

PLANNING COMMITTEE AGENDA

Tuesday, 22 November 2016 at 07:15 PM

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

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

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

Membership:-

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

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

N BEACH
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 8th November 2016 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a	Application No. 16 01413 FUL - Land adjacent to 52 Gilbert Way, BRAINTREE	5 - 13
5b	Application No. 16 01475 FUL - Land East of Monks Road, EARLS COLNE	14 - 52
5c	Application No. 16 01605 FUL - The Kings Head, Chapel Road, RIDGEWELL	53 - 66
5d	Application No. 16 01724 FUL - Stables rear of 3 Brook Street Cottages, Braintree Road, WETHERSFIELD	67 - 78

PART B

Minor Planning Applications:-

5e	Application No. 16 01291 FUL - Little Bishops, Queenborough Lane, BRAINTREE	79 - 85
5f	Application No. 16 01565 FUL - Folly Farm, Herkstead Lane, STEEPLE BUMPSTEAD	86 - 95
5g	Application No. 16 01566 LBC - Folly Farm, Herkstead Lane, STEEPLE BUMPSTEAD	96 - 103

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

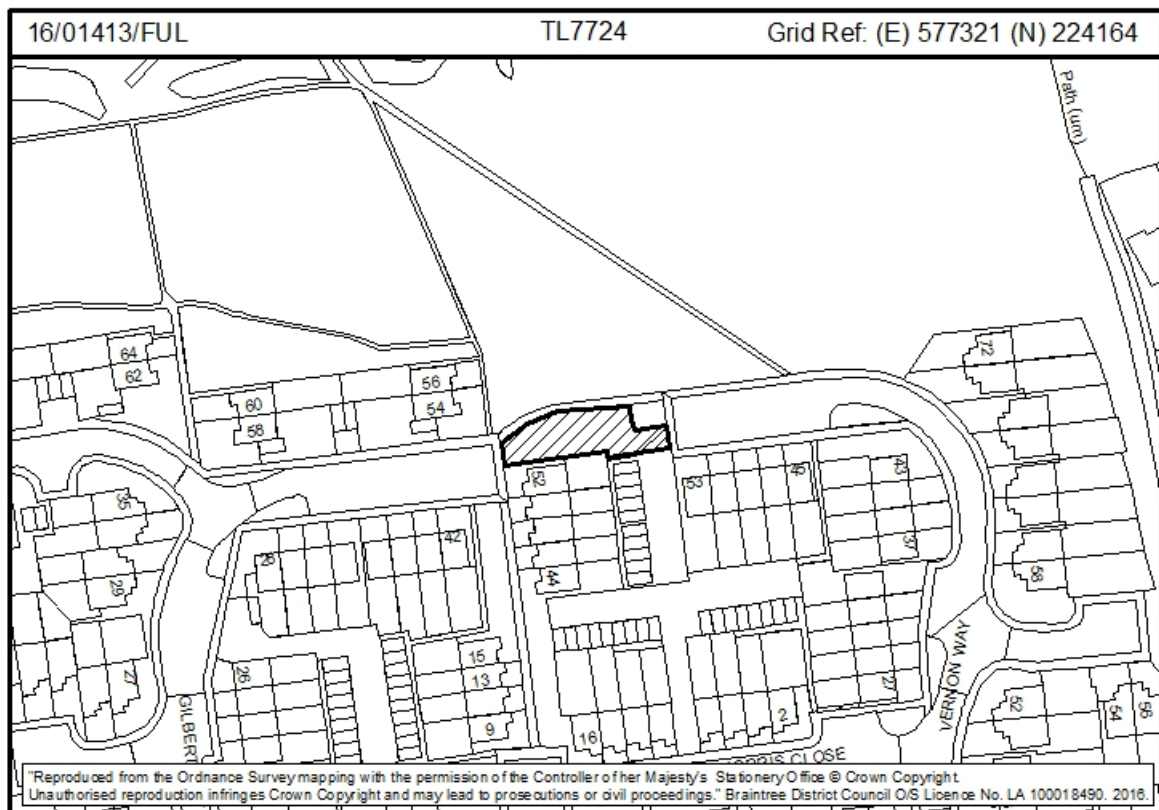
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION 16/01413/FUL DATE 30.08.16
NO: VALID:
APPLICANT: Riga Property Services Limited
Mr Brown, 3 High Street, Ipswich, IP1 3JZ
AGENT: Poole & Pattle
Mr Jonathan Pattle, 5 Observation Court, 84 Princes Street,
Ipswich, IP1 1RY
DESCRIPTION: Erection of single dwelling
LOCATION: Land Adjacent, 52 Gilbert Way, Braintree, Essex

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



SITE HISTORY

08/00045/REF	Erection of one new dwelling	Appeal Allowed	31.10.08
04/02118/OUT	Proposed new dwelling	Withdrawn	20.10.04
04/02131/OUT	Proposed new dwelling	Granted	17.01.05
07/02643/REM	Erection of one new dwelling	Refused then allowed on appeal	06.02.08

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the

parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP5	Place Shaping Principle
LPP16	Housing Provision and Delivery
LPP37	Parking Provision
LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP68	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Members because of the number of representations received during the consultation exercise.

SITE DESCRIPTION

Land Adj. 52 Gilbert Way is a piece of green space located between the ends of Gilbert Way and Vernon Way. The site is located within the town development boundary of Braintree, to the north of Coggeshall Road. Surrounding the site is green space to the north, and planned residential estates to the south, east and west. The site is presently open and provides

pedestrian access and views between the two roads. There are concrete bollards preventing vehicular access on the Gilbert Way side. There is a paved walkway to the side of the site, which would remain.

In 2005, outline planning permission was granted for the erection of a single dwelling on the site. In 2007, a reserved matters application was refused by the Local Planning Authority and then allowed on appeal by the Planning Inspectorate in 2008 for the detailed design of the dwelling, access arrangements and garden amenity space.

Greenfields Community Housing Association owns the green space over which there would be a vehicular and pedestrian access, which the applicants have a right of way over.

PROPOSAL

This application seeks full planning permission for the erection of a single dwelling. The dwelling would be similar in design and appearance to that approved on appeal in 2008. The footprint would be different though; with the front and rear elevations appearing more narrow, and the side elevations being slightly wider. Access to the site would be from Vernon Way, with a small strip of grass which currently exists being surfaced in concrete paving. There is an existing dropped kerb in this location. There would be a garden to the rear of the dwelling which would measure approximately 90m², and would be surrounded by a 2m high brick wall.

The plans also show the provision of an area fronting Gilbert Way, which would be used by the neighbouring dwelling

CONSULTATIONS

Essex Highways – No comment.

Drainage Engineers –No objection.

Asset Management – No Objection; the applicants benefit from a right of way over the green space within the ownership of Braintree District Council.

REPRESENTATIONS

A total of 7 representations were received, and are summarised below:

34 Vernon Way

- Detrimental impact on provision of parking.
- Loss of green space.

49 Vernon Way

- Detrimental impact on provision of parking.
- Detrimental impact on views and impact on value of house (please note this is not a material planning consideration).

53 Vernon Way

- Design of dwelling not in keeping with surrounding dwellings.
- Detrimental impact on provision of parking.
- Detrimental impact on views and impact on value of house (please note this is not a material planning consideration).

2 Tees Close, Witham

- No sheltered or secure cycle storage.

8 Ajax Close, Braintree

- Design of dwelling not in keeping with surrounding dwellings.
- Detrimental impact on provision of parking.
- Detrimental impact on views.
- Inappropriate location for the provision of a new dwelling.

51 Vernon Way

- Scale and design of dwelling not in keeping with surrounding dwellings.
- Loss of green space.
- Impact on neighbouring residential amenities by way of loss of privacy and increased overlooking.
- Detrimental impact on provision of parking.

REPORT

Principle of Development

Planning permission was granted by virtue of an allowed appeal (07/02643/REM) for the erection of a single dwelling in this location. From a planning policy perspective, there has been little which has changed which would warrant a different decision; the NPPF was introduced and Braintree District Council adopted its Core Strategy and has published its draft Local Plan.

Paragraph 49 of the National Planning Policy Framework states “housing applications should be considered in the context of the presumption in favour of sustainable development”, and favour residential development in sustainable locations where there is an identified need for additional housing; for example within existing towns and villages. Policy RLP3 of the Braintree District Local Plan elaborates on this in a local context, permitting new residential development within village envelopes and town development boundaries where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy LPP 28 of the Braintree District Draft Local plan states development should seek to create sustainable, inclusive and

mixed communities through providing a mix of house types and size at an appropriate density for the area, which reflects local need.

On this basis, it is considered that this proposal is considered to be acceptable in principle.

Design, Appearance and Layout

Having found that little has changed from a policy perspective since the approval of planning permission in 2008, it is necessary to consider the proposed amendments to the previous approval. From a design perspective, the NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping.” In addition to this, policy RLP90 of the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 42 of the Braintree District Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposed dwelling would be different in form to that previously approved; the dwelling would be less wide on the east and west elevations, and longer on the north and south elevations. It would however remain the same design in general, with a flat roofed dormer looking out towards the north, with lower eaves on this elevation than the south facing elevation. This design would be similar in appearance to the existing dwellings which lie perpendicular to the site, fronting Gilbert Way.

The garden to the rear of the dwelling would measure approximately 90m². Whilst this would fall short of the required 100m² or more for a 3+ bed dwelling, this arrangement has already been approved at appeal and it is considered that this would not justify a reason for refusal for this application.

It is therefore considered that from a design and appearance perspective, the proposed dwelling is acceptable.

Impact on Neighbour Amenity

The NPPF states that new development should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”, whilst policies RLP17 and RLP90 from the Braintree District Local Plan Review and Policy LPP 46 of the Braintree District Draft Local Plan allow for new development where there would be “no

unacceptable or undue impact” on neighbouring residential amenities by way of loss of privacy, overshadowing, loss of light or overbearing impact.

One of the representations received related to a concern that the proposal would result in increased overlooking and a loss of privacy. There would be a flat roofed dormer on the north facing elevation, whilst the south facing elevation would have no windows at first floor level. The ground floor south facing window would serve a bathroom, and would therefore be obscure glazed. There would be a first floor window facing the west which could potentially overlook the garden of 52 Gilbert Way; however this window would serve a W/C, and a condition is recommended requiring this window is obscure glazed. There would be no possibility of overlooking or loss of privacy from the east or north facing windows.

On this basis, it is considered that there would not be an unacceptable impact on neighbouring residential amenities.

Highway Issues

Since the previous application was approved at appeal, the Council has adopted a newer set of Parking Standards; Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

One of the changes from the previous proposal includes omitting an attached garage which was shown on the previous approved plans, in the current application two parking spaces of 5.5 metres x 2.9 metres (one under a carport roof), which conforms to the standards.

The application proposes a new access over a piece of land which is currently within the ownership of Greenfields Housing Association. It is understood that notice has been served on the owners of the land, and Certificate B within the application form has been signed, and that the applicants have retained a right of way over the land.

Some of the objections related to the loss of parking space. Whilst on site, it was noted that some informal parking does take place on the application site. Despite this, it should be stressed that this arrangement is informal and that the landowner is under no obligation to continue this arrangement.

On this basis, the loss of informal parking is not considered a reason to refuse the application. Sufficient off-street car parking would be provided on site, and furthermore this arrangement was approved at appeal in 2008.

Some of the objections raised in the submitted representations related to the decrease in property values, and the loss of existing views. Whilst these objections are noted, it should be acknowledged that these are not considered

to be material planning considerations, and so haven't been taken into consideration during the formation of this recommendation.

CONCLUSION

Following the appeal decision granting planning permission for a single dwelling on the site, and the lack of policy change which would result in a different recommendation being reached, it is considered that the proposed development is acceptable and that planning permission should be approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan		
Roof Plan	Plan Ref: 1391 03	
Proposed Plans	Plan Ref: 1391 03	Version: J
Block Plan	Plan Ref: 1391 04	Version: A

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

Reason

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

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

Reason

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

- 3 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 / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A, B, C, E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers and due to the restricted size of the site and amenity area.

- 4 The external materials and finishes shall be as indicated on the approved

plans and/or schedule unless otherwise agreed in writing by the local planning authority.

Reason

To conform with the pattern of the existing development in the locality.

- 5 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

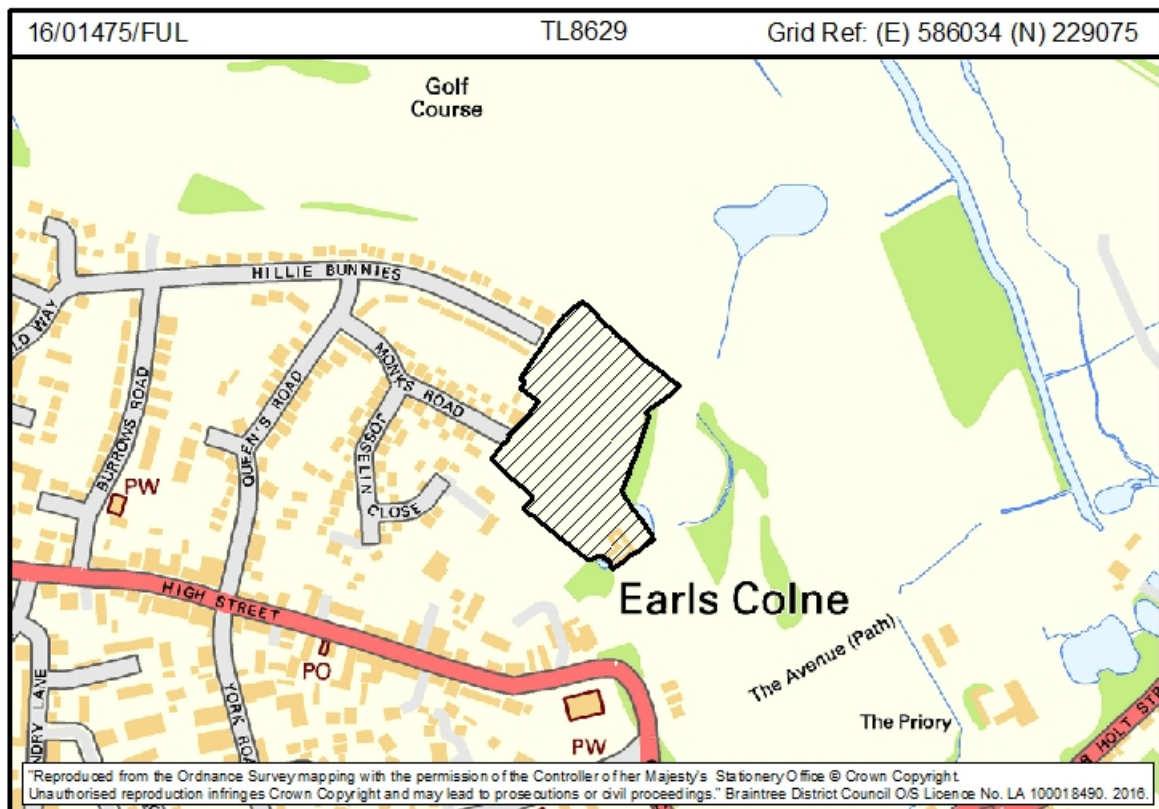
To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01475/FUL DATE: 23.08.16
 VALID:
 APPLICANT: Crest Nicholson Eastern
 Mr Mark Bedding, Academy Place, 1-9 Brook Street,
 Brentwood, Essex, CM14 5NQ
 AGENT: Bidwells
 Mr Steven Butler, Saxon House, 27 Duke Street,
 Chelmsford, Essex, CM2 0RR
 DESCRIPTION: Residential development of 50 new homes with highways
 access from Monks Road, public open space, SUDs,
 associated hard and soft landscaping and infrastructure
 LOCATION: Land East Of Monks Road, Earls Colne, Essex

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



SITE HISTORY

05/00044/REF	Proposed change of use of part of building to offices	Appeal Allowed	31.07.06
00/00395/OUT	Erection of one detached four bedroomed house	Refused	02.05.00
00/01888/COU	Variation of condition 3 of Planning Permission BTE/1164/82 - Change of use of one room to an office for Austin Electrical	Granted	14.02.01
02/01062/OUT 82/00797/P	Erection of single dwelling Change of use of private stables and pastures to riding school	Refused Refused	29.07.02
03/01152/COU	Change of use of one room within stables to form an office	Granted	19.08.03
82/01164/P	Construction of 12 stable units and feed store.	Granted	11.01.83
78/01650/P	Residential development	Refused	14.02.79
05/00667/COU	Proposed change of use of part of building to offices	Refused then allowed on appeal	22.08.05

POLICY CONSIDERATIONS

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National Planning Guidance

National Planning Policy Framework (NPPF)
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Braintree District Local Development Framework Core Strategy

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 Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP52	Public Transport
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency

RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

Braintree District Draft Local Plan

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
LPP24	Affordable Housing
LPP28	Housing Type and Density
LPP36	Sustainable Access for All
LPP37	Parking Provision
LPP38	Protected Lanes
LPP42	Built and Historic Environment
LPP43	Health and Wellbeing Impact Assessment
LPP44	Provision for open Space, Sport and Recreation
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of use to Heritage Assets and their Settings
LPP53	Archaeological Evaluation, Excavation and Recording
LPP56	Natural Environment
LPP57	Protected Species
LPP58	Enhancements, Management and Monitoring of Biodiversity
LPP59	Landscape Character and Features
LPP61	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP62	Energy Efficiency
LPP64	Renewable Energy within New Developments
LPP65	Surface Water Management Plan
LPP66	Sustainable Urban Drainage Systems
LPP68	External Lighting

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan

Essex Parking Standards Design and Good Practice 2009
Earls Colne Village Design Statement (2007)

Other Guidance

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

NOTATION

The application site is located outside of Earls Colne Village Envelope as designated in the Braintree District Local Plan Review 2005.

Whilst the application site is not allocated for development in the Emerging Draft Local Plan, Members are advised that the Local Plan Sub-Committee recommended on 25th May 2016 that the site (EARC221) be allocated for housing in accordance with Officer advice. This decision was overturned due to highway concerns by Full Council on 20th June 2016.

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

SITE DESCRIPTION

The village of Earls Colne lies along the A1124 between Halstead and Colchester and is well-linked via the nearby A131 to the wider county of Essex. It is one of the District's Key Service Villages and is served by a wide variety of shops and facilities. The local settlements of Halstead, Braintree, and Colchester are both within a 20 minute drive. The Village is also well served by an extensive footpath network and bus services to Colchester town centre, Braintree and Halstead are available off the High Street. Rail links are available at Chappel and Wakes Colne stations. Earls Colne School primary lies within 200m of the site and there are a choice of secondary schools available in larger nearby settlements. Access from the site to the High Street and wider highway network is via Queens Road.

The application site is located on the north-eastern edge of the village, directly adjacent to existing residential development at Monks Road and Hillie Bunnies to the west, Colne Valley Golf Club to the north and east and the grounds of Colne House Residential Care Home to the south. Immediately to the south-south-east of the site is a field of open grassland which sits between

the golf course and the A1124. This piece of land does not fall within the control of the applicant.

It measures approximately 2.08ha in size and is on a north-south gradient which descends towards the golf course and the River Colne beyond. It forms a large private amenity space physically attached to rear garden of No.23 Monks Road, which also falls within the ownership of the landowner. It is accessed via a vehicle turning head at the end of Monks Road and comprises mostly closely mown grassland enclosed by mature hedges and post and rail fencing. A high voltage overhead line runs through the site from the north to south. Public Footpath No.19 follows the north-east boundary of the site.

The southern end of the Site contains a cluster of buildings known as "The Stables" which are used predominantly for the personal enjoyment of the landowner. One of the rooms within The Stables is lawfully used as the landowner's personal office. In 2000 an application for the erection of a single dwelling on part of the Site was refused (00/00395/OUT). The reasons for refusal concerned the principle of development in this location (outside the development boundary) and impact upon character of the then designated area of Special Landscape Value.

PROPOSAL

This application is for a new residential development of 50 new dwellings with highways access from Monks Road, public open space, SUDs, associated hard and soft landscaping and infrastructure. The proposed mix comprises:

	1-Bed	2-Bed	3-Bed	4+Bed
Market Housing	0	4	21	5
Affordable Housing	4	11	5	

The layout of the site has developed as a result of its village edge location and a number of physical constraints within the site, namely:

- A drainage ditch easement adjacent to Hillie Bunnies;
- Overhead powerlines that require diversion underground;
- A drainage basin in the north east of the site; and
- A badger sett buffer required to protect a sett on adjacent land on the southern part of the site.

The approach to the layout has been to develop a landscape-led scheme in order to optimise key views, create green space throughout the site and linkages to the existing public footpath network. Access to the site will be off Monks Road, which is in the south-west portion of the site. The entrance road into the site is proposed to be 6m wide with footways on either side. Leading on from this entrance road the main route through the site continues as a

shared surface at 6m wide. Private drives connect to the shared surface home zones and serve up to 5 dwellings. Service strips are also incorporated in the footpaths or the soft verges of the main route through the site. The site currently has a variety of mature trees along its boundaries which will be retained along with existing vegetation to form natural landscape buffers. These will screen the development from the surrounding area and soften the edges of the proposed residential development. It also gives privacy to both the existing properties nearby and to the new proposed dwellings.

The new proposed dwellings are a mix of semi-detached and detached dwellings. Two maisonettes are proposed, together with a FOG (flat over garage). All the units will have well-proportioned gardens in accordance with the sizes recommended in the Essex Design Guide. Some of the gardens will incorporate existing trees and hedges along their boundary. The ratio of garden space to the number of dwellings in the proposed development means that the overall layout is in keeping with the surrounding urban grain. Boundary walls are proposed on dwellings that perform a function in the street scene or are part of the public realm.

The proposed dwellings are all two storey in height and are of a traditional design consisting of 5 basic house-types, which have been modified to suite local requirements. They will feature a mix of gable ends, front projecting gables, bay windows and porch designs, which are indicative of the house types. All houses will have chimney stacks. It is proposed that the materials palette will be kept simple and will be secured by condition.

The number of parking spaces, garages and car-ports has been calculated to meet or exceed, the parking provision set out in Essex County Council's Vehicle Parking Standards (September 2009). A total of 116 car parking spaces are proposed. This would result in an average of 2.32 spaces per household. This compares with 109 (or 2.18 per household) required by the Standards. Allocated parking spaces would be located in a mix of shared parking courts or on-plot. Unallocated visitor spaces would be provided in lay-bys and shared parking courts. The proposed garages and car-ports would be of a simple, traditional design with gable fronts or sides. All garages incorporate an area for cycle storage. Houses without garages will be provided with cycle storage.

The application is accompanied by the following reports and supporting information:

- Design and Access Statement (prepared by Clague Architects)
- Design and Access Statement – Landscape Chapter (Macfarlane + Assocs)
- Landscape and Visual Impact Assessment (Macfarlane + Assocs)
- Transport Assessment and Draft Travel Plan (ARDENT Civil Engineers)
- Flood Risk Assessment (ARDENT)
- Ecological Assessment (Greengage)

- Tree Constraints Plan and Arboricultural Implications Assessment (The landscape Partnership)
- Archaeological Desk Based Assessment (CgMs)
- Statement of Community Involvement (Luther Pendragon)
- Sustainability and Energy Statement (JS Lewis Ltd)
- Lighting Strategy (Macfarlane + Assocs)
- Utilities Planning Statement (WERM)
- Ground Conditions Report (Southern Testing)
- Additional Heritage Guidance (Steven Bee Consulting Ltd)

Prior to the submission of the application, the applicant has worked collaboratively with Braintree District Council, Essex County Council, local stakeholders and residents. A public exhibition event was held on 18 May 2016 in order to consult local residents about the proposals. The exhibition took place in Earls Colne Village Hall. The layout has evolved to take account of potential impact on the landscape, Conservation Area and Grade I listed church.

Revised plans have also been submitted to address some minor issues relating to layout and design details on the houses during the course of the planning application.

The layout of the development provides areas of open space on northern and eastern boundaries one of which will form an attenuation bowl. The buffer zone on the southern part of the site required to protect the badger setts on the adjacent land will be landscaped and planted as a wildlife/informal play area.

CONSULTATIONS

Anglian Water

Comments that the Earls Colne Water Recycling Centre has capacity to accommodate the development. The SuDs/flood risk management as relevant to Anglian Water is considered acceptable.

ECC Highways

No objection on highway safety grounds or on highway design. A number of conditions are recommended.

ECC Lead Local Flood Authority

Having reviewed the Flood Risk Assessment no objection is raised to the proposal, subject to the imposition of conditions dealing with matters of surface water and drainage.

ECC Infrastructure and Planning Officer

ECC has advised that they will not be seeking any S106 Education Contributions in relation to this application.

ECC Historic Buildings

The Historic Buildings Consultant comments that the site falls just outside of the Conservation Area. No.97 High Street to the south of the site is a Grade II Listed Building and further to the south is St Andrews Church which is listed Grade 1. The edge of the Conservation Area has already been substantially eroded by the quantum of modern development that already exists on the land behind the northern side of the High Street. Whilst this development represents a further extension, it is not considered that it would further undermine the Conservation Area or the setting of No.97 High Street as a consequence of the topography and strong boundary. There is however, some potential to affect the setting of St Andrews Church in longer views, given its high position in the landscape. Notwithstanding that concern, it is concluded that the development is likely to result in less than substantial harm in the terms of Paragraph 134 of the NPPF.

Historic England

Comment that the application should be determined in accordance with national and local policy guidance.

BDC Landscape Services

The Landscape Character Assessment undertaken on behalf of the Council by The Landscape Partnership identifies the land as having a medium-high capacity to absorb development. The Assessment suggests that the existing vegetation on the eastern boundary is retained for its value as a wildlife resource and to sustain the qualities it affords for the screening of the site from the neighbouring River Colne corridor. There is reasonable visual containment provided by hedgerows and tree groups which limit visibility of the site from adjacent valley slopes. The main concern is the permeability of the existing boundary vegetation and the proximity of the new elevations to the edges of the site as indicated in the submitted layout. More opportunity should be provided for the boundary to be augmented with additional screen planting particularly on the northern and eastern boundaries within the site. A Tree Protection Plan for the retained tree cover should be in place before any development commences. The Ecological report provided makes a number of recommendations for improving the biodiversity of the site, some of which can be addressed by a suitably designed SuDs feature. A method statement should also be approved to ensure that any trench work is secured at night to prevent roaming badgers from the badger sett on the adjacent site becoming injured.

BDC Housing Research and Development

In accordance with Policy CS2 of Core Strategy, 40% of the proposed of the dwellings (equating to 20 dwellings) are required to be provided as affordable housing. Based on evidence from the Council's housing needs register, agreement has been reached for provision of the following units and tenure as set out on the tenure plan (drawing number 22395A/11 Revision C).

- 4x 1 bedroom 2 person flats – affordable rent
- 1x 2 bedroom 4 person flats over garage – affordable rent
- 11x 2 bedroom 4 person houses – 6x affordable rent and 5x intermediate tenure
- 4x 3 bedroom 5 person houses – affordable rent.

Additional Requirements for the affordable homes:

- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency at the point of construction
- Accessibility requirement for ground floor flats and inclusion walk in shower.
- 3 bedroom houses to meet Lifetimes Homes or equivalent Part M Cat 2 of Building Regulations

BDC Environmental Health

No objections are raised subject to conditions relating to land contamination and potential remediation works and relating to the construction period.

REPRESENTATIONS

A total of 73 representations have been received comprising 69 letters of objection and 4 of support.

The objections are summarised as follows:

- The site was removed from the allocations to the draft local plan and should not even be considered;
- The proposal will have a severe impact on highway safety in terms of pedestrians and road users and will result in increased pollution;
- Inadequate access to the site via Queens Road – another access should have been considered;
- Off-street parking on Queens Road causes severe restrictions, particularly at the bend in the road;
- The development will exacerbate existing on-street parking in the locality;

- Construction work will have a detrimental impact on Queens Road, which is already congested;
- The Co-op and public car parks add to the already congested Queens Road, particularly at the junction when Co-op lorries are parked there;
- The Traffic Assessment does not take account of local variations;
- A previous application for industrial development on the site was rejected on the grounds of highway access;
- A previous application for a dwelling in the site was refused;
- Impact on existing wildlife habitats and on local flora and fauna – great crested newts have been found adjacent the site;
- Difficulties for adjacent local leisure amenities – golf course and public footpath;
- The Doctor's Surgery is under stress judging by the difficulties experienced in getting an appointment;
- The local primary school will be forced to increase its intake;
- The development is not needed as two others have already been agreed. The proposal is about profit and greed;
- Likely traffic flow should be considered in the light of the other two developments;
- Detrimental impact on the landscape and Earls Colne Priory;
- Devaluation of property.

The letters of support indicate the following:

- The contention that highway safety will be severely affected is overstated;
- The development will provide housing for local people, which is much needed;
- The development is carefully designed and will offer a good balance of family homes good-sized gardens and off-street parking;
- The new homes will contribute to local businesses.

EARLS COLNE PARISH COUNCIL

Earls Colne Parish Council objects to the application on the following grounds:

1. The site was removed from the Draft Local Plan. Many local people, quite understandably, thought that the battle over this site had been decided on the 20th June 2016 when this particular site was considered in isolation and a decision was taken to remove it from the Local Plan. The Parish Council would wish it to be noted that they endorse the decision to support EARC225 and EAR3A and would wish to point out that Earls Colne, through these two sites, has provided more than its fair share of the predicted housing needs for the District until 2033.
2. The proposal is contrary to the requirements of Essex County Council's Design Guide. Crest Nicholson have adopted the Essex Design Guide (EDG) for this development which allows up to 200 dwellings to be

served from a single point of access (egress) with a 5.5m wide carriageway with 2 footways. Queens Road currently serves as a single point of egress for 310 properties and is 5.5m wide; this is 55% in excess of the 200 properties allowed under the EDG.

3. The proposal is contrary to Essex County Council's Development Management Policies in terms of highway safety and impact on the highway network.
4. The Proposal is contrary to Braintree District Council's Core Strategy as the development will place an unacceptable strain on local infrastructure.

REPORT

Principle of Development and Five Year Housing Land Supply

As set out previously within this report the application site is located outside of any designated development boundary in the adopted Development Plan. Whilst the site was put forward for allocation through the new Local Plan (reference EARC221) it was rejected by Members at Full Council on 20th June 2016. The developer has nevertheless decided to submit a planning application which must be considered in the context of the adopted Braintree District Local Plan Review, the Local Development Framework (LDF) Core Strategy and the National Planning Policy Framework (NPPF).

It is relevant to note the contents of the report presented to the Local Plan Sub-Committee on 25th May 2016, which is summarised as follows:

- The site is predominantly 'greenfield', with a small element of previously developed land and is seen as an appropriate extension with well-established boundaries to its perimeters.
- There has been concern expressed about the local road network, not directly adjacent to the site but along Queens Road and Burrows Road which would be used to access the High Street. Information submitted by the applicant and discussion with ECC Highways indicate that the increase in traffic from the additional homes would be small.
- The Sustainability Report highlighted that whilst the effect on the Conservation Area was uncertain, it was likely that the impact would be negligible and could be mitigated through appropriate design.
- Although there is a greenfield element, the site is a logical extension to Earls Colne beyond the two other sites with active planning permissions. It would have the least impact upon the wider landscape character and is located in close proximity to many of the village's services and facilities.

Whilst the Local Plan Sub-Committee supported the allocation, Full Council did not accept the recommendation, mainly due to highway concerns.

The NPPF states that applications for planning permission must be determined in accordance with Planning Law and the Development Plan unless material considerations indicate otherwise. The Council's Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). Whilst the NPPF does not change the statutory status of the Development Plan it is incumbent on the Local Planning Authority to identify a supply of specific, developable sites to ensure that the Local Plan can meet the full objectively assessed needs for market and affordable housing.

The Council's view as at 27th October 2016 is that the current forecast supply for the period 2016-2021 was 4.25 years and for the period 2017-2022 was 4.31 years, in the context of considering current planning applications. An updated report will be presented to the Local Plan Sub Committee on 10th November 2016 which discusses an update to the Council's commissioned Objectively Assessed Housing Need Study and will result in a changed target. Members will be advised of this at the meeting.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*. This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means:

'where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The Council acknowledges that in terms of the NPPF requirements, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF.

Putting the principle of development to one side, and the fact that the site's allocation was rejected, it is therefore necessary to assess the specific merits of the application site in detail to evaluate its potential to accommodate the proposed development in a sustainable manner in accordance with the NPPF. The NPPF states that there are three dimensions to sustainable development, giving rise to need for the planning system to perform a number of roles, namely:

An economic role – contributing to a building a strong economy by ensuring that sufficient land of the right type is available in the right places and at the right time;

A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations;

An environmental role – contributing to protecting and enhancing the natural, built and historic environment, and helping to improve biodiversity and use of natural resources.

Detailed Considerations

Highways and Transport Assessment

The NPPF states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health issues.

Policy CS7 of the Core Strategy states that future development will provide in accessible locations to reduce the need to travel. Earls Colne is a Key Service Village with a good level of services, including a primary school, health care facility, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools.

The application is accompanied by a comprehensive Transport Assessment of the local area. This indicates that approximate walking/cycling distances from the centre of the site to key local services and facilities are as follows:

Education

- Earls Colne Primary School and Nursery – 900m (12/4 min) walk/cycle;

Retail

- High Street – 500m (7/2 min) walk/cycle;
- Co-op Village Shop – 500m (7/2 min) walk/cycle;

Health

- The Pump House Surgery – 1km walk (12/4 min) walk/cycle;

Other Facilities

- Library – 600m (7/2 min) walk/cycle;
- Village Hall – 700m (9/3 min) walk/cycle;
- St Andrews Church – 600m (8/3 min) walk/cycle;
- Residential Home – 900m (11/4 min) walk/cycle; and
- Colne Valley Golf Club – 1.2km (15/5 min) walk/cycle.

The closest bus stops to the site are located on High Street, within a 550m walking distance from the centre of the site. These stops are served by nine

services that provide access to Colchester, Colne Engaine, Great Yeldham, Halstead, Greenstead Green, Twinstead, Castle Hedingham, Braintree and White Colne. Chappel and Wakes Colne railway station is also located at circa 5.3km.

Given the site's close proximity to bus stops, together with good pedestrian routes and facilities it would be difficult to argue that the site was not in a sustainable location.

Local Concerns

In relation to the concerns raised by residents in terms of the impact of the development on the local highway network, the Assessment contains the results of classified turning count surveys undertaken on High Street/Queens Road/York Road crossroads junction on Thursday 2nd July 2015 and Tuesday 12th July 2016 (both mid-week) between the hours of 07.00–10.00 and 16.00–19.00.

Residents' concerns centre around capacity and highway safety issues on Queens Road, particularly in the area of the Co-op store. Queens Road is a single carriageway road of varying width, although generally 5.5m to 6m wide. It is subject to a 30mph speed limit and provides direct access to dwellings. Monks Road connects to Queens Road, approximately 40m south of Hillie Bunnies. Queens Road also provides access to Queens Cottages via a cul-de-sac midway along its length, and also a public car park and the Co-operative store car park to the rear of the High Street along its southern section. Single yellow lines restrict parking between 8:00am and 6:00pm, Monday to Saturday, while the double yellow lines prohibit waiting at any time.

The Transport Assessment acknowledges that intermittent on-street parking occurs along the section of Queens Road between Monks Road and the public car park access. The presence of on-street parking means that drivers are sometimes required to give way to oncoming vehicles at gaps between parked cars. This serves to restrain traffic speed along this section of Queens Road. The results of the above survey indicate that minimal queuing on Queens Road was observed for most of the survey duration. A maximum queue of 4 vehicles was recorded in the weekday am peak hour during both the 2015 and 2016 surveys. In the pm peak hour, a maximum queue of 4 vehicles was recorded during the 2015 survey, and 6 vehicles on a single occasion during the 2016 survey. The Transport Assessment states that accident data shows no particular patterns or problems and there are no locations where an average of more than one individual sustained an injury each year over the past five years, and therefore the accident record falls below the ECC criterion for consideration of remedial measures.

Predicted trip generation resulting from the proposed development indicates that all links and junctions within the study area will continue to operate within capacity and is below the +30 movements set out in the Draft DCLG Traffic Assessment Guidance "starting point for discussions". Notwithstanding this, the applicant had indicated that they are willing to make a S106 contribution to

Essex County Council Highways to undertake a review of on-street parking controls and to cover costs associated with implementing Traffic Regulation Orders for additional waiting restrictions. However, Essex County Council Highways have raised no objection to the application and have not considered it necessary to recommend a planning obligation relating to the applicant's suggested mitigation.

Vehicle Parking

Policy RLP56 of the Local Plan Review requires that vehicle parking should be provided in accordance with ECC Vehicle Parking Standards 2009. In terms of parking provision, the proposed development will meet the Standards, as referred to above. This will ensure that the existing parking problems in the wider area beyond the site will not be exacerbated by this development.

Travel Plan

The draft Travel Plan submitted with the application includes provision for Residential Travel Information Packs containing details of local walk and cycle routes, bus and rail timetables, plus an incentive such as a carnet of vouchers to purchase 6 one day tickets to use on local bus services.

Construction Access

It is proposed that heavy construction traffic would access the site from Monks Road via Queens Road and the A1124 High Street. Construction traffic movements will be kept to within agreed working hours and arranged to minimise disruption to the highway network and local residents.

The concerns raised regarding the likely impact during the construction phase are noted however, they cannot be used to sustain a reason for refusing the application. A condition is suggested requiring that a Construction Method Statement will be prepared and agreed with prior to commencement on site.

Notwithstanding the concerns of local residents, it is concluded that the development is acceptable in terms of its impact on the local road network and on-site parking provision. Essex County Council Highways have raised no objections to the application, subject to conditions.

Design and Layout

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

Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. This is supported by Policy RLP90 of the Local Plan Review and is reflected within Draft Local Plan Policies SP5, LPP28, LPP42 and LPP46 which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development respectively.

The design and layout has been the subject of much discussion and negotiation with Officers both prior and post submission of the application. This has resulted in a well-designed scheme that is suitable for its context as an 'edge-of-settlement' location. The scheme is led by the pattern of the urban grain of Monks Road and Hillie Bunnies and is also shaped by the existing landscape features and tree cover. Several character areas will be created throughout the development, which will work as individual spaces, but with a strong overall design dialogue which gives the development a character of its own. A limited number of house-types has been selected and modified to reflect the local vernacular in order to provide a coherent and interesting layout which will sit well within the established settlement. Relevant Standards set out in the Essex Design Guide and ECC Vehicle Parking Standards will also be achieved which will ensure that a good standard of amenity for future residents is provided, as well as respecting that of existing residents. Care has also been taken in terms of boundary treatment, with brick walls being used where boundaries meet the public realm.

The application will deliver Affordable Housing in accordance with the Council's requirements which will be well- integrated within the site and will be 'tenure blind'. A good mix of units would also be delivered within the development comprising 8% 1 bedroom units, 30% 2 bedroom units, 52% 3 bedroom units and 10% 4 bedroom units, based on the total number of dwellings proposed within the development. A mixture of semi-detached and detached dwellings along with two maisonette units and a single FOG (flat over garage) are proposed.

Regard has also been had for 'Secured by Design' which is a police initiative to guide and encourage the adoption of crime prevention measures within the layout to covers such matters as mutual surveillance of property, vehicle parking courts and areas of public open space.

All the units will have well-proportioned gardens in accordance with the sizes recommended in the Essex Design Guide. Some of the gardens will incorporate existing trees and hedges along their boundary. The ratio of garden space to the number of dwellings in the proposed development means that the overall layout is in keeping with the surrounding urban grain. Boundary walls are proposed on dwellings that perform a function in the street scene or are part of the public realm.

In this case it is concluded that the proposal would deliver a high quality development, and provide a good level of amenity for future residents. All of the house types proposed are representative of good design, with traditional spans and proportions and well designed, detailed, and fenestrated elevations. The house types feature a mix of gable ends, front projecting gables, bay windows and porch designs and all of the houses would have chimney stacks. In order to ensure that a high quality development is delivered, conditions are recommended to require samples of external materials, and details of chimneys, metre cupboards, elevational detailing, boundary treatments and hard and soft landscaping to be submitted to the Local Planning Authority for approval. Although covered by condition, it is considered that given the size of the development proposed, the material palette should be kept simple, but given the predominance of the material within the design of the scheme, a high quality facing brick will be required. Subject to these conditions, the proposal is considered acceptable in this regard.

Green Infrastructure and Public Open Space

Policy CS10 of the Core Strategy and Policy LPP44 of the Draft Local Plan require that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

Public open space is also included within the site in accordance with the Open Space SPD. The scheme will provide approximately 4,158sqm of landscaped open space. Over half of this, approximately 2,500sqm set aside within the Wildflower Play and Central Green landscape zones, would be dedicated specifically to useable open space.

The scale of the proposed development does not require on-site provision of Outdoor Sports or Allotments, however, the above-mentioned policy requires that the developer make a financial contribution towards provision or enhancement of these facilities off-site, where this is required to meet demand arising from the development. In relation to this requirement, the scheme would generate a contribution of £1,357.07 towards allotments provision and £42,279.92 towards Outdoor Sports. Confirmation of the likely demand will be reported to members at the Committee.

Flood Risk and SuDs

A Flood Risk Assessment has been undertaken by Ardent Consulting Engineers. The site is within Flood Zone 1 and is therefore considered to have a low risk of flooding. The underlying nature of the soil is such that infiltration would not be possible. This means that the scheme needs to provide an on-site sustainable urban drainage system in the form of a surface water detention basin. As referred to above, this will be sited in the northern

portion of the site. Essex County Council has reviewed the SuDs scheme and considers that it demonstrates that surface water management is achievable and will not result in flooding on site or elsewhere. Conditions are suggested as set out within the recommendation section of this report.

Heritage

The Guidance set out in Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Local planning authorities should take into account:

- The desirability of sustaining and enhancing the significance of heritage assets;
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

The Historic Buildings Consultant has raised concerns regarding the impact of the development on St Andrews Church which is sited on higher ground to the south-east of the site. These concerns relate to impact in terms of longer views from the north. It is accepted that views of the church have been impinged to a certain extent as a result of cumulative development over the years. Whilst it is suggested that this could be ameliorated by a reduction in the number of units, this is clearly not feasible. Therefore, looking at the proposed layout on its merits, the Historic Buildings Consultant has concluded that the impact of the proposal is likely to result in less than substantial harm if, when weighed against the public benefit of the application, these benefits are tangible. In this case, whilst the concerns of local residents are understandable, the proposed development will result in public benefit in both the short and longer term. These benefits will arise from the contribution that the development will make to the Council's housing supply, provision of affordable housing, contribution to the economy during both the construction phase and the likely contribution future residents will make to the local economy and the continued viability of local schools, shops and businesses.

Landscape and Ecology

Policy CS8 of the Core Strategy requires that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

A Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted with the application, together with a

Landscape and Visual Character Assessment and indicative Landscape Masterplan. It is proposed to retain as many category A and B trees on the site, where practicable. However some of these would need to be removed in order to facilitate the development. New replacement planting is also identified to bolster the declining hedgerow and boundary planting and as part of a wider landscape scheme within the body of the proposed development. The Plan also includes:

- a co-ordinated drainage strategy incorporated with the landscape;
- proposed native and wildlife-friendly planting which maximises biodiversity opportunities throughout the development;
- The creation of new habitats to benefit the existing ecology, including wildflower meadows, wetland habitats, bat boxes and log piles;
- A new open space integrating an informal natural play area.

The Council's Tree and Landscape Officer has reviewed all the information and recommends relevant conditions.

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

The Ecology Report submitted with the application states that overall, the site has a low ecological value being mostly regularly mown amenity grassland. Ecology is not predicted to be a major constraint to the development on the site however, there are opportunities to enhance the overall value at site. The badger sett identified along the southwest boundary within the grounds of the adjacent care home will be mitigated by the inclusion of a buffer area in which no development is to be undertaken.

The report highlights the following:

- The presence of badgers (on land adjacent to site);
- Low to moderate potential for roosting bats, with confirmed likely absence and low to moderate levels of foraging and commuting bats;
- The presence of slow-worm (on boundary of site);
- Low potential for great crested newt, with confirmed presence within 500m;
- Has negligible potential to provide habitat for otters and water voles;
- Has low potential to provide habitat for dormouse;

- Has low invertebrate potential; and has moderate to high potential to provide habitat for nesting birds.

The scale and nature of the proposals will not give rise to any negative impacts upon any sites designated for nature conservation. The report recommends that, a more detailed Ecological Mitigation Strategy is developed for the site to ensure compliance with best practice, policy and legislative requirements in relation to protected species found. Appropriate conditions are therefore recommended.

Impact on Neighbour Amenities

Policy RLP90 of the Local Plan Review requires that new development shall have no undue or unacceptable impact on the amenities of any nearby residential properties. In this regard it is considered that this proposal will not have an unacceptable impact on existing residents adjacent to the site in terms of over-looking, overshadowing or being overbearing.

Other Matters

Earls Colne Village Design Statement

The Design Statement's overarching recommendations include the preservation of the village within its rural surroundings, requiring that all new build should be confined to brownfield sites and infill within the village envelope unless under exceptional circumstances when community gain would outweigh any disadvantage; and development should be at the lowest permitted density levels to reflect the rural environment. Queens Road, on land formerly the Old Vicarage garden. One of the recommendations it makes for this character area is that the extension of the estate into the field at the end of Monks Road should, for the foreseeable future, be strongly resisted. However, it also goes on to state that in respect of the control of the location of new development, this needs to be considered in the context of the wider Development Plan and other material considerations.

Whilst the concerns of the Parish Council and local residents are noted it is considered that in the wider context and taking on board all other material considerations, the proposal represents a logical extension to the Village, resulting in minimal harm in the long term. The design of the proposal reflects the desire to achieve a low density development. It is also relevant to note that the Council's statutory consultees have not requested any contributions to off-set the likely impact of the development.

Objections not addressed elsewhere in the report

Earls Colne Priory – is too far removed from the site to be considered affected.

Cumulative impact of other two developments – outline planning permission has been granted on land at Station Road for 56 dwellings

(reference 15/00934/OUT) subject to a S106 Agreement. A resolution to grant planning permission for up to 80 dwellings on land south of Halstead Road has been made (reference 15/01580/OUT), however, the S106 Agreement has not as yet been signed. All applications need to be considered on their individual merits and the proposals the subject of this application have been considered acceptable as outlined in the report.

New access should be considered – The transport assessment addresses this issue. Alternatives were reviewed, but would have resulted in more harm to the Conservation Area, historic buildings and countryside.

Planning Obligations

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

The Local Planning Authority will seek planning obligations under Section 106 of Town and Country Planning Act 1990 covering the following matters:

- 20 units to be provided as affordable housing;
- A potential contribution towards capacity improvements in Primary Care subject to NHS England confirmation;
- A financial contribution towards off-site Outdoor Sports improvements;
- A financial contribution towards improvements to allotment capacity;
- £28,719.39 towards play equipment at Hillie Bunnies Playground (Hillie Bunnies playground was last upgraded in 2006);
- A Management Company to manage all areas of Public Open Space within the development.

The applicant has yet to confirm agreement to all elements outlined above. Members will be updated at the planning Committee.

PLANNING BALANCE / CONCLUSION

Paragraph 14 of the NPPF sets out at its heart the overriding doctrine of the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the Development Plan without delay; but where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole;
- or specific policies in the Framework indicate development should be restricted.

It has been acknowledged that the site is situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, due to the fact that the Council cannot currently demonstrate a five year supply of housing land, those policies are deemed out of date and therefore the balance of considerations outlined above applies.

Officers acknowledge that there is less than substantial harm to the setting of St Andrews Church to the north of the site. Whilst the Council must have special regard to maintaining the setting of listed buildings under the terms of Section 66 of the Planning and Listed Buildings Act 1990, the NPPF at paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Committee is clearly aware that there is significant pressure to increase the delivery of developable housing land. The granting of planning permission for 50 houses on this site would go some way in meeting the Council's Objectively Assessed Needs. This, along with the provision of much needed affordable housing of an appropriate dwelling type mix to meet social needs also weighs in favour of the proposal. In addition, it is considered that the fact that by granting this application, full planning permission would be issued (subject to the completion of the S106 planning obligation), meaning that the proposed development provides greater certainty about the scale of development involved.

The development will also provide socio-economic benefits at a local and district level and create new areas of public open space and green infrastructure for use by the new and existing community development as well as providing opportunities to enhance the ecological value of the site.

The impact of the development upon the amenity of neighbouring premises is considered acceptable, as is the wider impact upon the character of the landscape and settlement.

The site is considered to be in a sustainable location where there is good access to public transport and opportunities to access local services and facilities for walking or cycling. Moreover, Essex County Council Highways have raised no objections to the proposed development on highway grounds.

It is concluded that the proposed development offers benefits against each of the three dimensions of sustainable development, and the adverse impacts of granting planning permission would not demonstrably outweigh the benefits of doing so.

Whilst it is acknowledged that the development could have an impact on the setting of St Andrews Church, the impact is considered to be less than substantial and acceptable when weighed against the public benefits of the proposed development.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- Affordable Housing - 20 dwellings to be provided as affordable housing: 15 affordable rent dwellings and 5 intermediate dwellings.
- All Affordable Housing to be: constructed to Lifetime Homes standards; deliverable without reliance on public subsidy; built to conform to standards acceptable to the Homes and Communities Agency at the point of construction; accessible - requirement for ground floor flats and inclusion walk in shower. In addition, all 3 bedroom houses to meet Lifetimes Homes or equivalent Part M Cat 2 of Building Regulations
- Management Company to manage and maintain all areas of on-site Public Open Space within the development;
- Outdoor Sports - a financial contribution towards off-site improvements
- £28,719.38 towards off-site play equipment at Hillie Bunnies Playground
- A financial contribution towards improving allotment capacity;
- Health - subject to confirmation from NHS England, a financial contribution may be sought towards capacity improvements in Primary Care provision.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below. Alternatively, in the event that a suitable planning obligation is not agreed with three calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan	Plan Ref: 22395A/01
Block Plan	Plan Ref: 22395A/02
Existing Sections	Plan Ref: 22395A/03
Existing Sections	Plan Ref: 22395A/04
Existing Sections	Plan Ref: 22395A/05

Existing Sections	Plan Ref: 22395A/06	
Existing Sections	Plan Ref: 22395A/07	
House Types	Plan Ref: 22395A/31A	
House Types	Plan Ref: 22395A/33A	
House Types	Plan Ref: 22395A/36A	
House Types	Plan Ref: 22395A/37A	
House Types	Plan Ref: 22395A/39A	
House Types	Plan Ref: 22395A/40A	
House Types	Plan Ref: 22395A/41A	
House Types	Plan Ref: 22395A/42A	
House Types	Plan Ref: 22395A/43A	
House Types	Plan Ref: 22395A/44A	
House Types	Plan Ref: 22395A/51A	
House Types	Plan Ref: 22395A/52A	
House Types	Plan Ref: 22395A/53A	
Proposed Sections	Plan Ref: 22395A/61A	
Proposed Sections	Plan Ref: 22395A/62A	
Proposed Sections	Plan Ref: 22395A/63A	
Proposed Sections	Plan Ref: 22395A/64A	
Proposed Levels	Plan Ref: W660-010C	
Landscape Masterplan	Plan Ref: 3039.MA.1000B	
Lighting Plan	Plan Ref: 3039.MA.1001B	
Topographical Survey	Plan Ref: S16/5274/01	
House Types	Plan Ref: 22395A_30	Version: B
House Types	Plan Ref: 22395A_32	Version: B
House Types	Plan Ref: 22395A_34	Version: B
House Types	Plan Ref: 22395A_35	Version: B
House Types	Plan Ref: 22395_38	Version: B
House Types	Plan Ref: 22395_45	Version: B
House Types	Plan Ref: 22395A_46	Version: B
House Types	Plan Ref: 22395A_47	Version: B
House Types	Plan Ref: 22395A_48	Version: B
House Types	Plan Ref: 22395A_49	Version: B
House Types	Plan Ref: 22395A_50	Version: B
Proposed Sections	Plan Ref: 22395A/60	Version: B
Proposed Sections	Plan Ref: 22395A/61	Version: B
Proposed Sections	Plan Ref: 22395A/62	Version: A
Proposed Sections	Plan Ref: 22395A/63	Version: B
Proposed Sections	Plan Ref: 22395A/64	Version: B
House Types	Plan Ref: 22395A_54	Version: A
Proposed Site Plan	Plan Ref: 22395A_10	Version: C
Tenure Plan	Plan Ref: 22395A_11	Version: C
Proposed Site Plan	Plan Ref: 22395A_12	Version: B
Boundary Treatment	Plan Ref: 22395A_13	Version: B
Refuse Information	Plan Ref: 22395A_14	Version: B
Parking Strategy	Plan Ref: 22395A_15	Version: B
Other	Plan Ref: ECC REVIEW W660_15	Version: B

- 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, except as follows:
 - The chimneys for each new dwelling hereby granted planning permission are not approved.

Reason

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

- 3 No above ground development shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an appropriate choice of materials having regard to the site's close proximity to a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 4 No above ground development shall commence until a revised chimney design specification has been submitted for each new dwelling hereby granted planning permission. The development shall only be carried out in accordance with the approved details and thereafter permanently retained as such.

Reason

In the interest of good design and to enhance the character and appearance of the development and the locality.

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

Reason

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

- 6 Prior to installation of any meter cupboards on any of the dwellings, details of the location, design and materials shall be submitted to and

approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

- 7 No above ground development shall commence until additional details/drawings that show proposed new windows, doors, eaves, verges, stone/brick cills and heads, fascias/soffits, corbelled supports, rainwater goods, garage doors, and the internal finish to car ports, have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

In the interest of visual amenity and to enhance the character and appearance of the development.

- 8 The garage and car ports hereby permitted on Plots 1, 2, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 33, 34, 38, 47, 48 and 49 shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

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

Reason

The site may be of archaeological interest.

- 10 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 / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class 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 / outbuildings in the interests of residential and/or visual amenity.

- 11 No above ground development shall commence until 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, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

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

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

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

obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

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

Reason

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

- 13 The development shall be commenced in accordance with the recommendations made in the Ecological Report prepared by Greengage for the protection and improvement of the biodiversity of the within and adjacent to the site.

Reason

In order to ensure that appropriate provision is made for wildlife within and adjacent to the site.

- 14 The development shall not be commenced until a method statement is submitted to and approved in writing by the local planning authority to protect the badger sett adjacent to the site, in particular to ensure that all trenchwork is secured at night.

Reason

In order to prevent roaming badgers becoming trapped or injured by falling into open excavations.

- 15 The enclosures as indicated on the approved layout plan shall be erected prior to the first occupation of the development hereby approved and shall be permanently retained as such.

Reason

In order to secure the satisfactory development of the area and in order to protect the privacy of the occupiers of adjoining dwellings.

- 16 Prior to the first occupation of the development, the proposed carriageways and footways layout shall be provided in complete and precise accord with the details shown in Drawing Number W660-015 Revision B.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 17 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by

the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The estate roads and features shall be completed prior to the occupation of the development.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 18 The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

Reason

To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 19 The internal estate road junctions shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground at all times.

Reason

To ensure a reasonable degree of inter-visibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

- 20 All off street parking facilities shall be provided in accordance with current Parking Standards.

Reason

To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

- 21 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be retained free from obstruction at all times for that sole purpose.

Reason

To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 22 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason

To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 23 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.0m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason

To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 24 Prior to commencement of the proposed development, details of the provision for storage of bicycles for each dwelling, of a design which shall be approved in writing with the local planning authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason

To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 26 The development shall not be occupied unless and until Residential Travel Information Packs have been provided for future occupiers, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 27 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ardent Consulting Engineers, Report Ref. W660-03C, August 2016) and the following mitigation measures detailed within the FRA:

Run-off discharged from the developed site should be limited to no more than 4l/s for all storms up to and including the 1 in 100 inclusive of climate change (40%) event.

Provision of attenuation storage within the site for all events up to and including the critical 1 in 100 year plus 40% for climate change.

Provide the appropriate level of water quality treatment to contributing surface water runoff in line with the FRA and CIRIA SuDs Manual C753.

Detailed engineering drawings of each component of the drainage scheme, including the attenuation pond.

Provide further details on mitigation measures on areas where shallow groundwater levels were encountered.

A final drainage plan highlighting conveyance and exceedence routes, location, FFLs and ground levels, outfalls and discharge rates from the site.

If any changes are proposed during the final design of the scheme, then a

supporting drainage statement including storage calculations must be submitted highlighting the changes, and how the scheme still complies with the approved hydraulic design outline above.

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.

- 28 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

To ensure that flood risk is not increased elsewhere in accordance with Paragraph 103 of the NPPF.

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

Reason

To ensure that 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.

- 30 Development shall not be commenced until an investigation and risk assessment, in addition to any assessment provided with the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

- 31 Development shall not be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared, and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 32 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 33 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 30, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 31, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 32.

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.

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

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

Reason

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

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

Reason

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

- 36 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by

the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

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

- 37 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 All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority. All details shall 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
CO4 9YQ

- 3 You are advised that ECC has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDs which may form part of the future register, a copy of the SuDs assets in a GIS layer should be sent to suds@essex.gov.uk.

If discharge is proposed to the Anglian Water surface water sewers, a least an outline agreement should be provided together with the application. Any drainage features proposed for adoption by ECC should be consulted on with the relevant Highways Development Management Office.

- 4 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk
- 5 Your attention is drawn to Condition of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 6 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 7 Your attention is drawn to condition 5 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).
- 8 You are advised that the granting of planning permission does not absolve you from complying with the relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required by Part IV B of the Circular 06/2005 (Biodiversity and Geological Conservation - Statutory Obligations).
- 9 In respect of the contamination conditions, the contamination investigation, risk assessment and remediation strategy shall be undertaken by competent person(s) and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'.
- 10 All construction or demolition works should be carried out in accordance with the "Control of Pollution and Noise From Demolition and Construction

Sites Code of Practice 2012." A copy can be viewed on the Council's web site www.braintree.gov.uk , at Planning Reception or can be emailed. Please phone 01376 552525 for assistance.

- 11 The applicant is encouraged to offering electric car charging points within the garages of dwellings hereby approved to occupiers who are interested in using this facility.
- 12 The applicant is advised that in discharging Condition 26 the Residential Travel Information Packs shall mean a bespoke district led booklet, or other approved media, aimed at promoting the benefits of sustainable transport in support of the objective to secure a modal shift from the private car and increase the use of sustainable modes of travel, and shall contain the following:
 - Guidance and promotional material on the use of sustainable modes of travel
 - Details on walking, cycling, trains, buses, park & ride, taxis, car sharing, electric vehicles, school transport, and personalised journey planning services
 - Reference to travel websites, resources and support services for each mode
 - of travel, information provided by county, district and or borough councils
 - Details of local travel campaigns and networking/support groups
 - Six one day Travel Vouchers for each occupier of each Dwelling

'Travel Vouchers' shall mean tickets/passes/credits or other means of accessing transport or journey planning information as agreed with the Local Planning Authority including the following as a minimum (either six carnet or scratch card bus tickets per household that can be used by each eligible member of the household OR season ticket voucher) and/or (incentives for rail travel with the local rail operator) and/or (My PTP credits to access an online tool to generate personalised travel plans using a home and destination postcode to provide details of different travel modes/options travel routes/maps and timetable information).

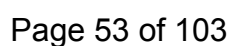
- 13 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under section 185 of the Water Industry Act 1991, or in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that diversion works should normally be completed before development can commence.
- 14 Work involving the removal or disposal of asbestos should be undertaken in accordance with Guidance Note EH36 from the Health and Safety Executive "Work with Asbestos Cement". The applicant should also

advise the Health and Safety Executive and the Environment Agency.

- 15 During the construction of the development, the applicant is encouraged to ensure that each of the new dwellings is provided with a fibre broadband connection for the benefit of future occupiers.

TESSA LAMBERT
DEVELOPMENT MANAGER

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



SITE HISTORY

00/00029/REF	Proposed change of use from public house to private dwellinghouse	Appeal Dismissed	13.11.00
00/00635/COU	Proposed change of use from public house to private dwellinghouse	Refused then dismissed on appeal	07.06.00
00/00636/LBC	Proposed change of use from public house to private dwellinghouse	Permission not Required	07.06.00
77/01425/P	Cask Store and lobby extension.	Granted	16.03.78
13/00864/FUL	Insertion of bi-folding doors (three panels in total) within east side of newer extension overlooking beer garden , the removal of paint and treatment of internal timber beams, repainting of external brickwork, erection of 1800mm high red brick wall, wooden boundary fence along the eastern boundary and iron gate and posts on the front boundary, installation of two external solid oak doors, alterations to car park and landscaping of grounds and the proposed demolition of outbuilding, relocation of public house sign.	Refused	19.11.13
13/00865/LBC	Insertion of bi-folding doors (three panels in total) within east side of newer extension overlooking beer garden , the removal of paint and treatment of internal timber beams, repainting of external brickwork, erection of 1800mm high red brick wall, wooden boundary fence along the eastern boundary and iron gate and posts on the front boundary, installation of two external	Refused	19.11.13

13/00228/TPOCON	solid oak doors, alterations to car park and landscaping of grounds and the proposed demolition of outbuilding, relocation of public house sign. Notice of intent to carry out works to trees in a Conservation Area - Remove 2 Sycamores to ground level and carry out a 20% crown thin to 1 Yew tree	Part Grant, Part Refused	24.10.13
14/00014/FUL	Insertion of two timber wide french doors to east side garden; removal of paint and treatment of timber beams, repainting of external brick work, blocking up of opening on North elevation with blockwork and plaster, erection of 1800mm high red brick wall, wooden boundary fence along east side boundary, iron gate and posts on front boundary, installation of two external painted solid oak doors, alterations to car park and landscaping of grounds, removal of tarmac replacing with hogging, removal of broken fencing on west side and replace with hedgerow plants, removal/demolition of outbuilding, relocation of public house sign and internal alterations.	Granted	03.06.14
14/00015/LBC	Insertion of two timber wide french doors to east side garden; removal of paint and treatment of timber beams, repainting of external brick work, blocking up of opening on North elevation with blockwork and plaster, erection of 1800mm high red brick wall, wooden boundary fence	Granted	03.06.14

	along east side boundary, iron gate and posts on front boundary, installation of two external painted solid oak doors, alterations to car park and landscaping of grounds, removal of tarmac replacing with hogging, removal of broken fencing on west side and replace with hedgerow plants, removal/demolition of outbuilding, relocation of public house sign and internal alterations		
15/00003/DAC	Application for approval of details reserved by condition no. 2 of approved application 14/00015/LBC	Granted	18.03.15

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment
CS11 Infrastructure Services and Facilities

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP56 Vehicle Parking
RLP95 Preservation and Enhancement of Conservation Areas
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP128 Maintenance of Rural Services and Facilities
RLP151 Protection of Community Services

Braintree District Draft Local Plan

SP1 Presumption in favour of sustainable development
LPP47 Preservation and Enhancement of Conservation Areas, and Demolition within Conservation Areas
LPP50 Alterations, Extensions and Changes of Use to Heritage Assets and their Settings
LPP55 Retention of Local Community Services and Facilities

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is located to the eastern side of Chapel Road within the Village Envelope of Ridgewell.

The site comprises the pub building and an area to the rear used for car parking and a garden. The Public House is a Grade II listed building, and lies within the Ridgewell Conservation Area. The pub is bounded by residential properties on either side.

The pub has been closed since March 2016.

PROPOSAL

This application seeks planning permission for the conversion of the Kings Head public house to a residential dwelling. The application relates only to a change of use and thus no external changes to the building are proposed. Floor plans have been provided which show some minor changes to the internal layout. These internal changes would not require planning permission, but are likely to require listed building consent, which has not been applied for at this time.

CONSULTATIONS

Ridgewell Parish Council – Objects to the application. The community wish the property to remain as a public house and feel the village is able to support two such commercial enterprises. The majority of the village regard the Kings Head as an important part of the village history and think that insufficient effort has been put in to developing the potential of the business in terms of availability of suitable choices of menu offered, the lack of consistent opening times, the initial removal of parking bays and negligible efforts to visibly market the business.

There has been insufficient evidence that the pub is either no longer viable in terms of the existing property or that the property has been properly marketed for sale at a marketable price in an established agency.

The majority of those who attended the Parish meeting did however agree with comments made regarding the much improved visual changes which had been made to the building.

ECC Historic Buildings Advisor – The works undertaken thus far have had a positive effect upon the heritage asset with the character and appearance of the public house enhanced sympathetically. The optimum use of the heritage asset is as a public house. However if the Council is satisfied that this use is no longer viable then the proposed scheme would have minimal impact on the historic fabric. It would be detrimental if the signage was removed.

ECC Archaeology – A programme of historic building recording should be undertaken.

REPRESENTATIONS

4 Letters of support and 60 letters of objection have been received to date in response to the public consultation, the contents of which are summarised below.

Letters of support are summarised below:

- The pub did not always received local support
- The pub needed complete refurbishment
- The pub was on the market a long time before they purchased it
- The police station, butchers, sweet shop and post office in the village have all been converted to houses
- The village does not need two pubs
- The preservation of a beautiful building should be commended

Letters of objection are summarised below:

- The pub is a public asset
- The service was poor
- The pub has not been run to its full potential
- The car parking has been reduced
- The pub has not been advertised locally (i.e. leaflet drops)
- Opening times were ad hoc and limited
- The business was for sale at an unrealistic price
- 18 months is not sufficient time to make a business work.
- Less than 2 years of on/off trading does not constitute a true depiction of its viability
- The seating area at the front of the site was made in to a garden
- There has not been sufficient effort to sell the business as a public house
- The marketing of the business when it was for sale was limited and low key
- Two goods pubs would be an attraction for the village
- Not all viable options for the continuance of the public house/diversification have been fully explored
- The renovation period would have impacted on profit and custom
- This and surrounding villages are growing, more facilities are needed not less
- The beer garden is now screened from view
- The pub would provide jobs for local people
- The building does not appear as a licensed property
- The proposal will harm the setting, character and structural integrity of the public house

- The change of use will not preserve or enhance the character or appearance of the area
- The proposal would have a detrimental effect on the rural economy
- An accessible public house is of heritage value within a Conservation Area
- There is no cycle parking

REPORT

Principle of Development

The application site is located within the Village Envelope of Ridgewell as identified in the adopted Local Plan. A residential use in principle is therefore not objectionable.

Although the site is not located in the countryside, Ridgewell is a small village and could be said to be rural in nature, given its distance from a main town. Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 states that the loss or significant reduction of existing services and facilities will be resisted unless there is sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

Ridgewell benefits from two public houses, the Kings Head, subject to this application and, The White Horse. The village also has an Indian takeaway, but few other local amenities/facilities exist. The above mentioned policies do not take explicit account of existing levels of provision. To this extent it does not differentiate between the loss of a public house in a village with two pubs and the loss of a village's only pub. The existence of two village pubs is not therefore sufficient justification alone for accepting the closure of one. Notwithstanding this it is reasonable to suggest that the existence of two pubs might undermine their viability. In addition the existence of two pubs is also likely to reduce the social harm caused by the closure.

Permission was sought in 2000 (00/00635/COU) for the conversion of the public house to a private dwellinghouse. The application was refused on the

basis that sufficient evidence was not provided to demonstrate that the pub was not economically viable and that all options for its continuance had been fully explored. A subsequent appeal was dismissed with the Inspector agreeing with the Council's deductions.

The pub was purchased freehold by the applicants in June 2013. The purchase price has not been disclosed. From the date of purchase until July 2014 the pub was closed for refurbishment. The pub ceased trading in March 2016 and was put up for sale. It is not known as to whether the pub is still for sale. The applicants own and also reside in the pub.

The property has been for sale since the end of March 2016, with agents TW Gaze based in Norfolk. It is considered that the marketing was limited with particulars sent only to those known by the estate agent to have an interest in such commercial property. The pub was for sale freehold at the asking price of £425,000. The applicant has advised that the pub has also been offered as leasehold, but no details have been provided of this. The pub has not been placed on the open market, advertised with a local agent or within local/national press, nor has a for sale sign been present at the site. In the 6 months the pub was for sale, 2 viewings were undertaken but no offers were made. No information has been provided as to why the prospective buyers were not interested in purchasing the business. As far as Officers are aware the asking price of the pub has not been reduced.

It is considered, taking account of recent public house sales in similar areas, that £425,000 is an unrealistic asking price considering the location of the pub and the trading potential. Furthermore given that the public house is now closed and as it is not a trading entity this will reduce the market appeal and value, as its viability will be questioned. The property currently has a higher value for conversion in to a residential unit than for use as a public house.

The application is supported by accounts for 5 months' worth of trading in 2014 and a trading between 1st November 2014 and 31st October 2015 which detail that the business made a loss in both years. The account history provided is limited and therefore it is not possible to assess any long term trends, however the applicant was only trading for 20 months. The accounts suggest that the business has not been profitable since it has been in the ownership of the applicant. In their statement which supports the application, the applicant acknowledges that it was a case of starting from scratch and thus it is reasonable to consider that losses would be experienced to some degree. The pub has clearly been successful in the past and no information has been provided which details how the pub has reached its current predicament. It is not unusual for businesses to see periods of downturn, and this does not mean in all cases that businesses will thereafter remain unviable.

The applicant purchased the public house in 2013 and immediately undertook renovations which resulted in the pub being closed for 12 months, not opening for trade until July 2014. As such at the time of closing, the pub had been trading for approximately 20 months. It is considered reasonable to assert that

a business, starting essentially from scratch, will need longer than 20 months in order to become established; especially as such a business will rely on reputation to attract customers and customers who had gone elsewhere whilst the pub was closed will need to be encouraged back.

The applicant does not make specific mention of a business plan and this hasn't been submitted to support the application. It is understood that at least £150,000 has been ploughed in to renovating the pub. New businesses need time to establish a customer base and find its place in the market. No reference is made to the business plan acknowledging that money would likely be needed to cover costs whilst the business became established and started to make a profit.

The applicant has specified that the pub was open Wednesday – Sunday and staff time sheets have been provided to evidence this. These staff time sheets detail two members of staff and cover periods between July and January (no year specified) for one member of staff and between June 2015 – December 2015 and February 2016– March 2016 for the other member of staff. Representations received in response to the public consultation mention adhoc opening times which became erratic such customers could not rely on the pub to be open. It is inevitable that this would deter customers, especially those travelling from beyond the village and it would also limit passing trade. The applicant does not suggest that opening times became variable, however if this was the case it is reasonable to suggest that with reduced opening hours a fall in turnover would have been inevitable.

The pub has undergone a number of changes since in the ownership of the applicant. Both internally and externally the building has been extensively reconditioned. The applicant details that some £150,000 has been spent on the pub renovations. Within the grounds of the pub the car parking area has been reduced; the external seating area at the front of the site omitted and replaced with planting and a wall erected which screens a view of the beer garden from the public realm. It is Officer's opinion that given the works undertaken that the building and wider site is not readily distinguishable as a business premises, despite the pub sign. The works undertaken have undeniably "domesticated" the appearance of the site. The loss of car parking will discourage customers as they will not travel to a pub if they cannot park and the non-apparent appearance as a licensed premises will affect the potential for passing trade. It is Officer's opinion that cumulatively the changes as described above will have had an impact on trade and consequently takings.

The applicant advises that the business has been advertised in a number of ways, including adverts in local press, leaflet drops in Ridgewell and nearby villages and an advert in the Romford Recorder. No details are given on how many times adverts were placed in the 20 months the pub was trading. The applicant also details a number of events that were held at the pub during the first year of trading. It is advised that several events were cancelled due to a lack of interest. A number of the representations received allude to a less than

satisfactory customer experience, including quality and price of the food and a limited selection of drinks. Dissatisfied customers will inevitably affect trade.

The representations received from local residents and the Parish Council suggests that the pub is a valued community facility. From the evidence submitted Officers do not consider that the pub has been offered for sale at a realistic price, which will have impacted upon the interest from potential buyers. A lack of interest in itself however does not suggest that the use is unviable. Furthermore the accounts provided, although suggesting the pub has made a loss up to November 2015, do not in themselves robustly evidence that a pub use is unviable and would be in the long term; especially given the pub was trading for only 20 months. In addition, no details have been provided which suggests that all options for the continuance of the pub have been explored.

Rural pubs are important in terms of the social fabric of the community, especially in this case where there are few other local facilities. This is recognised by both the NPPF and local planning policies. Pubs can also provide economic benefits to rural areas through the attraction of visitors. The retention of the pub has generated support within the community. It is considered, despite the fact that it is currently closed; the pub is a valued local facility and has the potential to be an asset to the community in the future.

In Officer's opinion the pub has not been marketed at a realistic sale price or advertised on the open market and it has not been demonstrated that sufficient attempt has been made to maintain a viable public house business or that diversification of the business has been considered. As such it has not been adequately demonstrated that the public house is an unviable business or that all options for the continued operation of the pub have been considered. The change of use to residential has not therefore been satisfactorily justified.

The proposal would result in the permanent loss of a valued local facility which would have a harmful effect on the social vitality and sustainability of the community. The evidence submitted does not satisfy Officers that a pub use is economically unviable or that all options for the continuance of the pub have been fully explored. The proposal would, therefore, be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

The Council acknowledges that it cannot demonstrate a deliverable 5 year supply of land for housing. The conversion of the pub to a dwelling would add to housing supply, however the addition of a single dwelling would be negligible. Furthermore Officers consider that any benefits that one additional dwelling would provide are outweighed by the harm that would result by way of the loss of the pub.

Impact on Designated Heritage Assets

The NPPF advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The heritage consultant has advised that the works undertaken thus far have had a positive effect upon the heritage asset with the character and appearance of the public house enhanced sympathetically and the conversion to a residential use would have minimal impact on the historic fabric or the character and appearance of the Conservation Area. The heritage consultant advises that the optimum use of the heritage asset is as a public house. The conversion of the public house to a residential dwelling is not of any public benefit and would be contrary to achieving the social and environmental role of sustainable development in this respect.

Design, Appearance and Layout

There are no external changes proposed to the property. As mentioned above the floor plans indicate some internal alterations which do not require the benefit of planning permission. Depending on the nature of the proposed internal changes it is likely that listed building consent would be required.

Impact on Neighbour Amenity

Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. Furthermore the NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings.

It is not considered that the use of the property as a residential dwellinghouse would give rise to any material impact upon the amenities of neighbouring properties.

Highway Issues

The site has an existing access which could be utilised for a residential use and can accommodate car parking to comply with the adopted standard.

CONCLUSION

In conclusion the NPPF makes it clear that in order to support a prosperous rural economy local planning authorities should promote the retention and development of local services and community facilities and should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services. This is reinforced within local planning policy whereby policies RLP128 and RLP151

of the Local Plan Review and policy CS11 of the Core Strategy all seek to retain local services and facilities.

Officers consider that the pub is a valued local facility and this has been demonstrated by the representations received from local residents and the Parish Council. The pub has been for sale discreetly for 6 months before the application was submitted. It is considered that the marketing exercise has been limited in terms of how and where the property has been advertised for sale. Furthermore it has not been demonstrated that the property has been marketed at a realistic price and on this basis a lack of interest from potential buyers is not unexpected. The lack of interest in this case does not therefore demonstrate conclusively that the pub is no longer viable. It has not been demonstrated that sufficient attempts have been made to maintain a viable public house business or that diversification of the business has been considered. The accounts submitted provide only limited detail and are not sufficient to evidence that a pub use is unviable and would be in the long term. In Officer's opinion it has not been adequately demonstrated that the public house is an unviable business, nor have all other options for its continuance been fully explored.

Although the proposal would prove some benefit in providing an additional residential unit, this benefit is extremely limited in terms of the addition to housing supply and would not outweigh the significant harm that would result from the loss of the pub and ensuring the optimum viable use of the heritage asset.

The proposal would be contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

RECOMMENDATION

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

- 1 Paragraph 28 of the National Planning Policy Framework (NPPF) makes it clear that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses, to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Policy CS11 of the Core Strategy states that the loss or significant reduction of existing services and facilities will be resisted unless there is

sufficient evidence that they are no longer viable or needed or satisfactory alternatives are available. Policies RLP128 and RLP151 of the Local Plan Review seek to protect community facilities, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location.

The NPPF also requires harm to the significance of heritage assets to be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal would result in the loss of a valued local facility harmful to the social vitality and sustainability of the community and fail to secure the optimum viable use of the heritage asset. The evidence submitted does not satisfy the Local Planning Authority that the public house has been marketed at a realistic price nor that the marketing has been robust, that it is unviable or that all options for the continuance of the business have been fully explored. The proposal falls contrary to paragraphs 28 and 70 of the NPPF, policy CS11 of the Core Strategy and policies RLP128 and RLP151 of the Local Plan Review.

SUBMITTED PLANS

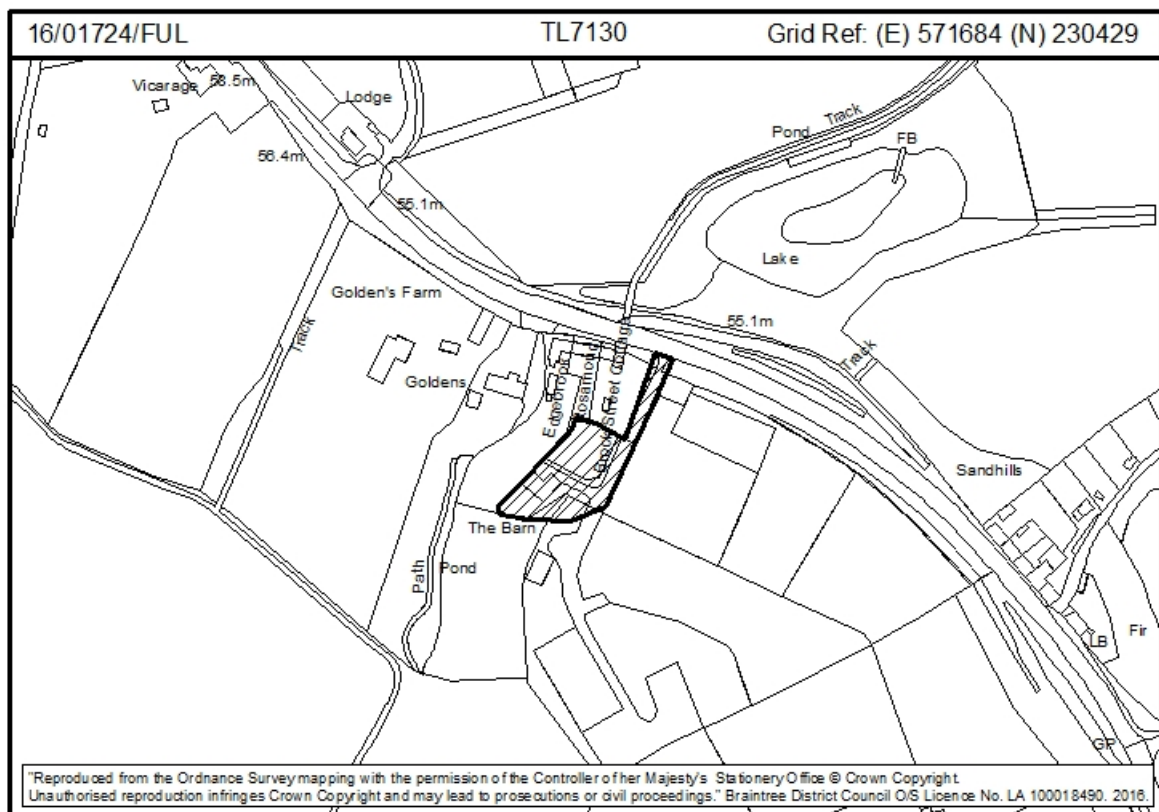
Location Plan
Block Plan
Existing Floor Plan
Proposed Floor Plan
Existing Block Plan
Proposed Block Plan
Floor Plan
Floor Plan

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 16/01724/FUL
 DATE: 13.10.16
 VALID:
 APPLICANT: Mr P Mangham
 Sloman's Farm, Hyde Lane, Blackmore End, Braintree,
 CM7 4DR
 AGENT: Mrs Sue Bell
 Ropers Hall, 9 Lodge Road, Writtle, Chelmsford, CM1 3HY,
 United Kingdom
 DESCRIPTION: Conversion of stables to a dwelling, including an extension
 and removal of Condition 7 of approval ref: BTE/994/91,
 revised application to 16/00705/FUL.
 LOCATION: Stables Rear Of 3 Brook Street Cottages, Braintree Road,
 Wethersfield, Essex

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



SITE HISTORY

91/00994/PFBN	Erection Of Stables, Tack Room And Feed Store	Granted	07.10.91
16/00705/FUL	Conversion of stables to dwelling, and erection of single storey side extension.	Refused	14.09.16

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

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

Braintree District Local Plan Review

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

Braintree District Draft Local Plan

LPP28 Housing Type and Density
LPP34 Residential Conversion of Buildings in the Countryside
LPP37 Parking Provision
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development
LPP50 Alterations, Extensions and Changes of Use to Heritage Assets
 and their Settings

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

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

BACKGROUND

Planning permission was granted for the building in 1992, under reference 91/00994/FUL, and the stable has existed in this form since. It is understood from the submitted supporting information that the property and stable has remained in the same ownership, until bought by the applicant in 2009.

Planning permission was refused in September 2016 for the conversion of the stable building to residential. The reason for refusal was as follows:

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

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

Particularly, the application was refused due to the site being marketed without any land attached, and therefore negating any possibility of the site being reused as stables, and a lack of marketing evidence. This planning application has been submitted with a more detailed planning statement and additional marketing information to address why the building isn't suitable for reuse as stables; how 'every reasonable effort' has been made to secure appropriate reuse; and why a residential reuse would therefore be acceptable.

PROPOSAL

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

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

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

The application also seeks to remove Condition No. 7, attached to the original planning permission for the stable building (91/00994/PFBN). This condition restricted the use of the stables to domestic purposes incidental to 3 Brook Street Cottages.

CONSULTATIONS

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

Essex Highways – No Objection subject to appropriate parking spaces.

Historic Buildings Advisor – No Objection

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

REPRESENTATIONS

A site notice was displayed opposite the entrance to the site, and neighbouring properties were notified by letter. At the time of writing the report, one representation had been received from a neighbouring dwelling at Goldens Barn. This representation raised objections on the following grounds:

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

This representation is addressed within the report.

REPORT

Principle of Development

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

The site falls beyond any defined village envelope in an area where, in accordance with Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town

development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

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

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

Conversion to residential use will only be acceptable where:

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

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

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

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

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

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

The previous refusal is a material consideration in the assessment and determination of this application. The submitted planning statement demonstrates that no additional land could have been marketed with the site to enable the building to be reused as stables, which was a concern previously raised by Officers. There is another stable block on the land within the applicant's ownership adjacent to the application site, which was re-built following a fire of stable buildings in a similar location and which has been tenanted since 2011. These stable are let out with approximately 4 acres of grazing land. The planning statement notes there would be too many [horses] on the unit as the land cannot support the number of horses they can house, which is six or seven. This is confirmed by Whirledge & Nott, who the applicant engaged to market the site. They estimate the 4 acres would only be able to support (based on 1.25 to 2.5 acres per pony/horse), a maximum of 3 animals.

Therefore the land surrounding the site, which the stable block on the application site was not marketed with, and which formed part of the previous refusal, was not available to be marketed with the building as it would have resulted in the active stables being made redundant. In light of this information it is considered that it would be unreasonable to suggest that this land must be marketed with the application site if it is not available, as this would go beyond 'reasonable effort'.

Furthermore, the previous criticisms of the marketing information have been addressed; more extensive details have been given of each enquiry received including the follow up to each enquiry and more details on where and when the site was marketed. This information addresses concerns previously raised and overcomes Officers' concerns regarding the adequacy of the marketing of the property.

Taking this information into consideration, Officers consider that the scope for the site to be reused as stables has been adequately addressed as the marketing information shows 'every reasonable effort' has been made to secure alternative uses for the site. According to Policy RLP38, this now allows the Local Planning Authority to consider the principle of a residential use for the site overcoming the previous reason for refusal.

Removal of Condition 7 of Planning Permission 91/00994/PFBN

When planning permission was granted for the erection of the stable building in 1992, it was subject to a condition restricting the use of the building and tying it to the residential dwellinghouse to which it used to be associated. The condition reads as follows:

"The building hereby permitted shall be used for domestic purposes only, incidental for enjoyment of the dwelling, and not for any separate industrial, commercial, business, residential or other use."

At the time, the use of the stables was likely clearly associated with 3 Brook Street Cottages, and would have likely been the only stables in use on this site. Since this decision, another stable block has been constructed and is in use close by to the site and the stable block subject of this application has been redundant for many years. In light of the proposed change of use and as the stables are redundant it is considered that Condition 7 of 91/00994/PFBN is no longer necessary. Accordingly, and given that the principle of its residential use is now considered acceptable there is no objection to its removal.

Design, Appearance and Layout

The previous application was not refused on any design and appearance grounds.

There was no objection to the proposed design of the lean-to extension. Furthermore, the Historic Buildings Advisor raises no objection to the application.

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

Impact on Neighbour Amenities

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

The proposal would introduce a new residential unit adjacent to a number of other residential units. The representation received at the time of writing the report raises an objection based partly on impact on neighbouring residential amenities, in particular impact on the summer house/terrace which is located on land behind the immediately neighbouring residential property whose garden wraps round the site.

The site backs onto a row of residential dwellinghouses, which are located approximately 50 metres to the north of the stable building. The private amenity spaces of the houses are located to the rear, and back directly onto the application site. A representation received from Goldens Barn objects to the proximity of the proposed site to their garden, which in this area contains a summer house and terrace. In this case, it is considered that whilst there may be an impact due to an increase in general residential activity taking place on the application site, this impact would not be unacceptable, therefore no objection is raised in this regard.

Highway Issues

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

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

Other Issues

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

CONCLUSION

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

In this case the Local Planning Authority considers that the additional information which indicates why the building couldn't be renovated with associated land and provides a full picture of the marketing undertaken

overcomes the previous reason for refusal, and that therefore this planning application should be approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Site Plan

Existing Elevations Plan Ref: EX01

Proposed Elevations Plan Ref: PR01

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

Reason

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

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

Reason

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

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

Reason

To protect the amenities and privacy of adjoining occupiers, to preserve the countryside location of the site, and to preserve the setting of the nearby Grade II listed buildings.

- 4 Two vehicular parking spaces shall be provided, with minimum dimensions of 2.9 metres by 5.5 metres, prior to the first occupation of the building for the purpose hereby approved.

Reason

To ensure adequate parking space is provided.

- 5 Construction of any extension shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 6 Any new windows shall be in painted timber, and face puttied. The windows shall be permanently maintained as such.

Reason

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

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

Reason

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

- 8 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 showing where the lighting will be placed, 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

In the interest of protecting residential amenity and the countryside location of the site.

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

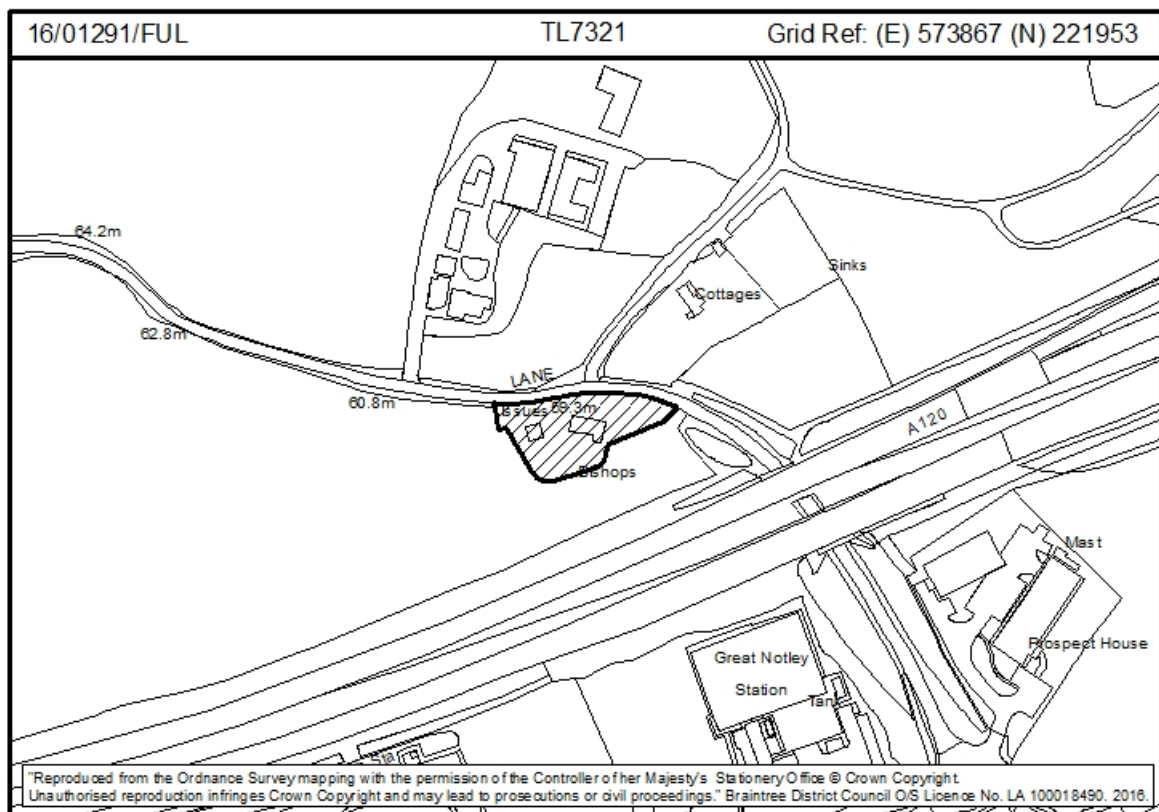
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 16/01291/FUL DATE: 15.08.16
 VALID:
 APPLICANT: Mr J Cunningham
 Little Bishops, Queenborough Lane, Braintree, Essex,
 CM77 6TF
 AGENT: Select Properties And Design
 Mr Stephen Gook, 115 Chalfont Road, Colchester, Essex,
 CO4 0NY
 DESCRIPTION: Change of use from garage to annexe accommodation
 LOCATION: Little Bishops, Queenborough Lane, Braintree, Essex,
 CM77 6TF

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



SITE HISTORY

04/00891/FUL	Erection of second storey extension	Granted	07.07.04
05/00565/FUL	Proposed replacement garage with attic room	Granted	13.05.05
09/00763/FUL	Change of use from garage to annexe accommodation	Granted	21.07.09
16/01298/VAR	Application for variation of condition no. 2 of approved application 14/00256/FUL (Erection of two storey extension) - Increase in size of 6no. windows, decrease of roof volume and installation of velux sun tunnel	Granted	22.09.16

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan.

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and Village Envelopes
RLP18 Extensions to Existing Dwellings in the Countryside
RLP90 Layout and Design of Development

Braintree District Draft Local Plan

SP1 Presumption in Favour of Sustainable Development
LPP30 Residential Alterations, Extensions and Outbuildings in the Countryside
LPP42 Built and Historic Environment
LPP46 Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the applicants are Ward Councillors at Braintree District Council.

SITE DESCRIPTION

The site is located to the north of Great Notley and the A120. It falls beyond the development boundary and is therefore located in the countryside. The site comprises a detached dwelling within a spacious plot. To the west of the dwelling is a detached double garage with dormer windows within the roof and ancillary space at first floor for an office. The garage is separated from the dwelling by a hedge in excess of 2 metres in height.

PROPOSAL

This application is an identical resubmission of a previously approved application 09/00763/FUL to change of use of the existing garage to an annexe to be used for living accommodation. It would only contain minor exterior works at the front of the building; changing the garage doors to form two separate French doors/glazing areas. It would comprise two bedrooms and a bathroom at ground floor and a large living room at first floor.

CONSULTATIONS

None.

REPRESENTATIONS

One objection comment has been received from 2 Tees Close in Witham outlining the following summarised concerns:

- Garage removal loses cycle storage spaces, contrary to policy

REPORT

Principle of Development

The site is located beyond the defined development boundaries for Braintree and Great Notley. Therefore in accordance with Policy RLP 2, countryside policies apply including CS5 of the Core Strategy which seeks to restrict new uses to those appropriate to a rural area.

Policy RLP 18 does however allow for the conversion of outbuildings associated with an existing dwelling to self-contained annexes in the countryside to meet the needs of dependent relatives subject to it being subordinate in terms of bulk, height, width and position.

The proposed annexe conversion was formerly granted planning permission in 2009 but was not implemented under application reference 09/00763/FUL. It is understood that the annexe is to be used by a member of the applicant's family. The building already exists and is subordinate to the existing house, comprising both a physical and functional relationship. As such, it is considered the principle of utilising the garage as an annexe is acceptable.

However, it is considered that an annexe should remain ancillary to the host dwelling as evidenced in case law, and not become a separate planning unit. In this regard it is therefore considered appropriate to impose a condition tying the annexe to the dwelling to ensure that it is not leased or sold off separately.

Design, Appearance and Layout

Policy RLP 18 indicates that the annexe should be in harmony with the countryside character and in harmony with the scale and character of the existing dwelling and the plot on which it stands.

Policy RLP90 of the Braintree District Local Plan Review, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

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

The garage already exists and has a somewhat domestic appearance by virtue of its fenestration and dormers. The only external alterations that are proposed are to replace the existing garage doors with floor to ceiling glazing/French doors. As such, it is considered there would not be a detrimental impact on the character and appearance of the area by virtue of the proposed annexe.

Impact on Neighbour Amenity

Policy RLP 90 states that development should not result in any undue or unacceptable impact on the amenity of any nearby residential properties.

The site is relatively isolated and forms part of ribbon development on Queenborough Lane. As such, there are no immediate neighbours to the dwelling and the proposed annexe. Furthermore, the proposal relates to an existing building with very minimal changes proposed. As such, it is considered that the proposal would not give rise to any detrimental impact upon neighbouring residential amenity regarding overlooking, overshadowing or overbearing.

Highway Issues

Policy RLP56 of the Braintree District Council Local Plan Review states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The annexe in this case would be ancillary to the main house and as such not require any of its own parking spaces.

The proposal will result in the loss of parking spaces within the garage. Details of parking to serve the main house and annexe have not been provided but there would be sufficient room on the drive to the front and side of the garage to satisfactorily accommodate cars off-road. As such, in this case it is considered there would not be any detrimental highway issues associated with the application.

CONCLUSION

The annexe would be acceptable in principle, include minimal exterior changes and by virtue of its location not have a detrimental impact on neighbouring amenity. The site would also retain sufficient parking spaces to ensure adequate off-street parking. It is therefore considered the proposal is acceptable.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: SPD51-PD-001	Version: A
Existing Plans	Plan Ref: SPD51-PD-002	Version: A
Proposed Floor Plan	Plan Ref: SPD51-PD-003	Version: A

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

Reason

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

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

Reason

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

- 3 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as

"Little Bishops". It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

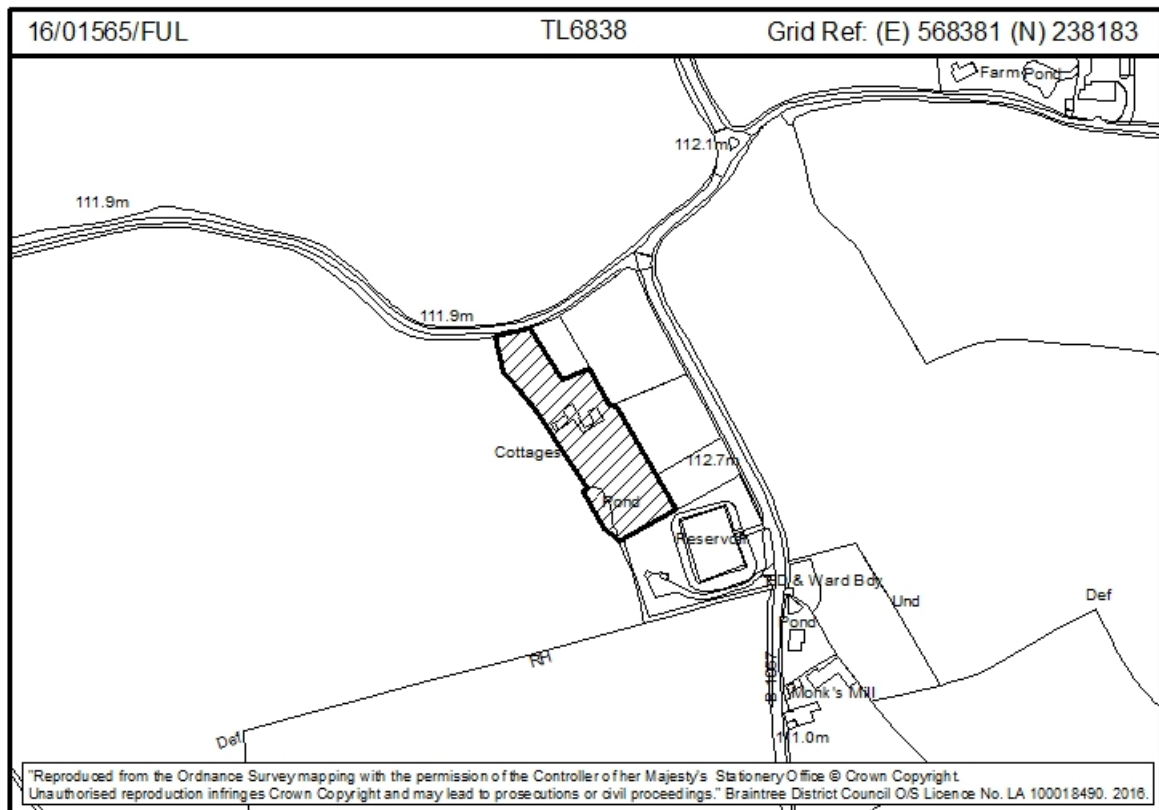
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 16/01565/FUL DATE: 13.09.16
 VALID:
 APPLICANT: Mr Chris Fletcher
 Folly Farm, Herkstead Lane, Steeple Bumpstead, Essex,
 CM7 4HH
 AGENT: Tricker Blackie Associates Ltd
 51 Station Road, Sudbury, Suffolk, CO10 2SP
 DESCRIPTION: Erection of two storey rear extension and associated works
 LOCATION: Folly Farm, Herkstead Lane, Steeple Bumpstead, Essex,
 CM7 4HH

For more information about this Application please contact:
 Daniel White on:- 01376 551414 Ext. 2518
 or by e-mail to: daniel.white@braintree.gov.uk



SITE HISTORY

12/00881/FUL	Demolition of existing garage building and link and erection of new garage building	Withdrawn	17.08.12
12/00882/LBC	Demolition of existing garage building and link and erection of new garage building	Withdrawn	17.08.12
12/01140/LBC	Demolition of existing porch and blocking up of opening. Replacement of windows and doors	Granted	23.10.12
12/01172/FUL	Retrospective planning permission to demolish an existing garage building and link and erection of new garage building	Granted	18.10.12
12/01173/LBC	Regularise the demolition of existing garage building and link	Granted	18.10.12
12/01234/FUL	Retention of works to improve vehicular access	Granted	18.10.12
12/01240/FUL	Erection of two storey rear extension and internal alterations	Refused	26.11.12
12/01241/LBC	Erection of two storey rear extension and internal alterations	Refused	26.11.12
13/00244/FUL	Erection of two storey rear extension and internal alterations	Refused	13.05.13
13/00245/LBC	Erection of two storey rear extension and internal alterations	Refused	13.05.13
13/00775/FUL	Erection of single storey extension and internal alterations	Granted	02.08.13
13/00776/LBC	Erection of single storey extension and internal alterations	Granted	02.08.13
13/01235/FUL	Erection of three bay stable block and associated storage barn.	Granted	07.01.14
16/01087/FUL	Erection of two storey rear extension and associated works	Withdrawn	05.07.16
16/01088/LBC	Erection of two storey rear extension and associated	Withdrawn	05.07.16

16/01566/LBC	works Erection of two storey rear extension and associated works	Pending Decision
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Draft Local Plan

LPP42	Built and Historic Environment
LPP46	Layout and Design of Development
LPP50	Alterations, Extensions and Changes of Use to Heritage Assets and their Settings

INTRODUCTION

This application is brought before the Planning Committee as the application has been called in by a Committee Member on the basis of whether the design of the proposed extension causes sufficient harm to the Grade II listed building to warrant refusal.

SITE DESCRIPTION

Folly Farm is situated on Herkstead Lane, approximately 1.5 miles to the south of the village of Steeple Bumpstead and 1 mile north of Cornish Hall End. The site itself is located outside any defined development boundary in the current Braintree District Local Plan Review and is situated in a rural part of the district. The surrounding land contains predominately large open agricultural fields.

The property is a Grade II Listed property, in which the list entry refers to the property as High Folly Cottage. The dwelling is a timber framed, plastered and thatched house of 17th Century origin with 19th and 20th century alterations. The house was subdivided into two cottages in the 19th century, but is now a single dwelling.

PROPOSAL

The proposal comprises of a two storey rear extension measuring 5.8 metres to the ridge, 6 metres in length by 7 metres in width, and attached to the existing dwelling by a link extension measuring 1.5 metres in length by 3 metres in width again of a rectangular form. The two storey rear extension would have a double piled roof with the link extension having a pitched roof.

The materials proposed are brick with painted timber weatherboards or boards to weather silver grey naturally, with the roofs finished in clay plain tiles and slate.

CONSULTATIONS

Parish Council

The Parish Council objected to the application as it was considered the proposal to be too big and not in keeping with the original dwelling.

Essex County Council Historic Buildings Consultant

This application for a two-storey rear extension follows three previous unsuccessful applications for a two-storey extension to this property: 12/01240/FUL & 12/01241/LBC (Refused), 13/00244/FUL & 13/00245/LBC (Refused) and 16/01087/FUL & 16/01088/LBC (Withdrawn).

High Folly was constructed in the mid-C17th utilising earlier timbers and despite extensive alterations internally, the original L-shape plan form has not altered since the property was constructed. The integrity of the original, unaltered form is considered to contribute to the property's significance, with the majority of buildings from this period having considerable later alterations. As stated within recent Pre-Application Advice, a two-storey rear extension would alter the characteristic considerably and should be avoided.

The rear façade of the building has a linearity which at present has not been interrupted, despite the addition of a single storey lean-to extension. A two-storey extension to the property would interrupt this important characteristic and prevent this elevation from being appreciated and interpreted as a whole. This in part is due to the scale of the proposed which is deemed grossly overbearing and out of proportion with the property.

Since the initial pre-application the applicant has introduced a single storey link structure to address the concerns that the extension would impact negatively upon the historic fabric of the building by removing and altering the original frame and cutting into the thatch. The applicant has also revised the scheme so that it integrates functionally with the existing accommodation rather than create a second self-contained unit. The Historic Buildings Consultant therefore objects to the application as the proposal would cause harm to a designated heritage asset.

During the Pre-Application consultation, the applicant was strongly advised to consider converting the existing 'cart lodge' and apply for additional covered parking on lands where previously permission has been granted for the erection of a stable and storage (13/01235/FUL). This option was considered likely to be supported, subject to conditions, given it would achieve the desired accommodation without harming the cottage's significance. Whilst the applicant has revised the application and no longer appears to require an annexe for their parent, this remains an option they may wish to re-consider.

In conclusion, the Historic Buildings Consultant objects to this application and strongly advises Braintree District Council to refuse consent for this scheme. Given the proposed is considered to cause harm to a designated heritage asset, the Local Planning Authority should only grant permission if they consider there to be a public benefit which outweighs this harm (NPPF Paragraph 134).

REPRESENTATIONS

A site notice was displayed adjacent to the front of the property. No letters of representations have been received in connection with this application.

REPORT

Background

This application for a two-storey rear extension follows three previous applications for a two-storey rear extension. The first refused application for a two-storey rear extension (12/01240/FUL & 12/01241/LBC) was refused due to the size, scale, form, design and materials proposed not being in keeping with the character of the existing dwelling or reflective of the local vernacular which would all contribute towards the significant harm of the linear character of the rear of the listed building and contrary to Planning Policy.

The second application for a two storey rear extension (13/00244/FUL & 13/00245/LBC) which was also refused, did not address the reasons for refusal stated in the 2012 application and was also refused for similar reasons: the size, scale, form and design of the proposal would significantly harm the linear character of the rear of the listed building, together with the proposal failing to be wholly subordinate and its appearance would be detrimental to the historic character and appearance of the listed property.

The third application for a two storey rear extension (16/01087/FUL & 16/01088/LBC) was withdrawn by the applicant, following discussions with the Case Officer, advising the applicant to seek pre-application advice as the application did not address the reasons for refusal in the previous two refused applications.

The previously refused applications form a material consideration in the recommendation for this application due to the similarities in the previous applications and the reasons for refusal.

Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56 of the NPPF it states that good design is a key aspect of sustainable development. Paragraph 57 highlights the importance of achieving high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design,

paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. Moreover, paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Current Local Plan Policies RLP2, RLP18, RLP90 and Policy RLP100 together with Core Strategy Policies CS5 and CS9 would apply to the application as they provide for extensions within the countryside and to listed buildings subject to more detailed consideration.

Design, Appearance and Layout

Policy RLP18 states, inter-alia, that Planning Permission for extensions in the countryside will only be granted, subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Extensions would be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

Policy RLP90 seeks a good standard of design and layout in all developments, large and small and Planning Permission will only be granted when designs recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural and historic importance, particularly within close proximity buildings of historic interest. The layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; including their form, scale and impact on the skyline in the locality.

Policy RLP100 only permits development involving internal or external alterations, extensions and partial demolitions to a listed building or structure when the proposed works do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case, it is considered that the key considerations are the impact of the size, form and materials on the character of the existing dwelling together with the impact the proposal would have upon the character of the listed building itself. Folly Farm is a detached modest sized thatched cottage and has a linearity which at present has not been interrupted, despite the addition of a single storey lean-to extension. The proposed two storey rear extension would replace the single storey extension with a link building that would then open up into a new kitchen / dining room area and provide an additional large bedroom with ensuite bathroom and balcony at first floor level. The integrity of the original, unaltered form is considered to contribute to the property's significance and as such the form of the rear of the property albeit with the single storey extension, is integral to the Grade II Listed building.

The two storey element would be of a rectangular shaped design, which would appear as an incoherent addition which would be at odds with the simple 'L' shaped traditional listed building. The proposed side elevations of the extension would extend 6m from the new link building and 7m in width making the extension appear overly dominant and an incongruous addition to the simple design of the listed building. At ground floor level there would be one small window on both the North Eastern and South Western elevations with two sets of three paned bi-folding doors on the South Eastern Elevation, making them appear excessive in the number of panes, together with highlighting the poor solid to void ratio.

At first floor level on the north eastern elevation there would be the addition of one small window, again highlighting the poor solid to void ratio on this elevation. On the south western elevation on the Proposed Elevation drawing there would appear to be the addition of two large windows and a smaller window, however on the Proposed Floor Layout there appears to be only one large window with no smaller window.

On the south eastern elevation at first floor level there would be two sets of French doors leading onto the balcony area, which again is introducing an alien feature into this simple L shaped Listed Building and would detrimentally alter the unaltered form which is considered to contribute to the properties significance and appearance of the rear elevation of the building. The two storey rear extension would have a double piled roof, with the link extension having a pitched roof both finished in clay plain tiles or slate, which again would be introducing another material to the limited palette of materials used in the construction of Folly Farm.

The proposal fails to recognise or reflect the scale, character, form and design of the dwelling, and would interrupt the unaltered form of the rear of the property which is considered to contribute to the property's significance. Allowing this form of development would not protect the Listed Building from an unsympathetic change to the character and setting of the Listed Building and would not secure a good standard of design and layout, contrary to policy.

As previously mentioned in the Historic Buildings Consultant's consultation response, during the pre-application meeting on site the applicant was strongly advised to consider converting the existing 'cart lodge' and apply for additional covered parking on lands where previously permission has been granted for the erection of a stable and storage (13/01235/FUL) as a more appropriate alternative. However, such an approach has not been forthcoming.

It is therefore considered that the erection of a two storey rear extension would be a wholly inappropriate addition to Folly Farm due to its location, size, scale, form, design and poor relationship to the host dwelling and would cause detrimental harm to the linear character of the rear of this Grade II listed building. The proposed extension lacks subordination, and would have a poor visual relationship, through the use of the materials proposed towards the host

dwelling consequently causing a detrimental harm to the historic character and setting of the Grade II listed building.

Impact on Neighbour Amenity

In this case it is considered that the proposal would not have a detrimental impact upon neighbouring residential amenity due to the rural isolated location of Folly Farm and the land neighbouring the site being used for agricultural purposes.

Highway Issues

The proposed extension would not result in any material changes to the access or parking at the site. As such, it is considered that there are no highway or parking issues associated with the application.

CONCLUSION

In conclusion, it is considered that the erection of a two storey rear extension would be a wholly inappropriate addition to Folly Farm due to its location, size, scale, form, design and poor relationship to the host dwelling would cause detrimental harm to the linear character of the rear of this Grade II Listed Building. The proposed extension lacks subordination, and would have a poor visual relationship towards the host dwelling, and would cause detrimental harm to the historic character and setting of the Grade II Listed Building. It is therefore recommended that planning permission is refused.

RECOMMENDATION

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

- 1 This property is statutorily listed as being of Grade II value in the list of Buildings of Special Architectural or Historic Interest. It is the policy of the Council as set out in Policy RLP100 of the Braintree District Local Plan Review to protect such buildings from unsympathetic change and to safeguard their settings. The Council will not permit any external or internal alteration or addition to a listed building where there would be an adverse effect on its architectural or historic character. Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment, and that development should respect and respond to the local context, especially where development affects the setting of historic or important buildings. Policy RLP90 of the Braintree District Local Plan require that designs recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural and historic importance.

In this case the proposed two storey extension to the rear of the building is considered an unacceptable form of development. The proposed extension, by virtue of its location, size, scale, form, and design would significantly harm the linear character of the rear of this listed building and its appearance would be detrimental to the historic character and appearance of this listed property, contrary to the policies referred to above.

- 2 The site lies within an area where rural planning policies apply. Policy RLP90 of the Braintree District Local Plan and Policy CS9 of the Core Strategy require that designs recognise and reflect local distinctiveness. Policy RLP 18 of the Braintree District Local Plan Review also requires that extensions to existing dwellings in the countryside shall be in harmony with the countryside setting and compatible with the scale and character of the existing dwelling. Extensions will be required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

In this case it is considered that the proposed extension would fail to be subordinate due to the scale, form, materials proposed, and poor relationship to the host dwelling and is not considered to be in keeping with the character of the existing dwelling and would therefore be contrary to these policies.

SUBMITTED PLANS

Existing Floor Plan	Plan Ref: 001 A
Existing Elevations	Plan Ref: 002 A
Location Plan	Plan Ref: 008
Proposed Floor Plan	Plan Ref: 216/010
Proposed Elevations	Plan Ref: 216/011
Proposed Roof Plan	Plan Ref: 216/012
Block Plan	Plan Ref: 013

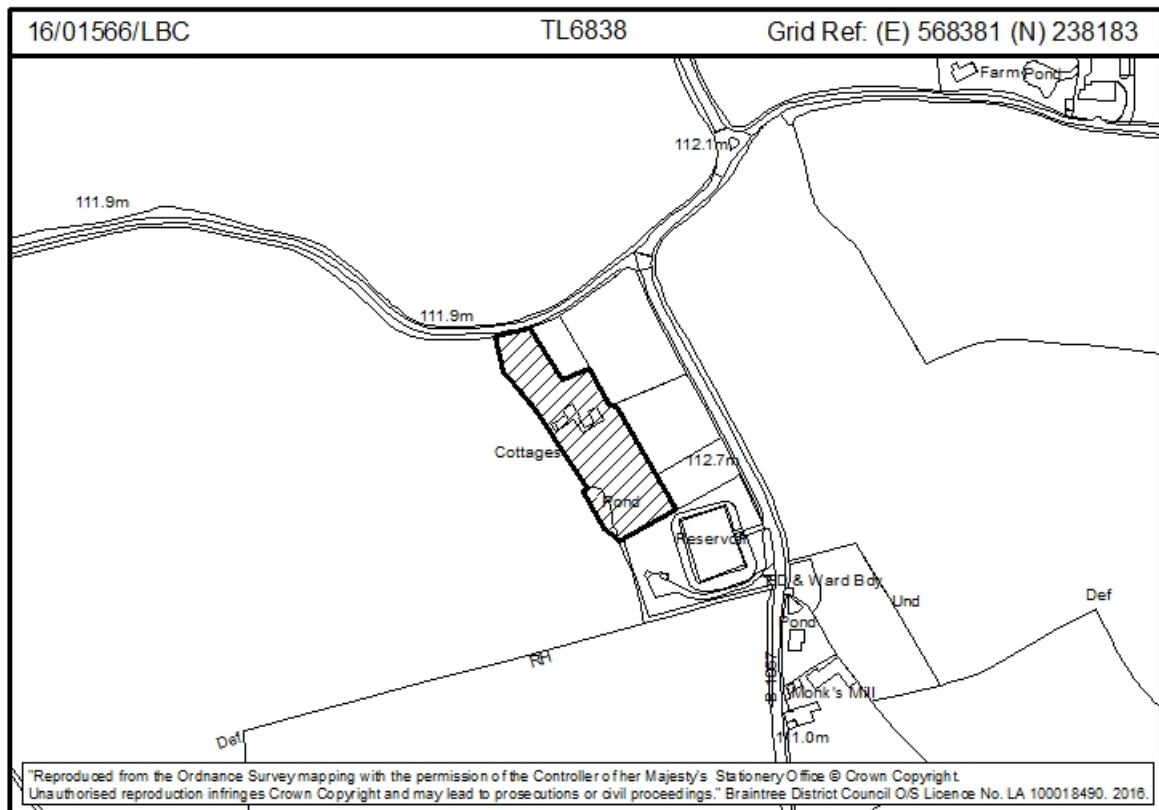
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 16/01566/LBC
DATE: 13.09.16
VALID:
APPLICANT: Mr Chris Fletcher
Folly Farm, Herkstead Lane, Steeple Bumpstead, Essex,
CM7 4HH
AGENT: Tricker Blackie Associates Ltd
51 Station Road, Sudbury, Suffolk, CO10 2SP
DESCRIPTION: Erection of two storey rear extension and associated works
LOCATION: Folly Farm, Herkstead Lane, Steeple Bumpstead, Essex,
CM7 4HH

For more information about this Application please contact:
Daniel White on:- 01376 551414 Ext. 2518
or by e-mail to: daniel.white@braintree.gov.uk



SITE HISTORY

12/00881/FUL	Demolition of existing garage building and link and erection of new garage building	Withdrawn	17.08.12
12/00882/LBC	Demolition of existing garage building and link and erection of new garage building	Withdrawn	17.08.12
12/01140/LBC	Demolition of existing porch and blocking up of opening. Replacement of windows and doors	Granted	23.10.12
12/01172/FUL	Retrospective planning permission to demolish an existing garage building and link and erection of new garage building	Granted	18.10.12
12/01173/LBC	Regularise the demolition of existing garage building and link	Granted	18.10.12
12/01234/FUL	Retention of works to improve vehicular access	Granted	18.10.12
12/01240/FUL	Erection of two storey rear extension and internal alterations	Refused	26.11.12
12/01241/LBC	Erection of two storey rear extension and internal alterations	Refused	26.11.12
13/00244/FUL	Erection of two storey rear extension and internal alterations	Refused	13.05.13
13/00245/LBC	Erection of two storey rear extension and internal alterations	Refused	13.05.13
13/00775/FUL	Erection of single storey extension and internal alterations	Granted	02.08.13
13/00776/LBC	Erection of single storey extension and internal alterations	Granted	02.08.13
13/01235/FUL	Erection of three bay stable block and associated storage barn.	Granted	07.01.14
16/01087/FUL	Erection of two storey rear extension and associated works	Withdrawn	05.07.16
16/01088/LBC	Erection of two storey rear extension and associated	Withdrawn	05.07.16

16/01565/FUL	works Erection of two storey rear extension and associated works	Pending Decision
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

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

Braintree District Draft Local Plan

LPP50 Alterations, Extensions and Changes of Use to Heritage Assets
and their Settings

INTRODUCTION

This application is brought before the Planning Committee as the application has been called in by a Committee Member on the basis of whether the design of the proposed extension causes sufficient harm to the Grade II listed building to warrant refusal.

SITE DESCRIPTION

Folly Farm is situated on Herkstead Lane, approximately 1.5 miles to the south of the village of Steeple Bumpstead and 1 mile north of Cornish Hall End. The site itself is located outside any defined development boundary in the current Braintree District Local Plan Review and is situated in a rural part of the district. The surrounding land contains predominately large open agricultural fields.

The property is a Grade II Listed property, in which the list entry refers to the property as High Folly Cottage. The dwelling is a timber framed, plastered and thatched house of 17th Century origin with 19th and 20th century alterations. The house was subdivided into two cottages in the 19th century, but is now a single dwelling.

PROPOSAL

The proposal comprises of a two storey rear extension measuring 6 metres in length by 7m in width of a rectangular form, and attached to the existing dwelling by a link extension measuring 1.5 metres in length by 3 metres in width again of a rectangular form. The two storey rear extension would have a double piled roof with the link extension having a pitched roof. The materials proposed are brick with painted timber weatherboards or boards to weather silver grey naturally, with the roofs finished in clay plain tiles and slate.

CONSULTATIONS

Parish Council

See previous report

Essex County Council Historic Buildings Consultant

See previous report

REPRESENTATIONS

See previous report

REPORT

Background

See previous report

Principle of Development

The core theme behind the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. In paragraph 56 of the NPPF it states that good design is a key aspect of sustainable development. Paragraph 57 highlights the importance of achieving high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. Moreover, paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Current Local Plan Policies RLP2, RLP18, RLP90 and Policy RLP100 together with Core Strategy Policies CS5 and CS9 would apply to the application as they provide for extensions within the countryside and to listed buildings subject to more detailed consideration.

Design, Appearance and Layout

Policy RLP100 only permits development involving internal or external alterations, extensions and partial demolitions to a listed building or structure when the proposed works do not harm the setting, character, structural stability and fabric of the building (or structure); and do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case, it is considered that the key considerations are the impact of the size, form and materials on the character of the existing dwelling together with the impact the proposal would have upon the character of the listed building itself. Folly Farm is a detached modest sized thatched cottage and has a linearity which at present has not been interrupted, despite the addition of a single storey lean-to extension. The proposed two storey rear extension would replace the single storey extension with a link building that would then open up into a new kitchen / dining room area and provide an additional large bedroom with ensuite bathroom and balcony at first floor level. The integrity of the original, unaltered form is considered to contribute to the property's significance and as such the form of the rear of the property albeit with the single storey extension, is integral to the Grade II Listed building.

The two storey element would be of a rectangular shaped design, which would appear as an incoherent addition which would be at odds with the simple 'L' shaped traditional listed building. The proposed side elevations of the extension would extend 6m from the new link building and 7m in width making the extension appear overly dominant and an incongruous addition to the simple design of the listed building. At ground floor level there would be one window small window on both the North Eastern and South Western elevations with two sets of three paned bi-folding doors on the South Eastern Elevation, making them appear excessive in the number of panes, together with highlighting the poor solid to void ratio.

At first floor level on the north eastern elevation there would be the addition of one small window, again highlighting the poor solid to void ratio on this elevation. On the south western elevation on the Proposed Elevation drawing there would appear to be the addition of two large windows and a smaller window, however on the Proposed Floor Layout there appears to be only one large window with no smaller window.

On the south eastern elevation at first floor level there would be two sets of French doors leading onto the balcony area, which again is introducing an alien feature into this simple L shaped Listed Building and would detrimentally alter the unaltered form which is considered to contribute to the properties significance and appearance of the rear elevation of the building. The two storey rear extension would have a double piled roof, with the link extension having a pitched roof both finished in clay plain tiles or slate, which again would be introducing another material to the limited palette of materials used in the construction of Folly Farm.

The proposal fails to recognise or reflect the scale, character, form and design of the dwelling, and would interrupt the unaltered form of the rear of the property which is considered to contribute to the property's significance. Allowing this form of development would not protect the Listed Building from an unsympathetic change to the character and setting of the Listed Building and would not secure a good standard of design and layout, contrary to policy.

As previously mentioned in the Historic Building's Consultant's consultation, during the pre-application meeting on site, the applicant was strongly advised to consider converting the existing 'cart lodge' and apply for additional covered parking on lands where previously permission has been granted for the erection of a stable and storage (13/01235/FUL) as a more appropriate alternative. However, such an approach has not been forth coming.

It is therefore considered that the erection of a two storey rear extension would be a wholly inappropriate addition to Folly Farm due to its location, size, scale, form, design and poor relationship to the host dwelling and would cause detrimental harm to the linear character of the rear of this Grade II listed building. The proposed extension lacks subordination, and would have a poor visual relationship, through the use of the materials proposed towards the host dwelling consequently causing a detrimental harm to the historic character and setting of the Grade II listed building.

CONCLUSION

In conclusion, it is considered that the erection of a two storey rear extension would be a wholly inappropriate addition to Folly Farm due to its location, size, scale, form, design and poor relationship to the host dwelling would cause detrimental harm to the linear character of the rear of this Grade II Listed Building. The proposed extension lacks subordination, and would have a poor visual relationship towards the host dwelling, and would cause detrimental harm to the historic character and setting of the Grade II Listed Building. It is therefore recommended that listed building consent is refused.

RECOMMENDATION

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

- 1 This property is statutorily listed as being of Grade II value in the list of Buildings of Special Architectural or Historic Interest. It is the policy of the Council as set out in Policy RLP100 of the Braintree District Local Plan Review to protect such buildings from unsympathetic change and to safeguard their settings. The Council will not permit any external or internal alteration or addition to a listed building where there would be an adverse effect on its architectural or historic character.

In this case the proposed two storey extension to the rear of the building is considered an unacceptable form of development. The proposed extension, by virtue of its scale, form, and design would significantly harm the linear character of the rear of this listed building and its appearance would be detrimental to the historic character, appearance and significance of this listed property, contrary to the policies referred to above.

SUBMITTED PLANS

Existing Floor Plan	Plan Ref: 001 A
Existing Elevations	Plan Ref: 002 A
Location Plan	Plan Ref: 008
Proposed Elevations	Plan Ref: 216/010
Proposed Elevations	Plan Ref: 216/011
Proposed Roof Plan	Plan Ref: 216/012
Block Plan	Plan Ref: 013

TESSA LAMBERT
DEVELOPMENT MANAGER