted.

Impact on Neighbour Amenity

The NPPF requires planning to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The Stable Barn is situated approximately 40 metres north west of Bower Hall and approximately 25 metres to the west of Bower Hall Cottage. Bower Hall Lane separates the Stable Barn and Byre from Bower Hall and Bower Hall Cottage.

Taking into account the position of the Stable Barn and Byre proposed to be converted into residential dwellings and the relationship with surrounding residential properties it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of overlooking, loss of light, overshadowing, loss of privacy. The proposal accords with Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan.

Highway Considerations

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative

impacts of development on the road network would be severe. Policy RLP101 of the Adopted Local Plan states that conversion to residential use would only be permitted where '*b) the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads*'.

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

The submitted plans propose sufficient parking for 2 car parking spaces for the proposed dwelling to accord with the Essex Vehicle Parking Standards. A car parking forecourt is proposed to the rear of the byre.

The Highway Authority has reviewed the planning application against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity. No objections have been raised to the scheme in highway terms subject to conditions.

This accords with the Essex Vehicle Parking Standards and therefore complies with Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan.

Ecology

A Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) and Further Bat Survey Report (Skilled Ecology, January 2020) has been submitted as supporting documentation with the application.

The report concluded that evidence of roosting bats were identified in the main dwelling and barns. One barn owl pellet was observed in the open cartlodge (Byre) and active bird nests for swift, swallow, great tit and multiple house sparrow in the main dwelling and barns.

The Councils Ecologist has reviewed the Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and priority species/habitats and are satisfied that there is sufficient ecological information for determination of the application. There is certainty for the LPA of the likely impacts on designated sites, protected and priority species/habitats and, with appropriate mitigation measures secured by condition the development can be made acceptable. This includes submitting for a Natural England European Protected Species Mitigation Licence, as roosting bats were determined to be present within the barn.

This accords with Policy RLP184 of the Adopted Local Plan and Policy LPP68 of the Draft Local Plan which seeks to impose conditions to protect protected species and their habitats.

Landscaping

Policies RLP80 and RLP81 of the Adopted Local Plan seek to ensure that development integrates into the local landscape and appropriate native species are planted and Policy LPP69 of the Draft Local Plan.

There are no detail landscaping proposals submitted as part of the proposal. The Council's Landscaping Officer has reviewed the application and raises no objection subject to a landscaping condition being imposed.

Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

The application site is located outside of the Zone of Influence, and therefore no contribution or assessment is necessary.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are

interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The development will perform only a marginal economic role i.e. the short term employment related to construction.

In providing a social role, development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. The prospective occupiers of the dwelling would support health, cultural and social facilities in neighbouring towns and villages to only a limited extent. The provision of one dwelling would make a contribution to the Council's 5 Year Housing Land Supply, albeit this would be limited given the scale of development proposed.

In terms of the environmental role, development should contribute to protecting and enhancing the natural, built and historic environment. Given the poor pedestrian connectivity between the site and the services and facilities within neighbouring town and villages the proposal would encourage dependency upon travel by car.

When considering the environmental impact on balance, the barn building is existing. The NPPF supports new residential development in the countryside where development would re-use redundant or disused buildings and enhance its immediate setting. This is relevant and applicable to this planning application. The proposal for conversion of an existing building to residential use would make effective use of the land in this instance ensuring the long term viability of an existing structurally sound building in the countryside. Furthermore, the proposal would ensure the optimum viable use of a heritage asset securing its longevity and existence. The existing use would not sustain the long term future of the listed building. The proposal would also accord with the Council's policies in relation to the conversion of rural buildings. Furthermore, when considering the environmental impact the site is situated within Flood Zone 3a. However, the applicants have satisfactorily

demonstrated through detailed survey work and analysing of data that the site is at low risk of flooding.

When considering the planning balance, having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Ground Floor Plan	Plan Ref:
0081CGA00	Version: A
Proposed 1st Floor Plan	Plan Ref: 0081CGA01
Proposed Roof Plan	Plan Ref: 0081CGA02
Proposed Elevations	Plan Ref: 0081CGA03
Proposed Elevations	Plan Ref: 0081CGA04
Existing Floor Plan	Plan Ref: 0081_C_EX02
Existing Elevations	Plan Ref: 0081_C_EX03
Existing Elevations	Plan Ref: 0081_C_EX04
Existing Elevations and Floor Plans	Plan Ref:
0081_C_EX07	
Existing Elevations and Floor Plans	Plan Ref:
0081_C_EX07	
Location / Block Plan	Plan Ref: 0081D-S01 i2

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

Reason

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

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

Reason

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

- 3 Prior to the first occupation of the development hereby approved details shall of any gates, fences, walls or other means of screening or enclosure

to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be approved in writing by the Local Planning Authority shall be erected prior to the first occupation of the development and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any order revoking or re-enacting that Order with or without modification).

Reason

In the interests of the character and appearance of the countryside and the character and setting of the listed buildings.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alterations of the dwelling-house or provision of any building within the curtilage of the dwelling-house permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions or outbuildings in the interests of the amenity afforded to the countryside location and the character and setting of the listed buildings.

- 5 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 6 Works to develop any of the buildings on site with confirmed bat roosts shall not in in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998

- 7 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport

- 8 Prior to the commencement of works to convert the buildings, a Written Scheme of Investigation (WSI), which shall include details for a programme of historic building recording shall be submitted to and approved in writing by the Local Planning Authority.

Reason

The site may be of archaeological interest.

- 9 The approved WSI as required by condition 8 of this permission shall be fully implemented at the time of development and upon completion of the historic building recording, the applicant shall submit to the Local Planning Authority a report of findings and confirm the deposition of the archive to an appropriate depository (to be submitted within six months of the completion of the fieldwork).

Reason

The site may be of archaeological interest.

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

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.

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.

Reason

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

- 11 Prior to commencement of the development a scheme (to include full details and sections) for the alteration to the flood plain (including and excavating of the land) shall be submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before first occupation of the dwelling hereby approved and thereafter retained in the approved form.

Reason

To ensure that any future works do not inhibit the function of the floodplain and do not increase either on or off site flood risk. Furthermore, to ensure that the future works are not harmful to the countryside and heritage setting.

- 12 During the course of development, should contamination be found that was not previously identified or not considered in the desktop study, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development

Reason

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

- 13 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.

INFORMATION TO APPLICANT

- 1 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over bridleway 27 (Pentlow) and public footpath 13 (Pentlow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 2 There shall be no discharge of surface water on to the highway. 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org; or by post to: SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

- 3 You are advised that there may be archaeological remains on the site and your attention is drawn to the conditions on the attached decision notice. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, it would be appreciated if you would consult direct with the Essex County Council Planning Department (Archaeology Advisory Group Mr R. Havis 01245 437632).
- 4 The applicant is advised to ensure that public rights and ease of passage over public bridleway 27 (Pentlow) and public footpath 13 (Pentlow) are maintained free and unobstructed at all times.

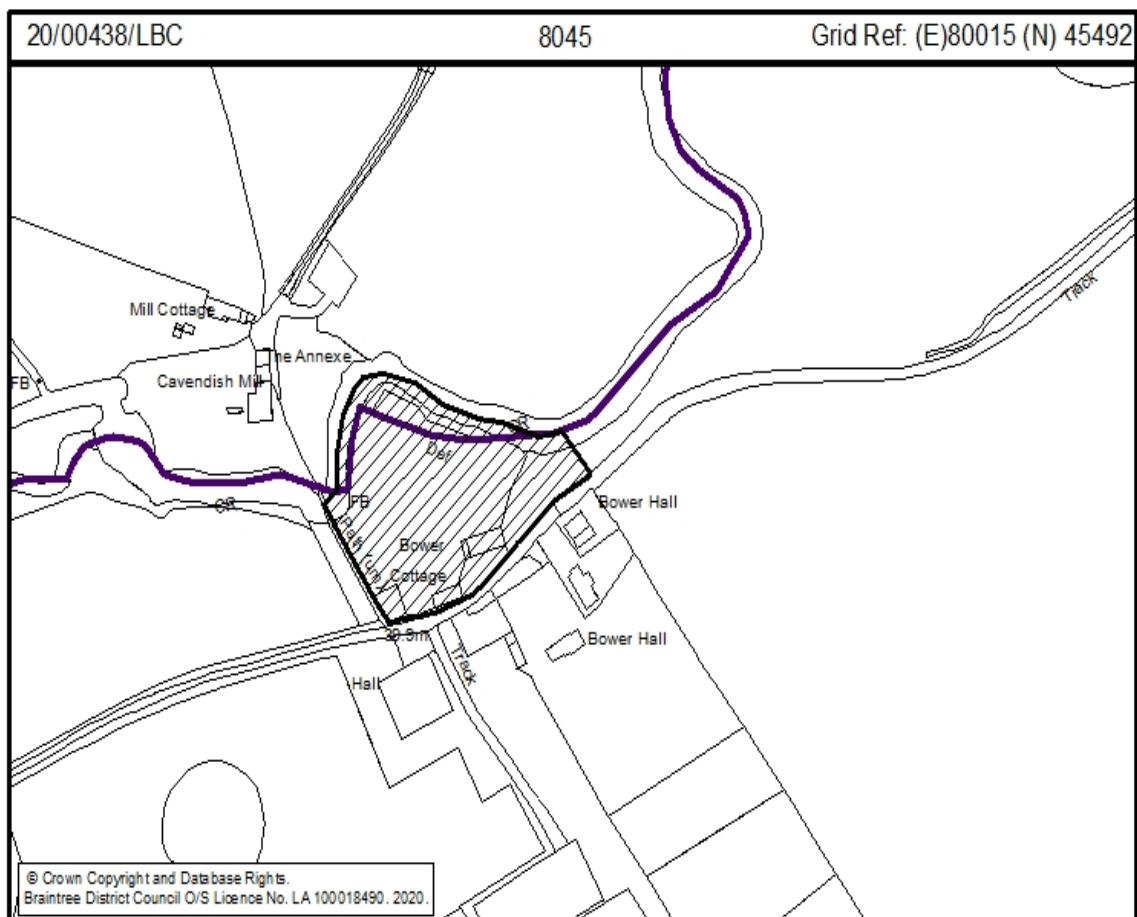
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00438/LBC
DATE: 06.03.20
VALID:
APPLICANT: Mr & Mrs Andrew Hestletine
Bower Hall, Bower Hall Lane, Pentlow, CO10 7JT
AGENT: Brighter Planning Ltd
Mrs Charmain Hawkins, 3 Hermitage Meadow, Clare, CO10 8QQ, UK
DESCRIPTION: Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.
LOCATION: Bower Hall, Bower Hall Lane, Pentlow, Essex, CO10 7JT

For more information about this Application please contact:
Juliet Kirkaldy on:- 01376 551414 Ext. 2558
or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6RTFABFL7L00>

SITE HISTORY

01/00497/FUL	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/00498/LBC	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/02071/COU	Change of use of land for construction of a manege	Granted	04.02.02
03/00376/COU	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00377/COU	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
03/00378/FUL	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00379/LBC	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00558/LBC	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00559/LBC	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
90/01345/P	Erection of 18 hole golf course	Refused	08.01.91
89/01655/P	Erection of extension	Granted	04.10.89
97/00986/COU	Change of use of part of grain store for paper	Refused	08.09.97

17/01531/LBC	storage Removal of existing cedar shingle tiles and replacement with handmade peg tiles made by Tudor Roof Tiles Ltd of Lidd, Kent. Colour - Medium antique and dark antique	Granted	13.10.17
20/00437/FUL	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00480/FUL	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00481/LBC	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00574/HH	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00575/LBC	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00606/HH	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00607/LBC	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00626/FUL	Erection of new barn outbuilding for use ancillary to domestic property of Bower Hall.	Withdrawn	16.07.20

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

RLP101 Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP50 Built and Historic Environment

LPP60 Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

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 application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Pentlow Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is situated outside of the defined development boundary to North West of Pentlow. The site is located in close proximity to the Essex/Suffolk border. The River Stour defines the northern boundary of the site. It is situated within the AONB Dedham Vale and Stour Valley project area. The 'Stables Barn and Briar Barn' subject to this application are Grade II Listed. They are situated to the north west of Bower Hall which is also Grade II Listed and fronts onto Bower Hall Lane, which also forms part of the Stour Valley Way. They form part of the original farmstead. The principal elevation of the 'Stable Barn' faces towards Bower Hall. The 'Stable Barn' is currently in use as a stables and hay store. The site is on sloping land which slopes down towards the river. To the south and east of the site are open arable fields.

PROPOSAL

The proposal seeks full planning permission for the conversion of the 'Stable Barn' (a late fourteenth to early fifteenth century barn) into a single residential dwelling (5 bedroom) with associated amenity space to the north of the access road extending to the river with an adjacent paddock area. Car parking

provision is proposed to the south of the main barn. It is proposed to remove the tack room extension to the west of the barn and restore a two storey bay to the western end of the building. Internal works are proposed with a central bay retained as a full height open space and stair cases installed. New openings are proposed for windows, doors and roof lights.

The 'Briar Barn' is a sixteenth century timber framed and weatherboard structure that is proposed to be retained and refurbished for ancillary domestic storage use in association with the main barn and a replacement tack room.

This application seeks listed building consent for the works proposed. An application for planning permission (application 20/00480/FUL has been submitted concurrently for consideration).

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

In summary the following concerns were raised:

- The barn use is currently in low key storage uses which are not considered to be sustaining the long term future of the two listed buildings. The Byre is in need of pressing conservation work. Conversion to residential use would ensure their upkeep and survival.
- The proposed overly modern domestic forms proposed in the conversion of the buildings contrast with their historic agricultural character.
- Concern regarding the proposed extent and appearance of the fenestration.
- There would be unnecessary loss of fabric that would result from such window openings that cannot be justified.
- The scheme would have a detrimental impact on the significance and character of the heritage assets.

Following these concerns raised the applicant submitted revised plans to address the issues. However, the Historic Buildings and Conservation Consultant still had concerns regarding the extent of fenestration and the unsympathetic appearance to the special character of the site.

A further set of revised plans were submitted and the Historic Buildings and Conservation Consultant was re-consulted and made the following comments on the revised scheme:

- The structural survey report indicates that the barn is capable of renovation and conversion.
- The barn's sole plate is sited above the flood risk levels, therefore mitigating any potential water damage to the existing timber frame.
- The proposed to raise part of the access road to the south west of the barn by 250mm would not have a detrimental impact on the setting of the listed buildings.

- The revised scheme has address previous concerns. The fenestration has been reduced and skylights and horizontal windows are no longer included.
- The repairs to the byre are considered acceptable.
- No objection subject to conditions.

PARISH / TOWN COUNCIL

Pentlow Parish Council

Object. In summary the following concerns/questions were raised:

- Lack of infrastructure to support residential development in Pentlow.
- Conversion of 'redundant' agricultural building may set a precedent.
- The Public Right of Way must remain clear.
- General questions raised regarding the presence of bats/owls.
- General questions raised regarding design and appearance.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. Two objections have been received. In summary the following concerns have been raised:

- Concern regarding the boundary treatment and significant imposition on their property due to level differences with restricted levels of light passing into the property. However, this is specifically in relation to application 20/00480/FUL and 20/00481/LBC.
- Access road to Bower Hall is a single track lane. Increase in traffic would become dangerous to walkers, horse riders and motorists
- Loss of countryside.
- No consideration of heritage, landscape or environment.
- Concern regarding flooding.
- Impending access to farmland

REPORT

The main consideration in the determination of this application is the impact on the character and appearance of the listed building. A listed building consent application is not concerned with the acceptability of the proposed use in principle, just the physical alterations proposed and the impact of this on the listed building.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the

conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

A Heritage Statement has been submitted with the planning application. The Stable Barn and the Byre form part of a farmstead group that served the Grade II Listed Bower Hall, a timber framed farmhouse circa 1600. The Stable Barn is situated approximately 40 metres from the main hall and predates the hall. The Byre is a sixteenth century timber framed and weather boarded structure. The Stable Barn and Byre are Grade II listed. As stated by the Historic Buildings Consultant, *'the site therefore has considerable historic significance and a special character that will need to be preserved or enhanced by any development'*.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant particularly in relation to the fenestration proposed.

The Stable Barn has a tin covering roof which formally would have been thatched. It has 4 bays, it would have formally had 5 bays but one has been lost and replaced with a single storey modern lean to addition on the western elevation of the building. The building has a red brick plinth and weather boarded walls. The proposed works include restoring a two storey bay to the western end of the building restoring it back to its original form of 5 bays. On the front elevation 6 modest windows are proposed, located within the new outer skin of construction and sitting in front of the existing timber frame structure. Glazed panels are proposed above and to the side of the main entrance to be formed within the existing barn entrance, this is mirrored on the rear north elevation. Two roof lights are proposed on the front elevation with 3 smaller windows proposed in the rear elevation. The submitted schedule of works refers to the surveying of the timbers once the wall linings etc have been removed and undertaking quality repairs to the timber work and strengthening as necessary. It further states where rebuilding of the brick plinth is necessary, salvage sound bricks bedded in lime mortar for reuse. The submitted floor plan proposes the installation of a stair case to serve the east and west wing of the barn. Two of the bedrooms at first floor will be served by proposed roof lights providing light and ventilation. External windows will provide light and ventilation for the other three bedrooms. The fenestration proposed will 'domesticate' the appearance of the Stable Barn. The internal works proposed, particularly at ground floor level, are minimal to maintain the open aspect of the barn.

The Byre is a four bay structure of lower height than the Stable Barn with two and a half open cart bays and one and a half enclosed bays. The bays are defined by timber posts with angle braces. It currently has a metal sheet roof which would have once been thatched. The walls have a red brick plinth which has been rebuilt in places and weatherboarding on the exterior which is in poor condition. The submitted schedule of works refers to the remedial works

proposed including strengthening timber beams, rebuilding the brick plinth, replacing the roof with new corrugated galvanised steel sheeting. The original form of The Byre would be retained. The Byre is proposed to be used for ancillary domestic storage and as a replacement tack room in association with the Stable Barn.

The proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes. In addition the proposal complies with part (a) of Policy RLP101 of the Adopted Local Plan; however no consideration has been given to the proposed use of the barn or any other part of Policy RLP101 as part of this listed building consent application.

It is recommended that conditions be place on any grant of consent to control materials, finishes, window and door detailing, proposed method of insulation, details of repairs (in addition to approved schedule of works submitted, method of ventilation, method of damp prevention, details of all soft and hard landscaping and boundary treatments and monitoring of repair works.

CONCLUSION

Subject to conditions, it is considered that the proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 0081_C_PR00	Version: A
Proposed 1st Floor Plan	Plan Ref: 0081_C_PR01	Version: A
Proposed Roof Plan	Plan Ref: 0081_C_PR02	Version: A
Proposed Elevations	Plan Ref: 0081_C_PR03	Version: A
Proposed Elevations	Plan Ref: 0081_C_PR04	Version: A
Existing Floor Plan	Plan Ref: 0081_C_EX01	
Existing Floor Plan	Plan Ref: 0081_C_EX02	
Existing Elevations	Plan Ref: 0081_C_EX03	
Existing Elevations	Plan Ref: 0081_C_EX04	

Existing Elevations and Floor Plans
0081_C_EX07

Plan Ref:

Existing Elevations and Floor Plans
0081_C_EX07

Plan Ref:

Schedule of Works

Location / Block Plan Plan Ref: 0081D-S01 i2

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

Reason

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

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

- 3 The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works to both buildings and to allow continued assessment and consultation throughout the period of works.

Reason

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

- 4 Details of necessary repairs in addition to the approved schedule shall be submitted to and approved by the local planning authority and the repairs shall then be carried in accordance with the approved details.

Reason

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

- 5 No works shall commence until a schedule and specifications of the types and colour of the materials to be used in the external finishes, including roofing materials, weatherboarding, rainwater goods and external elements such as meter cupboards, have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason

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

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

Reason

To ensure the use of appropriate detailing on this listed building.

- 7 No works shall commence until details of the proposed method of insulation and internal finishes including floors, have been approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with such details and permanently retained as such.

Reason

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

- 8 No works shall commence until details of the proposed method of ventilating the building and its internal rooms have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 9 No works shall commence until drawings showing details of the proposed method of damp prevention have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

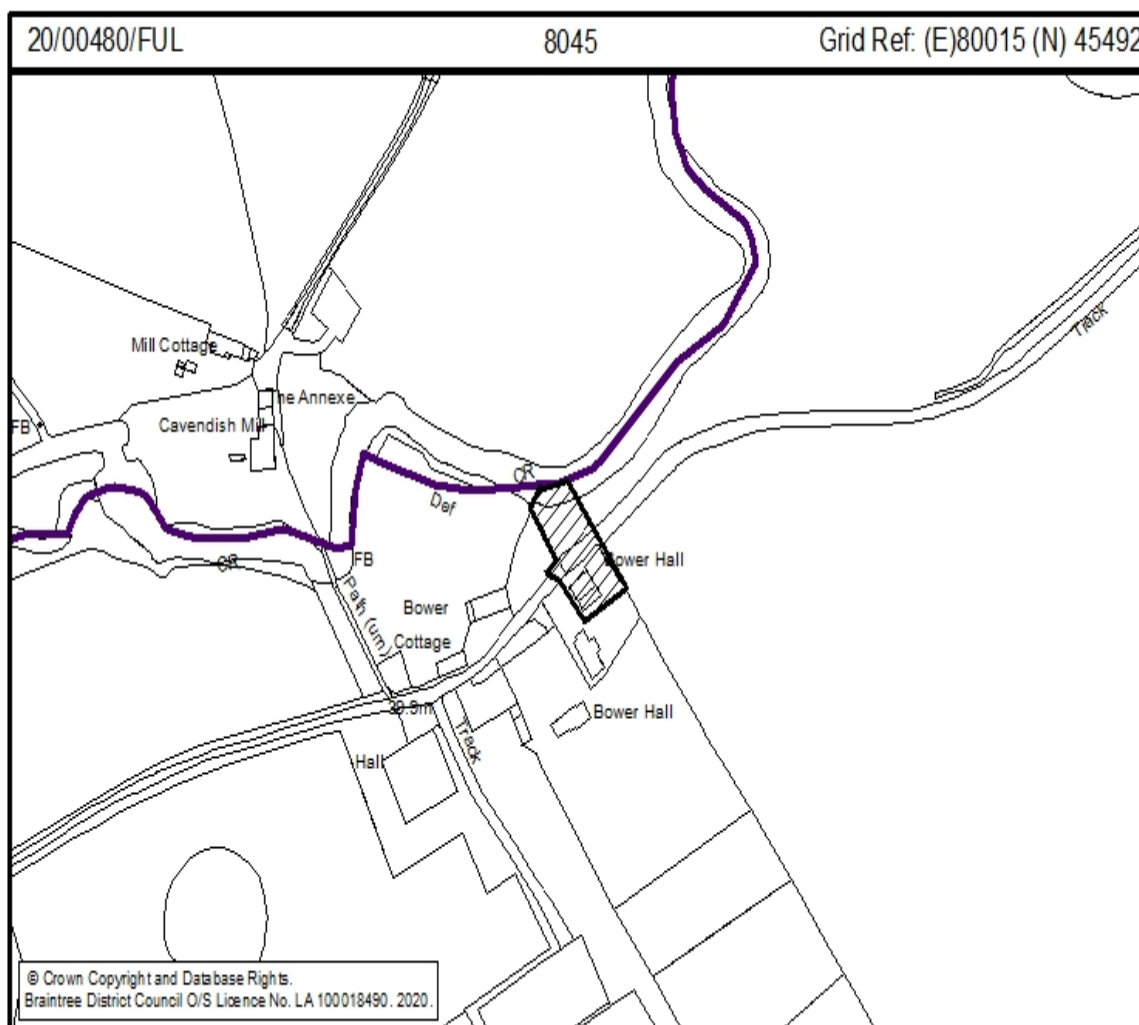
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/00480/FUL
 DATE: 13.03.20
 VALID:
 APPLICANT: Mr & Mrs Andrew Hestletine
 Bower Hall, Bower Hall Lane, Pentlow, CO10 7JT
 AGENT: Brighter Planning Ltd
 Mrs Charmain Hawkins, 3 Hermitage Meadow, Clare, CO10 8QQ, UK
 DESCRIPTION: Conversion of barn into single dwelling with associated car parking.
 LOCATION: Bower Hall, Bower Hall Lane, Pentlow, Essex, CO10 7JT

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74PACBFLBV00>

SITE HISTORY

01/00497/FUL	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/00498/LBC	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/02071/COU	Change of use of land for construction of a manege	Granted	04.02.02
03/00376/COU	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00377/COU	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
03/00378/FUL	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00379/LBC	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00558/LBC	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00559/LBC	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
90/01345/P	Erection of 18 hole golf course	Refused	08.01.91
89/01655/P	Erection of extension	Granted	04.10.89
97/00986/COU	Change of use of part of grain store for paper	Refused	08.09.97

17/01531/LBC	storage Removal of existing cedar shingle tiles and replacement with hand made peg tiles made by Tudor Roof Tiles Ltd of Lidd, Kent. Colour - Medium antique and dark antique	Granted	13.10.17
20/00437/FUL	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00438/LBC	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00481/LBC	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00574/HH	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00575/LBC	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00606/HH	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00607/LBC	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00626/FUL	Erection of new barn outbuilding for use ancillary	Withdrawn	16.07.20

to domestic property of
Bower Hall.

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

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 application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Pentlow Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is situated outside of the defined development boundary to the North West of Pentlow. The site is located in close proximity to the

Essex/Suffolk border. The River Stour abuts the northern boundary of the site. It is situated within the AONB Dedham Vale and Stour Valley project area. The existing 'storage barn' subject to this application is situated to the north east of Bower Hall which is Grade II Listed and fronts onto Bower Hall Lane, which also forms part of the Stour Valley Way. The storage barn is late 18th century and it forms part of the original farmstead despite it being offset from the main group of historic buildings. To the east is arable farmland to the south is the garden curtilage for Bower Hall. A modern dwelling (known as Bower Hall Cottages is the neighbouring property) separates the storage barn from the main hall.

PROPOSAL

This application seeks full planning permission for the conversion of the storage barn into a single residential dwelling (3 bedroom) with associated amenity space to the south and east of the building and car parking provision to the east of the proposed dwelling on the frontage with Bower Hall Lane. The submitted red line location plan shows a further area of paddock to the north of the proposed dwelling on the opposite side of Bower Hall Lane. It is proposed to raise part of Bower Hall Lane to the north west of the site by approximately 250mm for approximately 100sq.m to address concerns raised in the Flood Risk Assessment.

Internally, it is proposed to remove the existing staircase and provide a new central staircase providing access to the three bedrooms within the first floor roof area. Four roof lights are proposed to provide light to the first floor accommodation. It is proposed to utilise the existing opens to provide glazed openings doors/windows with the addition of bifold doors on the east elevation. It is proposed to replace the metal sheet roof covering with natural slates.

SUMMARY OF CONSULTATION RESPONSES

Environmental Agency

The built development falls within flood zone 2 and therefore the Local Planning Authority should refer to the Local Flood Risk Standing Advice for sequentially sited development.

(Note: the EA have commented on the land raising issue as referred to in the submitted Flood Risk Assessment in their response to planning application 20/00437/FUL)

AONB Officer

In summary the following comments were made:

- The site is located within the Stour Valley Project Area.
- Concern regarding the level of fenestration proposed in the northern, southern, eastern elevations and the potential to increase glare and spill significant light into this part of the Stour Valley which is highly tranquil.

- Concern regarding cumulative impact of light spillage from the other developments proposed at Bower Hall.

Following these concerns raised the applicant submitted revised plans to address the issues. The AONB Officer was reconsulted and made the following comments on the revised scheme:

- The proposed modifications to this barn in terms of fenestration do not raise any significant concerns in terms of impacts on the special qualities of the Stour Valley Project Area.

BDC Ecology Officer

No objection subject to conditions that the mitigation measures identified in the Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) and Further Bat Survey Report (Skilled Ecology, January 2020) should be secured and implemented in full to conserve and enhance Protected and Priority Species particularly bats, barn owls and breeding birds.

ECC Archaeological Consultant

No objection subject to condition. The barn proposed for conversion forms part of a historic farmstead at Bower Hall. The conversion of the barn buildings to new uses will result in loss of the historic fabric, the internal spatial configuration together with their working character. A condition is suggested that a historic building record is made before any conversion or demolition takes place.

Historic Buildings Consultant

In summary the following concerns were raised:

- The barn use is currently in low intensity use as a storage building. Conversion to residential would ensure its continued maintenance, a balance between the changes made to the building and an acceptably low level of harm is essential.
- Internally, removal of modern steel staircase and relocation of stairs is acceptable.
- Replacement of roof cladding with slate and proposed exterior materials are acceptable.
- Concern regarding the extent and appearance of the fenestration appearing overtly modern and domestic, contrasting with historic, agricultural character of the site.

Following these concerns raised the applicant submitted revised plans to address the issues. The Historic Buildings and Conservation Consultant was reconsulted and made the following comments on the revised scheme:

- The overtly domestic appearance of the building in the previous scheme has now been altered to be more in keeping with the historic, agricultural character of the site.

- The proposed cart lodge has been removed and the car parking and formation of garden amenity areas are acceptable changes within the curtilage of the building.
- The raising of the road level by 250mm adjacent to and to the north of the storage barn would not have a detrimental impact on setting of Listed building.
- Conditions suggested requiring further details of insulation, ventilation, external materials and internal finishes. A condition is also suggested requiring details of damp prevention measures to be employed in the area of raised ground.

BDC Landscape Services

No objection. There is an opportunity to provide new native hedging as part of a suitable landscaping scheme which supports biodiversity net gain.

Highway Authority

No objection subject to the conditions and informatives:

1. to ensure that Public Right of Way (Bridleway 27 and Public 13) shall be maintained free and unobstructed at all times
2. the provision and implementation of travel information packs

Informatives relating to surface water onto the highway, works within highway.

PARISH / TOWN COUNCIL

Pentlow Parish Council

Object. In summary the following concerns/questions were raised:

- Lack of infrastructure to support residential development in Pentlow.
- Conversion of 'redundant' agricultural building may set a precedent.
- The Public Right of Way must remain clear.
- General questions raised regarding the presence of bats/owls.
- General questions raised regarding design and appearance.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. An objection letter has been received from the Solicitors of the neighbouring property (Bower Hall Cottage) raising concern regarding the boundary treatment and significant imposition on their property due to level differences with restricted levels of light passing into the property.

REPORT

PRINCIPLE OF DEVELOPMENT

The Development Plan

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

The proposed site is situated outside of the defined development boundary therefore countryside policies apply as stated in Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy seeks to restrict development outside of development boundaries and strictly control to uses appropriate to the countryside.

The NPPF states in paragraph 79 that, *'decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: ...b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting.'* In this case, whilst the site is functionally isolated from services and facilities (Cavendish is approximately 3.2 miles by car according to Google maps) it is not physically isolated from surrounding development as there are immediate neighbouring properties at Bowers Hall Cottages, Bower Hall and Cherry Tree Barn at the entrance road to the site. The assessment of the planning application against the criteria of Paragraph 79 of the NPPF is therefore not applicable.

Policy RLP38 of the Adopted Local Plan permits the conversion of rural buildings to residential use providing that 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. The criterion states that, the buildings should be of a permanent and substantial construction and capable of conversion without major extension or complete reconstruction, their form, bulk and design are in keeping with surroundings, no unacceptable impact on landscape, protected species or historic environment, safe and satisfactory vehicle access and egress can be accommodates.

Policy LPP42 of the Draft Local Plan refers to the conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re building to residential use where: the location of site is accessible and sustainable; there is no unacceptable impact on protected species or heritage assets and their settings; site is served by an existing access; no unacceptable impact on residential amenity; no unacceptable impact on the character of the site or 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. Where considered appropriate surveys will be required for protected species.

The applicants state in paragraph 7.4 of their Planning Statement, *'the buildings have been redundant for farming use for some time. The main barn was granted consent to be used for stabling in 2003 and it remains in this use. This is not seen as an optimal alternative use as it has failed to secure the reinstatement and reasonable repair of the building which the current applications propose as part of the residential use of the building. The relatively isolated location and narrow access lanes which serve mainly residential properties are considered to preclude any commercial use of the buildings.'*

A Structural Report (prepared by Morrish consulting engineers – 14th June 2019) has been submitted with the application and concludes that, *'the barns are in relatively good condition for their age but suffering from typical defects such as localised loss of timber elements, localised insect infestation and attack, piecemeal local repair, weathering damage to the perimeter brick plinth walls. For the buildings to function as residential use, they will need to undergo a regime of remedial repair and adaption, the building structures are considered capable of forming a sound basis for proposed renovation and conversions'*.

The NPPF states in Paragraph 192, local planning authorities should take account of, *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'*. It further states that local planning authorities should, *'look for opportunities for new development within the setting of heritage assets to better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'* Paragraph 185 of the NPPF states, *'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation'*.

The proposal for conversion of the storage barn into a dwelling would provide a new use for the building to ensure its continued existence and longevity. It would also secure the optimum viable use of the heritage asset as the existing low key storage use, to which the buildings is currently used for would not sustain the long term future of the listed building. Due to the location of the barn, other uses such as community or commercial use would not be feasible.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in

February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Location and access to services and facilities

The strategy set out in the Draft Local Plan is to concentrate growth in the most sustainable locations – that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of the development upon climate change. This will include requiring that future development be provided in accessible locations to reduce the need to travel and that sustainable transport links will be improved, including provision of and contributions for cycling and walking and quality bus partnership.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The site is situated outside of the defined development boundary approximately 2.6 miles (according to Google maps via car) from Pentlow and 2.4 miles from Belchamp St Paul. Pentlow does not have a development boundary and is considered to be within the countryside. Belchamp St Paul is classified in the Draft Plan as being within the 'third tier' of the settlement hierarchy. Third tier villages lack most of the facilities required to meet day to day needs, with poor public transport links and travel by private vehicle is usually required. The nearest village to the site with services and facilities including a village shop, public house, school is Cavendish situated outside of the Braintree District, approximately 3.2 miles from the site. Great Yeldham, the nearest Key Service Village to the site is situated approximately 6 miles to the south of the site.

The relatively poor links to services, facilities and employment by means other than the private car therefore weigh against the proposal and the sustainability of the site.

Impact on Heritage Asset

A Heritage Statement has been submitted with the planning application.

The storage barn formed part of a farmstead group that served the Grade II Listed Bower Hall, a timber framed farmhouse circa 1600. The storage barn is of late 18th century which would have formed a functional farm building. It is off set from the main group of historic buildings to the west of the site. As stated in the Heritage Statement: *'The building is part of the changes in farm practices and needs over time. The building forms part of the collective memory of the people who have lived or worked on the site and also those who have walked through the site on the public footpath'.*

As stated by the Historic Buildings Consultant, *'the site therefore has considerable historic significance and a special character that will need to be preserved or enhanced by any development'.*

A Schedule of Repairs has been submitted with the application detailing the works required this includes repointing the brick plinth where necessary with matching mortar, survey the times and carry out necessary timberwork and appropriate strengthening where necessary.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow for changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance. Policy RLP106 of the Adopted Local Plan seeks to impose conditions to ensure archaeological remains are properly excavated and recorded prior to development commencing.

The proposed works would retain the original form of the Storage Barn although it is acknowledged in the Heritage Statement that the building has been modified with the addition of an attic floor, rear lean to extension and a wagon porch on the front. The fenestration proposed in the Storage Barn, although, significantly reduced from that proposed in the original drawings submitted will 'domesticate' the appearance. The internal works proposed particularly at ground floor level are minimal to maintain the open aspect of the barn. It is proposed to replace the roof cladding with slate.

The Historic Buildings Consultant has suggested conditions be imposed relating to submission of method statements, details of necessary repairs be submitted, schedules and specifications of types and colours of materials, details of windows, doors, fascia and sills, method of insulation and internal finishes, method of ventilating the building. These conditions are considered reasonable given the works proposed to ensure that there is no detrimental harm to the listed building.

The Archaeology Consultant has been consulted and suggested that a condition be imposed for building recording to preserve and record the surviving form, features and any surviving fittings with the buildings prior to alterations or conversion to provide a history of the origin and evolution of the buildings within the historic farmstead. Officers consider this reasonable given the history of the site.

It is considered that the proposed works are sympathetic and would not give rise to any material harm to the character or appearance of the listed buildings.

The proposal complies with Policies RLP100, RLP101 and RLP106 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy

LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan seek to secure high quality design in all developments. Policy RLP100, RLP101 of the Adopted Local Plan and Policy LPP50 of the Draft Local Plan focus specifically on heritage assets. Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'. Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Storage Barn is a three bay structure with a central opening to the northern elevation. It has been extended historically on the rear southern elevation with a lean to, an attic floor has been added to the main barn and a front wagon porch added. The Heritage Statement states, *'The framing of this building is much later following a box frame format with more regular sized timbers. The larger trusses having angle braces'*. The exterior has black weatherboarding above a brick plinth. The existing roof is a metal sheet.

The works proposed internally, include repositioning of the stair case to the centre providing access to three bedrooms and a bathroom in the roof. Each bedroom and the bathroom will be served by a roof light providing light and ventilation. On the ground floor it is proposed to use the existing openings to provide glazing and doors with the addition on the east elevation of bifold doors (in the modern rear extension). In the original front part of the barn the form of the bays is retained providing a living room/study with the staircase in the hall. In the rear an open plan layout is proposed providing a kitchen and dining room with a separate utility room. It is proposed to replace the roof with a natural slate. It is also proposed that some areas of the timber frame will remain exposed as a feature.

The Essex Design Guide 2005 seeks a minimum provision of 100sq.m for 3 or more bedroom dwellings. The proposed provision of amenity space for the Storage Barn is specified on the plans as 140sq.m, this exceeds this minimum standard. It is noted that the red line plan includes a paddock to the north of Bower Hall Lane which Officers consider would not form part of the garden curtilage and would be retained as a paddock to maintain the rural and countryside character.

The introduction of a residential use, the conversion of the buildings and the and the division into separate curtilages will alter the character and appearance of the site, however, it is considered that the original character and charm of the buildings and the wider site can be retained by way of placing restrictions on boundary treatments and controlling permitted development rights by attaching planning conditions to any grant of consent. Subject to the above, the proposed complies with the abovementioned policies.

Impact on Dedham Vale and Stour Valley Project Area

The site is situated within the Stour Valley Project Area. The Valued Landscape Report for the Stour Valley Project Area considered that the Mid Stour Valley around Cavendish is a high value landscape that exhibits features similar to the Dedham Vale Area of Outstanding Natural Beauty. Paragraph 170a of the NPPF requires Valued Landscapes to be protected and enhanced.

The AONB Officer has raised no objection to the revised scheme.

Flooding

Policy CS8 of the Adopted Core Strategy states that the Council will minimise the exposure of people and property to the risks of flooding by following the national guidance laid out.

The River Stour is situated approximately 30 metres to the north of the site. The Storage Barn is situated within flood zone 2.

A Flood Risk Assessment (prepared by Prior Associates February 2020) has been submitted as supporting documentation with the application. The Technical Guidance to the National Planning Policy Framework states in Table 2 that as the proposed development will be residential it would be classified as 'more vulnerable'. Changes of use are not subject to the sequential test and Table 3 of the Technical Guidance states that 'more vulnerable' development can be constructed within Zones 1 and 2 without an exception test.

The Flood Risk Assessment (FRA) states that a request was made to the Environment Agency for their product 4. The Planning Guidance states that, *'product 4 provides detailed flood risk assessment, including flood zones, defences and storage areas, areas benefiting from defences, statutory main river designations, historic flood event outlines and more detailed information from our computer river models (including model extent, information on one or more specific points, flood levels, flood flows)'*. The FRA refers to product 4 in paragraph 4.3 and states that, *'this indicates the Storage Barn is within Flood zone 1'*.

The FRA analyses in detail the modelling data provided by the Environment Agency and the site levels to Ordnance Datum. The FRA states in paragraph

4.6, *'comparing these existing levels to the predicted 1 in 100 level from the modelling, it is clear that the flood map for planning extends the flood areas further than in reality they are. Comparison of these figures shows that all three units for development lie within at least Flood Zone 2.* 4.7. *Reference to the 1 in 1000 figures gives a value for node point STOU2_22911 of 39.33 metres AOD. Again, comparing to the survey figures, this suggests that the Storage Barn may by 30mm be within Flood Zone 2'.*

The FRA suggests in paragraph 4.10 that there is no risk from surface water flooding as the general slope of the ground towards the River Stour is a significant fall of approximately 1 metre.

The FRA further suggests that the risk of ground water flooding is remote given the ground conditions are permeable, sand and gravel over chalk.

The FRA suggests that the predicted 1 in 100 year flood level for the area is 39.05 metres AOD and suggests it would be sensible to set floor levels 300mm minimum above this.

The FRA considers the impact of climate change affecting flood levels and suggests that as the proposed development is 'more vulnerable' and within the Anglia region the climate change consideration should be based on a 35% increase in flood flows. They conclude that it would be prudent to allow a freeboard above this level of 300mm, which gives a minimum floor level of 39.51 metres AOD. The storage barn is below this and the FRA recommends that the floor level is lifted in the barn to 39.51 metres AOD.

The FRA refers to egress and access into the site and potential for local area of flooding on the road providing access to the storage barn (subject to application 20/00480/FUL and 20/00481/LBC). They suggest that the road is raised by 250mm so that the minimum highway level is 39.1 metres AOD. It is currently 38.8 metres AOD at its lowest point. This would mean a local area of flooding of the order of 250mm. The FRA indicated that this was not acceptable. The proposed raising of the land will result in the loss of 100m² of flood plain, the FRA suggests in paragraph 5.6.3 that, *'this should be replaced on a like for like basis by lowering the land to the east of the concrete paving shown to the south of Briar Barn'*. The FRA includes a diagram on page 13 illustrating the area to be lowered and suggests that 2 300mm diameter pipes, complete with screens and head walls would be installed. It illustrates that the loss of 100m² of current flood plain (to be raised) will be replaced by approximately 100m² by excavating and lowering the land to the east of the concrete paving shown to the south of Briar Barn, to the west of Storage Barn. It further states in the summary of the FRA *'Compensatory lowering is proposed so there is not a loss of the flood plain'*.

Officers asked for the proposed alterations to land levels/flood plain to be shown on the Block Plan and a revised plan was subsequently submitted by the applicant. The Environment Agency have raised a concern regarding the area of excavation stating that, *'this area of excavation should be stepped with the storage coming into effect to coincide with flood level rise. Removing more*

than is being lost in this instance could displace water causing it to flow towards the existing Bower Hall Cottage and Bower Hall.' A condition is proposed requiring further detail to be submitted and requiring the works to be completed prior to occupation of the dwellings. The Historic Buildings Consultant has raised no objection to the proposed alterations to the flood plain in terms of impact on the setting of the Listed buildings.

The raising of the access road will result in access and egress being available at all times.

A Flood Evacuation Plan (prepared by Prior Associates Sept 2020) has been submitted. The report summarises in paragraph 1.5, *'that once the recommended level alterations to the highway have been carried out and floor level is installed as recommended in the FRA, areas subject to flooding are at least 10 metres from the proposed development'*.

The Environment Agency have highlighted in their response that, 'as the application falls within Flood Zone 2 we request you use our Local Flood Risk Standing Advice for sequentially sited development.'

The Planning Guidance states that for a change of use a sequential test is not required. In this case, the barn is changing use from a storage barn into a residential dwelling.

Officers are satisfied that the applicants have demonstrated through detailed analysing of data and surveying of the site that the site is at low risk of flooding. The floor level of the barn will need to be raised to ensure that it is above flood level and a flood evacuation plan has been submitted.

Impact on Neighbour Amenity

The NPPF requires planning to always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The Storage Barn is situated approximately 6 metres (at its nearest point) to Bower Hall Cottages which is situated to the south west of the barn. The Storage Barn is situated at a lower level than Bower Hall Cottages. It is noted that Bower Hall Cottages have submitted an objection to the application primarily concerned with the boundary treatments. However, this appears to only be in relation to the existing boundary treatment with Bower Hall and recent changes to this as opposed to the proposed boundary with the Storage Barn.

Although the Storage Barn is situated in close proximity to Bower Hall Cottages, beyond the western boundary (immediately abutting Storage Barn)

is the car parking and driveway for Bower Hall Cottages. The southern boundary of the site is only 3 metres from the Storage Barn, beyond this is the garden for Bower Hall Cottages. However, the existing boundary is mature hedging that would screen any views or intrusion between the Storage Barn and Bower Hall Cottages.

It is not considered that the proposal would have a detrimental impact on neighbouring amenity by overlooking, loss of light, overshadowing, loss of privacy. The proposal accords with RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan.

Highway Considerations

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe.

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

The submitted plans propose sufficient parking for 2 car parking spaces for each dwelling to accord with the Essex Vehicle Parking Standards.

The Highway Authority has reviewed the planning application against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity. No objections have been raised to the scheme in highway terms subject to conditions.

This accords with the Essex Vehicle Parking Standards and therefore complies with RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan.

Ecology

A Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) and Further Bat Survey Report (Skilled Ecology, January 2020) has been submitted as supporting documentation with the application.

The Bat Survey report confirmed the presence of bat roosts within the barn.

The Council's Ecologist has reviewed the Ecological Impact Assessment relating to the likely impacts of development on designated sites, protected species and priority species/habitats and are satisfied that there is sufficient ecological information for determination of the application. There is certainty for the LPA of the likely impacts on designated sites, protected and priority species/habitats and, with appropriate mitigation measures secured by

condition the development can be made acceptable. This includes submitting for a Natural England European Protected Species Mitigation Licence, as roosting bats were determined to be present within the barn.

This accords with Policy RLP184 of the Adopted Local Plan and Policy LPP68 of the Draft Local Plan which seeks to impose conditions to protect protected species and their habitats.

Landscaping

Policies RLP80 and RLP81 of the Adopted Local Plan seek to ensure that development integrates into the local landscape and appropriate native species are planted and Policy LPP69 of the Draft Local Plan.

There are no detail landscaping proposals submitted as part of the proposal. The Council's Landscaping Officer has reviewed the application and raises no objection subject to a landscaping condition being imposed.

Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

The application site is located outside of the Zone of Influence, and therefore no contribution or assessment is necessary.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

The creation of a residential dwelling through the conversion of an existing building would have a minor influence on the vitality of the community with future occupiers supporting to a limited extent the existing services and facilities in the neighbouring town and villages. The development would not be large enough such to bring about the creation of new services within neighbouring settlements.

The development will perform only a marginal economic role i.e. the short term employment related to construction.

In providing a social role, development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. The prospective occupiers of the dwelling would support health, cultural and social facilities in neighbouring towns and villages to only a limited extent. The provision of one dwelling would make a contribution to the Council's 5 Year Housing Land Supply, albeit this would be limited given the scale of development proposed.

In terms of the environmental role, development should contribute to protecting and enhancing the natural, built and historic environment. Given the poor pedestrian connectivity between the site and the services and facilities within neighbouring town and villages the proposal would encourage dependency upon travel by car.

When considering the environmental impact on balance, the barn building is existing. The NPPF supports new residential development in the countryside where development would re-use redundant or disused buildings and enhance its immediate setting. This is relevant and applicable to this planning application. The proposal for conversion of an existing building to residential use would make effective use of the land in this instance ensuring the long term viability of an existing structurally sound building in the countryside. Furthermore, the proposal would ensure the optimum viable use of a heritage asset securing its longevity and existence. The existing use would not sustain the long term future of the listed building. The proposal would also accord with the Council's policies in relation to the conversion of rural buildings. Furthermore, when considering the environmental impact the site is situated within flood zone 2 and is at low risk of flooding subject to the mitigations outlined in this report.

When considering the planning balance, having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

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 Floor Plan	Plan Ref: EX01	
Existing Floor Plan	Plan Ref: EX02	
Existing Elevations	Plan Ref: EX03	
Existing Elevations	Plan Ref: EX04	
Existing Sections	Plan Ref: EX05	
Existing Sections	Plan Ref: EX06	
Carport / Cartlodge Details	Plan Ref: GA05	
Proposed Elevations	Plan Ref: GA04	Version: A
Proposed Elevations	Plan Ref: GA03	Version: A
Proposed Floor Plan	Plan Ref: GA02	Version: A
Proposed Plans	Plan Ref: GA01	Version: A
Site Plan	Plan Ref: 0081D S01 i 3	

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

Reason

This Condition is imposed pursuant to Section 91 of the Town and

Country Planning Act 1990.

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

Reason

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

- 3 Prior to the first occupation of the development hereby approved details shall of any gates, fences, walls or other means of screening or enclosure to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be approved in writing by the Local Planning Authority shall be erected prior to the first occupation of the development and thereafter retained in the approved form, notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any order revoking or re-enacting that Order with or without modification).

Reason

In the interests of the character and appearance of the countryside and the character and setting of the listed buildings.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement, improvement or other alterations of the dwelling-house or provision of any building within the curtilage of the dwelling-house permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions or outbuildings in the interests of the amenity afforded to the countryside location and the character and setting of the listed buildings.

- 5 Works to convert the barn into a single dwelling with confirmed bat roosts shall not in in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence

Reason

To conserve Protected and Priority species and allow the LPA to

discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 6 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Skilled Ecology, June 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 7 Prior to the commencement of development to convert the building, a Written Scheme of Investigation (WSI), which shall include details for a programme of historic building recording shall be submitted to and approved in writing by the Local Planning Authority.

Reason

The site may be of archaeological interest.

- 8 The approved WSI as required by condition 7 of this permission shall be fully implemented at the time of development and upon completion of the historic building recording, the applicant shall submit to the Local Planning Authority a report of findings and confirm the deposition of the archive to an appropriate depository (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Local Planning Authority).

Reason

The site may be of archaeological interest.

- 9 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development.

- 10 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.

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.

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.

Reason

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

- 11 The development shall be constructed with a minimum finished floor level of 39.51 m AOD.

Reason

To ensure that the development remains dry in the event of flooding for the adequate protection of the occupants.

- 12 Prior to commencement of the development a scheme (to include full details and sections) for the alteration to the flood plain (including and excavating of the land) shall be submitted and approved, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before first occupation of the dwelling hereby approved and thereafter retained in the approved form.

Reason

To ensure that any future works do not inhibit the function of the floodplain and do not increase either on or off site flood risk. Furthermore, to ensure that the future works are not harmful to the countryside and heritage setting.

- 13 Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with 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.

- 14 During the course of development, should contamination be found that was not previously identified or not considered in the desktop study, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development

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

INFORMATION TO APPLICANT

- 1 There shall be no discharge of surface water on to the highway. 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.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org; or by post to: SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

- 2 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over bridleway 27 (Pentlow) and public footpath 13 (Pentlow) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant

temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

- 3 The applicant is advised to ensure that public rights and ease of passage over public bridleway 27 (Pentlow) and public footpath 13 (Pentlow) are maintained free and unobstructed at all times.

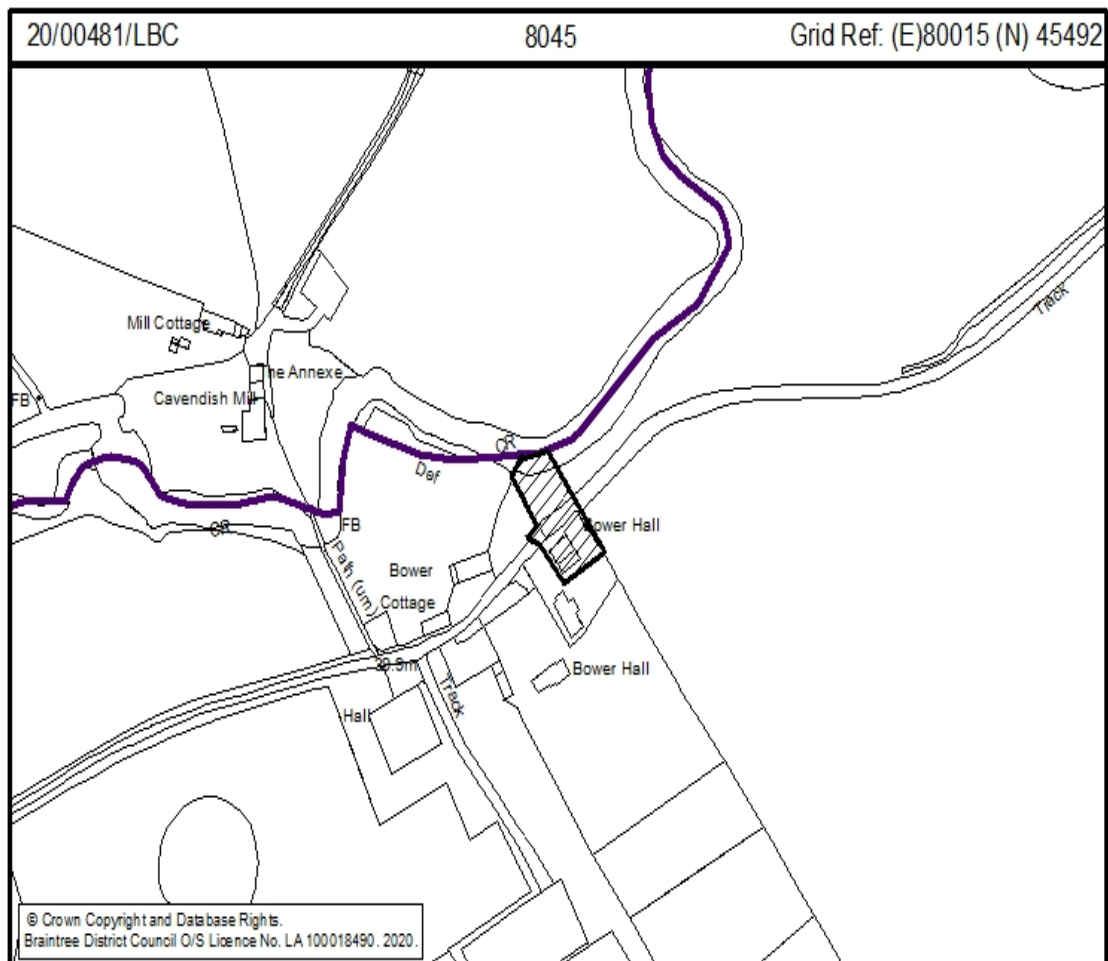
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00481/LBC
DATE: 13.03.20
VALID:
APPLICANT: Mr & Mrs Andrew Hestletine
Bower Hall, Bower Hall Lane, Pentlow, CO10 7JT
AGENT: Brighter Planning Ltd
Mrs Charmain Hawkins, 3 Hermitage Meadow, Clare, CO10 8QQ, UK
DESCRIPTION: Conversion of barn into single dwelling with associated car parking.
LOCATION: Bower Hall, Bower Hall Lane, Pentlow, Essex, CO10 7JT

For more information about this Application please contact:
Juliet Kirkaldy on:- 01376 551414 Ext. 2558
or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74PAHBFLBW00>

SITE HISTORY

01/00497/FUL	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/00498/LBC	Proposed alterations and extensions to existing dwelling and conversion of outbuilding/stables to annexe and reconstruction of pantiled barn	Granted with S106 Agreement	06.06.02
01/02071/COU	Change of use of land for construction of a manege	Granted	04.02.02
03/00376/COU	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00377/COU	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
03/00378/FUL	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00379/LBC	Proposed underpinning of existing barn and replacement of old boards with new black boards and tin roof with reclaimed pantiles	Granted	04.07.03
03/00558/LBC	Change of use of barn to stables and erection of extension	Granted	04.07.03
03/00559/LBC	Proposed underpinning of barn and change of use of barn to four stables	Granted	22.07.03
90/01345/P	Erection of 18 hole golf course	Refused	08.01.91
89/01655/P	Erection of extension	Granted	04.10.89
97/00986/COU	Change of use of part of grain store for paper	Refused	08.09.97

17/01531/LBC	storage Removal of existing cedar shingle tiles and replacement with hand made peg tiles made by Tudor Roof Tiles Ltd of Lidd, Kent. Colour - Medium antique and dark antique	Granted	13.10.17
20/00437/FUL	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00438/LBC	Conversion of main barn to a single dwelling and the byre to an ancillary store with related car parking.	Pending Decision	
20/00480/FUL	Conversion of barn into single dwelling with associated car parking.	Pending Decision	
20/00574/HH	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00575/LBC	Demolition of existing single storey side extension and replacement with two storey rear and single storey rear/side extensions and restoration of attic to habitable use with provision of dormer windows to front elevation and roof lights to rear roof slope.	Withdrawn	16.07.20
20/00606/HH	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00607/LBC	Conversion of the existing outbuilding to a residential annex for use in association with Bower Hall.	Granted	08.10.20
20/00626/FUL	Erection of new barn outbuilding for use ancillary	Withdrawn	16.07.20

to domestic property of
Bower Hall.

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

- RPL100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings
RPL101 Listed Agricultural Buildings

Braintree District Local Development Framework Core Strategy 2011

- CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

- LPP50 Built and Historic Environment
LPP60 Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

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 application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Pentlow Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is situated outside of the defined development boundary to North West of Pentlow. The site is located in close proximity to the Essex/Suffolk border. The River Stour abuts the northern boundary of the site. It is situated within the AONB Dedham Vale and Stour Valley project area. The existing 'storage barn' subject to this application is situated to the north east of Bower Hall which is Grade II Listed and fronts onto Bower Hall Lane, which also forms part of the Stour Valley Way. The storage barn is late 18th century and it forms part of the original farmstead despite it being offset from the main group of historic buildings. To the east is arable farmland to the south is the garden curtilage for Bower Hall. A modern dwelling (known as Bower Hall Cottages is the neighbouring property) separates the storage barn from the main hall.

PROPOSAL

This application seeks full planning permission for the conversion of the storage barn into a single residential dwelling (3 bedroom) with associated amenity space to the south and east of the building and car parking provision to the east of the proposed dwelling on the frontage with Bower Hall Lane. The submitted red line plan shows a further area of paddock to the north of the proposed dwelling on the opposite side of Bower Hall Lane. It is proposed to raise part of Bower Hall Lane to the north west of the site by approximately 250mm for approximately 100sqm to address concerns raised in the Flood Risk Assessment.

Internally, it is proposed to remove the existing staircase and provide a new central staircase providing access to the three bedrooms within the first floor roof area. Four roof lights are proposed to provide light to the first floor accommodation. It is proposed to utilise the existing opens to provide glazed openings doors/windows with the addition of bifold doors on the east elevation. It is proposed to replace the metal sheet roof covering with natural slates.

This application seeks listed building consent for the works proposed. An application for planning permission (application 20/00480/FUL has been submitted concurrently for consideration).

SUMMARY OF CONSULTATION RESPONSES

Historic Buildings Consultant

In summary the following concerns were raised:

- The barn use is currently in low intensity use as a storage building. Conversion to residential would ensure its continued maintenance, a balance between the changes made to the building and an acceptably low level of harm is essential.
- Internally, removal of modern steel staircase and relocation of stairs is acceptable.
- Replacement of roof cladding with slate and proposed exterior materials are acceptable.
- Concern regarding the extent and appearance of the fenestration appearing overtly modern and domestic, contrasting with historic, agricultural character of the site.

Following these concerns raised the applicant submitted revised plans to address the issues. The Historic Buildings and Conservation Consultant was reconsulted and made the following comments on the revised scheme:

- The overtly domestic appearance of the building in the previous scheme has now been altered to be more in keeping with the historic, agricultural character of the site.

- The proposed cart lodge has been removed and the car parking and formation of garden amenity areas are acceptable changes within the curtilage of the building.
- The raising of the road level by 250mm adjacent to and to the north of the storage barn would not have a detrimental impact on setting of Listed building.
- Conditions suggested requiring further details of insulation, ventilation, external materials and internal finishes. A condition is also suggested requiring details of damp prevention measures to be employed in the area of raised ground.

PARISH / TOWN COUNCIL

Pentlow Parish Council

Object. In summary the following concerns/questions were raised:

- Lack of infrastructure to support residential development in Pentlow.
- Conversion of 'redundant' agricultural building may set a precedent.
- The Public Right of Way must remain clear.
- General questions raised regarding the presence of bats/owls.
- General questions raised regarding design and appearance.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. An objection letter has been received from the Solicitors of the neighbouring property raising concern regarding the boundary treatment and significant imposition on their property due to level differences with restricted levels of light passing into the property.

REPORT

The main consideration in the determination of this application is the impact on the character and appearance of the listed building. A listed building consent application is not concerned with the acceptability of the proposed use in principle, just the physical alterations proposed and the impact of this on the listed building.

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Adopted Core Strategy, Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 of the Adopted Local Plan advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

A Heritage Statement has been submitted with the planning application.

The storage barn formed part of a farmstead group that served the Grade II Listed Bower Hall, a timber framed farmhouse circa 1600. The storage barn is of late 18th century which would have formed a functional farm building. It is off set from the main group of historic buildings to the west of the site. As stated in the Heritage Statement, *'The building is part of the changes in farm practices and needs over time. The building forms part of the collective memory of the people who have lived or worked on the site and also those who have walked through the site on the public footpath.'*

As stated by the Historic Buildings Consultant, *'the site therefore has considerable historic significance and a special character that will need to be preserved or enhanced by any development'*.

The Historic Buildings Consultant has provided advice during the pre-application process and during the course of the planning application. Revised plans have been received during the course of the application to address concerns raised by the Historic Buildings Consultant particularly in relation to the fenestration proposed.

The proposed works would retain the original form of the Storage Barn although it is acknowledged in the Heritage Statement that the building has been modified with the addition of an attic floor, rear lean to extension and a wagon porch on the front. The fenestration proposed in the Storage Barn, although, significantly reduced from that proposed in the original drawings submitted will 'domesticate' the appearance. The internal works proposed particularly at ground floor level are minimal to maintain the open aspect of the barn. It is proposed to replace the roof cladding with slate.

The proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes. In addition the proposal complies with part (a) of Policy RLP101 of the Adopted Local Plan; however no consideration has been given to the proposed use of the barn or any other part of Policy RLP101 as part of this listed building consent application.

The Historic Buildings Consultant has suggested conditions be imposed relating to submission of method statements, details of necessary repairs be submitted, schedules and specifications of types and colours of materials, details of windows, doors, facia and sills, method of insulation and internal finishes, method of ventilating the building. These conditions are considered reasonable given the works proposed to ensure that there is no detrimental harm to the listed building.

CONCLUSION

Subject to conditions, it is considered that the proposal complies with the criterion of Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan as it does not harm the setting, character, structural stability and fabric of the building (or structure). Furthermore, it does not result in the loss of, or significant damage to the building or structures historic and architectural elements of special importance, and includes the use of appropriate materials and finishes. It is therefore recommended that Listed Building Consent 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

Proposed Elevations	Plan Ref: GA04	Version: A
Proposed Elevations	Plan Ref: GA03	Version: A
Proposed Floor Plan	Plan Ref: GA02	Version: A
Proposed Plans	Plan Ref: GA01	Version: A
Schedule of Works		
Site Plan	Plan Ref: 0081D S01 i3	

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

Reason

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

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

Reason

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

- 3 No works shall commence until a schedule, specification, and samples of the types and colour of the materials to be used in the external finishes, including the natural slate, weatherboarding and rainwater goods, have been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

Reason

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

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

Reason

To ensure the use of appropriate detailing on this listed building.

- 5 No works shall commence until details of the proposed method of insulation and internal finishes including floors, have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be carried out in accordance with such details and permanently retained as such.

Reason

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

- 6 No works shall commence until details of the proposed method of ventilating the building and its internal rooms have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 7 No works shall commence until drawings showing details of the proposed method of damp prevention have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 8 The local planning authority shall be notified in writing of the date on which works are proposed to commence on site at least 14 days prior to such commencement in order to provide an opportunity, as required, for a site meeting involving a representative from the local planning authority, the applicant, agent and contractor to consider detailed elements of the works to both buildings and to allow continued assessment and consultation throughout the period of works.

Reason

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

- 9 Details of necessary repairs in addition to the approved schedule shall be submitted to and approved by the local planning authority and the repairs shall then be carried in accordance with the approved details.

Reason

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

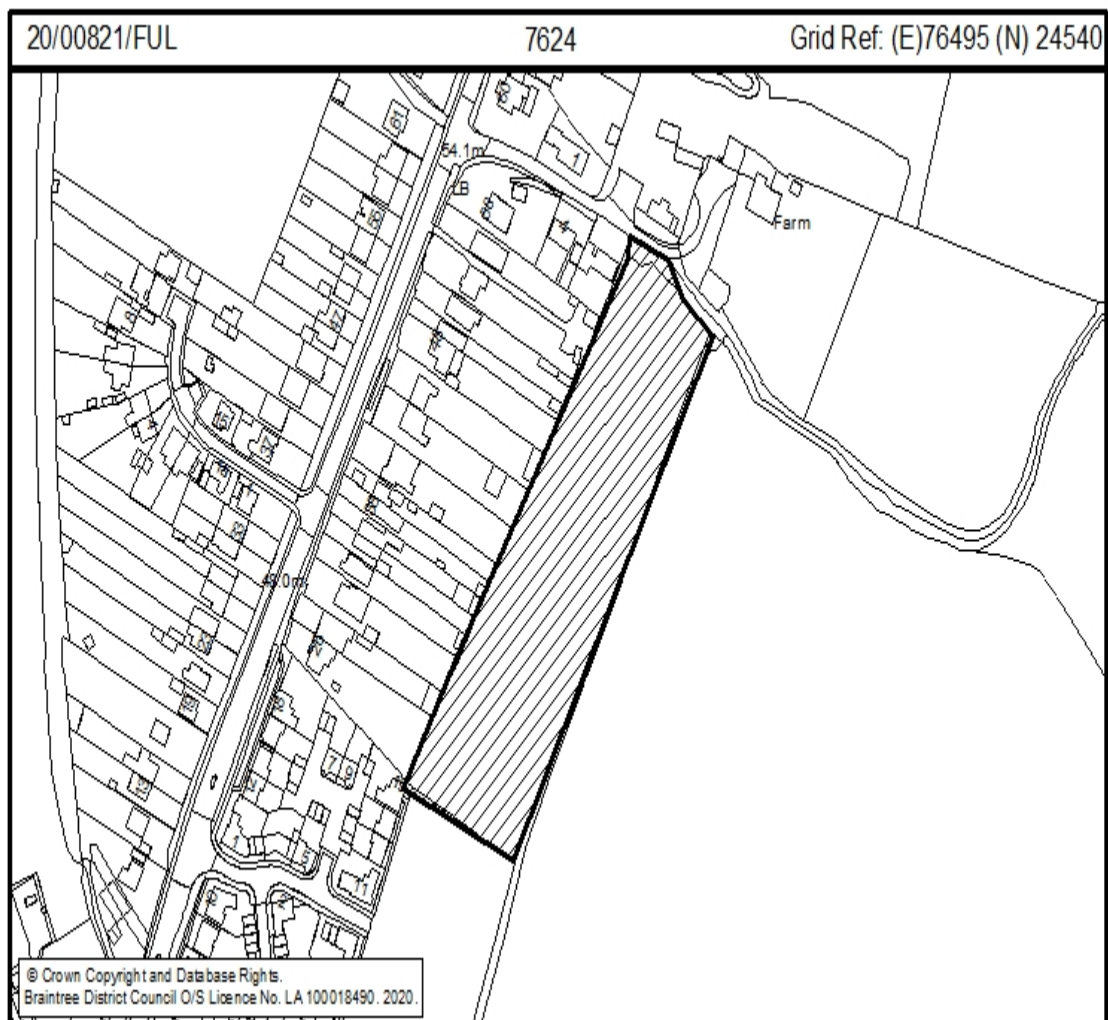
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00821/FUL DATE: 29.05.20
VALID:
APPLICANT: Dimora Homes Ltd
Mr Robert Crow, Sennen, Queenborough Lane, Braintree,
CM77 7QD, United Kingdom
DESCRIPTION: Erection of 9 detached dwellings.
LOCATION: Land South Of, Highfield Stile Road, Braintree, Essex, CM7
9SD

For more information about this Application please contact:
Carol Wallis on:- 01376 551414 Ext. 2534
or by e-mail to: carol.wallis@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAQN4YBFME200>

SITE HISTORY

N/A

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat

LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP72	Green Buffers

Neighbourhood Plan

None

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards Design and Good Practice 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chair and Vice Chair of the Planning Committee. The application is also considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the south of Highfield Stile Road, to the east of the properties along Broad Road. It is located outside but immediately adjacent to the Town Development Boundary of Braintree.

The site is a greenfield site, currently covered with shrubs and vegetation. There is also a line of existing trees along the eastern boundary and the public footpath. Existing access is made via Highfield Stile Road, which is a single lane carriageway without public footpaths. Properties on this road include 1.5-storey and 2-storey detached dwellings. To the west are 1.5-storey and 2-storey properties lining Broad Road with front parking and long-narrowed rear garden, some of which are chalets. To the east, beyond the tree belt within the application site, are open agricultural fields. The fields form part of the Straits Mill strategic housing allocation and an outline planning application (Application Reference 18/01318/OUT) has previously been reported to Planning Committee where Members resolved to grant planning permission, subject to the completion of a S106 agreement.

PROPOSAL

The proposal is for the erection of 9 detached dwellings. All the proposed dwellings would be west-facing, fronting onto the internal access road. Six house types are proposed, with integral double garages provided for each of the dwellings, except a detached double garage proposed for Plot 9. All the 3-

storey dwellings have 5 bedrooms and are proposed in the central part of the site (Plots 4 to 7), and the remaining plots are 2-storey 4-bed dwellings.

The proposed dwellings have a width ranging from about 11.53m to 30.42m; a depth ranging from 12.54m to 26.62m; with a maximum ridge height ranging from about 9.65m to 11.95m. Table 1 below provides the detailed dimensions of each of the properties.

	House Type	Max. Width (m)	Max. Depth (m)	Ridge Height (m)
Plot 1	A	30.42	21.61	11.95
Plot 2	D	18.25	21.65	10.72
Plot 3	D	18.25	21.65	10.72
Plot 4	C	17.05	22.10	11.54
Plot 5	E	11.53	21.43	10.72
Plot 6	C	17.05	22.10	11.54
Plot 7	C	17.05	22.10	11.54
Plot 8	B	27.28	12.64	9.65
Plot 9	F	21.54	26.62	11.90

Table 1. Proposed dimensions

Each of the proposed dwellings would have a total floorspace of not less than 350sq.m, served with private gardens ranging from 210sq.m to 921sq.m in size. The detailed floorspace breakdown and garden areas are as follows:

	No. of bed	G/F Area (m2)	1/F Area (m2)	2/F Area (m2)	Total Floorspace (m2)	Garden Area (m2)
Plot 1	4	256.6	157	--	413.6	486
Plot 2	4	236.6	248.6	--	485.2	330
Plot 3	4	236.6	248.6	--	485.2	331
Plot 4	5	178.5	144.8	45.9	369.2	239
Plot 5	5	172.5	160.5	160.5	493.5	210
Plot 6	5	178.5	144.8	45.9	369.2	434
Plot 7	5	178.5	144.8	45.9	369.2	453
Plot 8	4	199.7	158.1	--	357.8	584
Plot 9	4	302.2	170.1	--	472.3	912

Table 2. Floorspace and garden areas

Materials including red brick, white render and black timber boarding are proposed. The roof covering would be either handmade clay plain tiles or natural slate. The northern portion of the internal access road would be made of black hot rolled asphalt whilst the southern portion of the internal access, shared surfaces and visitor parking would be block paved in brindle colour.

The main access is proposed via Highfield Stile Road. The applicant would like to widen the road to accommodate the proposed development, however Highfield Stile Road is not included in the application site boundary and hence the road widening works do not form part of the proposal.

SUMMARY OF CONSULTATION RESPONSES

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures, and visitor management measures towards the Blackwater Special Protection Area (SPA) and Ramsar site & Essex Estuaries SPA, in line with the Essex Coast Recreational Avoidance and Mitigation Strategy.

BDC Environmental Health

No objection. Due to the site's proximity to existing residential areas, conditions are required relating to the following:

- Hours of working/vehicle movements;
- No burning of waste;
- Submission of Construction Management Plan (noise, dust and air quality);
- No piling without approval of a Piling Method Statement;
- Completion of further contaminated land investigation in accordance with the applicant's Contaminated Land Report (specifically asbestos; ground gas and polycyclic aromatic hydrocarbons);
- Submission of a site remediation scheme prior to commencement of development;
- Standard precautionary condition for unexpected contamination;
- Long term monitoring of ground gases.

BDC Waste Services

Plots 5-9 will need to bring their bins to where the private driveway meets the adopted road. Alternatively, a bin storage area for collection day, will need to be built within 20 metres of where the adopted highway meets the private driveway, for these properties to store their bins on collection day. The length of the adopted highway needs to be lengthened, so that waste operatives are not walking further than 20 metres each way to collect bins. Currently the length to the furthest property is 50 metres away from where the proposed adopted highway ends.

ECC Archaeology

No objection subject to the standard archaeological investigation conditions.

ECC Highways

The site would not be considered for adoption by Highways. All structures and buildings should be a minimum of 0.5m from the highway.

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions on Construction Traffic Management Plan, and completion of highway works to Highfield Stile Road, from the junction of Broad Road up to and including the provision of the site access as shown in principle on the Drawing No. 1037-P-31 Rev B. It is noted that the proposed highway mitigation scheme does not fall within the application site boundary, the applicant should ensure that the proposed highway works form part of the application.

Essex Fire and Rescue Service

Access for fire appliances is not acceptable. The arrangements should be in accordance with the details contained in the Approved Document to Building Regulations B5. Additional water supplies for firefighting may be necessary for this development. The Service strongly recommends a risk based approach to the inclusion of Automatic Water Suppression Systems (AWSS).

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

A total of 36 public representations have been received from 22 households, all objecting to the proposal. The main concerns are listed below:

- The access is via Highfield Stile Road, which is a very narrow lane and only wide enough for a single car, with no passing places.
- There are existing traffic problems at Highfield Stile Road and the development would worsen the situation, causing harm to all road users and unacceptable impact on the local amenity.
- No details provided of the 'enhancements' to Highfield Stile Road to comply with the minimum access requirements, referred to in the Highways section of the Essex guide as "minor access". A shared carriageway would need to be created with a minimum width of 6m with a 0.5m upstanding on each side. It is clear that there is insufficient land in the ownership of the Highway Authority or the applicant to achieve this.
- No access for emergency vehicles to proposed houses and no room for refuse lorries.
- Proposed new private road, tree planting and parking along the western boundaries would create disturbance to existing local residents.
- No affordable homes planned and no infrastructure in place to take the increasing volumes of traffic.
- Development of the District should take place adjacent to the A120.

- Carbon capture land is destroyed along with biodiversity.
- Should not be compared with planning consent for extension or conversion as the degree of impact are different.
- Most of the proposed dwellings will overlook the gardens of properties in Broad Road. Designs show an excessive amount of glass which will overlook into existing properties, some with balconies to the front, imposing on the privacy.
- Plot 9 on the site plan is very close to the boundary. Although there are trees shown on the plan along the edge of the road, they do not extend to this plot. This infringes on privacy of the adjacent house and garden.
- The submitted scheme pays no regard to the allocation at BOCN 127 and the likelihood of housing development that will be coming forward on my client's land, with particular concerns with Plot 9 of the proposed development. It is shown to be located almost adjacent to the southern site boundary with my client's site. The dwelling proposed for that plot is a substantial 2 storey dwelling house, almost filling the width of the boundary, with full height windows and balconies to two bedrooms. Although 2 storey, the roof ridge height of part of the building is more reflective of a 3 storey property in height. As a result, and if permitted, the dwelling in the location and at the scale and design proposed would result in a serious constraint to the proper planning of my client's site. It would severely affect the necessary separation distances of built form between the two sites with an unacceptable bulk and degree of overlooking that would affect the location and the amenity of units that can be planned within the northern section of my client's land.
- Loss of open space with a detrimental effect to the landscape and a threat to wildlife.
- Inadequate existing local infrastructure to support further development in the area.
- The Highfield Stile plan does not refer to the Straits Mill application (1k + homes, plus retail and school) and it even states that "the new properties will enjoy views out onto the open countryside making this a huge benefit to future occupiers". In fact the development will overlook the proposed Straits Mill development, so this statement is incredibly misleading as the countryside referred to will be decimated by development.
- The proposed site has been left to grow wild for approximately 40 years and was home to a diverse range of wildlife including butterflies, bees, ants, other insects, birds, owls, muntjac, snakes, moles and squirrels. This has been destroyed the recent clearing of the land.
- The Highways Authority lacks a total understanding on the complexities and disturbance of the proposed road widening works on the current and future occupants and road users;
- Even widened Highfield Stile Road, it would still be single track and too narrow to support the volume of traffic, especially for larger vehicles like services vehicles and delivery lorries; the situation would be even worse during construction.
- Too many houses for the site and each of the houses are too big, out of character for the area.
- Should sort out the land ownership issue for the widening works.

- Poor design with crammed substantial houses at high density, lacks in sympathy to the character of the area.
- There are bat colonies in the area, positive assurance is required to ensure the colonies will not be destroyed.
- Concerns on the potential damage on outbuilding near the joint boundary and loss of access to the rear garden along Broad Road.

Ramblers Association

Objection: will generate extra vehicular traffic on this narrow road, decreasing safety of pedestrians, cyclists and horse-riders. It is unclear how the width of Highfield Stile Road can be widened without the consent of and land from adjacent householders. The private cul-de-sac is shown as 4.8m with no pavements shown, which is narrower than the width of 6m for a combined pedestrian and vehicular surface as required by Essex Design Guide (Feb 2020). Landscaping with features such as ponds and wild flowers as mentioned in the Design and Access Statement are not shown on the proposed site plan.

REPORT

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to improve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point of decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and

that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District Council) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect the weight that can be attributed to the Development Plan.

The Development Plan

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

Under Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy, the site falls outside of a designated development boundary and thus only uses appropriate to the countryside would be permitted. It is a site however that benefits from an allocation within the emerging Draft Local Plan. This can be given some weight however at this time the proposal would be contrary to the Development Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites

which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, Witham and the A12 corridor, and Halstead".

The application site is located outside but adjoining the town development boundary, in a sustainable location within one of the District's three main towns. The site has good access to services and facilities, as well as public transport. The location of the site weighs in favour of the proposal in the overall planning balance.

Design and Appearance

The surrounding residential area consists of a mix of semi-detached and detached dwellings that are predominantly of 1.5 to 2-storey in height. The dwellings are of modest footprint and traditional proportions, providing a rhythmic scale and visual appearance to Broad Road, High Stile Road and the nearby built environment. This creates a strong sense of place that is locally distinctive.

The proposed development would introduce 9 dwellings onto the site that are all substantially sized properties unlike any other in the locality. Not only do the dwellings occupy significant footprints on their respective plots but they are all of significant height with most clearly showing 3-storey elements. The dwellings are large and, with particular regard to Plots 1, 8 and 9, sprawling, creating the visual impression of an over-scaled and over-dominant development. The proliferation of roof pitches, expanses of glazing, balconies and built form compounds the stark visual disparity between the proposed development and the established built environment.

In addition, the Strategic Housing Market Assessment (SHMA, 2015) identifies that the district would require 75.72% of market dwellings to be 2 to 3 bedrooms properties. The proposed scheme only provides exceptionally large 4-bed and 5-bed dwellings. It is not in line with the SHMA figures and hence its contribution to meeting the district's identified housing need would be significantly reduced.

A new road to the rear of the gardens in Broad Road would not be supported as this introduces a street that creates a poor relationship to existing character and existing amenities. The Broad Road houses would be made unnecessarily insecure as a result of having a publically accessible street at the rear of their private gardens. Using the principles of national design guidance, the correct way to address the backs of existing dwellings is to back new gardens onto the existing ones. In this way existing amenities are not compromised.

The site adjoins an existing footpath to the east. The proposed site layout would have rear gardens back onto the footpath. There is no information regarding the boundary treatment. The use of either fencing or brick wall fronting the public footpath with no set back is not supported as it would have a very poor sense of place and would not encourage active use of the footpath.

The large mass of each dwelling and the overly close spacing of the row of houses creates cramped appearance that is not in keeping with the character of the area. The intensity in massing, scale, form and layout would not relate well to the masterplanned and consented strategic site to the east (Straits Mill). This development would have the most visible and functional relationship to this site and it is to this consent that the applicant must make a considered response in layout, scale and massing.

The consented scheme has a height restriction of 2-storey where it adjoins this site. This restriction was placed to make a sympathetic relationship in scale and mass to the existing character. As the site locates between the consented strategic site and the existing development, a similar height restriction needs to be applied and a maximum ridge height of 8.5m should be imposed.

The masterplan for the consented scheme shows an arrangement of modest family houses in a spacious, rhythmic layout that reflects the edge location and has a positive, sympathetic relationship to the public open space between the two sites. The proposed development fails to respond to the scale, rhythms, massing of built form represented in the masterplan of Straits Mill.

It therefore follows that the proposal would appear wholly incongruous and out of keeping with its surroundings, causing harm to the character and appearance of the area, contrary to policies of the Development Plan, particularly Policy RLP90 of the Adopted Local Plan.

Impact on Residential Amenities

The proposed dwellings would be provided with sufficient private amenity space to meet the standards of the Essex Design Guide. Due to their orientation, they would not cause overbearing or overshadowing effects to neighbouring occupiers, nor to each other.

There are very limited building separation distance between Plots 1, 2 and 3. The first floor north-facing bedrooms of Plots 2 and 3 would only be served by a single window directly facing onto the flank wall of the adjoining properties with a distance of only about 2.5m to 4m. It would significantly restrict the outlook of these habitable room windows, and there would be very limited daylight and sunlight available to these bedrooms, causing detrimental harm to the amenity of future users.

Each of the dwellings would have at least 1 bedroom relying on west-facing windows which have very limited amount of natural light, causing harm to the amenity of future occupants.

The proposal incorporates extensive glazing on the west facing elevations which look towards the rear gardens pertaining to dwellings in Broad Road. Balconies are also included serving habitable rooms on the upper floors of the proposed properties on the west facing elevations.

Whilst the Essex Design Guide requires a separation distance of 25m to ensure no material loss of privacy occurs in a 'back-to-back' arrangement, it is silent on a 'back-to-front' situation as the current proposal would involve.

However, with the proposed dwellings being of 3 storeys in height and in close proximity to the shared boundaries with these existing residences, the potential for overlooking is high. Whilst a landscaping buffer is shown on the site layout plan, no detailed planting information has been provided. Indigenous species are deciduous, and the landscaping shown is for a lower-scale form of planting rather than tree species. Moreover, the existing rear fencing of these garden is only about 2m in height, there would not be sufficient screening provided against overlooking into the rear gardens of properties along Broad Road. There would be little in the way of safeguarding for the privacy of these properties and the perception of being overlooked

would be adversely high to make the living conditions of the neighbours uncomfortable.

The Essex Design Guide requires that new development should be at least 15m set back from the rear boundary. Most of the proposed dwellings encroach within the required set back distance to the eastern boundaries. Although the applicant provided Drawing No. P-12 Rev. B to show the indicative layout of the consented scheme at Straits Mill, there is insufficient information to demonstrate that the proposed 3-storey elements would not impose detrimental overlooking issues with the strategic site.

On this basis, the proposal would cause demonstrable harm to the living conditions of both nearby residents and future occupiers, contrary to Policy RLP90 of the Adopted Local Plan.

Highway Considerations

Each of the proposed properties would be served by a double garage, therefore the residential parking provision is generally in line with the requirement of Essex Parking Standards (2009). Secured cycle parking space could be provided in the garage or in the rear garden and therefore is acceptable.

The proposed site layout plan shows that 11 visitor parking spaces could be provided by the 4 lay-bys on the western side of the internal road. However, the width of the lay-bys is about 2.25m which is below the width of a standard parking space of 2.9m. No accessible parking for disabled users has been proposed.

The proposal incorporates a road of 4.8m in width which terminates at a wider turning head, with plots 5-9 served by a 4.8-metre-wide private drive. The Highway Authority has indicated the site or the means of access would not be adopted, thus service vehicles would not maneuver into or around the proposed dwellings.

Access for the proposed 9 dwellings would be via Highfield Stile Road, which is a single track road off Broad Road. Despite the bridleway that exists at the end of the Highfields Stile Road that extends eastward across the countryside, there are no public footpaths along this road and, by virtue of existing hedgerows and walls owned by neighbouring residences, the carriageway has limited width.

Residents have expressed concern about the suitability of Highfield Stile Road with regards to the existing traffic problems, increased vehicular traffic and access by larger vehicles such as lorries, refuse vehicles and fire appliances. The Highway Authority raised no objection to the proposal however this was conditional on the widening works to Highfield Stile Road and other conditions. However, as the widening works fall outside the application site boundary, it does not form part of the proposed development and hence no condition could be attached to ensure the implementation of the

proposed road works. As the mitigation required to address these issues is not included within the scope of this application, it is considered that the proposal is currently unacceptable in Highway terms.

Land ownership is not a planning matter. The applicant and relevant land owners are advised to contact the ECC Highways Enforcement Team with regards to the road widening works and any residential encroachment onto land with highway rights.

It is considered the proposal would result in the intensification in the use of Highfields Stile Road and increase the likelihood of cars meeting head-to-head within the carriageway. With no passing bays this would result in awkward and potentially dangerous vehicle movements within Highfields Stile Road including either the reversing or waiting of vehicles within Broad Road. Broad Road is the B1053, a distributor road, and its function of keeping traffic flowing could be compromised by these aforementioned movements. Equally, the front part of the access where it immediately enters the site would serve the whole development, and there is limited scope for vehicles to avoid each other in this location.

With the lane of Highfields Stile Road also used by pedestrians, cyclists and other non-motorised traffic to access the bridleway, the intensification of the access would likely cause an unacceptable risk of conflict with these users.

The current layout shows that fire service vehicles will be required to reverse more than 20m in the internal road and the turning facilities in front of Plot 4 only be about 12.5m x 16.25m. The access for fire appliances is not acceptable to Essex Fire and Rescue Service as it is not in accordance with the details contained in the Approved Document to Building Regulations B5.

In view of the narrow design of Highfield Stile Road, even after the proposed widening, it is unclear how the construction vehicles could access to the site without blocking the vehicular access. It is unclear how construction materials could be delivered and stored on site or in the vicinity.

The proposal is therefore considered to result in unacceptable hazard to highway safety.

Ecology, Trees and Landscape

The site is greenfield at the present time, although is physically separate from the wider expanse of agricultural land to the east and north. The site contains some scrub vegetation with a tree belt along the existing eastern boundaries shared with the footpath, some of the trees are of 12m to 15m high. It provides a transitional area between the residential development fronting Broad Road and the rural countryside beyond.

The applicant has submitted additional Ecological survey and assessment in relation to the potential impacts on protected species. The Council's Ecological Officer raised no objection to the proposal, subject to conditions on

securing ecological mitigation and enhancement measures, as well as contribution towards the visitor management measures to the protected Ramsar site and SPAs.

The applicant has submitted an Arboricultural Impact Assessment and proposes to remove a total of 38 trees/tree groups to facilitate the development. There is no strong justification for removal of these trees and hedges. Officers are of the view that the existing tree belt should be retained and incorporate it as a buffer between the site, existing footpath as well as the consented development to the east.

The applicant explained that the west-facing orientation would allow for more sunny gardens, however, the natural lighting into the properties itself has been sacrificed together with the amenity level of both existing and future residents. The proposed site plan shows that the proposed footprints are extremely close to some mature trees, in particular those in the south-eastern corner.

Some of the rear garden would be dominated with these existing trees which is not practical for use and will also block out daylight/sunlight available to the rear-facing habitable rooms. It would impose not only management and light issues to the future occupants, but also the likelihood of these trees to be removed.

The proposal would lead to a loss of 6 Category B trees of moderate quality and value. Officers consider that some of the existing trees are worthy of being retained and are protected by a temporary Tree Preservation Order (TPO) No. 08/2020. The proposal would therefore harm the protected trees and fails to allow the wider public and future residents to appreciate the values of these existing trees.

Due to the over-sized footprint, there is little room for boundary treatment and landscaping, which is not acceptable. The dwelling of Plot 1 is located approximately 1m from the site boundary. Buildings should be further set back from the highway entrance to allow room for landscaping and to promote an inviting setting that connect to the existing footpath. The maintenance responsibility of shared spaces, including the un-adopted internal road is also unclear.

It is noted, from a landscape perspective, that the agricultural fields are subject to the strategic housing development resolved for consent. Whilst the emerging Local Plan can only be given limited weight at this time, the allocation and the masterplan are important material considerations when assessing this current application.

The proposed dwellings would be highly visible to the wider countryside and would appear visually intrusive given their stark and uncompromising proportions and height. At present therefore, the proposals would cause visual harm to the prevailing landscaped setting of the site and the wider countryside.

When the surrounding strategic site is developed, the effect on the wider landscape would be removed, although the proposal would still result in the loss of an open area of land that has some local landscape quality.

On this basis, the proposal is contrary to Policies RLP80 and RLP81 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy that seeks the protection of the countryside and its contributing qualities.

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to planning conditions relating to further archaeological evaluation.

The Essex Heritage Environment Record shows that the development lies within the site of recorded cropmark evidence of ring ditches and linear features. The linear features are not recorded on the 1st edition OS maps and must predate c.1870, ring ditches can be indicative of prehistoric ritual monuments or latter settlement evidence. The proposed development also lies to the rear of properties along Broad Road which follows the route of the Chelmsford/Braintree/Long Melford Roman road.

Due to the presence of known archaeological features within the development area an archaeological evaluation will be required to determine the nature and significance of the recorded features.

Planning conditions relating to the securing of the above are therefore required to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording.

Construction Activity

In order to safeguard the amenity of existing residents in the locality, should the application be approved a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

Open Space

The applicant will be required to provide off-site open space contribution in accordance with the Open Space SPD (2019) as part a S106 agreement, should approval be given.

Habitat Regulations Assessment (HRA / RAMS)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations.

In accordance with the revised interim guidance, an appropriate assessment will need to be completed for this application by the Planning Authority, as it falls within the threshold for residential development and is located within the updated Zones of Influence.

Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of Protected Essex coastline. The proposed scheme will be required to make a financial contribution of £125.58 per dwelling towards the mitigation strategy, should approval be given.

Affordable Housing

As this site has an area of 0.90 hectare, there is a requirement for an affordable housing contribution.

The NPPF stipulates that sites with an area of more than 0.50 hectare are considered major development which consequently triggers affordable housing obligations. Furthermore, Policy CS2 of the adopted Core Strategy (2011) requires 30% affordable housing provision on sites of 15 or more units or sites with an area of more than 0.5 hectare. Therefore, 30% of the proposed market dwellings would be required for affordable housing, which would equate to 2.7 homes.

Should approval be given, the Council would be requesting a commuted payment rather than on-site provision of affordable housing. Accordingly, a commuted sum of £271,687 ($9 \times 30\% = 2.7 \times £100,625$) would be required. This payment calculation is based on a subsidy per unit to enable a partner housing association to provide homes for affordable rent elsewhere in the district.

The applicant has indicated that they are willing to contribute to the required contributions. The contributions have not been secured until a S106 agreement has been signed by the relevant parties.

Other Issues

The application site adjoins to the strategic housing site at Straits Mill to the east. The proposed site layout with limited separation distance would impose design restrictions for the strategic scheme at reserved matters stage, in particular to comply with design requirement to avoid privacy issues to future users of both sites. Therefore the proposed development could jeopardise the detailed layout and deliverability of up to 1000 units of the strategic scheme. Given the scale of the strategic scheme and the significant planning benefits and contributions in relation to the actual housing numbers to be delivered, any reduction of dwellings would have detrimental impacts on a district scale, which weigh heavily against the proposed scheme.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure); a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and an environmental

objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

While the proposal would deliver some social benefits, namely the provision of new housing, and some economic benefits, primarily during the construction phase of the development, as discussed in earlier sections, the proposal would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area, as well as jeopardising the deliverability of the adjoining strategic scheme. The development would also have adverse impacts on residential amenity and lead to a loss of existing valuable trees. Lastly, it would intensify the use of a sub-standard road and introduce an unacceptable degree of hazard to other highway users, as the mitigation required to address these issues is not included within the scope of this application.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of 9 additional dwellings, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

RECOMMENDATION

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

- 1 The proposed development would, by reason of its design, scale, height, bulk, mass, appearance and layout, cause significant harm to the established character and appearance of the area, failing to reinforce local distinctiveness of the built environment and representing a stark visual intrusion into the local landscape. The proposed substantially sized properties are not in line with the identified need of the Strategic Housing Market Assessment (SHMA, 2015). The design, layout and sprawl of the development would also result in the loss of an area of green space and cause harm to existing trees of moderate quality and values. The proposal would be contrary to Policies RLP8, RLP49, RLP80, RLP81 and RLP90 of the Adopted Local Plan (2005) and Policies CS1, CS8 and CS9 of the Adopted Core Strategy (2011).
- 2 The proposed development, by reason of its design and layout, would give rise to an unacceptable impact on the living conditions of adjacent occupiers through a loss of privacy caused by overlooking from balconies and windows on the west facing elevations. The lack of daylight and sunlight to some of the

habitable rooms would have adverse impact on the amenity level of future users. This would be contrary to Policy RLP90 of the Adopted Local Plan (2005).

- 3 The proposed development would intensify the use of an existing sub-standard access, increasing the likelihood of conflict between all road users and affecting the safety of the wider road network. The mitigation required to address this is not included within the scope of this application and therefore the proposal would result in an unacceptable degree of hazard to highway safety, and is therefore contrary to Policies RLP49 and RLP90 of the Adopted Local Plan (2005) and Policies CS1 and CS7 of the Adopted Core Strategy (2011).
- 4 The application fails to secure financial contributions towards Open Space, Affordable Housing, and visitor management and mitigation measures outlined in the Essex Coast Recreational Avoidance and Mitigation Strategy, contrary to Policies RLP84 and RLP138 of the Adopted Local Plan (2005) and Policies CS2, CS8, CS10 and CS11 of the Adopted Core Strategy (2011).

SUBMITTED PLANS

Proposed Site Plan	Plan Ref: P-02	Version: C
Materials Details	Plan Ref: P-11	
Section	Plan Ref: P-03	Version: B
Proposed Elevations and Floor Plans		Plan Ref: P-20
Proposed Elevations and Floor Plans		Plan Ref: P-21
Proposed Elevations and Floor Plans		Plan Ref: P-22
Proposed Elevations and Floor Plans		Plan Ref: P-23
Proposed Elevations and Floor Plans		Plan Ref: P-24
Proposed Elevations and Floor Plans		Plan Ref: P-25
Proposed Elevations and Floor Plans		Plan Ref: P-26
Proposed Elevations and Floor Plans		Plan Ref: P-27
Proposed Elevations and Floor Plans		Plan Ref: P-28
Proposed Elevations and Floor Plans		Plan Ref: P-29
Garage Details	Plan Ref: P-30	
Location Plan	Plan Ref: P-02	Version: E

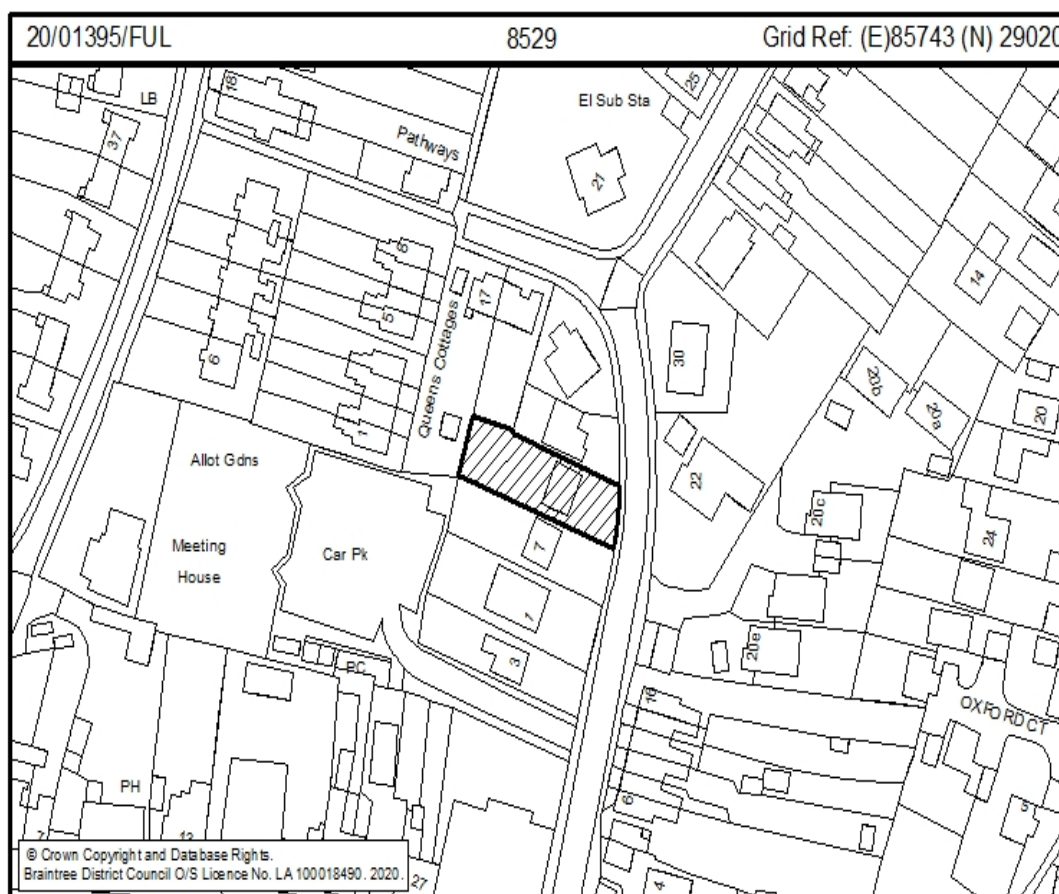
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01395/FUL DATE: 25.08.20
VALID:
APPLICANT: Mr B and Mrs S Lynham
9, Queens Road, Earls Colne, CO6 2RP
AGENT: Paul Sheridan Design
Mr Paul Sheridan, 6A Emson Close, Saffron Walden, CB10 1HL
DESCRIPTION: Erection of a single-storey two bedroom replacement dwelling house.
LOCATION: 9 Queens Road, Earls Colne, Essex, CO6 2RP

For more information about this Application please contact:
Fay Fisher on:- 01376 551414 Ext. 2507
or by e-mail to: fay.fisher@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFLY9GBFGAA00>

SITE HISTORY

N/A

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Neighbourhood Plan

N/A

Other Material Considerations

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 application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Earls Colne Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises a detached bungalow style dwelling located along Queens Road which is located within the Village Development Boundary of Earls Colne. The property is a traditional double fronted bungalow with two bedrooms and a fair sized front and rear garden. There is parking on the frontage of the site for 1 vehicle.

The site is not located in the Earls Colne Conservation Area and there are no listed buildings in the vicinity.

PROPOSAL

This application seeks planning permission for the complete replacement of the bungalow with a two bedroomed bungalow on a larger footprint.

The dimensions of the proposed bungalow would measure 15.6 metres deep by 9 metres wide and would be 6.1 metres high with a hipped roof. The bungalow would be finished in painted render with a composite slate roof. The windows would be made of aluminium in an anthracite grey colour finish.

SUMMARY OF CONSULTATION RESPONSES

Essex Fire and Rescue

No objections

BDC Ecology

No objections

BDC Environmental Health

No objections

PARISH / TOWN COUNCIL

Earls Colne Parish Council

Object due to design of bungalow and lack of parking provision.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

PRINCIPLE OF DEVELOPMENT

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

The application site is located within the designated village envelope/town development boundary and as such the principle of development is acceptable in accordance with Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.

As the application seeks permission to demolish the existing dwelling on the site and erect a replacement dwelling, the proposal would not result in a net increase in the number of dwellings on the site. Accordingly, it is not considered that the issue of the Council's 5 Year Housing Land Supply is a material consideration in the assessment of this application.

SITE ASSESSMENT

Layout, Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In addition to this, Policy RLP90 of the Adopted Local Plan 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, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the 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 Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy

RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The existing single-storey dwelling is of no particular architectural interest and whilst its appearance is not harmful, its contribution to the streetscene is not considered of sufficient merit to justify its retention. The surrounding area is characterised by a diverse collection of building types and periods and therefore there is no objection to the demolition of the existing building and the principle of a replacement dwelling.

This application proposes the replacement of an existing bungalow with one on a larger footprint, albeit with the same number of bedrooms. In terms of appearance within the street, the existing character is mixed, comprising of bungalows and two storey dwellings. The existing bungalow appears to form a pair with its neighbour and they are largely identical in terms of footprint, but otherwise it is considered that the street does not have a strongly defined character.

In terms of its design, the replacement bungalow is of typical design, finished with traditional materials and would have a shallow hipped roof pitch. The proposed dwelling would retain the established building line to the front, albeit with a projecting porch feature, and as such would not be harmful to the grain of development in the area. Whilst it would extend deeper into the application site it would still retain adequate spacing either side such that it would not appear cramped or congested on its plot.

In terms of its impact on the character and appearance of the street, the replacement bungalow would not match with any of its neighbours however, its design would not appear unduly out of place, given the lack of defined character within the street. Therefore, whilst the concerns of Earls Colne Parish Council are noted, the design and appearance of the replacement bungalow is not considered to have a detrimental impact on the current street scene, when viewed in context with dwellings in the nearby vicinity.

In terms of internal amenity, the quality of accommodation would be of a suitably high standard, with the dwelling exceeding the relevant minimum standards for internal space set out in the Nationally Described Space Standards (NDSS). Also, the habitable spaces proposed would benefit from a suitable provision of light, outlook, and privacy. It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers. In terms of external amenity, the property would be provided with in excess of 100sq.m of private garden space.

Overall, from a design, amenity and layout perspective, it is considered that the proposed dwelling would be acceptable and not be detrimental to the character and appearance of the area.

Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The re-siting of the dwelling would result in no detrimental impacts in terms of overlooking, loss of light or outlook.

The new dwelling would extend deeper into the plot than the rear elevation of the existing bungalow. This would be approximately 2.8m deeper than the line of No.11 Queens Road located to the east, and approximately 6.8m deeper than the line of No.7 Queens Road to the west. As such the new bungalow would appear more dominant when viewed from the rear gardens of these adjacent dwellings, however the separation between the dwellings would be retained as existing. Given the shallow pitched form of the roof and hipped end, it is considered the impact has been minimised and the development would not result in undue harm to these neighbouring properties.

In addition to this, The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 suggests that obstruction of light and outlook from an existing window is avoided if built form does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone.

Officers have applied the 45 degree ruling (as illustrated in the Essex Design Guide), to the adjacent dwellings. With regard to No.7 Queens Road, this demonstrates that the replacement bungalow would not comply on plan as a result of its depth. However, due to the orientation of the dwellings there would be no loss of light experienced to the habitable windows of this adjacent property. With regard to No.11 Queens Road the proposal would comply with the 45 degree rule. The development would therefore not cause demonstrable harm to neighbouring amenity in terms of loss of light or overshadowing given the shallow pitch of its roof and the north/south orientation of the site.

It is therefore considered that the proposal would comply with the abovementioned policies in terms of impact on residential neighbouring amenity.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009)

states that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. A reduction in the vehicle standards may be considered if there is development within an urban area (including Town Centres) that has good links to sustainable transport.

Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

There would be no alterations to the current parking provision on the site. The existing bungalow is a two bedroomed property which currently benefits from 1 off street parking space. The replacement bungalow would also have two bedrooms and would still provide the 1 parking space in the same position. Therefore, whilst the proposal would not comply with the Councils adopted parking standards for new build dwellings, it is considered unreasonable to require that an additional off street parking space be provided on the frontage, when there is no net increase in the number of bedrooms proposed. Given the sustainable location, and the potential for future occupiers to increase off street parking on the site frontage due to the generous front garden area, it is considered that the proposed provision is acceptable.

Habitat Regulations Assessment (HRA / RAMS)

Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations.

In this case, the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA & Ramsar site, and Essex Estuaries SAC but it requires no further consideration of the impact and will not trigger a financial contribution in line with the Essex Coast Recreational Disturbance Avoidance & Mitigation Strategy (RAMS), as it is a replacement dwelling and does not therefore result in a net increase of residential units.

PLANNING BALANCE AND CONCLUSION

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);

- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary where the principle of a replacement dwelling is acceptable.

The site is in a sustainable location and close to the village centre wherein occupiers can access a range of services and facilities. Although this application relates to a replacement dwelling such that there are limited social benefits generated as a result, there will be some economic benefits, albeit to a limited extent given that the application is for just one dwelling. There would be some environment benefits, as although this does demolish an existing dwelling, it provides the opportunity for the replacement to be constructed in a more environmental sound manner.

The replacement dwelling is of an appropriate size, scale, design and layout and would be sympathetic to the character and appearance of the locality. No adverse impact would occur to neighbours amenity or in regards to highway matters, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission be granted.

RECOMMENDATION

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

APPROVED PLANS

Existing and Proposed Plans	Plan Ref: PSD_BSL_02 rev.B
Location / Block Plan	Plan Ref: PSD_BSL_03 rev.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 schedule.

Reason

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or provision of any building within the curtilage of the dwelling-house as permitted by Classes A, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

INFORMATION TO APPLICANT

1. GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;

c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

2. PRECAUTIONARY MEASURES FOR BATS

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

If a Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5g

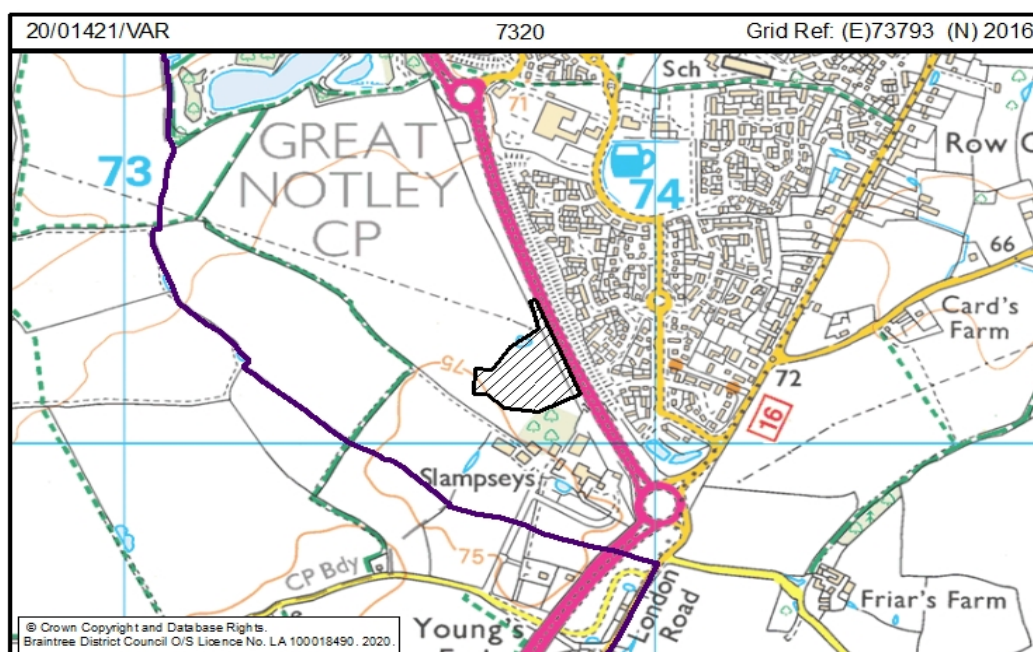
APPLICATION NO: 20/01421/VAR
 DATE VALID: 01.09.20

APPLICANT: Gridserve
 Mr Raoul Tufnell, Thorney Mill Lane, Iver, SL0 9AQ

DESCRIPTION: Variation of Condition 1 (Approved Plans) and Condition 3 (Arboricultural impact assessment) of approved application 20/00155/VAR granted 15/05/2020 for: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. To allow updated design drawings and materials to main building, Updated landscaping scheme and lighting, Updated ecological statement. , Variation would allow: , Condition 1: Extension to the clearance of the tree belt and revision to retail store , Condition 3: Updated arboricultural impact assessment

LOCATION: Gridserve Electric Forecourt, Edison Way, Great Notley, Braintree, Essex, CM77 7QW

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFTCW2BF GD600>

SITE HISTORY

17/01235/FUL	Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley.	Granted	30.09.19
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x	Refused	30.03.20

20/00155/VAR	internally illuminated totem signs and 14 x non illuminated wayfinder signs. Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved application 19/01092/FUL granted 30/09/2019 for: Proposed development of an Electric Forecourt, comprising of 24 core electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. Variation would allow: - Updated design drawings and materials to main building - Updated landscaping scheme and lighting - Updated ecological statement	Granted	15.05.20
20/00776/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Granted	22.09.20
20/00005/PPA	Variation of Condition 1 (Approved Plans) and Condition 3 (Arboricultural impact assessment) of approved application 20/00155/VAR granted 15/05/2020 for: Variation of condition numbers 2 (Approved Plans), 3 (Materials), 6 (Detailed Landscaping), 7 (External Lighting) and 19 (GCN License) of approved		

application 19/01092/FUL
granted 30/09/2019 for:
Proposed development of
an Electric Forecourt,
comprising of 24 core
electric vehicle charging
points, energy storage, a
mix of ancillary dwell
facilities, car parking, hard
and soft landscaping and
access arrangements off
the A131, Great Notley. To
allow updated design
drawings and materials to
main building, Updated
landscaping scheme and
lighting, Updated ecological
statement.
Variation would allow:
Condition 1: Extension to
the clearance of the tree
belt and revision to retail
store
Condition 3: Updated
arboricultural impact
assessment

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

In accordance with paragraph 48 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 continue to afford some weight to the emerging Publication Draft Local Plan 2017.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP31	Design and Layout of Business Parks
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP76	Renewable Energy
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

RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP112	Town Centre Uses
RLP113	Shopping Areas

Braintree District Local Development Framework Core Strategy 2011

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 Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Neighbourhood Plan

None.

Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009
External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application site is located on land owned by Braintree District Council, and Great Notley Parish Council has objected to the proposal contrary to Officer recommendation.

NOTATION

The application site is located outside the Great Notley Village Envelope as designated in the Adopted Local Plan. It sits partly within an area allocated for strategic employment land provision.

The application site also sits partly within an area proposed for allocation for employment use as part of a much larger employment site allocation in the Draft Local Plan which would be located within the revised Village Envelope. This is known as Horizon 120 Business and Innovation Park and benefits from a Local Development Order that was granted by the Council earlier this year.

The application has been advertised as a departure from the Council's Adopted Development Plan.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site lies in the countryside and measures approximately 2.3ha. It formally consisted of a portion of agricultural land with limited associated trees and boundary hedge and fronts onto the A131 (although historically there was no access to this road). To the north and west the site is bounded by further agricultural land. To the south lies Slamsey's Farm which contains two Grade II listed buildings.

In terms of the wider context, there is existing residential development to the east beyond the A131 and sporadic residential development in the countryside to the south. Great Notley Country Park lies to the north and expansive agricultural land to the west. Works are also underway on the Horizon 120 Business and Innovation Park.

On site, the Gridserve building and electric charging forecourt has been constructed and completed, with launch of the site due to take place in November 2020.

PROPOSAL

This Section 73 (Minor Material Amendment) application relates the Gridserve Electric Forecourt proposal that was originally granted planning consent on 30th September 2019 (19/01092/FUL) and subsequently varied under a separate Section 73 application as approved on 15th May 2020 (20/00155/VAR).

The original permission (19/01092/FUL) was a full planning permission for an electric vehicle charging forecourt comprising 24 charging points, energy storage facilities, ancillary 'dwell' facilities for drivers/passengers, car parking, hard and soft landscaping and access arrangements from the A131.

The earlier Section 73 application (20/00155/VAR), approved; a minor re-alignment of the A131 road access (to comply with permitted adjacent Horizon 120 scheme as the access is shared between the two sites); redistribution of car parking spaces within the Forecourt; and a minor extension to the size of the proposed stairwell on the Gridserve building.

This current application seeks planning consent for design adjustments to the scheme that are considered minor in scale and nature and are proposed to optimise the appearance and function of the development. The changes are as follows:

- Further removal of the tree belt along the eastern boundary abutting the A131.
- Change to the siting and altered design specification of the retail storage facility.

As outlined within the application submission, the justification for the tree removal works relate to a desire to maximise the visibility of the development from the A131. The revisions to retail storage facility, consist of a re-siting of the building slightly further to the north (to be adjacent to the transformer and other associated facilities, but still within the 3 metre enclosure) and minor changes to the footprint. These changes are understood to be required to accord with the retailer's storage requirements.

During the course of the application, and to address comments made by consultees and third parties, the application was amended to reduce the extent of tree removal from the tree belt along the south-eastern edge of the site, and to provide compensatory on site planting, with the provision of 15 native trees and 150 native species mixed hedgerow whips to be planted at the northern end of the development.

SUMMARY OF CONSULTATION RESPONSES

ECC SUDs

No objection.

ECC Archaeology

Comment that an archaeological evaluation has been completed at the above site in response to an archaeological condition on application 19/01092/FUL. All fieldwork has been completed and no further archaeological fieldwork will be required. The site has been signed off to allow development to proceed and a time extension was allowed to enable the site to be written up into a report. The report has not yet been received and this will be required as a condition on this application.

ECC Highways

No objection.

Highways England

No comments.

BDC Environmental Health

No comments received.

BDC Landscape

No further comment or objection. The reduction in the number of trees to be removed as part of the access/visibility stipulation is noted and welcomed; the increase in planting to augment the screening proposed in the earlier landscape scheme is also considered to improve the quality of the scheme; however it is regretted that the applicant has still seen fit to retain the beech hedge and not replace it with a hornbeam and holly mixture - the latter is considered to be a more robust planting suggestion, providing some evergreen component through the winter, greater value for wildlife and likely to establish more successfully through a series of dry summers.

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures.

Historic Buildings Consultant

Comment that any development of the site will cause a low level of harm to the setting of the heritage assets within Slamseys Farm. Whilst this position is

maintained with this current application, the revised proposals are an improvement upon the initially submitted plans, and therefore do not object to the revised drawings.

The consideration is to the wider setting of the assets at Slamseys Farm and the appreciation of Slamseys as a whole site/historic farmstead. The consented scheme and revised proposals retain a green area between the Gridserve site and Slamseys which allows for the two entities to be read as distinctly separate when viewed from the A131. This tree cover will act as a break and visual stop between the bright, modern appearance of the new retail building and agricultural/storage units within the northern section of Slamseys Farm. The more tree/hedgerow cover there is, the bigger the gap and the lower the impact upon the setting of Slamseys Farmstead, not only the listed buildings, by increasing the ability to read the two sites as distinct, rather than a coalesced whole.

PARISH / TOWN COUNCIL

Great Notley Parish Council

To the original submission, responded with an objection to the application. Comment with the following:-

- The applicant wishes to remove a number of trees, including well established trees. For the environmental benefit of the area the trees should be retained. Trees should only be permitted to be removed if there is demonstrable evidence in support of such a proposal.
- A number of trees and areas of vegetation have already been removed and the charging station and associated buildings are clearly visible from the A131. If visibility of the site increased, the development and the associated advertising would be obtrusive in an area, including close to a residential area.
- Note that the Skyline business on the A131 has some vegetation shielding the development. Retaining trees and vegetation is of benefit for the environment and general visual appearance.
- Concern for additional lighting. Development in close proximity to residential use should have the least amount of adverse light pollution.

To the amended submission, they responded and maintain their objection, re-iterating the comments above.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper advertisement and neighbour letters. 6 neighbour representations have been received (5 objections and 1 comment neither objecting nor supporting).

The comments received can be summarised as follows:-

- Object to the clearance of trees. A business promoting "Green Energy" should not apply to destroy even more trees;
- The area is already a total eyesore without 'making anymore of it';
- Will provide opening up of the site and an uninterrupted view of the industrial site buildings, which is unnecessary for road safety;
- Hours of working should be 8am to 5pm, to prevent disturbance to the residents of Great Notley;
- No need to be prominent as such charge station services are mapped within the e-car system.

A further objection has been received from Cllr Butland. His comments can be summarised as follows: -

- The original scheme had support subject to only a limited loss of such the tree belt to enable the safe access and exit to and from the site. This objective has been achieved;
- The sole purpose in seeking this variation is maximise visibility from the carriageway. The visibility from the southbound carriageway of the A131 needs no further changes and is clear to traffic travelling in that direction and it only needs to go a short distance to the A131/London Road roundabout to access the site. Traffic approaching from Chelmsford along the A131 will only have to turn onto the Great Notley By-Pass to see the slip road and access into the site; This will be aided also by the large approved Totem Pole advert;
- No need to be visible as divers of electric vehicles will not, in the immediate future, set out on a journey without first establishing where charging points will be along their route. In addition many such vehicles also have GPS which also indicates where such facilities are;
- The Arboricultural Impact Assessment states that all the trees to be removed are of low value. Although they may individually be of low value, collectively they are of very high value in softening the visual impact;
- A higher visibility will not further emphasise the sustainability objectives of the development but rather is to draw greater attention to the retail element of the development.

Re-consultation on the amended plans was undertaken. There have been no further third party consultation responses.

REPORT

Principle of development

The principle of development has been established under the existing full planning permission for the site (Application Reference 19/01092/FUL) and earlier Section 73 application (Application Reference 20/00155/VAR). As noted above, the development is being implemented and indeed is due to open in November 2020.

The current application seeks only to make a minor material amendment to vary this existing permission. However, for completeness and because the proposed variation would form a new planning permission, the consideration of the principle of the original development is set out below.

The application site is located within the countryside. It sits partly within a larger area which is allocated for strategic employment land provision in both the Adopted Development Plan and the Publication Draft Local Plan. The larger part of the site lies outside this allocated area and sits within the countryside.

In terms of the adopted Development Plan, Policy CS4 of the Adopted Core Strategy allocates a large area (18.5ha) of land for an innovation and enterprise business park as part of the District's identified Strategic Employment Site provision.

Although it precedes the above allocation, Policy RLP28 of the Adopted Local Plan sets out the types of uses which are acceptable on industrial estates and business parks which constitutes the following uses from the former Use Classes Order - B1 (business); B2 (general industrial) and B8 (storage and distribution).

The proposal is for an electric vehicle charging station which is classed as a 'sui generis' use and is therefore a departure from both the Adopted Development Plan and the Draft Local Plan.

It is also noted that the larger part of the site would sit outside the strategic employment boundary allocation and would be located in unallocated countryside. This would also constitute a departure from the Development Plan and would be contrary to Policy CS5 of the Adopted Core Strategy which states that development outside settlement boundaries will be strictly controlled to uses appropriate to the countryside.

The proposal must therefore be assessed on its merits as the general principle of such development is contrary to adopted local planning policy.

Sustainability

Whilst the proposed use does not comply with the former Use Classes of B1, B2 and B8 employment uses, it is a proposal which would generate employment. The use needs to be located adjacent to a main vehicular route through the District and is well suited to being positioned adjacent to an innovation and enterprise business park which has very significant public benefit in terms of sustainability.

The proposal would provide 24 electric vehicle charging points with 12 ultra-rapid (150kW with under 30 minute charge time) and 12 rapid (50kW with over 30 minute charge time) charging speeds available and would be able to cater for all vehicle types including HGV's. In this respect, the proposal would make a substantial contribution towards electric vehicle charging within the District

and the proposed location would ensure it was well positioned to serve a much wider catchment.

In terms of Planning Policy, the NPPF acknowledges the increasing importance of electric vehicles in achieving sustainable development and states at Paragraph 110 that developments should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. At the local level, the Draft Local Plan identifies at Paragraph 6.152 the need to encourage alternative approaches such as electric cars and to facilitate the infrastructure to support them to assist in reducing harmful emissions. Policy LPP44 of the Draft Local Plan builds on this, stating that development proposals should provide appropriate facilities for a variety of (sustainable) transport modes including 'facilities for charging points in and other ultra-low emission vehicles'.

There is clearly therefore planning policy support for such proposals and with electric vehicle ownership steadily increasing the provision of a major charging facility within the District is of clear benefit in terms of achieving and stimulating sustainable development.

Layout, Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping'.

The proposed layout is largely the same as that which was previously approved. It consists of the main charging area which contains 24 vehicle charging points and is covered by a canopy roof with inverted pitch with solar panels mounted on top of it. The hub building with its associated facilities and services is located immediately adjacent to this with dedicated parking areas running along the north-eastern and southern boundaries of the site. An internal loop road provides access around the site and would lead back to a roundabout positioned on the outer side boundary. (This in turn would link to a new access road taken from the A131). Between the proposed main access and the hub building is the location of the required electrical infrastructure with associated substation, all of which are single storey structures, enclosed by a 3 metre high close boarded fence.

The changes sought within this application in respect of built form relate to the re-siting and design of the storage facility associated with the retail unit. The proposed siting would be within the same general area, being clustered with the other associated plant and similar. Its siting within the 3 metre high screen will ensure that there is no wider changes, nor any harm to the character and

appearance of the area. The very modest changes to the design are understood to be required to accord with the retailer's storage requirements. These changes still result in the building being within the dimension and extent of that approved within the extant permission and as noted above, below the height of the fence panel.

Heritage

There are two listed buildings and a dovecote located to the south of the application site at Slamseys Farm. The applicant submitted a Heritage Statement in support of their original application which assessed the potential impact of the proposed development upon these heritage assets. The Statement found no harm to be caused to any of these buildings. A further Heritage response was provided by the applicant during the course of this application.

The Historic Buildings Consultant has commented following the submission of the revised drawings and justification of the proposal. They comment that whilst the retention of as much of a green break between the two areas (the Gridserve site and Slamseys Farm) would be the best option, the revised drawings have largely addressed earlier concerns by reducing the number of trees marked for removal.

It is appreciated that there is no immediate visibility of the designated heritage assets from the site and that the relationship between the site and Slamseys Farm is limited. Instead, any impact is to be considered in terms of the impact to the setting of these assets and the appreciation of Slamseys as a whole site/historic farmstead. The consented scheme and the revised proposals retain a green area between the Gridserve site and Slamseys which allows for the two entities to be read as distinctly separate when viewed from the A131 and will act as a break and visual stop between the modern appearance of the new retail building and agricultural/storage units within the northern section of Slamseys Farm. The more tree/hedgerow cover there is, the bigger the gap and the lower the impact upon the setting of Slamseys Farmstead by increasing the ability to read the two sites as distinct, rather than a coalesced whole.

As with the extant permission, any development of the site will cause a low level of harm to the setting of the heritage assets within Slamseys Farm. Although the revised proposals are an improvement upon the initially submitted plans, this level of harm remains.

The proposal is therefore identified as causing less than substantial harm to the identified heritage assets and more specifically to be at the 'lower end' of the less than significant harm scale. In terms of public benefit, the development would make a very significant contribution to electric vehicle charging facilities within the District and ideally located on a major transport route. Officers consider that the public benefit of the proposal in facilitating more sustainable modes of transport outweighs the limited heritage harm identified.

Landscaping

The application initially proposed the removal of 25 specimen trees (from a total of 37) from the shelterbelt alongside the A131 within the tree group referenced G27 within the submitted Arboricultural Report. Following concerns, the application has been amended and a significant reduction made to the number of trees to be removed. It is now proposed to remove only 9 specimens from this tree group.

An updated Arboricultural Impact Assessment has been submitted. This demonstrates that in terms of the 'quality and value' category of the trees, the tree group is classed as group C with a fair physiological condition.

Despite the low category quality of the individual trees to be removed, a degree of harm would result from their removal due to the softening that they provide to this immediate roadside elevation and the wider character of the area, and this does need to be considered in the planning balance (discussed later in this report).

To compensate against the loss of trees, a robust planting scheme has been submitted, which would be in the form of additional planting provision to supplement the approved soft landscaping scheme. The additional planting relates to the provision of 15 native trees and 150 native species of mixed hedgerow whips. The 15 additional trees (*Acer campestre*) will be planted to the north and north-west of the approved SUDs system, and will grow to 1.5 – 2 metres in height. The 150 whips will be a native hedgerow mix (*corylus avellana*, *crataegus mongyna*, *prunus spinose*, *rosa canina*, *ilex aquafolium* and *vibumumopulus*), and will grow up to 1 metre in height. These are also to be planted to the north of the SUDs system.

This planting will assimilate well with the existing approved landscape planting being implemented at the site. Furthermore, it will assist in softening the visual impact of the 3 metre boundary fence, (especially from the main access road for this site and the wider Horizon 120 site), which is somewhat prominent. It is considered that the species choice and specification is appropriate for the site and that overall it will improve the quality of the wider development and its setting. In regards to the comments from the Council's Landscape Team regarding the species mix, it is noted that the beech hedge is already being planted on site in accordance with the planting scheme approved on the extant permission.

On balance, it is considered that the replacement planting would mitigate the loss of the 9 trees to be removed from within tree group G27.

Ecology

The Ecological Statement submitted with the application confirms that the habitat present on site doesn't meet the criteria for Priority Habitat, being defined as 'immature broadleaved plantation woodland'. In addition, it has

confirmed that the proposed works are unlikely to result in adverse impacts to protected species and Priority Species and that the details contained within the approved Construction Environmental Management Plan (October 2019) will still be relevant for this application. Therefore, the mitigation measures identified in Ecological Statement to Support the Additional Tree Clearance (Arup, October 2020) should be secured and implemented in full to conserve Protected and Priority Species.

As noted above, to compensate for tree removal, additional planting will be secured with the provision of 15 native trees and 150 native species mixed hedgerow whips to be planted at the northern end of the development, as well as appropriate implementation and management of these additional features. This is supported and will ensure that the Local Planning Authority can demonstrate that measurable biodiversity net gains will still be delivered for this application, as outlined under Paragraph 170[d] & 175[d] of the NPPF.

Therefore, the submission of the revised information will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 and should be secured and implemented in full.

Highways and Parking

This Section 73 application seeks no changes to highway layouts and would have no implications for highway and parking considerations from the original proposal. The previous highways and parking assessment is set out below for completeness.

Both ECC Highways and Highways England raise no objection. The original application was accompanied by a Transport Assessment which concluded that the development would have a negligible impact upon the existing road network. In terms of vehicle movements, the Transport Assessment predicted that the development could generate 85 inbound and 86 outbound vehicle movements in the pm peak hour (1700 – 1800). However, it is then assumed that 80% of these trips would be pass by or linked trips i.e. drivers already on the road network for another reason who would divert to recharge their car, in the same way petrol car drivers would stop to refuel on the way home from work as opposed to specifically undertaking a trip solely to refuel.

Applying this assumption, which Officers consider reasonable, reduces the developments unique trip generation from 173 movements to 34 movements, meaning that only 34 new trips would be generated by drivers undertaking a trip for the sole purpose of refuelling their vehicle.

With regard to parking, the Essex Parking Standards (2009) do not set out a requirement for an electric vehicle charging station as the concept is a new one. However, standards are set out for petrol filling stations which offer a reasonable comparison. The requirement detailed is for 1 space per 20sqm of retail floorspace only. The applicant's proposal includes a maximum of 190sqm of retail floorspace and 117sqm of restaurant/café floorspace at

ground floor level. This would generate a maximum requirement of 10 and 24 spaces respectively.

At first floor level the use is specified as 'assembly and leisure' which generates a requirement of 1 space per 20sqm with a maximum requirement of 14 spaces. Overall, based on individual calculations of the different floorspace types within the proposal the maximum parking requirement is 48 spaces. However, it is important to note that this calculation is reached by applying different sections of the parking standards and is not considered to be a particularly realistic or appropriate calculation. The retail, restaurant other uses within the hub building are all aimed at drivers already using the charging station and are not designed to operate in the manner that a normal retail facility or café/restaurant would operate. It is reasonable to assume that a large proportion of people using the above facilities will be doing so whilst their vehicle is charging.

Overall, the applicant proposes 32 car parking spaces on the site, in addition to the 24 charging bays and 5 peripheral spaces for staff with 5 staff members anticipated in total. A parking enforcement regime would also be put in place using ANPR cameras and permitting a 3 hour maximum stay in non-charging spaces (i.e. standard parking spaces). The combined total of charging spaces and car parking spaces is 61 spaces. The Essex Parking Standards provide a limited degree of guidance but this is a bespoke development and Officers consider that an individual approach is required when assessing parking provision. The parking standards maximum requirement of 48 parking spaces is comparable to the 61 spaces proposed, considering that 24 of these spaces are charging bays but also that many people visiting the site will be there to charge their cars rather than just to use for example the modest retail facility.

Amenity

The nearest dwellings are located on the opposite side of the A131 at a distance of approximately 85metres. As discussed on the extant scheme, although the charging station is not identified as being a use which is likely to generate a large amount of noise, the Council's Environmental Health Team did recommend that a safeguarding condition be imposed to ensure that noise levels do not have a detrimental impact upon existing residents in the area. A further condition relating to details of external lighting was also imposed along with a standard set of conditions to safeguard the amenity of the area during the construction process.

The removal of the further trees from this roadside will not result in any increased impact to neighbouring properties due to the distances involved, and the modest amount of tree removal and quality of those trees. No further lighting is proposed and the conditions imposed previously regarding noise and lighting will be re-imposed. With such conditions in place, it is not considered that the proposal would have a detrimental impact upon the amenity of the area.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding. As per the extant permission, a SuDS system consisting of a new pond has been constructed on the site. Outflow from the pond are to be controlled into the existing ditch which runs adjacent to the A131. The changes proposed within this Section 73 application do not alter the proposed SuDS system.

Essex County Council were consulted as the Lead Local Flood Authority and have no objection to the proposal. As with the earlier applications, conditions are required to ensure that the drainage scheme is constructed in accordance with this approved scheme and appropriately maintained.

In terms of foul drainage, the applicant considers it likely that a septic tank will need to be installed although this would no longer required if the wider employment site is developed with associated infrastructure.

Archaeology

The site has been identified as having the potential for below ground archaeological remains within the site. Conditions were attached to the original planning permission requiring archaeological works to be carried out. These have now been completed and it is not therefore necessary to re-impose all of these conditions although a condition requiring a final archaeological report to be submitted and a condition requiring ongoing archaeological monitoring to be completed is required.

PLANNING BALANCE AND CONCLUSION

The proposal is a minor material amendment to a previously approved scheme and the proposed amendments are considered, on balance, to be acceptable.

As a whole, the proposed development would sit partly within an allocated strategic employment area and partly in the countryside although the larger part of the scheme is located in the latter. Whilst the proposal represents a departure from the adopted and the emerging Development Plans Officers planning permission has been granted for the electric vehicle charging station and which is now built out. The development will bring a significant and tangible public benefit to the District and represents a cutting edge proposal with significant benefits in terms of making a real difference to the viability of owning an electric vehicle in this area.

Officers consider that there is some justification in the desire to open up the site to maximise its visibility. The building has been designed to articulate its function, and increased visibility will increase awareness of electric vehicles opportunities and provide encouragement for their use more widely.

Furthermore, in this case, the proposal now only seeks to remove 9 trees. The trees to be removed fall within Tree Group G27, and are categorised as group C with a fair physiological condition. The additional proposed planting on site, which involves a further 15 native trees and 150 native species mixed hedgerow whips, are of an appropriate species mix and on balance would compensate for that being removed. Additionally, the replanting on site, will assist in screening the prominence of the 3 metre high fence, as well as demonstrating that measurable biodiversity net gains will be delivered.

Whilst the concerns raised within the consultation responses are noted in terms of the further 'opening up of the site frontage', Officers consider that this is a high quality building in terms of its contemporary layout, design and materials. It is a building that positively adds to the quality of the area and therefore the harm in it being 'seen' is limited. Allowing the Gridserve building to be more prominent within this street scene, will result a 'focal building' to the entrance of wider Horizon 120 when approaching from the south and demonstrate that you are entering a high quality business area on the approach into Braintree.

Overall, it is considered that the proposal would bring clear environmental; economic and associated social benefits and constitutes sustainable development.

As a whole, the design of the proposal remains contemporary and appropriate for a cutting edge facility such as that proposed. The proposed amendments are minor and are considered to be 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

Access Details	Plan Ref: IT2021/SK/02	
General	Plan Ref: Energy Storage Container	Version:
REV A		
General	Plan Ref: Substation Details	Version: REV A
General	Plan Ref: Substation Details	Version: REV A
Location Plan	Plan Ref: 8266 001	
Proposed Site Plan	Plan Ref: 8266-0008	Version: C2
Section	Plan Ref: 004	Version: P3
Proposed Floor Plan	Plan Ref: 8266-005	Version: P1
General	Plan Ref: 8266-0010	Version: C2
Fencing Layout/Details	Plan Ref: 8266-0016	Version: C1
Section	Plan Ref: MR19-083/103	Version: B
Section	Plan Ref: MR19-083/104	Version: B
Roof Plan	Plan Ref: 8266-007	Version: P1
General	Plan Ref: P19-0716	Version: E

Proposed Site Plan C6	Plan Ref: 8266-BOW-A0-ZZ-DR-A-0008 Version:	
Landscape Masterplan	Plan Ref: MR19-083/101	Version: D
Management plan	Plan Ref: MR19-083/102	Version: D

- 1 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.

- 2 The external materials and finishes shall be as indicated on the approved plans.

Reason

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

- 3 The development shall only be carried out in accordance with the details contained within the submitted Arboricultural Impact Assessment completed by Treework Environmental Practice, dated 30th September 2020.

The approved means of tree/hedge protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

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

- 4 The approved enclosures/boundary treatments shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such.

Reason

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

- 5 The approved scheme of soft landscaping shall be carried out during the first available planting season after the first use of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

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.

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

Reason

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

- 6 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.

- 7 The energy storage containers hereby permitted shall have an external colour finish of Moss Green (RAL 6005) or similar.

Reason

To minimise the visual impact of the development on the surrounding area.

- 8 The development shall only be carried out in accordance with the Construction Method Statement approved under Condition Discharge Application 19/01855/DAC which shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 The applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion of fieldwork). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and the submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 10 The sound pressure level from the installed equipment hereby permitted shall not cause any increase in the background noise level (5 minute LA90) when measured at the boundary of the nearest noise sensitive property.

Reason

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

- 11 No use of the development shall take place until the access arrangements as shown in principle on the planning application drawings have been provided or completed.

Reason

To protect highway efficiency of movement and safety

- 12 The development shall only be carried out in accordance with the Construction Environmental Management Plan approved under Condition Discharge Application 19/01855/DAC which shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason

To allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 The provision of the new attenuation pond to be located on the adjacent Horizon 120 site to the north as mitigation for the removal of the existing dried pond located on the application site shall be provided in accordance with the Great Crested Newt Non-Licensed Method Statement details approved under planning applications 19/01616/FUL and 19/01525/FUL.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to Discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 14 Prior to the first use of the development a Biodiversity Mitigation and Enhancement Strategy shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Appraisal Report (Arup, 14 June 2019). The Strategy shall include timescales for implementation. The works shall be implemented in accordance with the approved details and timescales and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to Discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 15 The development shall take place only in accordance with the detailed surface water drainage scheme for the site approved under Condition Discharge Application 19/01855/DAC.

Reason

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

- 16 The scheme approved under Condition Discharge application 19/01855/DAC to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution shall continue to be implemented as approved.

Reason

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

- 17 Prior to the first use of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the

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

Reason

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 18 The applicant or any successor in title must maintain yearly logs of maintenance in accordance with Condition 17 which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- 19 A programme of archaeological monitoring shall be completed in accordance with the detail set out in the document 'Land West of the A131, London Rd, Great Notley, Braintree, Essex: Written Scheme of Investigation for an Archaeological Investigation' (Jan 2020).

Reason

To enable full investigation and recording of this site of archaeological importance.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER