

PLANNING COMMITTEE AGENDA

Tuesday, 09 October 2018 at 07:15 PM

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 11th September 2018 (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 the 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. 18 00042 FUL - Great Notley Country Park and Discovery Centre, Great Notley Garden Village, GREAT NOTLEY | 5 - 17 |
| 5b | Application No. 18 00451 FUL - Gate House Farm, Ambridge Road, COGGESHALL | 18 - 28 |
| 5c | Application No. 18 01343 FUL - Land rear of Four Elms, Bardfield Road, BARDFIELD SALING | 29 - 40 |
| 5d | Application No. 18 01385 VAR - Boydells Farm Nursery, Braintree Road, WETHERSFIELD | 41 - 48 |

PART B

Minor Planning Applications:-

5e	Application No. 18 00951 FUL - The Cart Lodge, West Street, COGGESHALL	49 - 57
5f	Application No. 18 01282 FUL - Roman Originals, 1-2 Newlands Precinct, WITHAM	58 - 65
5g	Application No. 18 01283 ADV - Roman Originals, 1-2 Newlands Precinct, WITHAM	66 - 74

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

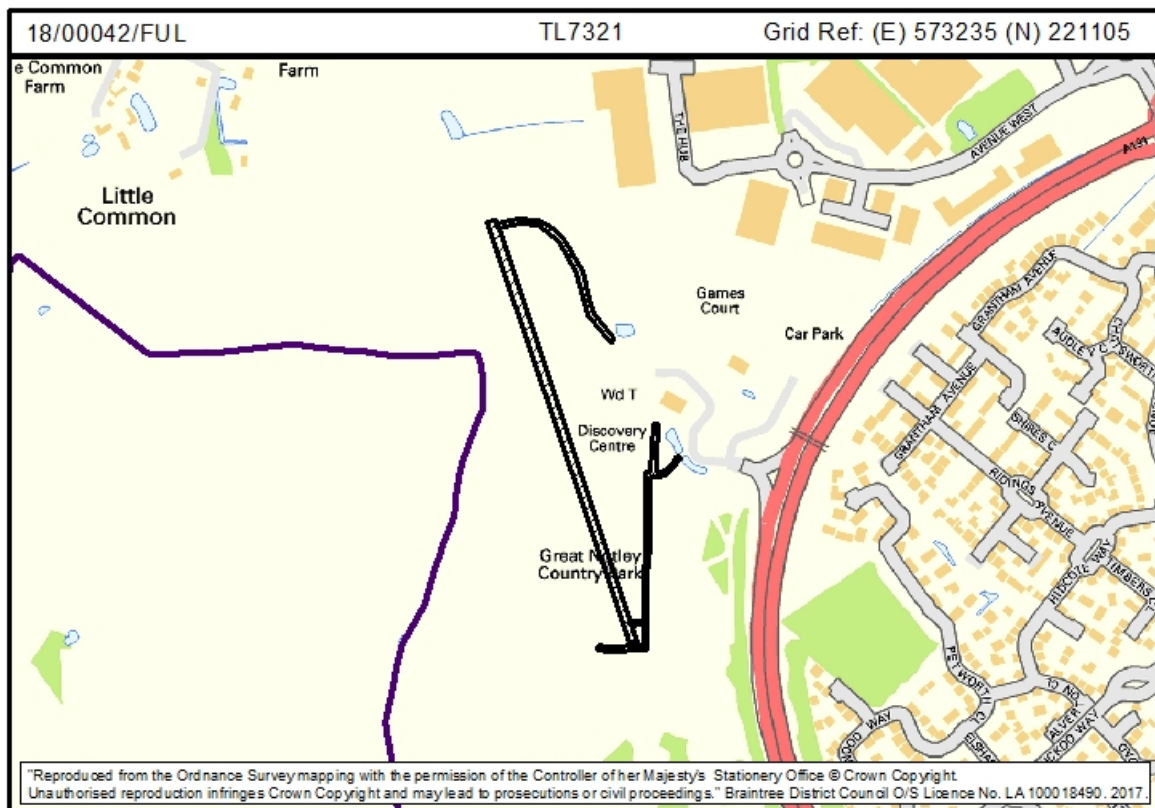
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 18/00042/FUL **DATE VALID:** 15.01.18
APPLICANT: Essex County Council
 Mrs Laura Boreham, County Hall, Market Road,
 Chelmsford, Essex, CM1 1QH
AGENT: Place Services
 Mr Jonathan Crane, County Hall, E4 Zone 3, Chelmsford,
 Essex, CM1 1QH,
DESCRIPTION: Introduction of a double zip wire at Great Notley Country
 Park, this includes a tower at the take-off point and a
 landing area with landscaped mound. There will also be
 facilitating works, with new pathways and improvements to
 the Discovery Centre reception.
LOCATION: Great Notley Country Park & Discovery Centre, Great
 Notley Garden Village, Great Notley, Essex

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



SITE HISTORY

95/00616/P	Proposed landscaping/mounding.	Granted	24.07.95
99/00206/FUL	Erection of three storey building to provide sports and leisure facilities for Great Notley Country Park with associated sports pitches and landscaping	Granted	05.05.99
07/01754/FUL	Erection of building to provide an additional visitor attraction and education facility incorporating a field archaeology unit with ancillary offices, minor alterations to the Discovery Centre, relocation of existing wind turbine and provision of a car park together with associated site works	Granted	01.11.07
08/01972/FUL	Erection of lighting columns, floodlights and sections of 5 metre high fencing at the proposed replacement all-weather sports pitches	Granted	21.11.08
09/00188/DAC	Application for approval of details reserved by condition no. 6 of approval 08/01972/FUL	Granted	27.11.09
15/00398/FUL	Installation of new sequence batch reactor (SBR) drainage plant and associated control room. Alterations to existing drain runs to feed the new SBR and connection back to the sites existing drainage system.	Granted	26.05.15
15/01594/ECC	Consultation on Essex County Council application CC/BTE/75/15 - Installation of a prefabricated single storey structure (7200x3200x2800 LxWXH) and associated groundworks for the provision of a disabled change facility and separate	Objections Raised	22.01.16

16/00190/FUL	disabled toilet Reconfiguration/expansion of main car park to provide additional car parking spaces.	Granted	10.05.16
89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
94/01377/FUL	Proposed Belvedere (Earth mounding to height of 18m using spoil from construction works for A131 bypass and surface water balancing ponds)	Granted	16.01.95
95/00616/REM	Proposed landscaping/mounding	Granted	24.07.95
96/01066/REM	Landscape Planting		12.03.97
99/00206/FUL	Erection of three storey building to provide sports and leisure facilities for Great Notley Country Park with associated sports pitches and landscaping	Granted	05.05.99
14/01614/FUL	Construction of adventure ropes course	Granted	05.02.15
15/00544/FUL	Construction of an adventure ropes course	Granted	23.06.15

17/00983/OUT	(revised location) Duel line Zip Wire 500m in length APPLICATION WITHDRAWN AND NOT PROCEEDED WITH	Application Returned
--------------	---	-------------------------

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance
RLP142	Country Parks
RLP145	Additional Tourist Attractions

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features

Other Material Considerations

Site Allocations and Development Management Plan
Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as Braintree District Council holds ownership of the land relevant to the proposal. (Essex County Council are the applicant for this application because they manage the Country Park).

SITE DESCRIPTION

Great Notley Country Park (GNCP) is a flagship Country Park located around 2km south-west of the centre of Braintree and abutting the west edge of Great Notley. It is located on the A131.

The site benefits from a visitor centre (with café), an artificial grass pitch and multi-use games area, sky ropes as well as organised events. There is a car parking for the Country Park with 'over-flow' parking provision.

The A131 abuts the GNCP to the east. To the north lies with A120, whereas to the south and west is agricultural land. There are a number of public footpaths around the site.

PROPOSAL

The application seeks the erection of a double zip wire of 500 metres in length which requires a 10m x 5m concrete base and tower at the take-off point, and a braking system structure with landing area. This would be a chargeable activity.

Further associated works are required across the site and include the upgrading of some existing pathways with the installation of a defined route to the summit of the hill and a footpath south from the main building to the southern end of the zip wire (the landing area).

In order to facilitate the effective and safe operation of the zip wire, some minor changes are sought to the Discovery Centre, and these relate to alterations to its fenestration.

The application has been submitted with a Landscape Assessment.

CONSULTATIONS

Statutory Consultee

Highways – No objection but comment that the footpaths and bridleways at the site shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Internal Consultation

BDC Landscape - Objection on the grounds that the proposal would harm the landscape character of the site.

BDC Environmental Health - No objection but recommend conditions in respect of any external lighting and hours of working for construction works.

BDC Economic Development - Support the application noting that it will increase the average annual visitors which is beneficial to the turnover of the site in becoming increasingly viable with opportunities to reinvest in the site, and which will be beneficial to local businesses that visitors may use as part of their visit.

PARISH COUNCIL

Great Notley Parish Council – Object and raise the following comments:-

- Would irrevocably and adversely change the character of the Country Park.
- Is not compatible with the use of the Country Park as a facility to enjoy mainly for informal leisure.
- Will be a detrimental impact upon the open landscape and particularly upon the iconic 'bird' sculpture and its mound which are so closely

associated with this area having been specifically designed for that area.

- Increase in use of the facility particularly during periods of high use will adversely impact upon the Parish through additional parking within the Parish by park visitors from further afield attempting to avoid paying for parking or congestion.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notice and neighbour notification. 4 letters have been received raising the following comments:-

- Support the principle of the zip wire, but question the impact to the iconic "Bird of Freedom", designed by Jonathan Clarke, which sits at the top of the site.
- Will detract from the current open view of the countryside.
- The site is becoming less of a country park and more of a theme park/adventure playground. The proposal will reduce the countryside aspect of the amenity further.
- There are already visitors parking on local residents streets, the nearby supermarket car park and business park roads. The focus should be on improving and encouraging cycle and foot access, not adding more car traffic to a facility already at capacity at weekends.

REPORT

Principle of Development

The existing Great Notley Country Park (GNCP) has been identified on the Proposals Map and will be protected for this use in accordance with Policy RLP142 of the Adopted Local Plan. The Council seek to improve and promote opportunities for countryside recreation and public access and in accordance with Policy RLP141 of the Adopted Local Plan, and will support facilities for informal countryside recreation including, where appropriate, further provision and extension of country parks. Therefore, and as the proposal does not include the provision of further buildings (although some fairly significant structures are proposed), the principle of the development is acceptable and supported.

Further, it is acknowledged that the site does attract significant numbers of visitors annually (stated within the Planning Statement to be at least 150,000 a year within a broad 30 mile radius), and the proposal is predicated to increase visitor numbers further. In this sense, the site is seen to be a tourist attraction and a number of those visitors are likely to utilise other services and attractions in nearby towns and villages such that there would be wider economic benefits to the District. Additional tourist attractions are encouraged within Policy RLP145 of the Adopted Local Plan subject to criteria relating to the character and appearance of the locality; impact on local amenities;

accessibility by a choice of means of transport; and highway safety matters. This further weighs in support of the application.

There is further policy support within the NPPF, Section 8 which relates to 'promoting healthy and safe communities'. Paragraph 91 states that planning decisions should enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 96 specifically addresses 'open space and recreation' and outlines that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. The proposal will strengthen the variety of sports facilities available in the District and is assigned positive weight.

Layout, Design and Appearance / Impact to the landscape character of the area

The proposal requires the erection of a take-off point at the top of the hill. This measures a maximum height of 6.5 metres and will sit on a concrete base measuring 5 x 10 metres. The required security fencing for the take off point has been designed to form part of the actual structure. CCTV is indicated to be included but no details have been provided and do not form part of this proposal. It is proposed that from this elevated take-off position, a dual zip wire will descend 500 metres across the hill and the flat open play/picnic area beyond. The landing point is within the south eastern corner of that informal open play/picnic area. The landing area contains a 7 metre high braking frame and a 7 metres high finish frame. Some associated landscaping will be required here together with a low fence enclosure.

The development by reason of its elevated position and length of descent will be seen in views from within and outside of the site. The application has been submitted with a Landscape Assessment to review the impact of the development on the local landscape. This Assessment concludes 'that overall, on balance the proposal for the site will have little effect on the landscape resource and visual amenity, as there is little change in character. The site is currently used for a large amount of activities including sky ropes and an adventure playground, therefore the character of the landscape is not threatened'.

The Local Authority have undertaken an assessment of the development on the local landscape in terms of its impact internal and external to the site. Turning to the impacts from outside of the site. The proposal is unlikely to be unduly prominent from any views from the north-east and east as it will be seen in the context of existing buildings and structures at the site and will be screened by established landscaping along the A131. Equally from the south, due to the land form and landscaping there will not be harmful longer views. The main impacts from outside the site will be from the west and north-west. The land is much flatter here, enjoys an open aspect and has a number of public footpaths and a bridleway present. There is some landscaping to the base of the hill and some to the top behind the existing monument. Further there is tree landscaping along field boundaries. Although the presence of this

landscaping will not screen the proposed take off structure and zip wire descent in its entirety, it will ensure that there are only glimpses of the proposal and it would not be unduly prominent nor result in harm to the landscape character of the area.

The main impacts of the development will be from within the site itself. Due to its siting and size it will dominate the main site and be highly prominent from the main centre of the site (the area around the main visitor centre, hill and from the informal open play/picnic area). The Country Park currently functions successfully as an informal recreational site, where although play equipment does heavily feature, is low key and well sited such that it does not appear prominent within the site or impact the character of the site. The zip wire development will appear in contrast to this well designed and laid out site.

There is a further concern that the development will be at odds with the purpose and character of the Country Park, which is an area designated for people to visit and enjoy recreation in a countryside environment. The scale and nature of the proposal would not comfortably fit with that purpose. It is acknowledged that there is a 'sky rope' climbing structure at the site but this is well sited to relate to the existing buildings on site such that its impact is minimised. The proposed zip wire, similar to the sky rope activity, and unlike the rest of the equipment at the site will be subject to a payable fee to enjoy. The development raises concerns in terms of the overall character of the site, and indeed this is a consideration raised by the Parish Council and third parties, the latter who note concerns that the site is becoming a theme park/adventure playground.

The development will require the construction of new footpaths. A new footpath is to be constructed linking the main visitor centre building to the landing area will be finished in loose granite chip similar to other footpaths around the site. This will sit comfortably within the site and will not be harmful to its character. A further 3 metre wide 'footpath/roadway' is proposed from the base of the hill to the top take off point. This will be constructed in a resin bound surface. Whilst the colour of the material could be conditioned, there is concern that this solid surface at a width of 3 metres to this prominent view, will add further to the harm of the development to the character and appearance of the site. The current hill is entirely grassed and the pathway to the top of the hill appears to be a natural walkway made by people walking rather than being constructed in a permanent hard surface.

A number of changes are proposed to the main building at the discovery centre in order to facilitate the effective and safe operation of the zip wire. These changes are minor and relate to alterations to its fenestration and are considered acceptable and would not adversely impact the character and appearance of the building or the site.

Impact on Neighbour Amenity

There are a number of residential properties to the west of the site in Long Lane, sited at a distance of around 320 metres. Given this distance and the intervening and established tree planting, there would be no unacceptable impact upon their amenity from outlook, overlooking or from general noise disturbance and similar. Further, the proposal does not include any floodlighting so neighbouring properties would not be affected by light pollution.

Immediately to the north east are the commercial units in The Hub. The amenity of these units will be unaffected due to the nature of the use and landscaping that exists on the north-eastern descend of the hill.

Neighbouring residential properties within Great Notley to the far east beyond the A131, would also, due to the distances involved, not be unacceptably affected by outlook, overlooking or noise disturbance. Whilst the development is likely to attract an increase in the number of visitors and therefore more traffic, the site is accessed via the A131 where any change in vehicle number would not be noticeable in terms of noise impacts or similar. (Third party comments in regards to impacts of parking to amenity are discussed below).

Highway Issues

In terms of highway capacity and safety, County Highways have raised no objection. The accessible location with vehicular access from the A131 and the A120 will be sufficient to accommodate any increase in traffic generation, whilst the existing access point onto the A131 provides for sufficient visibility slays.

Turning specifically to parking, Great Notley Country Park has existing provision to provide capacity of 200/250 unmarked car parking spaces and 400 overflow car parking spaces inclusive of 6 accessible parking space for disabled users. The site also provides for 12no secure cycle parking stands. The Planning Statement details that the maximum number of cars parking at the Park on any day broadly reaches two thirds of the capacity available. The proposal is predicted to increase visitors (not vehicles) annually by around 8% (13,000 extra visitors). An 8% potential increase of vehicles on any one day would lead to a peak usage of around 475 parking spaces which is still within the capacity of provision. The demand for parking is therefore considered to be met by the existing site. Comments by third parties regarding potential for visitors to park on nearby residential roads and similar in Great Notley and walking to the site are noted, however, existing visitors could already do this and it would be outside of the control of the Authority and the potential increase in these occurrences from the proposed development is considered minimal.

Heritage Impacts

There are two Grade II Listed Buildings to the west of the site at 'Spinners' and 'Little Common Cottage'. Given the distance from the site (around 350 metres) and nature of the application, it is not considered that the development would result in harm to their significance or setting.

SUMMARY / CONCLUSION

The development would provide for recreational uses within this countryside location, add to the attractiveness of the Country Park for visitors, and provide economic benefits to the District, the principle of which is supported by Policies RLP141 and RLP145 of the Adopted Local Plan. There is further support in the NPPF for providing opportunities for sport and physical activity in the interests of the health and well-being of communities. The principle of development is therefore supported.

The development will not result in adverse impact to the local landscape in terms of wider views from outside of the site itself. However, due to its siting and size it will dominate the site and be highly prominent from the main centre of the site (the area around the main visitor centre, hill and from the informal open play/picnic area). There would be harm to the character and amenities of the Country Park and further harm is attributed to the construction of the new footpath up to the 'take-off' point.

Whilst there would be no harm to neighbour amenity or highway matter this is a neutral point in the planning balance. The harm to the landscape character of the site would significantly be outweighed by any economic benefits of the proposal. It is therefore recommended that planning permission be refused.

RECOMMENDATION

It is recommended that planning permission be refused.

RECOMMENDATION

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

- 1 The proposed development by reason of its size, scale and siting would appear unduly prominent within the site and result in harm to the character and amenity of the Country Park, contrary to Policies RLP80 and RLP90 of the Adopted Local Plan 2005; Policies CS8 and CS9 of the Core Strategy 2011; Policies LPP50, LPP55 and LPP71 of the Draft Local Plan 2017 and the National Planning Policy Framework.

SUBMITTED PLANS

Block Plan	Plan Ref: F002A-001
Site Plan	Plan Ref: Version 2
3D Visual Plan	
Location Plan	Plan Ref: 1546/02-001
Proposed Plans	Plan Ref: 1546/11
3D Visual Plan	
Proposed Plans	Plan Ref: F004A-001
Elevations	Plan Ref: F006A-001
Elevations	Plan Ref: F005A-001

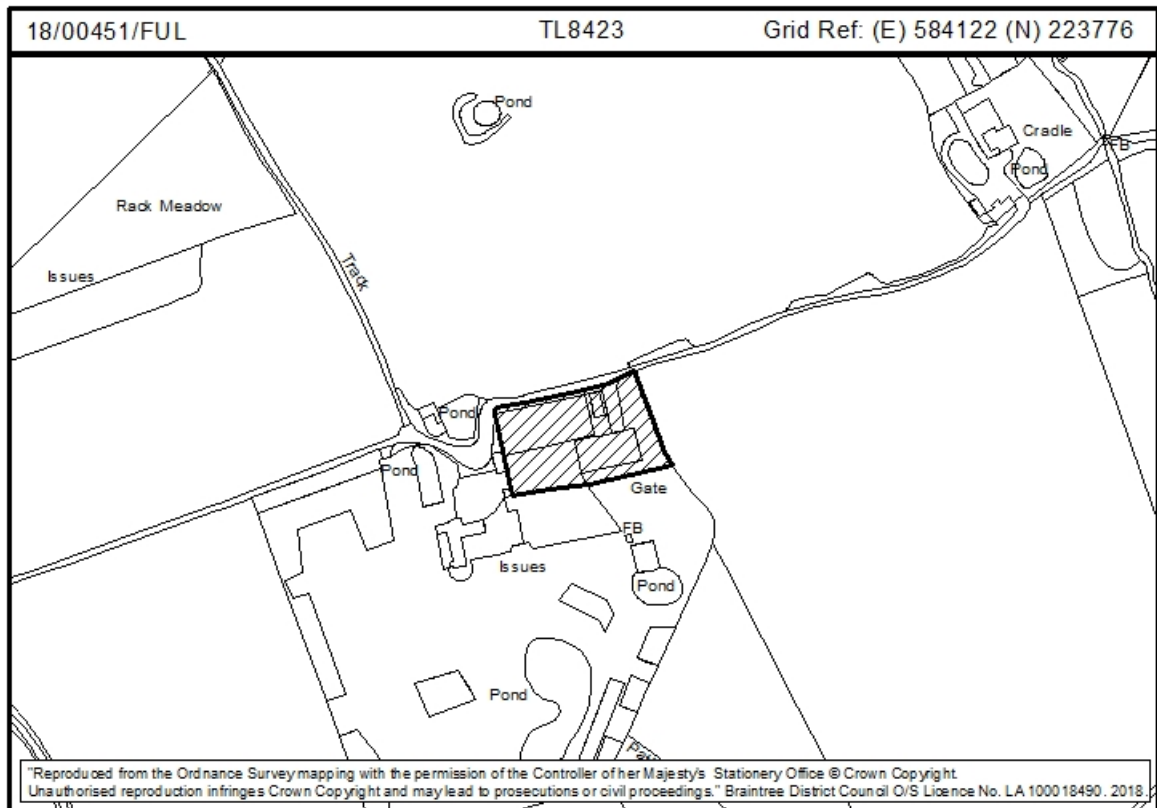
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 18/00451/FUL DATE: 07.03.18
VALID:
APPLICANT: Mr Tombs
C/o Paul Gibbons, 286 Main Road, Broomfield, Chelmsford,
Essex, CM1 7AW
AGENT: A R Property Designs
Mr Alex Robinson, Woodland Place, Hurrican Way,
Wickford, Essex, SS11 8YB
DESCRIPTION: Retrospective change of use from agricultural to residential
use ancillary to the main dwelling incorporating conversion
of 2 No. existing barns with alterations, part demolition of
existing storage buildings and proposed erection of new
outbuilding including new hardstanding and landscaping
areas
LOCATION: Gate House Farm, Ambridge Road, Coggeshall, Essex,
CO6 1QT

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

02/00797/FUL	Erection of side and rear extensions with internal alterations and formation annexe and garaging in outbuildings	Granted	12.09.02
02/00798/LBC	Erection of side and rear extensions with internal alterations and formation of annexe and garaging in outbuildings	Granted	12.09.02
97/00771/LBC	Reinstatement of fireplace in dining room	Granted	29.10.97
18/00028/FUL	Proposed pool and jacuzzi and erection of outbuilding to be used to accommodate a changing rooms and a pump room	Pending Decision	
18/00029/LBC	Proposed annexe to accommodate changing rooms and a pump room, ancillary to the use with a new proposed pool and jacuzzi	Pending Consideration	
18/01501/VAR	Application for variation of condition 2 following grant of planning permission 02/00797/FUL - to replace previously approved drawings with the revised drawings that the cartlodge and annexe have been built in accordance with.	Pending Consideration	
18/01617/LBC	Erection of annexe and garaging outbuildings (Amended scheme to previously approved 02/00798/LBC)	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for

submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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 Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION & HISTORY

The application site comprises two large former agricultural buildings accessed from Ambridge Road in Coggeshall Parish. The former agricultural buildings are in the ownership of the Applicant who resides at Gate House Farm, a Grade II Listed Building. The agricultural buildings are located some distance away from Gate House Farm outside of its residential curtilage, approx. 35m at the closest point. The site is in an isolated setting, with only few other residential dwellings visible in any direction around it. A PROW runs along the front of the former agricultural buildings and along the access road to the complex.

The description of development has changed during the course of the application to reflect that development is being carried out on site for the conversion of the former agricultural buildings. These conversion works are now almost completed. The application is therefore in part retrospective and will be considered as such in the report. It should be noted that Officers wrote to the Applicant during the course of the application explaining that works were being completed without planning permission and therefore at their own risk. Despite this letter, development has continued on site.

In terms of notable history, planning applications 02/00797/FUL & 02/00798/LBC granted planning permission for the erection of side and rear extensions & internal alterations to Gate House Farm, along with the erection of an annexe and cart lodge in the grounds of Gate House Farm. Applications 02/00797/FUL & 02/00798/LBC were only partially implemented; the extensions to the Listed Building were built, but the annexe and cart lodge were not erected at the time.

However, on recent site visits, it was evident the previously approved cart lodge and annexe were being erected, some 16 years later. It has been ascertained that the extensions were built within the allocated 3 years in accordance with the approved plans of applications 02/00797/FUL & 02/00798/LBC. As a result, the 2002 permission is still extant, which enables the erection of the cart lodge and annexe without requiring any further planning consent. It was noted there were a few minor discrepancies with some of the detailing of these features comparatively with the approved plans from 2002. A separate minor amendment application has been submitted to regularise these changes. The cart lodge and annexe are therefore shown on the submitted block plan for this application.

More recently, applications 18/00028/FUL & 18/00029/LBC propose the erection of an extension and swimming pool at the site. These elements are

not however in close proximity to the site in this case; they are located east of the Listed Building. These applications are still pending consideration.

PROPOSAL

The application in this case seeks retrospective planning permission for the change of use of the largest barn to be used by the main house as a games arena, the change of use of the smaller barn to be used as storage for the house with partial demolition of one end to facilitate the proposed erection of a new outbuilding for a gym. New hardstanding and landscaping is also proposed. Solar panels are also proposed on one of the smaller buildings.

CONSULTATIONS

Historic Buildings Consultant

Would object to the application if:

- Buildings were to be used as separate dwellings or similar
- The solar panels proposed on the building would be included

Would not object to the application if:

- Building was to be ancillary to main house

In respect of revised plans, with the solar panels proposed to be located on the southern roof slope of the smaller building, the Historic Buildings Consultant identified some harm to the landscape, although at a low level.

Environmental Health

No objection.

ECC Highways

No comments to make.

Parish Council

Object to the application:

"It was felt that the loss of a listed agricultural building, both in use and appearance and the proposed changes would materially affect a listed property and its setting within a rural environment. The Parish Council also note that the original planning application is yet to be considered and the property is subject to an enforcement order."

REPRESENTATIONS

One objection has been received from Squirrels Hall setting out the following summarised objections:

- No prior engagement with neighbours (by applicant)
- Historic applications on the site – nothing to indicate that these were ever implemented
- Works on site commencing already – converting barn, erecting new buildings, hardstanding at rear
- Out of character with area + grade II listed building
- Size would indicate future commercial use

REPORT

Principle of Development, Design, Appearance and Layout

The site is located in the countryside. Policy CS5 of the Adopted 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. This is echoed by RLP2 of the Braintree District Local Plan Review.

Policy RLP18 of the Adopted Local Plan refers to extensions of habitable, permanent dwelling in the countryside. Policy LPP38 of the Draft Local Plan expands on this further to not only include, extensions, but alterations and outbuildings. These policies state that:

- There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries including cumulative impacts,
- That the property design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area, that extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position,
- That there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact,
- That there should be no adverse material impact on the identity of the street scene and/or the appearance of the countryside,
- That there should be no unacceptable adverse impact on any heritage asset or their setting.
- Finally, Policy LPP38 of the Draft Local Plan states that new outbuildings in the countryside should be well related to the existing development on the site and within the curtilage of the dwelling.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan, states that development will only be permitted where it satisfies amenity, design and highway criteria and where it can take place without detriment of the existing character of the area.

The application in this case seeks retrospective planning permission to the change of use of the largest former agricultural building to be used by the main house as a games arena, the change of use of the smaller former agricultural building to be used for storage by the main house with partial demolition of the lean-to extension on the western end. A new gym outbuilding is also proposed to partially replace some of the footprint of the lean-to extension on the smaller agricultural building.

In this case, it is considered there are multiple issues with converting the former agricultural buildings. These issues are separated out below.

Curtilage

Gate House Farm comprises a large area of associated land. The garden curtilage of the dwelling however would not encompass all of this land, and instead would only include land closely related to the existing dwelling. This is evident to some extent by aerial imagery, showing the closest land to the house in good condition and the contrasting wider land in a more natural or unkempt state.

It is considered that the former agricultural buildings are not located in close proximity to Gate House Farm. The largest former agricultural buildings would at the very closest point it would be located 35m away from Gate house Farm. Similarly, the new proposed gym building would be located some 50+ metres away from Gate House Farm, while the entrance to the smaller former agricultural building would facing away from the rest of the development and be located approx. 70+m away from the closest point of the existing house.

Taking these separation distances into account, and evidence of natural separation between the dwelling and the former agricultural buildings from Officers site visits & aerial imagery, it is considered that the former agricultural buildings would not be located within the curtilage of the existing dwelling. This position is also reaffirmed by the submitted location plan, which shows the red line application site around the cluster of agricultural dwellings rather than the site and the listed dwelling. In any case, even if the red line/blue line were to include the dwelling, it is considered the former agricultural buildings would not be well related to the existing dwelling on the site and be located outside of the curtilage of the dwelling.

Size of Buildings

Furthermore, the agricultural buildings are substantial in size, much larger than the existing listed dwelling at the site. The larger retrospectively converted former agricultural building in particular measures approx. 47m in length and 21m in width, a total footprint of 987sq.m. By contrast, the existing

dwelling Gate House Farm comprises a footprint of approx. 280sq.m. The former agricultural building is therefore over three and a half times larger than the Listed Building. The proposed gym outbuilding would be smaller, approx. 124sq.m, but still almost half the overall footprint of the existing dwelling. The footprint of the smaller former agricultural building would also be large at 291sq.m, again above that of the existing dwelling.

It cannot reasonably be considered therefore that the proposal would comply with Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan as the development would not be compatible with the existing dwelling and not be subordinate to the original dwelling in terms of bulk, height and position. It is considered that the size and scale of the change of use would be more akin to commercial scale development rather than residential scale development.

Summary

For an outbuilding to be considered ancillary, it should have a physical and functional relationship with the host dwelling and generally be subservient to it. In this case, it is considered that the former agricultural buildings would not have a physical relationship with the existing dwelling as discussed above due to separation distances. Furthermore, in terms of functional relationship, rather than appearing to have some functional connectivity to the house, the site development in this area (including the previously approved annexe and cart lodge) would appear wholly separate and self-contained from the existing dwelling so that they could very reasonably be utilised independently of the house.

As such, taking the above into account, and the isolated nature of the site, it is considered that the proposed converted outbuildings could not reasonably be considered to be ancillary to the main house, even if there is no intent to use these buildings for any other purpose by the current owners. It is therefore considered that any condition to try and tie the former agricultural buildings to the main house would fail the 6 tests of planning conditions as it would not be reasonable in all respects taking into account the size and distance issues discussed above.

It should be noted that any application to use the proposed games area in a formal commercial/leisure capacity would also be met with significant resistance due to the sites isolated location and sensitivity of the site in the context of the Listed Building.

Heritage

When considering the impact of development on a designated heritage asset the National Planning Policy Framework (NPPF) specifically states in paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss, or less than substantial harm to its significance.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will 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.

The Historic Buildings Consultant had no objection to the conversion of the former agricultural buildings providing that they were not to be used as a separate dwelling(s).

The Historic Buildings Consultant also initially objected to the use of solar panels stating that they will be a dominant element on the southern roofscape of the building, and a prominent visual feature when the complex as a whole is viewed within the wider landscape. The position of the solar panels were relocated to the smaller building elevation and reduced in number. The Historic Buildings Consultant identified that the overall level of harm would decrease due to the reduction in number and generally better screened location of the Solar Panels. Nonetheless, the Historic Buildings Consultant remained of the view that there would still be some harm to the wider landscape of erecting the solar panels.

Impact on Neighbour Amenity

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

Due to the sites isolated location and the nature of works proposed, it is considered neighbouring amenity would not be detrimentally affected by virtue of overshadowing, overbearing, overlooking or noise impacts.

Highway Issues

Essex Highways had no comments to make on the application as it is all proposed to be used by to the existing dwelling.

CONCLUSION

In this case, it is considered that the proposed converted outbuildings and new gym building would not be able to be classified as ancillary to the main house due to their location outside of the curtilage of the dwelling and large overall separation distance, their overall size relative to the existing dwelling and the wholly self-contained nature of the development separate from the main dwelling. Because of the above aspects, it is considered a condition

could not be reasonably imposed to control the future use of these buildings. Furthermore, there would be some harm to the wider landscape by virtue of erecting the solar panels which would protrude from the roof.

As such, in this case it is considered that the development would fail to meet key policy criteria set out in the NPPF, and be contrary to the abovementioned policies. Consequently it is recommended that the application be refused.

RECOMMENDATION

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

- 1 In this case, due to their substantial size and large separation distance outside of the curtilage of the existing dwelling, it is considered that the retrospectively converted former agricultural buildings and proposed new gym building would not be able to be classified as ancillary to the existing dwelling, and instead would instead be wholly self-contained being able to be used, let or sold separately from the main dwelling. Any separate use in this isolated rural location would cause harm to the character and appearance of the area, have neighbour and highway implications. Furthermore, there would be some harm to the wider landscape by virtue of erecting the solar panels which would protrude from the roof. As such, in this case it is considered that the development would be contrary to the NPPF, Policies RLP2 and RLP18 of the Braintree District Local Plan Review, Policy CS5 of the Braintree District Core Strategy and Policies LPP1 and LPP38 of the emerging Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

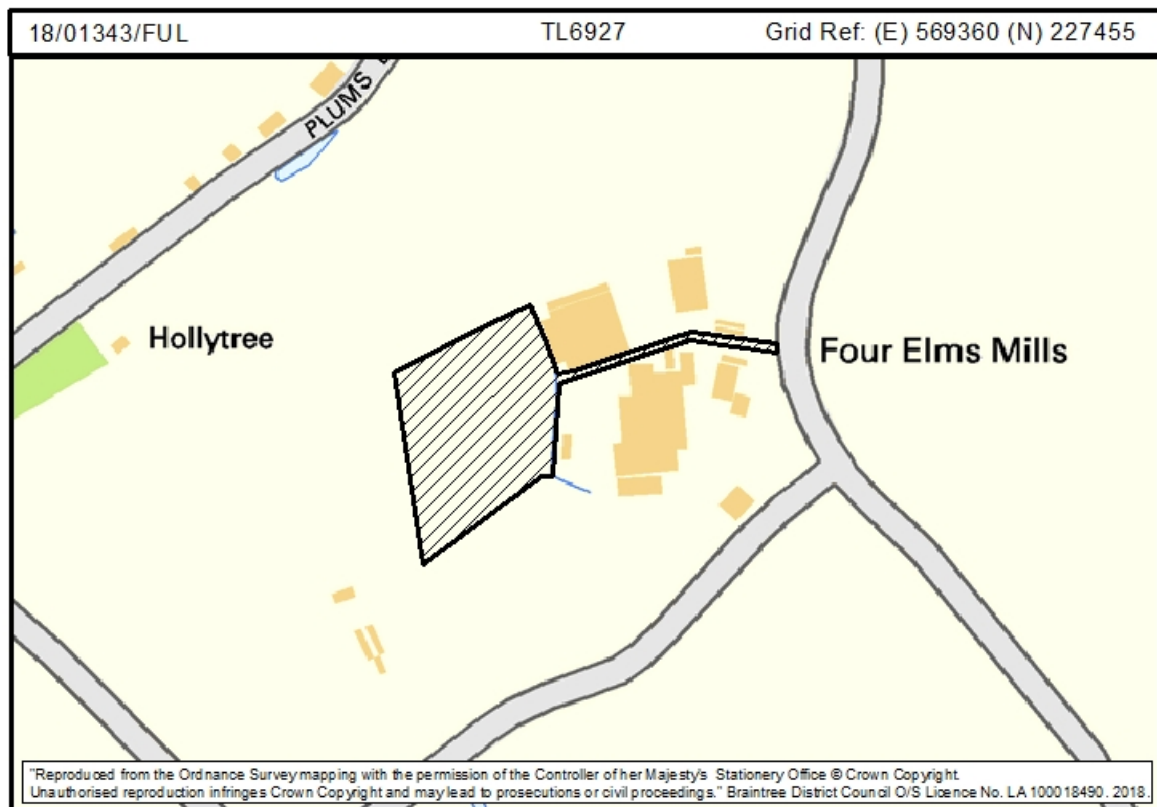
Existing Site Plan	Plan Ref: 01
Existing Plans	Plan Ref: 02
Location Plan	Plan Ref: 03
Proposed Site Plan	Plan Ref: 04
Proposed Plans	Plan Ref: 05
Proposed Plans	Plan Ref: 06

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO:	18/01343/FUL	DATE VALID:	23.07.18
APPLICANT:	F.H. Nash Ltd Mr J. Venner, C/o Agent		
AGENT:	Springfields Planning And Development Mr Chris Loon, 15 Springfields, Great Dunmow, Essex, CM6 1BP		
DESCRIPTION:	Erection of a storage building and creation of an altered/extended lorry parking area, together with associated drainage infrastructure.		
LOCATION:	Land Rear Of Four Elms, Bardfield Road, Bardfield Saling, Essex		

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



SITE HISTORY

18/00694/FUL	Erection of a storage building and creation of an altered/extended lorry parking area, together with associated drainage infrastructure.	Withdrawn	18.07.18
--------------	--	-----------	----------

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP27	Location of Employment Land
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS5	The Countryside
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

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/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee at the request of the local Member.

SITE DESCRIPTION

The site lies within a countryside location and contains an existing commercial complex which manufactures horse feed and other animal feeds. The development site area forms part of the wider site premises and is an area to the north-west corner of the site.

To the north are agricultural fields (a public footpath runs to the north east linking Bardfield Road to Plums Lane). To the east and immediate south are paddock land, whilst to the west are the main buildings and silos associated with the site. The existing vehicular access would be used to access the site from Bardfield Road.

PROPOSAL

The application seeks permission for the erection of a new storage building measuring 46.5 x 30 metres to a maximum height of 10.7 metres. It is proposed with block walls and vertical cladding with a pitched metal profiling roof. The roof will also house photo voltaic panels. The building would be used for the storage of products. The proposed building is largely sited on the existing vehicle parking area, but would also extend slightly into the adjacent paddock.

The development further proposes an extension of the existing hard surfaced vehicle parking area, (approximately 2690 sqm) to provide additional lorry parking. The extended parking area will require the change of use of the existing paddock.

To the south of the area developed for the storage building and parking area is a proposed attenuation basin, oval in shape and measuring a maximum of 38 x 23 metres, required for surface water drainage.

The application has been submitted with; a preliminary Ecological Appraisal; Arboricultural Impact Assessment; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Impact Appraisal; and Topographical Survey.

CONSULTATIONS

Statutory Consultee

SUDS – Raise no objections, subject to conditions to provide for a detailed surface water drainage scheme and its management and long-term

maintenance and a scheme to minimise the risk of offsite flooding and pollution caused by surface water run-off during construction.

Highways – No objection.

Internal Consultation

Environmental Health - No objection but recommend conditions in respect of hours of working and no burning of refuse, waste materials or vegetation; a dust and mud control management schemes.

Economic Development Officer - Support the application through its proposal to create jobs and the increase in turnover for the rural business.

PARISH COUNCIL

Bardfield Saling Parish Council – Comment with concerns in regards to an increase in the number of large lorries accessing the site, noting that the locality already suffers from a large amount of lorries, heavy goods vehicles and general traffic going through the village at all hours of the day and night. Request signage from the B1256 at Great Dunmow down to the Blake End turning directing vehicles to the site, to avoid vehicles using the Woolpits Road/Plums Lane route.

REPRESENTATIONS

The application was advertised by way of site notice, newspaper notice and neighbour notification. No letters have been received.

REPORT

Principle of Development

In accordance with Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and Policy LPP1 of the Draft Local Plan, the site lies outside of any settlement boundary and lies within the countryside, within an area of development restraint.

Specifically in regards to employment development, Policy RLP27 states that development for employment uses shall be concentrated on suitable sites in towns and villages where housing, employment and other facilities can be provided close together. This would meet with the requirements of sustainability laid out within Local policies and more widely within the NPPF. However, there is provision for minor industrial and commercial development within countryside locations under Policy RLP40 of the Adopted Local Plan. This policy states that the extension of existing industrial and commercial development will normally be considered favourably providing 'it is on a small scale compatible with the surrounding area and is a small scale proposal which would secure significant improvements to the local environment'.

In turning to assess this, the proposal would provide for an extension to the existing established commercial site. It is a substantial building measuring 46.5 x 30.0 metres with a large extension of hard surfacing for vehicle parking provision. Although in relation to the size and scale of the existing site, the proposed building would not be significant, it cannot be described, as required by the above policy, as small scale and it would not be compatible with the character of the surrounding rural countryside as discussed later in this report.

Further, and as required by the above policy, the development would not secure the required 'significant improvements to the local environment'. The existing site area is not a poor quality environment, and the development would not remove any unsightly buildings or areas of contamination or similar. Indeed part of the development is on an undeveloped paddock. Whilst the proposal does include retention and strengthening of landscape boundaries, the provision of an attenuation basin and the building includes photo voltaic, such landscaping would be required on any application in any event and the attenuation basin is a direct requirement due to the extent of hard standing. They cannot be determined to 'significantly improve the local environment'. In accordance with the above, the development is not considered appropriate development in principle.

Policy RLP40 of the Adopted Local Plan also requires proposals to not be detrimental in terms of visual impact, noise, smell, or other pollution, or result in excessive traffic generation, health or safety or loss of nature conservation interests and be of a high standard of design, landscaping and other such requirements as may be necessary to reduce the impact of development. These are points which are discussed further in the rest of this report.

Similar to the Adopted Local Plan Policy stance, Policy LPP8 of the Draft Local Plan, states that outside development boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to set criteria. It then states that where 'it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings', and will also be subject to set criteria.

That criteria relates to; the location of the site being accessible and sustainable in terms of the Framework; there being no unacceptable impact on protected species or the historic environment; the access and traffic generated by the development can be accommodated without adverse impact; there being no unacceptable impact on residential amenity; and there being no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.

In addressing Policy LPP8 of the Draft Local Plan, the proposal does propose a new building which is not considered appropriately sited and the parking would result in an unacceptable impact to the character of the surrounding countryside. The development would therefore also fail to meet with the Draft Local Plan Policy.

In terms of policy within the NPPF, Chapter 6 (Building a strong, competitive economy) is relevant, which addresses 'supporting a prosperous rural economy' and at Paragraph 83 states that 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'. Sustainable development is at the heart of the Framework and achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These relate to:- an economic objective, to help build a strong, responsive and competitive economy; a social objective, to support strong, vibrant and healthy communities; and an environmental objective, to contribute to protecting and enhancing the natural, built and historic environment.

In regards to the NPPF whilst there are economic benefits by expanding an existing business which has an increase in employment (stated to be for 2-3 persons), there would be no social benefits. Environmentally there are concerns that the development would result in an incursion into the countryside and alter the rural character of the undeveloped site.

Overall, the principle is not acceptable and would be contrary to Policies within the Adopted Local Plan and Draft Local Plan.

Layout, Design and Appearance

The building is proposed to be sited alongside the existing store. The building would measure 46.5 x 30 metres to a maximum height of 10.7 metres, constructed on a steel frame with block walls and vertical cladding with a pitched metal profiling roof. In terms of the design and appearance of the building, this is of a standard form and detailing. It is functional and would be in keeping with the general form and design of the adjacent storage building to the east and other buildings on the site.

Whilst the building will have an appropriate relationship with the existing built form on site and will not appear cramped or congested in its layout, by reason of its siting and the extent of parking into an existing paddock area, the overall development would be an obvious and harmful incursion into the open countryside. The site is currently contained by an existing embankment to the edge of the hard standing and buildings which demarks the edge of the commercial site with the countryside beyond. The proposal would extend hard surfacing (to be utilised to site 11 lorries), by a maximum of 45 metres into current undeveloped paddock land. This will result in harm to the rural character of the site, which will not be overcome by planting.

Impact to the Local Landscape

In terms of the detailed assessment of the development on landscaping, it is noted that the development would result in the removal of two small groups of trees of low quality or value and their removal is mitigated by retention and strengthening of boundary trees. This approach that is acceptable in this case.

Looking at the wider impact of the development on the landscape character of the area, a Landscape Visual Impact Assessment (LVIA) has been submitted. It is noted that the LVIA offers no mitigation for views of the site, however does note that most views would be filtered or screened by existing tree cover. The views of the roof line from the north would have little impact considering the other adjacent visible roof lines.

The view of the site from the road directly to the south would be the most obtrusive due to the additional building and the additional space that would be used by large vehicles for parking, which would change the character of the site. From this southern view, the site will appear as a lorry park in the countryside. Whilst mitigation including the gapping up of the existing hedge and planting of an additional hedge/tree line further into the site could assist in this and could be secured via condition, it would not overcome the overall impact to the character of the site.

Ecology

In regards to protected species a preliminary Ecological Appraisal has been submitted. There are no trees with potential bat roosting habitat on site and no trees with roosting potential would be lost to the development proposal. As the existing hedgerow/tree line on the western and northern perimeter would be retained, it is considered reasonable to conclude that the local bat population would be unaffected by proposal taking into account relatively isolated location surrounded by agriculture/existing manufacturing facilities.

It is not considered likely that great crested newt or reptile species would be adversely affected by the development proposals given land use, management and associated absence of potentially suitable habitat/connectivity to suitable habitat as a result of location and neighbouring land uses. No active or inactive badger setts were found, with no evidence of badger activity identified.

It is concluded that the proposal could proceed without adverse impacts upon legally protected/priority species and habitats provided the specific mitigation guidance and enhancement recommendations identified within the ecology report are adhered to. This could be secured via Condition.

Flood Risk

The application has been submitted with a Flood Risk Assessment and drainage Statement (FRA), which demonstrates that the development will be

safe for its lifetime without increasing flood risk elsewhere and that surface water drainage of the site will be carried out in a sustainable way. It is considered that the risk of flooding to the site has been adequately considered and the County SUDS team are content that the development of the site with the proposed mitigation measures provides an acceptable approach to surface water drainage.

Impact on Neighbour Amenity

There are 2 residential neighbours which lie to the south and south-east of the application site and existing commercial site. Given the siting of the proposed building and parking area from these properties and given the existing relationship with the existing site use, they would be unaffected by outlook, light or overlooking, noise or similar or by any change in traffic movement.

There are a number of neighbouring residential properties to the north on Plums Lane. Given the distances between these properties and the site, and given the retained and strengthened landscape boundary treatment to the northern boundary, they would not be unacceptably impacted in terms of outlook. Equally, no overlooking, loss of light or similar would occur. The development will extend the working of the site further into undeveloped land, but given the distance and existing use, it is not anticipated that there would be harm to their amenity from noise disturbance or similar. Conditions can be imposed on any grant of permission to control hours of working.

Highway Issues

The submitted Planning Statement states that the site currently has insufficient on-site storage and rents other off site storage facilities and whilst the majority of the products sold by the company are manufactured at the premises, there are some products that the company is not currently able to manufacture due to the lack of equipment. These products are stored off site (in the north of England) and are picked up 'en route' on deliveries to customers. The proposal would allow the storage of the product in the proposed warehouse to allow better logistical control over deliveries without the need to plan for diversions to the off-site facility as is currently the case. It is stated that the stock will be brought to the premises as part of the normal 'return' journey of the customer delivery run and that there will not be any additional lorry movements required into or out of the premises as a result of the development proposals. It is further stated that additional warehousing will allow for packaging to be stored on site. (F. H. Nash has some 80 private label customers' packaging, as well as its own brand packaging, which is currently stored off site at other premises in the Braintree area) and eliminate the need for frequent journeys to and from this off site premises.

Based on the above assumptions, there would be the opportunity for a reduced number of vehicle movements of larger vehicles, which would be a benefit in terms of impact upon road network. However, a reduction in vehicle movements could be secured via condition or similar, and the building could

be utilised as storage without any changes to the operational logistics of the business, which reduces any positive weight that could be assigned to this.

The existing vehicular access to the premises will be used to access the main road and Highways have assessed the proposal raise no objections. It is concluded that the development will not create a highway safety concern or impact to the capacity of the network.

SUMMARY / CONCLUSION

The development proposes commercial development within a countryside location. Adopted Local Plan Policy RLP27 states that development for employment uses shall be concentrated on suitable sites in towns and villages where housing, employment and other facilities can be provided close together. Whilst there is Policy support within the Adopted Local Plan Policy RLP40 and the NPPF for strengthening the rural economy, the development would not meet the strict tests set out within Policy in that the proposal is not of a small scale compatible with the surrounding area, nor would it secure significant improvements to the local environment or result in the sustainable growth of the business. Further, harm is assigned to the impact of the incursion into open and undeveloped countryside.

Some positive weight may be assigned to the economic benefits with the employment of further employees, although this is stated to be 2-3 people, which reduces its weight. It is noted that the development would not result in any adverse impact to neighbour amenity, protected species or to highway safety and capacity, which have a neutral impact in terms of the assessment of the development.

Overall the adverse impacts from inappropriate development and harm to the expansion into the countryside, would outweigh any limited positive benefits, and it is recommended that permission be refused.

RECOMMENDATION

It is recommended that planning permission be refused.

RECOMMENDATION

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

- 1 The development proposal is sited within open countryside and would fail to be of a small scale compatible with the surrounding area, nor would it secure significant improvements to the local environment. Further, the development by reason of its size, scale and siting would result in an incursion into open and undeveloped countryside and cause harm to its character. The proposal is thereby contrary to Policies RLP27 and RLP40 of the Adopted Local Plan Policy 2005; Policies CS5 and CS8 of the Core Strategy

2011; Policies LPP1, LPP50, LPP55 and LPP71 of the Draft Local Plan 2017 and the National Planning Policy Framework.

SUBMITTED PLANS

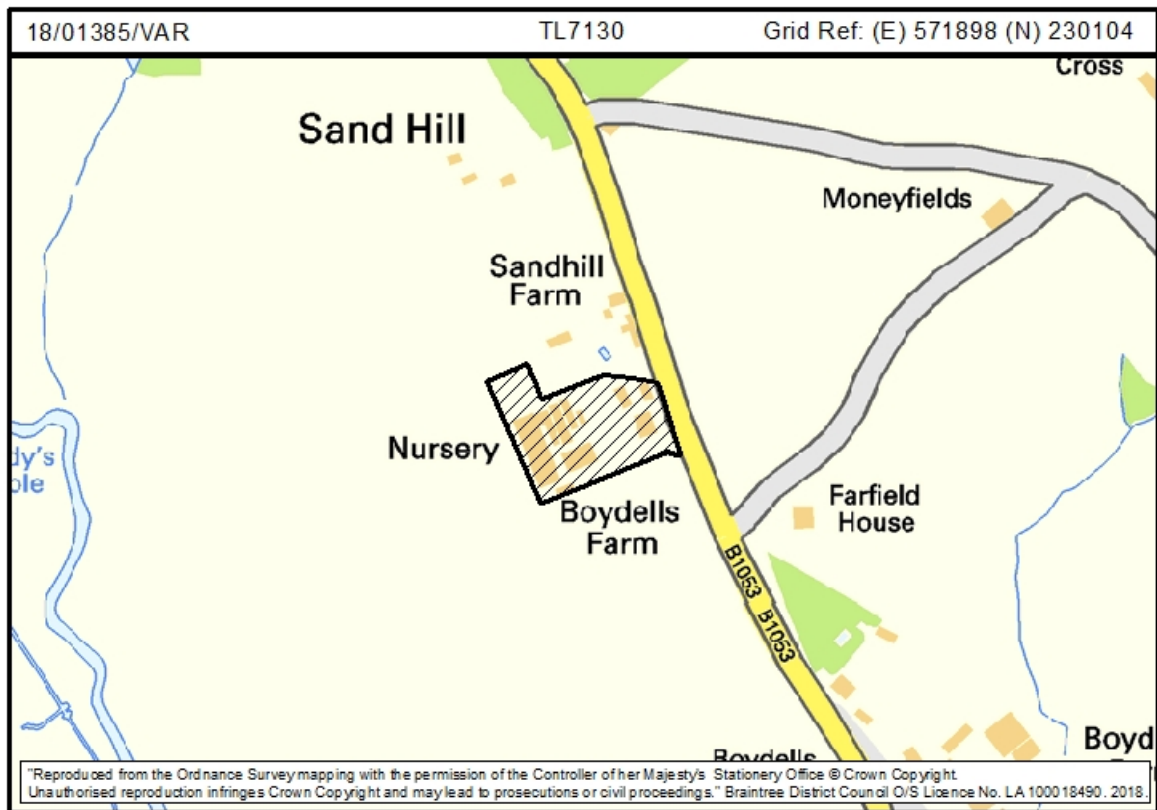
Location Plan	Plan Ref: 8655/01
Site Plan	Plan Ref: 8655/02
Proposed Plans	Plan Ref: 8655/03
Topographical Survey	Plan Ref: 1699-1

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01385/VAR DATE: 19.07.18
 VALID:
 APPLICANT: Mr Richard Campbell
 Gladwyn, 46 Orchard Road, Seer Green, Buckinghamshire
 DESCRIPTION: Application for removal of condition 4 of planning permission BTE/328/78 - removal of agricultural tie.
 LOCATION: Boydells Farm Nursery, Braintree Road, Wethersfield, Essex, CM7 4AQ

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

79/01242/P	Erection of single storey extension for use as tack room and wash room in connection with riding school at Sandhills.	Granted	26.09.79
91/00034/P	Erection of single storey side extension.	Granted	26.02.91
96/00382/FUL	Erection of two polytunnels and pole barn	Granted	13.05.96
75/00651/P	Erection of glasshouse for horticultural use.	Granted	10.07.75
77/01398/P	Stationing of a caravan.	Granted	16.01.78
78/00328/OUT	Outline for erection of house and garages.	Granted	05.06.78
82/01088/P	Proposed horticultural implement store.	Granted	08.12.82
08/00877/FUL	Installation of wind turbine - APPLICATION NOT PROCEEDED WITH - TRANSFERRED TO 08/01357/FUL (INC. FEE)		
08/01357/FUL	Installation of wind turbine mounted on a 12m high tower on the west boundary of the nursery	Granted	03.09.08
78/00328/1	Erection of farmhouse	Granted	30.10.78

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the

Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP14	Applications for the Removal of Occupancy Conditions
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP6	Business Parks
LPP38	Residential Alterations, Extensions and Outbuildings
LPP40	Rural Workers Dwellings in the Countryside
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

Boydells Farm Nursery is situated outside of development boundaries, and therefore considered to be situated in the open countryside. Boydells Farm Nursery consists of a large detached dwelling at the front of the site, with a detached garage / outbuilding situated to the side of the house and a large agricultural store situated beside it. It is considered these three buildings are situated within the domestic curtilage of the main dwelling house and the agricultural part of the site is to the rear of the domestic garden. The agricultural part of the site consists of multiple dilapidated greenhouses (approximately 6) and solar panels located to the front of the agricultural part of the site.

PROPOSAL

Application for removal of condition 4 of planning permission BTE/328/78 - removal of agricultural tie. The applicant is seeking the removal of the agricultural tie from the main dwelling as they state that it has been extremely difficult to sell with the tie attached to the planning permission requiring a person wholly or mainly employed or last employed locally in agriculture as defined by Section 290(1) of the Town and Country Planning Act 1971. Boydells Farm Nursery ceased trading as a nursery in 2004 when the previous owner was unable to keep up with the demands of managing the nursery. The applicants have since inherited the site from Mr and Mrs Campbell (previous owners) when they passed away in 2017, and it has been empty now for nearly a year. The site has been advertised through estate agent, Mullucks Wells. The applicant states that it has been very difficult to sell the site due to the agricultural tie.

CONSULTATIONS

No statutory or internal consultees were consulted on this application as it was not necessary, however Wethersfield Parish Council were consulted and has no objection to the proposal.

REPRESENTATIONS

One representation of support was received from a neighbouring property, and in the comments made they state that apart from the name it has no direct link to being agricultural and the tie is solely historical and is detrimental to the property and the area.

REPORT

Principle of Development

Policy CS5 of the Adopted Core Strategy states the development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP14 of the Adopted Local Plan states that applications for the removal of occupancy conditions should provide a realistic assessment of their continued need, based on a technical appraisal of the demand for the dwelling on the holding, or in the locality, and evidence that the property has been marketed in a way that reflects the limited occupancy condition. Policy LPP40 of the Draft Local Plan also states that applications for the removal of occupancy conditions will only be considered if evidence is provided to show that the need for a dwelling on that unit has ceased and that the property has been marketed in a way that reflects its limited occupancy condition.

The evidence submitted in support of the application shows that Mullucks Wells Estate Agents had been involved with marketing the property for the last nine months (since November 2017 according to the letter dated 17th July 2018). In this letter it states that they had a number of interested parties in the property and it seemed as though they were prepared to proceed. However, once the interested purchaser had researched the position regarding the agricultural tie he withdrew and confirmed he was no longer interested.

Mullucks Wells also state in their letter that they believe that the presence of the agricultural tie will inhibit any possible sale of the property and in their opinion there is no chance of achieving a sale particularly in the more difficult market conditions at present and the tightening lending criteria.

It is also noted that the applicant submitted a letter giving general background information on the property, including its history. The applicant explains how the property and its surroundings have started falling into disrepair since 2004, and how on 14th March 2017 during the snow the pipes in the house burst and flooded nine of the rooms and the applicant has just finally finished having it repaired.

The evidence submitted shows that the property has been marketed, however, the policy states that it should be marketed in a way that reflects the limited occupancy condition, and in Officers opinion, marketing an agricultural property through a housing estate agent and not through an estate agent which specialises in agricultural / farm sales would extremely limit the potential market to solely house purchasers. Furthermore, it is also noted that the property has been marketed through the estate agents, Mullucks Wells for 9 months, however the evidence submitted does not detail the price of the property, any viewings which were had or if during that time the price was reduced to attract the interest of potential purchasers.

In addition, both Policy RLP14 of the Adopted Local Plan and Policy LPP40 of the Draft Local Plan state that the property should be marketed in a way that reflects the limited occupancy condition. It is considered that the property has not been marketed sufficiently in a way that reflects the limited occupancy condition.

Furthermore, Policy RLP14 of the Adopted Local Plan and Policy LPP40 of the Draft Local Plan also require a realistic assessment of the continued need, based on a technical appraisal of the demand for the dwelling on the holding,

or in the locality. It is noted that a technical appraisal of the demand for the dwelling on the holding or in the locality was not undertaken as part of this application and would therefore be contrary to policy.

It is therefore considered for the above reasons that the proposal is contrary to Policy RLP14 of the Adopted Local Plan and Policy RLP40 of the Draft Local Plan and is recommended for refusal.

Design, Appearance and Layout

This application relates to the removal of a condition which does not affect the design and appearance of the property seeking to have the agricultural tie removed.

Impact on Neighbour Amenity

Due to the siting of the dwelling and considering this application relates to the removal of a condition, which is being recommended refusal, and no physical changes to the property are proposed it is considered that the proposal would not have a detrimental impact upon any neighbouring properties amenities.

Highway Issues

It is considered that the removal of the agricultural tie would not have an impact on the highway or the level of parking for the site.

CONCLUSION

It is considered that insufficient marketing has been undertaken for this proposal and for the reasons highlighted in the report above the proposal would be contrary to Policy RLP14 of the Adopted Local Plan and Policy LPP40 of the Draft Local Plan.

RECOMMENDATION

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

- 1 The proposal is contrary to Policy RLP14 of the Braintree District Local Plan Review and Policy LPP40 of the Braintree District Publication Draft Local Plan in that insufficient information has been provided to demonstrate that the dwelling has been marketed to reflect the existence of an agricultural occupancy condition.
- 2 The proposal is contrary to Policy RLP14 of the Braintree District Local Plan Review and Policy LPP40 of the Braintree District Publication Draft Local Plan in that it has not been demonstrated that the need for an agricultural dwelling is no longer needed. It is

therefore considered that the proposal is contrary to the above policies and the NPPF.

SUBMITTED PLANS

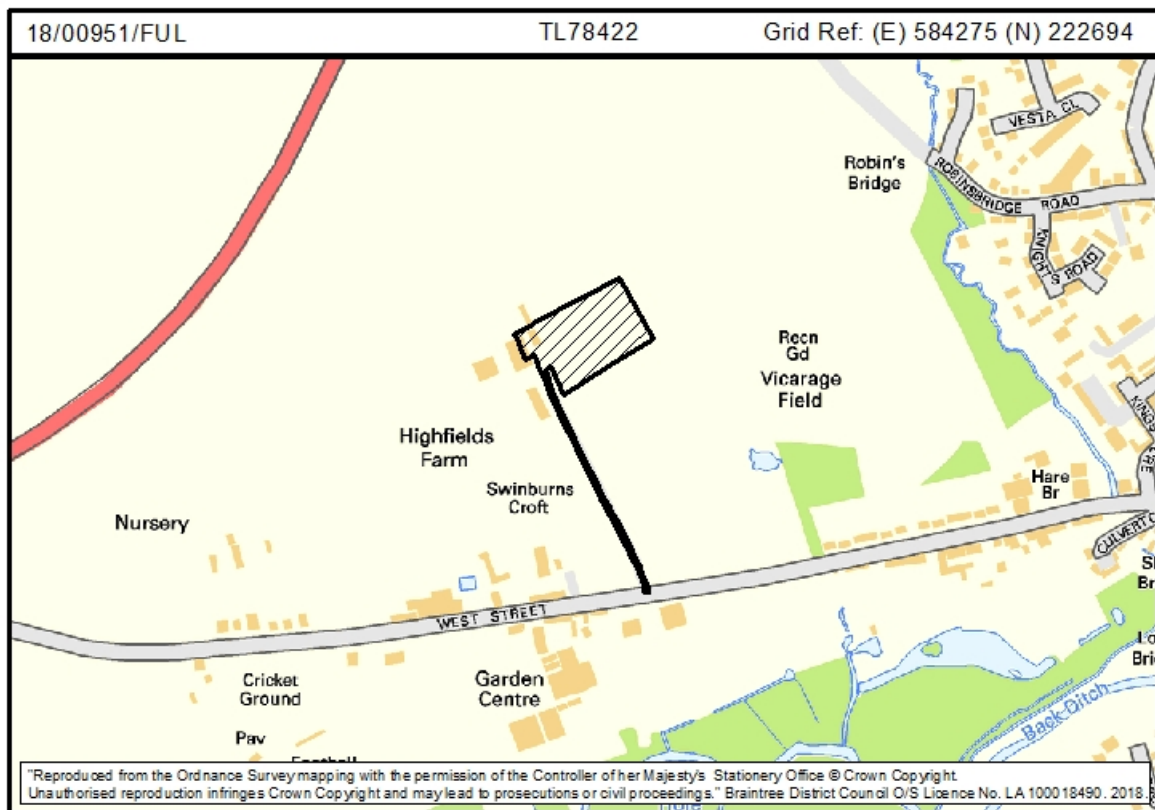
Location Plan	Photograph	Plan Ref: Pages 1-5
Background Information		Plan Ref: Background Letters
Supporting Documents		Plan Ref: Covering Letter

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/00951/FUL DATE: 05.06.18
 VALID:
 APPLICANT: Mrs Morris
 The Cart Lodge, West Street, Coggeshall, Essex, CO6 1NT
 AGENT: Mr Frazer Bird
 12 Atlas Works, Foundry Lane, Earls Colne, Essex, CO6 2TE
 DESCRIPTION: Erection of single storey side extension
 LOCATION: The Cart Lodge, West Street, Coggeshall, Essex, CO6 1NT

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



SITE HISTORY

05/01356/COU	Change of use from agricultural land to residential	Refused	01.09.05
17/02244/FUL	Erection of single storey side and rear extension and replacement of existing utility room roof	Withdrawn	28.02.18
17/02245/LBC	Erection of single storey side and rear extension and replacement of existing utility room roof	Withdrawn	28.02.18
18/00952/LBC	Erection of single storey side extension	Pending Decision	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP18	Extensions to Existing Dwellings in the Countryside
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 Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee because an objection has been received from Coggeshall Parish Council, contrary to Officers' recommendation.

SITE DESCRIPTION

The Cart Lodge is located outside the village envelope and Conservation Area of Coggeshall and is Grade II Listed. The building is in a semi-rural location and forms part of an isolated farmstead to the north-west of the historic core of Coggeshall, associated with Highfields Farmhouse, a building of sixteenth or seventeenth century construction with considerable nineteenth century alterations. The building was converted to residential and extended in 1986. A curtilage listed milking barn and a curtilage listed flint and brick wall, is located to the north of the cartlodge.

PROPOSAL

Planning permission and listed building consent was originally sought under application references 17/02244/FUL and 17/02245/LBC to erect a single storey side and rear extension and replacement of existing utility room roof. However during the assessment of the application, Officers raised concerns regarding the proposal and the application was subsequently withdrawn in February 2018.

The applicant now seeks permission to erect a single story side extension to create additional ground floor accommodation. The proposed extension would be set back from the front elevation of the host dwelling. The width of the extension would measure 7.9m and measure 5.7m in depth. It is proposed to insert two windows into the front elevation of the proposal. The proposed ridge height would be 4.5m. The pitch of the roof would replicate the pitch of the existing roof to the single storey section of the dwelling at the side of the host dwelling. The proposed materials would match the host dwelling, namely black timber windows, black feather edged boarding and natural slate roof tiles.

CONSULTATIONS

Coggeshall Parish Council

Coggeshall Parish Council object to the planning application on landscape and heritage matters in line with the Planning Inspector's decision of the Pigeon application on the West Street site. The application was a Hybrid application for mixed use development to include community woodland and public open space. Outline: 8 no. self-build plots and business hub (Class B1a) 836 sqm floorspace (both elements re-sited in revised plans). Full: 98 dwellings with associated garages and parking areas. Proposed new access from West Street and pedestrian access from Robinsbridge Road It is also felt that the proposed extension was excessive in relation to the existing property and it is felt that this would impact on the architectural and historic significance of the building.

Historic Building Consultant – No objection. No comments have been received in relation to objections received.

REPRESENTATIONS

Two letters of representation have been received in relation to the proposal.

The first objection raised was from the resident of The Old Milking Barn. The main concerns relate to the scale of the proposal which is considered to be a significant increase and is not subservient to the heritage asset; that the proposal would impact on the architectural and historic significance of the building and that the appeal decision relating to the housing development submitted by Pigeon Developments stated the importance of the Highfields

farmstead, which the objector states should be considered when determining the application. Concern was also raised regarding the close proximity of the proposal in relation to the Milking Barn and that in the event of a fire, the fire could spread quickly as both buildings are of timber construction.

The second objection raised was from the resident of Highfields, who states that the proposed extension would impact on the architectural and historic significance of the buildings within the Highfields curtilage. The objection also queries the consultation response from the Historic Buildings Consultant who states there is no objection from a conservation perspective but queries whether this should read as an historic perspective.

REPORT

Principle of Development

The National Planning Policy Framework (NPPF) states in Paragraph 184 that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 195 that “where proposed development will lead to substantial harm to (or total loss of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will 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.

The site is located outside of the village envelope of Coggeshall. The proposal relates to an existing dwelling. In accordance with NPPF paragraph 184, Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy, and Policy LPP60 of the Draft Local Plan, great weight shall be given to the conservation of heritage assets.

There is therefore no objection in principle to an appropriate proposal in this location, subject to satisfactory design and highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity or heritage assets.

Design, Appearance, Layout and Heritage

The applicants have submitted a revised application, which has reduced the scale and massing of the extension and set back the extension from the front elevation. Also the position of the extension has prevented interference with the historic wall. The revised application seeks to address the concerns raised by both Officers and the Historic Building Consultant. The previous proposal was considered to constitute over development of the site due to the scale and massing of the proposed extension, together with the design of the extension and the intervention within the historic boundary wall.

The proposal shows an extension which has been reduced in scale and limited to the area to the side of the building. The proposal is set back from the front elevation of the building which allows an understanding of the form and scale of the historic cartlodge. The proposed extension by design seeks to be sympathetic to the character of the host property by limiting the proposed fenestration on the front elevation. The proposed black feather edged boarding would match the host dwelling and is considered to be in keeping with the host dwelling.

The Historic Buildings Consultant raised concerns regarding the previous scheme which sought permission for an extension which was not appropriate or sympathetic to the significance of the listed building, because of its form and scale.

The Historic Buildings Consultant has responded to this revised proposal stating that the objections to the previous application related to the extent of the extension, which was considered to represent overdevelopment, the design of the extensions and the intervention within the historic boundary wall. The revised drawings show a reduction in scale and the proposal is limited to the area to the side of the building. The width of the proposed extension has been reduced from 9.1m to 7.9m. The submitted scheme also allows for the retention of the historic boundary wall and therefore alleviates the previous concerns raised by the Historic Building Consultant. The consultation response also states that the extension does not propose a large addition to the footprint of the building, and is set back from the front elevation of the building to allow an understanding of the form and scale of the historic cartlodge. Therefore, no objection is raised from a conservation perspective subject to conditions relating to more detailed drawings.

Coggeshall Parish Council have objected to the proposal and two further representations have been received. While these concerns are noted, it is considered that the revised design which has reduced the scale of the development and does not interfere with the historic boundary wall ensures that the proposed extension appears subordinate and in keeping with the host dwelling. It is Officers opinion that the proposal does represent a modest addition to the property however, taking into account the aforementioned revisions, it is considered on balance that the extension would not have a detrimental impact on the character or the dwelling or the vicinity.

All of the representations submitted, make reference to the recent appeal decision issued relating to an appeal site adjacent to the Highfields Farm complex, determined under appeal reference number APP/Z1510/W/16/3160474. The appeal related to a planning application which proposed the erection of 98 dwellings on the site adjacent to Highfields Farm. Subsequently the appeal was dismissed. Within the appeal decision, the Planning Inspector acknowledged the importance of the setting of the farm complex and of the Listed Buildings and surrounding area in relation to the proposed development of the site. However, whilst the concerns raised in the representations are acknowledged, the proposed scheme at The Cartlodge is for a single storey side extension which is a much smaller scale development than the development proposed on the appeal site. Officers concur with the comments made by the Planning Inspector regarding the importance of the farm complex. The concerns raised by the Historic Building Consultant have been addressed in the revised design and subsequently the Historic Buildings Consultant has not raised an objection to the proposal. The proposal would not have a detrimental impact on the character of the dwelling or the surrounding area and is acceptable in this regard.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that 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. Policies RLP18 and RLP90 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Whilst the representations from The Old Milking Barn and Highfields and the concerns raised are noted, it is not considered that the proposed single storey side extension would not have a detrimental impact on either property in terms of overlooking. The concerns raised by the occupants of The Old Milking Barn in relation to fire precautions, would be addressed when the applicant of The Cart Lodge applied for Building Regulations approval to construct the proposal.

Therefore, due to the size, scale and positioning of the extension and taking into account the objections received, it is considered that the proposal would not give rise to detrimental impact upon neighbouring amenity by virtue of overlooking, loss of natural light, overshadowing or overbearing. As such the proposal is acceptable.

Highway Issues

There is currently off road parking to the front of the property that remains unaffected by the proposal and therefore there are no highways impacts associated with this development.

CONCLUSION

The revised proposal is acceptable in terms of design, heritage impact and highway considerations and there would be no detrimental impacts upon neighbouring residential amenity. The proposal is in keeping with the host property and the character of the area.

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

Site Plan

Proposed Floor Plan Plan Ref: 370CWS_100_001_03 Version: A

Proposed Elevations Plan Ref: 370CWS_100_002_03 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

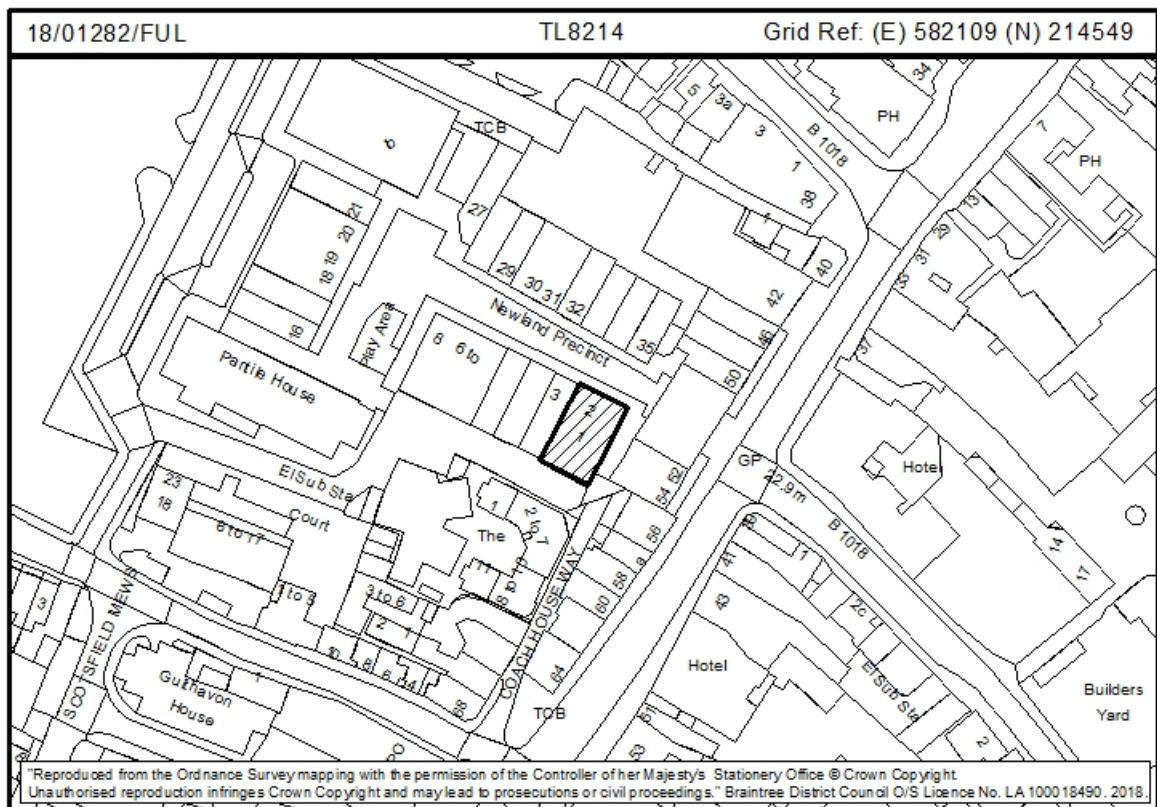
For the avoidance of doubt and in the interests of proper planning.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01282/FUL
 DATE: 19.07.18
 VALID:
 APPLICANT: Savers
 As Watson, Unit 1, Prologis Park, Arenson Way, Dunstable, LU5 4RZ
 AGENT: Quadrant Design
 Miss Olivia Tyrrell, 23 Kings Road, Reading, RG1 3AR
 DESCRIPTION: Existing retail unit to be stripped out and refitted as new Savers store. Fit out to include new signage, shopfront, shelving, ceramic flooring and ceiling tiles.
 LOCATION: Roman Originals, 1 - 2 Newlands Precinct, Witham, Essex, CM8 2AP

For more information about this Application please contact:
 Ellie Scott on:- 01376 551414 Ext.
 or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

03/00913/ADV	Display of shopping centre signage	Granted	07.08.03
77/00081/A	Erection and display of two advertisement kiosks.	Granted	13.01.78
96/00148/ADV	Erection of sign and banners	Granted	23.09.96
99/00421/ADV	Display of illuminated shopping centre signage to front and rear and directory boards for complete centre	Granted	23.06.99
16/02141/FUL	Minor aesthetic alterations to the centre including the removal of existing metal canopies, painting of all instances of exposed concrete to existing buildings and repainting of railings around the playground and new shop frontages with "bus stop" signage between shopfronts. Public realm works will include the implementation of 2no. trees and the replacement of existing benches, lamp posts and litter bins.	Granted	09.02.17
17/01271/ADV	Proposed new signage to replace existing.	Granted	06.11.17
18/01283/ADV	2no. aluminium fascia panels to be installed with pushed through internally illuminated Savers signage. 1no. projecting sign to be installed onto existing landlord bracket to match other projecting signs in area. 3no. sections of vinyl to be installed to glazing, 2no. on front elevation to block views to rear of tills and 1no. on side return of shopfront.	Pending Decision	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP95	Preservation and Enhancement of Conservation Areas
RLP117	Shopfronts in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP58	Shop Fronts, Fascias and Signs in Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee, because Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the modern Newlands Shopping Precinct and is located within the Newland Street Conservation Area.

PROPOSAL

The proposal is for the refit of the retail unit at 1-2 Newlands Precinct and would include new signage and a new shopfront. The proposed signage is subject of a separate application (application reference 18/01283/ADV).

CONSULTATIONS

Witham Town Council: Recommends refusal on the grounds that the proposals are in contravention of planning Policy RLP109 of the Adopted Local Plan 'Illuminated Signs'. It is suggested the applicants submit revised plans to include external illuminations. Additional concerns were raised over the proposed materials. Members wish to make representations to the District Council planning committee and request that notification of the Committee date is sent to Witham Town Council.

Historic Building Consultant: Two responses have been received throughout the process.

The first response originally recommended refusal to the application based on the internal illumination which was considered to be a visual intrusion, and the

use of aluminium and stated it would be desirable to see a timber signage proposed.

Following the applicant sending over evidence to suggest other application sites have been allowed similar schemes to what is proposed as part of this application, the following response was received:

This consultation follows that of my predecessor dated 03/08/18 and has been written in response to additional information provided by the applicant.

Having regard for my predecessor's comments, I certainly agree with his stance regarding signage in prominent or sensitive locations within the conservation area – aluminium and internally illuminated signage should generally be avoided. In this instance, however, I do not believe the proposed will have a discernible detrimental impact upon the character and appearance of the conservation area as the unit is set well back from the streetscene and is experienced as part of the inward facing precinct rather than the outward street.

As such, I do not object to permission being granted and request that these comments supersede those provided previously.

REPRESENTATIONS

Cllr Mrs Kilmartin: *"I have no problems with this since it's in the modernised precinct."*

REPORT

Principle of Development

The proposal is for a shop refit including a new shopfront within the development boundary and therefore is supported in principle, in accordance with Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Policy RLP117 of the Adopted Local Plan and Policy LPP58 of the Draft Local Plan are also relevant and provide guidance on the type of shopfronts which would be considered acceptable in a Conservation Area. Criteria as part of Policy RLP117 includes having display windows which are sub-divided into areas which create proportional harmony and have traditional materials wherever possible.

Design & Appearance

The proposal is for external changes to the shopfront which would include changes to sub-divisions of the display windows and swing doors. Materials such as aluminium are proposed.

In terms of the display windows and doors, it is considered that these would be sub-divided into areas which are proportionate and keeping with the character of the building and local street scene.

In terms of the materials, it is acknowledged that the application site is located within the Newland Street Conservation Area where proposals for materials including aluminium are normally not considered acceptable and in keeping with the Conservation Area. Following receiving photos from the applicant however, it was shown that other properties surrounding the application site in the precinct have materials such as aluminium rather than timber which is a more preferred material in a Conservation Area. Given this evidence, the Historic Building Consultant was reconsulted once again. The response from the Historic Building Consultant was stated that whilst aluminium should be avoided in prominent locations within a Conservation Area, it was considered that in this instance given the location of the application site which is set back from Newland Street and is part of an inward facing precinct, it not considered that the proposals would be detrimentally harmful to the appearance of the Conservation Area.

It is therefore considered that on balance, the proposals would be considered acceptable from a design perspective as the design would be in keeping with the immediate Newland Precinct area and as confirmed in latest comments from the Historic Building Consultant, would not result in detrimental harm to the Newland Street Conservation Area.

Impact on Neighbouring Residential Amenities

The application site is an existing retail unit and therefore it is considered that replacing with a new retail unit would not have a detrimental impact on neighbouring amenity.

Highway Considerations

The application site is located within the defined town centre and as such the site is accessible by a range of transportation modes. The existing premises was previously in retail use and therefore it is not considered that the proposal would raise any issues in terms of parking, deliveries or servicing, or any other wider highway impacts.

Conclusion

Whilst the application site is located within the Newland Street Conservation Area and the use of materials such as aluminium are normally discouraged in such areas, it is considered that the proposal is acceptable. This is because the application site is located within a modern precinct and the proposals submitted are considered to be in keeping with surrounding properties in this Precinct. The location of the application site is set back from Newland Street meaning that it is not considered that the proposal would have a detrimental impact on the appearance of the Newland Street Conservation Area. It is

therefore considered that the proposal complies with the above-mentioned policies.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: J001052	Version: A
Proposed Elevations	Plan Ref: J001052	Version: L2
Proposed Elevations	Plan Ref: J001052	Version: L2
Proposed Floor Plan	Plan Ref: J001052	Version: L2
Location / Block Plan	Plan Ref: J001052	Version: L2

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

Reason

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

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

Reason

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

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

Reason

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

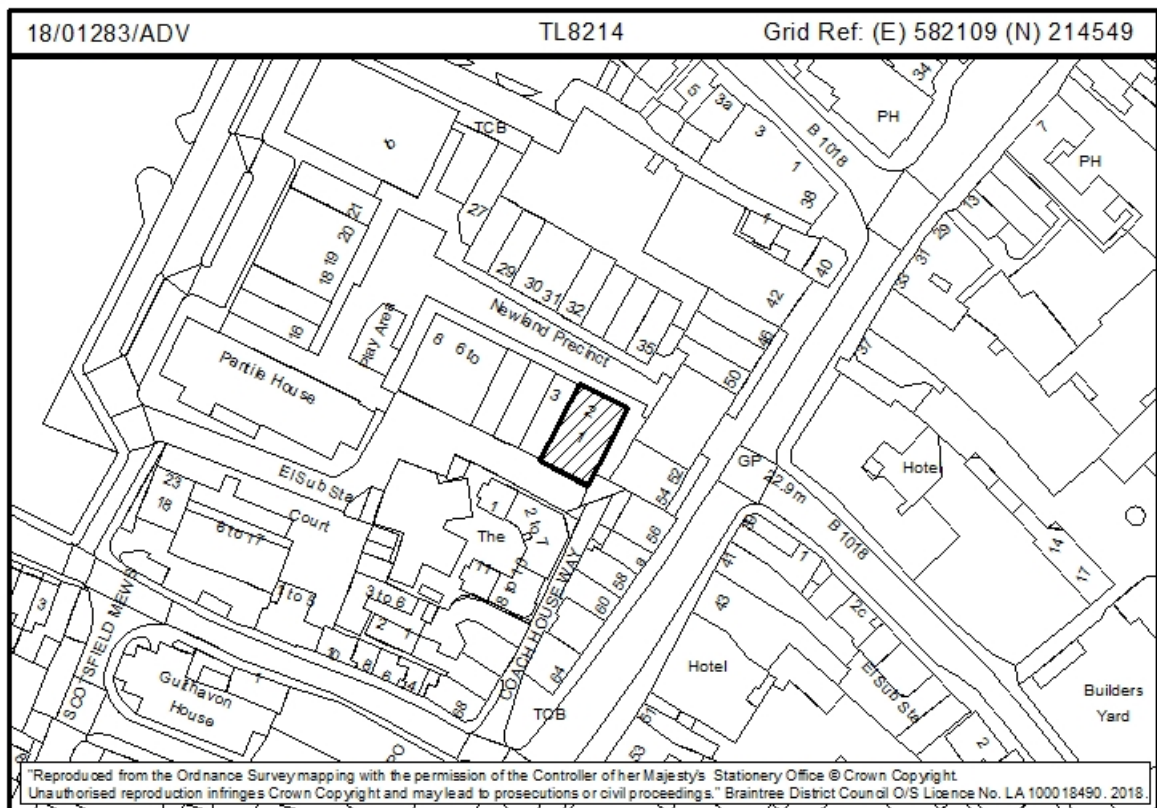
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION NO: 18/01283/ADV DATE: 19.07.18
 VALID:
 APPLICANT: Savers
 As Watson, Unit 1, Prologis Park, Arenson Way, Dunstable, LU5 4RZ
 AGENT: Quadrant Design
 Miss Olivia Tyrrell, 23 Kings Road, Reading, RG1 3AR
 DESCRIPTION: 2no. aluminium fascia panels to be installed with pushed through internally illuminated Savers signage. 1no. projecting sign to be installed onto existing landlord bracket to match other projecting signs in area. 3no. sections of vinyl to be installed to glazing, 2no. on front elevation to block views to rear of tills and 1no. on side return of shopfront.
 LOCATION: Roman Originals, 1 - 2 Newlands Precinct, Witham, Essex, CM8 2AP

For more information about this Application please contact:
 Ellie Scott on:- 01376 551414 Ext.
 or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

03/00913/ADV	Display of shopping centre signage	Granted	07.08.03
77/00081/A	Erection and display of two advertisement kiosks.	Granted	13.01.78
96/00148/ADV	Erection of sign and banners	Granted	23.09.96
99/00421/ADV	Display of illuminated shopping centre signage to front and rear and directory boards for complete centre	Granted	23.06.99
16/02141/FUL	Minor aesthetic alterations to the centre including the removal of existing metal canopies, painting of all instances of exposed concrete to existing buildings and repainting of railings around the playground and new shop frontages with "bus stop" signage between shopfronts. Public realm works will include the implementation of 2no. trees and the replacement of existing benches, lamp posts and litter bins.	Granted	09.02.17
17/01271/ADV	Proposed new signage to replace existing.	Granted	06.11.17
18/01282/FUL	Existing retail unit to be stripped out and refitted as new Savers store. Fit out to include new signage, shopfront, shelving, ceramic flooring and ceiling tiles.	Pending Decision	

POLICY CONSIDERATIONS

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

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

June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP107	Outdoor Advertisements
RLP108	Fascias and Signs in Conservation Areas
RLP109	Illuminated Signs in Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP56	Conservation Areas
LPP58	Shop Fronts, Fascias and Signs in Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee, because Witham Town Council has objected to the proposal, contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the modern Newlands Shopping Precinct and is located within the Newland Street Conservation Area.

PROPOSAL

The proposal is for the refit of the retail unit at 1-2 Newlands Precinct and would include new signage and a new shopfront. The new signage would include an aluminium fascia and hanging sign which would both have letters which are internally illuminated. The proposed shopfront is subject to a separate application (application reference 18/01282/FUL).

CONSULTATIONS

Witham Town Council: Recommends refusal on the grounds that the proposals are in contravention of planning policy RLP109 'Illuminated Signs'. It is suggested the applicants submit revised plans to include external illuminations. Additional concerns were raised over the proposed materials. Members wish to make representations to the District Council Planning Committee and request that notification of the Committee date is sent to Witham Town Council.

ECC Highways: No objection to the proposal subject to a condition relating to the maximum luminance of the signage.

Historic Building Consultant: Two responses have been received throughout the process.

The first response originally recommended refusal to the application based on the internally illumination which was considered to be a visual intrusion, and the use of aluminium and stated it would be desirable to see a timber signage proposed.

Following the applicant sending over evidence to suggest other application sites have been allowed similar schemes to what is proposed as part of this application, the following response was received:

This consultation follows that of my predecessor dated 03/08/18 and has been written in response to additional information provided by the applicant.

Having regard for my predecessor's comments, I certainly agree with his stance regarding signage in prominent or sensitive locations within the conservation area – aluminium and internally illuminated signage should generally be avoided. In this instance, however, I do not believe the proposed will have a discernible detrimental impact upon the character and appearance of the conservation area as the unit is set well back from the streetscene and is experienced as part of the inward facing precinct rather than the outward street.

As such, I do not object to permission being granted and request that these comments supersede those provided previously.

REPRESENTATIONS

Cllr Mrs Kilmartin: *"I have no problems with this since it's in the modernised precinct."*

REPORT

Principle of Development

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air. The main issue to consider with this application is its effect upon the visual amenity of the area.

Design & Appearance

In terms of impact on amenity the NPPF provides policy context as to how advertisements should be determined by recognising that "the quality and character of places can suffer when advertisements are poorly sited and designed". Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In terms of impact on amenity Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policies RLP107 and RLP108 of the Adopted Local Plan and Policy LPP58 of the Draft Local Plan permit outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a

proliferation of advertisements on the building/site and issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas. Policy RLP109 of the Adopted Local Plan also provides criteria for the control of illuminated fascia and projecting box signs in Conservation Areas and states that illuminated signs which are out of keeping with the character of the area will not be permitted.

The proposal is for external signage including an aluminium fascia and hanging sign. The letters on both the fascia and hanging sign are proposed to be internally illuminated. The colours of the signage are proposed to be blue, red and white which are the corporate colours of the business.

It is acknowledged that the application site is located within the Newland Street Conservation Area where such proposals are normally not considered acceptable and in keeping with the Conservation Area. Following receiving photos from the applicant however, it was shown that other properties surrounding the application site in the Precinct have internally illuminated lighting and materials such as aluminium rather than timber which is a more preferred material in a Conservation Area. Given this evidence, the Historic Building Consultant was reconsulted. The response from the Historic Building Consultant stated that whilst internal illumination and aluminium should be avoided in prominent locations within a Conservation Area, it was considered that in this instance given the location of the application site which is set back from Newland Street and is part of an inward facing precinct, it not considered that the proposals would be detrimentally harmful to the appearance of the Conservation Area.

It is therefore considered that on balance, the proposals are acceptable from a design perspective and would be in keeping with the immediate Newland Precinct area, and as confirmed in latest comments from the Historic Building Consultant, would not result in detrimental harm to the Newland Street Conservation Area.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 of the Adopted Local Plan which outlines that public safety, including traffic safety, will be accorded a high priority in decision making.

ECC Highways have raised no objections to the proposal subject to a condition relating to illuminance levels. It is therefore considered that the proposal would not obstruct visibility splays or vehicle movement or be detrimental to public safety.

Conclusion

Whilst the advert is located within the Newland Street Conservation Area and the use of internal illuminated lighting and materials such as aluminium are normally discouraged in such areas, it is considered that the proposal is acceptable. This application site is located within a modern precinct and the proposals submitted are considered to be in keeping with surrounding properties in this Precinct. The location of the application site is set back from Newland Street meaning that it is not considered that the proposal would have a detrimental impact on the appearance of the Newland Street Conservation Area. It is therefore considered that the proposal complies with the abovementioned policies.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations	Plan Ref: J001052	Version: L2
Location / Block Plan	Plan Ref: J001052	Version: L2

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

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

Reason

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

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

Reason

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

- 4 The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals, Professional Guide No. 5, which in this case is 300 Candelas per square metre (300 cd/m²).

Reason

To ensure that users of the highway are not subjected to glare and dazzle in the interest of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER