

PLANNING COMMITTEE

AGENDA

Tuesday 4th August 2020 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

Councillor J Abbott
Councillor K Bowers
Councillor T Cunningham
Councillor P Horner
Councillor H Johnson
Councillor D Mann
Councillor A Munday

Councillor Mrs I Parker (Vice Chairman)
Councillor F Ricci
Councillor Mrs W Scattergood (Chairman)
Councillor Mrs G Spray
Councillor N Unsworth
Councillor J Wrench

Members unable to attend the meeting are requested to forward their apologies 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.

Question Time

In response to the Coronavirus the Council has implemented new procedures for public question time.

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

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

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

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

Registered participants must submit their written questions/statements no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk

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

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

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

Documents

Agendas, reports and Minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public 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 via governance@braintree.gov.uk

Data Processing

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

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 21st July 2020.

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether 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

- | | | |
|----------|-----------------------------------------------------------------------------------------------------------|--------------|
| a | Application No. 19 01590 FUL – 9-13 Church Street, COGGESHALL | 6-26 |
| b | Application No. 19 01591 LBC – 9-13 Church Street, COGGESHALL | 27-37 |
| c | Application No. 19 01957 FUL – The Notleys Golf Club, Witham Road, BLACK NOTLEY | 38-48 |
| d | Application No. 20 00456 VAR – Land South of Hedingham Road, BULMER | 49-57 |
| e | Application No. 20 00539 FUL – Land to the South East, Rickstones Farm, Rickstones Road, RIVENHALL | 58-75 |

PART B
Minor Planning Applications

- | | | |
|----------|-----------------------------------------------------------------------------------|--------------|
| f | Application No. 20 00492 LBC – Town Hall Centre, Fairfield Road, BRAINTREE | 76-82 |
| g | Application No. 20 00550 HH – 5 The Kennels, EARLS COLNE | 83-89 |

PRIVATE SESSION

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6 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.

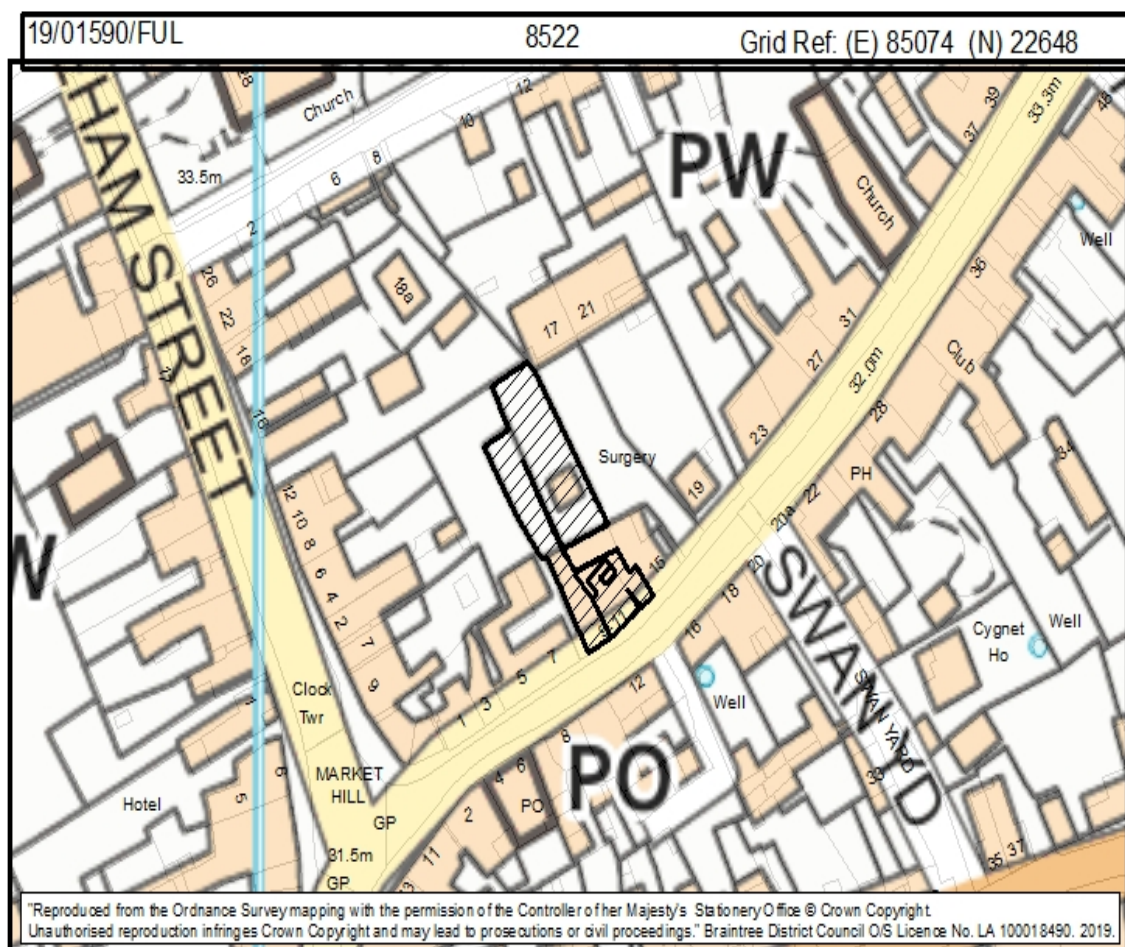
There are no items for Private Session for this meeting

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/01590/FUL DATE: 29.08.19
 VALID:
 APPLICANT: T Rippon & Sons (Holdings) Limited
 Mr Geoff Willey, PO Box234, Chelmsford, CM1 1BW, Essex
 AGENT: G Dolden & Associates Ltd
 Mr Gerry Dolden, 213 High Street, Kelvedon, CO5 9JD
 DESCRIPTION: Refurbishment and change of use of three commercial units with two associated first floor flats, to form: - 1 No. 3 bed dwelling; 1 No. first floor 1 bed flat; 1 No. commercial unit at ground floor; and 1 No. commercial unit at ground and first floor.
 LOCATION: 9 - 13 Church Street, Coggeshall, Essex, CO6 1TU

For more information about this Application please contact:
 Kathryn Oelman on:- 01376 551414 Ext. 2524
 or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWZYV3BFI7Y00>

SITE HISTORY

18/00017/REF	Conversion of three interlinked commercial properties to 2no. residential properties.	Appeal Dismissed	06.11.18
89/01948/P	Display Of Signwritten Fascia Sign		16.11.89
89/02158/P	Proposed Alterations To Signwritten Fascia Signs	Granted	11.01.90
09/00089/FUL	Installation of an Automated Teller Machine	Refused	03.03.09
09/00091/LBC	Installation of an Automated Teller Machine	Refused	03.03.09
17/00806/FUL	Conversion of three interlinked commercial properties to 2no. residential properties.	Refused	08.12.17
17/00807/LBC	Conversion of three interlinked commercial properties to 2no. residential properties.	Granted	08.12.17
18/01561/FUL	Conversion of three interlinked commercial properties to 2no. residential properties.	Withdrawn	09.07.19
18/01562/LBC	Conversion of three interlinked commercial properties to 2no. residential properties.	Withdrawn	09.07.19
19/01591/LBC	Works to facilitate the refurbishment and change of use of three commercial units with two associated first floor flats, to form: - 1 No. 3 bed dwelling; 1 No. first floor 1 bed flat; 1 No. commercial unit at ground floor; and 1 No. commercial unit at ground and first floor.	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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP24	Subdivision of Dwellings
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP113	Shopping Areas
RLP116	Upper Floors in Shopping Areas

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS4	Provision of Employment
CS6	Retailing and Town Centre Regeneration
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP10	Retailing and Regeneration
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP38	Residential Alterations, Extensions and Outbuildings
LPP44	Sustainable Transport
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
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity

Neighbourhood Plan

Coggeshall Neighbourhood Plan (2020)

Other Material Considerations

Essex Design Guide
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site comprises three retail units, No.9, No.11 and No.13 Church Street. The buildings form a terraced range on the north side of Church Street, they all have painted brick exteriors and clay plain tile roofs. No.9 and No.11 have traditional shop fronts with large traditional sash windows on the first floor above. No.13 Church is joined to No.15, a residential property which lies to the north-east.

No.9 currently forms a separate A1 (retail) unit at ground floor with 2 bedroom flat above (no kitchen). No.11 and No.13 are merged to form another A1 (retail) unit at ground floor with five bedroom flat behind and above. There is a temporary partition between No.9 and No.11 at ground floor.

No.9 and No.11 Church Street are individually listed, classified Grade II, and date from the 15th/16th Century. No.13 dates from the 17th Century and is deemed to be curtilage listed on account of its historic ancillary function to No.11, whereby it may have once formed from a cart access or additional building. All three properties lie within the Coggeshall Conservation Area.

PROPOSAL

The proposal is to reconfigure the properties to form four separate planning units. A summary of the accommodation changes are explained below:

Unit	Existing	Proposed
No. 9	1 x A1 unit & 2 bed flat	3 bed house
No. 11	1 x A1 unit <i>and associated</i> 5 bed flat	11 a) 1 x A1 unit 11 b) 2 bed flat
No. 13		1 x A1 unit

As part of the works, the original shop fronts would be retained and a door reinstated in the frontage of No.9. Existing modern partition walls would be removed from No.9 and No.11 and new partition walls added to form hallways at ground floor.

No.9 would lose its present ground floor commercial use and the property would instead form a self-contained, three bedroom residential unit with residential accommodation at ground and first floor.

The rear of No.9 is currently in poor condition due to damp ingress and has become structurally unsound. This modern part of the building is proposed to be demolished. A number of detailed works of repair and redecoration, including window replacement and secondary glazing, are set out in the submitted documentation.

No.11 would still contain a commercial unit at ground floor and would have a one bedroom flat above which could be occupied in connection with the shop or let/sold separate from it if desired.

Openings between No.11 and No.13 would be bricked up in order that No.13 could form a separate small shop unit with further commercial space above. A new stairwell will also be inserted in No.13 to allow passage between ground and first floor.

The following documentation accompanies the submission:

- Heritage Impact Assessment
- Retail Impact Assessment
- Noise Assessment Quotation
- Condition Survey
- Statement of Works
- Method Statement for protection of crinkle-crankle wall behind property

CONSULTATIONS

ECC Highways

Confirm they raise no objections and comment as follows;

“The documents accompanying the planning application have been duly considered. Given the scale of the proposed development and the previous use, the proposal is acceptable to the Highway Authority.

The Highway Authority notes that on street parking in the area surrounding the proposal site is controlled through various parking restrictions”.

BDC Economic Development

No comments received.

BDC Planning Policy

No comments received.

BDC Archaeology

Raise no objections, require a programme of historic building monitoring and recording to be secured via a condition.

BDC Heritage Consultant

Following the submission of additional details, they confirm that they raise no objection to the proposed refurbishment and change of use of the buildings, noting the benefits this will deliver in bringing them back to use. Overall it is noted the changes are minimal and positively reinstate the original floor plan of 9 and 11 Church Street. Further details are required in a number of areas and it has been agreed these can be dealt with via conditions.

BDC Landscape

No comments received.

BDC Environmental Health

Initially submitted a holding objection, raising concerns as to whether the units will be capable of providing adequate mitigation of noise. Further details on sound insulation were submitted by the agents and it has been agreed that the final details and hours of working can be agreed prior to commencement.

REPRESENTATIONS

One letter of objection has been received and its comments have been summarised as follows:

- No objection in principle to redevelopment of the site
- Property has been allowed to fall into disrepair and this is putting potential retailers off
- Residential use should not be permitted at ground floor

PARISH COUNCIL

“Coggeshall Parish Council object to the application for the following reasons.

Coggeshall Parish Council (CPC) is pleased that the application for this property now includes commercial/retail opportunities. CPC maintains that a strong commercial centre is essential for the viability of the villages local economy and as a focal point for the wider community.

The CPC notes the applicant's comments about the changing high street and the marketing of this property. We maintain that this property has not been marketed properly and was allowed to fall into a state of disrepair to further the previous application for solely residential use. On page 4 of the Conservation Statement and Impact Assessment, it is noted that: overall the building is in extremely poor condition and has not been maintained since the previous tenants moved out of the building. However, on page 8, it then says the works would enable the now deteriorated property the opportunity to be functioning building again which will heighten and improve Church Street, Coggeshall opposed to falling into disrepair. This seems to contradict the first description in the document as the property has already fallen into disrepair and as the document itself describes, is in extremely poor condition. The proposed works would be welcome in returning the properties to the state they should be in, but CPC believes repairs should be done regardless of the outcome of the application.

We also note that the applicant now accedes to the proposed uses of the building (dog groomer, medical centre etc), which were highlighted by CPC in comments provided to BDC in response to the previous application submitted for this property.

The row of shops in this location on Church Street maintains a high occupancy rate. The proposed residential property lies in the centre of an otherwise uninterrupted row of viable units. The CPC agrees with BDCs previous observation that this row of shops reads as a continuous block, and to break it with residential would be inappropriate.

The scheme to this property is to convert a portion of the space from commercial building to residential, whilst altering other spaces to ensure as a collective there is a gain rather than loss to the commercial space available. Page 5 Conservation Statement and Impact Assessment

The CPC questions this statement given that although not all of the ground floor space was open to the public in its former use as a newsagent, it was however in commercial use as associated storerooms etc.

The Conservation Statement and Impact Assessment also makes a statement on page 5 about the need to provide minimum of two off-road parking spaces per property as per the Braintree Council adopted policies (and as requested by an official at BDC). It says it is impossible to accommodate on such a site or village. However, if the applicant did not wish to proceed with the application as it is then there would be no such need. It is their desire to convert the property that then raises this need. Should they wish to avoid this need, they should submit an altered application.

For these reasons, CPC opposes the conversion of the front of this property to residential. This also concurs with Policy P6 Meeting the Business Need, of the emerging Coggeshall Neighbourhood Plan. The inclusion of the ground floor of, or part of the ground floor of No 9 (proposed residential property) combined with the retail space in no.11 would provide a unit with a greater floor area than is currently available on Church Street. This would give greater flexibility and opportunity for the type of retail/service/commercial activities that could be provided.

The CPC supports the first floor one bedroom flat over no. 11. Providing a further one-bedroom dwelling at no 9 would meet the local need for properties of this type in Coggeshall and reduce the resulting demand for parking. CPC welcomes the proposals to repair and maintain the character of the buildings, external features such as the crinkle crankle wall and the shop fronts. Preservation and enhancement of the historic core of the village is a key concern of the CPC and of the Coggeshall Neighbourhood Plan, Policy 6. The shop fronts, their detailing and character are very important and should be maintained in perpetuity.

CPC directs BDC and the applicant towards the emerging Neighbourhood Plan Policies P 14 & P 15, and the emerging Village Design Guide. The CPC also highlights the necessity for refurbished buildings to include features to improve their environmental ratings. This is vital for environmental sustainability and that of the building. Within the limits of refurbishing a heritage building in the conservation zone, this should be a key aim of the development.

CPC requests that the properties be subject to a condition that no application to convert to residential use will be admitted for a period of 15 years. This is to ensure the future viability of the commercial and community centre of Coggeshall and to ensure it is adhering to the policies of the emerging Neighbourhood Plan.”

Coggeshall Parish Council further commented as follows:

“Coggeshall Parish Council maintain their objection to this application. Whilst the Council welcome the refurbishment of a historic property that has been allowed to fall into disrepair, it is important that the retail element is maintained. The community is set to grow by 20% over the next few years and this will increase the requirement for commercial and retail units in the centre. Coggeshall PC would object to the ground floor of number 9 being converted into residential use”.

REPORT

Planning History

In 2017 an application was submitted to convert the premises to two residential properties which would have led to complete loss of the retail component. The application (reference 17/00806/FUL) was refused and dismissed at appeal (see Appendix 1 to this report). The Inspector at the time

concluded that there would not be harm caused to the character of the Conservation Area by the change of use, but that there was insufficient information to determine that the marketing undertaken was in compliance with Policy RLP151 of the Adopted Local Plan.

Planning Policy

Coggeshall is a Local Centre as designated within the Adopted Local Plan. Policy CS6 of the Adopted Core Strategy requires that *“The provision of local shops and services throughout the District will be safeguarded to provide for the needs of local residents”*.

Policy RLP151 of the Adopted Local Plan seeks to resist the loss of key community facilities outside the urban areas of the District unless sufficient evidence is provided that they are not economically viable and that all other options for their continuance have been fully explored. In this case no retail units would be lost and only a slight loss in floor space would occur as part of the reconfiguration of the existing units. It would therefore be difficult to sustain a case that this proposal is in conflict with Policy RLP151.

Whilst carrying limited weight, Policy LPP65 of the Draft Local Plan retains a degree of relevance. This policy seeks to permit the change of use of community facilities subject to criteria, notably where *“a proposal involves the redevelopment of an existing community facility which is still in use, a replacement or better quality will be provided”* or where *“All other reasonable options for retaining the facility have been considered”*. In this case the change of uses do not have the effect of causing the retail units to be lost completely, only for them to be altered, therefore there is no conflict with this policy.

The Coggeshall Neighbourhood Plan is currently at Regulation 16 consultation stage, but has not yet progressed to examination or on to referendum. The policies within the plan can therefore be afforded some limited weight. Policy P6 (Meeting Business Need) is supportive of proposals which seek to separate existing shops into smaller units where this will improve the viability of the premises. Whilst the policy also seeks to protect against the loss of retail (Class A uses), requiring in such cases for them to be marketed effectively for 12 months, in this case because there is no net loss of commercial uses, the proposal would comply with this policy.

National policy emphasises the interconnecting nature of sustainability, between economic, social and environmental objectives. Paragraph 92(c) requires decisions to *“guard against the unnecessary loss of valued facilities and services”*, but also to (d) ensure that *“established shops, facilities and services are able to develop and modernise”*, and are ultimately retained for the benefit of the community.

It is considered that given there is no net increase in the number of residential units provided, the policies which are most important for determining the application relate to those concerning the viability of community

services/facilities, design and impact upon heritage assets, rather than those relating to the supply of housing. It should be noted that the material considerations of the Framework remain an important factor and the assessment of sustainability considerations remain central to decision making as a whole.

Principle of Development

In summary the changes would not result in a net change to the number of residential or commercial units provided. In this sense, the issues pertinent to this application are not comparable to the situation in 2017 with the previous application, when a loss of commercial units was proposed.

In this instance, due to a reconfiguration of the uses at ground floor, the net commercial area will reduce by 38.6m², with 21m² of this loss being due to demolition of the back area to No.9. Overall there would be an increase in residential floor area of about 13m². As a function of the reordering of the commercial space, the units will have a greater proportion of store rooms and welfare space relative to the shop floor and No.13 would find itself exclusively in commercial use over both floors. The changes would allow the residential units to obtain greater independence and thus be more marketable as separate units of accommodation.

The agent has submitted evidence that the properties have been on the market for 14 months. During this time several expressions of interest have been recorded, but this has not translated to any offers. The properties have in total been on the market for around 3.5 years, but following the refused and dismissed appeal in 2017 the marketing strategy was updated to take account of the Inspectors recommendations, for example providing incentives such as partial letting of the premises. The agent argues that the creation of smaller commercial units and a separate dwelling house will help the buildings appeal to the market and thus increase the likelihood that they will remain viable, occupied and in good state of repair.

Because there is no longer a net loss of commercial units, Policy P6 (Meeting Business Need) of the Coggeshall Neighbourhood Plan is judged to have been complied with. It is noted however that proportionally, as a total of the overall floor space for all the units, the available commercial floor space would reduce from 41% to 34%. The impacts of this 5% reduction should be balanced against the gains provided by more efficient and effective layout of the units overall.

Design & Heritage Impact

The following policies and documents are of particular relevance to the consideration of this proposal:

- Policy CS9 (Built & Historic Environment) of the Adopted Core Strategy, which requires that the historic environment is protected and enhanced;

- Policy RLP90 (Layout & Design of Development) of the Adopted Local Plan, whose criteria operate to require a high standard of layout and design;
- Policy RLP95 (Preservation & Enhancement of Conservation Areas) of the Adopted Local Plan, which requires that proposals do not detract from the character, appearance and essential features of a Conservation Area;
- Policy RLP97 (Change of Use in Conservation Areas) of the Adopted Local Plan, which seeks to ensure changes of use and alterations preserve the setting of a building and the character and appearance of the area;
- Policy RLP100 (Alterations & Extensions and Changes of Use to Listed Buildings and their Settings) of the Adopted Local Plan which ensures that changes to use and works do not harm the character, structural stability and fabric of listed buildings;
- Policy SP6 (Place Shaping) of the Draft Local Plan, which seeks to protect assets of particular historical value;
- Policy LPP50 (Built & Historic Environment) of the Draft Local Plan whose various criteria operate to promote and secure the highest possible standards of design and layout and protection of the historic environment;
- Policy LPP55 (Layout & Design of Development) of the Draft Local Plan, whose criteria operate to seek a high standard of layout and design in all developments;
- Policy LPP56 (Conservation Areas) of the Draft Local Plan, which encourages the preservation of the character and appearance of Conservation Areas and ensure high quality building materials;
- Policy LPP58 (Shop Fronts, Fascias & Signs in Conservation Areas) of the Draft Local Plan, which controls fascias to ensure they relate to the character of the building and use traditional materials where possible;
- Policy LPP60 (Heritage Assets and their Settings) of the Draft Local Plan, which permits changes of use subject to criteria including the harm to the significance of the setting, character, structural stability and fabric of the building;
- Policy P14 (Protecting & Enhancing our Heritage) of the Coggeshall Neighbourhood Plan, which require inter alia that proposals to demonstrate enhancement of the character, appearance, setting, structural stability, and historic features of heritage assets;
- Policy P15 (Design & Management within the built environment) of the Coggeshall Neighbourhood Plan, which require proposals to conform to the Coggeshall Village Design Guide and inter alia preserve the character, setting and appearance of the surrounding area.

The above policies are consistent with Chapters 12 (Achieving Well-Designed Places) and 16 (Conserving & Enhancing the Historic Environment).

Paragraph 196 of the Framework requires the following:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities

should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...

In this case, No.9 and No.11 Church Street are Grade II listed and No.13 listed by association. The properties are also located within the Coggeshall Conservation Area. As such, all decision makers have a statutory duty under Section 66(1) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and a statutory duty under Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

In this case, the existing buildings are in a poor state of repair and require maintenance. The redevelopment proposed would allow some of the modern materials in the buildings to be removed and replaced with materials more sympathetic to their historic heritage. In addition, the proposals would involve reinstatement of the original shop front to No.9, which would represent a change that improves the building's architectural interest.

As noted previously by the Inspector, it is not considered that the changes of use and material changes proposed would alter the character of the Conservation Area, but would preserve its appearance. There is therefore no harm caused to the Conservation Area.

Overall, it is considered that there would be very limited 'less than substantial' harm to the listed buildings and this would be balanced by the public benefits of bringing them back into use and reinstating their historic configuration as three separate units.

Quality of Accommodation / Impact on Residential Amenity

The internal layout of the proposed residential uses has been considered and gives rise to no concerns regarding the amenity of occupants. However, due to the fact that new adjacencies are being created between the uses, particularly the independent letting of the shop unit at No.11, it is also necessary to consider whether noise from the commercial uses would affect the amenity of the residential units. Following a request for further information from Environmental Health, additional details of potential noise mitigation measures were received. Environmental Health has subsequently recommended that a condition be applied to require submission of detailed noise mitigation measures prior to commencement and to control the hours of working and construction. The submitted details were also considered by the Heritage Advisor who raised no concerns in relation to their impact upon the special architectural and historic interest of the listed buildings.

Highway Considerations

The reconfiguration of the units would not result in any additional parking provision. However, the number of residential units overall has not increased, and a total of two fewer bedrooms are proposed than there currently are. The fact the properties are located in the centre of Coggeshall, where there is access to a number of services and facilities to support day to day living, will also assist to reduce occupants' dependency upon car ownership. It is therefore considered that there is no sound basis to refuse the application on inadequate parking provision.

Other Issues

The Parish Council have requested that a condition be applied preventing any future application being made for residential use for 15 years. It is not considered necessary or reasonable to apply such a condition as any future change of use would require planning permission and would have to be judged on its own merits in relation to the policies in force at that time.

CONCLUSION

The proposal is considered to comply with all the adopted and emerging Development Plan policies, including Policy RLP151 of the Adopted Local Plan, Policy LPP65 of the Draft Local Plan and Policy P6 of the Coggeshall Neighbourhood Plan. The harm caused by a slight net loss of commercial floor space is considered to be balanced and outweighed by the benefits of allowing the properties to develop and modernise to meet business needs. Similarly the 'less than substantial harm' to the listed buildings is outweighed by the public benefits of bringing the units back into use and reinstating their historic configuration as three separate units. The requirements of Paragraph 196 of the Framework have been satisfied and the proposal would not conflict with any other elements of the Framework.

The proposal therefore complies with the Development Plan and material considerations do not indicate otherwise.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Proposed Plans

Plan Ref: 6000-3A ver.002 rev.004

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

To protect the amenity of the occupiers of neighbouring residential properties from noise associated with the construction activities occurring on site.

- 4 Prior to occupation of any of the commercial and residential units hereby approved, a scheme shall be submitted and approved by the local planning authority detailing the sound insulation measures to be employed to mitigate noise transference between adjacent commercial and residential uses, including the expected noise rating levels in residential premises post installation of the measures proposed. No occupation of any of the units shall occur until the agreed sound insulation measures have been installed and shall thereafter be retained as such.

Reason

In the interests of residential amenity; to ensure the inhabitants of the residential units hereby approved are not subject to unacceptable noise conditions as a result of their adjacency to the commercial uses.

- 5 Prior to occupation of the residential units to which they relate, full details of window glazing and ventilation systems shall be submitted to and approved in writing by the local planning authority. The agreed window glazing and ventilation systems shall be installed prior to occupation of the residential units in strict accordance with the details approved and shall thereafter maintained and retained as such.

Reason

In the interests of residential amenity; to ensure that the inhabitants of the

residential units hereby approved are protected from external noise sources where possible and that suitable ventilation is maintained to the properties in the event that windows cannot be opened due to noise intrusion.

- 6 Prior to the occupation of the commercial units hereby approved, a scheme for the storage and collection of refuse and recycling shall have been submitted to and approved in writing by the local planning authority. The agreed refuse storage and collection arrangements shall be in place from the point of occupation of the unit to which they relate and shall thereafter be retained as such.

Reason

In the interests of amenity and protection of the local environment; to ensure that there is adequate provision for refuse storage and collection within the development hereby approved.

- 7 Prior to the occupation of the residential units hereby approved, a scheme for the storage and collection of refuse and recycling shall have been submitted to and approved in writing by the local planning authority. The agreed refuse storage and collection arrangements shall be in place from the point of occupation of the unit to which they relate and shall thereafter be retained as such.

Reason

In the interests of amenity and protection of the local environment; to ensure that there is adequate provision for refuse storage and collection within the development hereby approved.

- 8 Prior to occupation of the commercial units hereby approved the hours of working for the unit/s shall have been submitted to and approved by the local planning authority. No working shall occur within a unit outside of the working hours specified for that particular unit.

Reason

In the interests of residential amenity; the hours of working have the potential to adversely affect the amenity of those occupying the adjacent residential units, furthermore the appropriateness of these hours will be affected by the effectiveness of sound insulation measures designed to reduce noise transference between the units (this sound insulation is required to be agreed under a separate condition of this consent).

INFORMATION TO APPLICANT

- 1 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at:- development.management@essexhighways.org or by post to:

SMO1 - Essex Highways, Colchester Highways Depot, 653,
The Crescent, Colchester Business Park, Colchester CO49YQ

2 You are advised that as the building is statutorily listed, listed building consent is required before any works are commenced. It is an offence to carry out any works to the building without such consent having previously been obtained from the local planning authority.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 9 October 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th November 2018

Appeal Ref: APP/Z1510/W/18/3196275

9-13 Church Road Street, Coggeshall, Colchester, CO6 1TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Geoff Willey (T Rippon & Sons) against the decision of Braintree District Council.
- The application Ref 17/00806/FUL, dated 3 May 2017, was refused by notice dated 8 December 2017.
- The development proposed is described as *"The proposal is for the conversion of use of these three interlinked commercial properties to two residential properties. The proposal includes the full refurbishment of these listed buildings."*

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Geoff Willey (T Rippon & Sons) against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have taken the site address from the appeal form and decision notice, as the address supplied in the application form is incorrect. The Council clearly consulted on the application using the corrected address and thus I am satisfied that there is no prejudice in this regard.
4. My attention has been drawn to draft policy LPP11 of the emerging Braintree District Publication Draft Local Plan 2017, however, this has not yet been adopted and no information has been presented as to whether this plan has been formally examined, or what objections remain to this policy. The weight I can attach to this is therefore limited.

Main Issues

5. The main issue is the effect of the proposed development upon the vitality and vibrancy of the community of Coggeshall.

Reasons

6. The appeal site comprises of 3 interconnected properties which include a ground floor retail unit, with residential accommodation to the rear and above. The buildings date from the 15-16th century with 19th and 20th century alterations. These are 2-storey in height and are part timber framed buildings which have been re-fronted and extended, with plain tiled roofs. The shopfront

at No 11 is mid-19th century, with curved glazing bar windows and two doorways, and the shopfront to No 9 is from the late 19th century. The buildings are grade II listed and are also within the Coggeshall Conservation Area. To the rear are long gardens, reminiscent of burgage plots, which are **separated by a 'crinkle crinkle' brick wall, which is listed in its own right.**

7. The shop unit expands across Nos 9 and 11, with an interconnected office in No 13. This unit has been vacant since July 2014 when the previous tenants relocated elsewhere within the village. The residential accommodation has been vacant since 2016.
8. Church Street forms the main thoroughfare through the village of Coggeshall. Coggeshall is identified as a Local Centre which provides a range of small shops of a local nature. I saw that there are a number of shops and services, including a hairdresser, convenience store, gift shops and a butchers.
9. Policy CS6 of the Braintree Core Strategy 2011 (CS) states that local services will be safeguarded. Saved Policy RLP 151 of the Braintree Local Plan Review 2005 (LPR) also seeks to resist the loss of community services and facilities, unless it can be evidenced that they are not economically viable and that all other options have been fully explored. Change of use is not explicitly prohibited, but there is an emphasis on protecting and maintaining community services where possible.
10. From the evidence before me, active marketing of the property has taken place since October 2016 when it was listed by an Estate Agent, with an associated advertising board attached to the upper floors of the building. I note the **appellant's claims that a sign was placed in the shop window** for rental enquiries in 2014, however, in my view, this was an informal measure and accordingly, for the purposes of the appeal I consider the 2016 date to be appropriate.
11. The dispute between parties relates to market rate values of the appeal property, whereby the Council and other interested parties consider that the rental expectations are too high and unrealistic, particularly in light of the condition of the building. As set out in the particulars, the retail square footage is around 2508 sq ft and the site is being marketed at £20,000 per annum.
12. **The appellant states that the Council's claims in this regard unsubstantiated by evidence.** However, while it is regrettable that the **Council haven't provided** any particular evidence, the onus is on the appellant to demonstrate, as part of compliance with LPR Policy RLP 151. Additional evidence has also been submitted **as part of the appellant's rebuttal**, including from the marketing agents for the property. However, in general, I do not consider that this demonstrates the necessary information to satisfy the policy requirements.
13. Fundamentally, no evidence been provided in respect of comparable commercial rents in the village, either for entire commercial units or on a price per square foot basis. The appellant has submitted particulars for a retail unit in Coggeshill, as appended to the appeal statement, but this property is for sale and no indication is given of square footage or rental values to allow for comparison. Figures in respect of the residential flats have been supplied but this does not assist in providing a comparable figure for the unit.

14. I also saw that the former florist, opposite the appeal site, is now occupied by a **Barbour's**, and there are a variety of other occupied commercial premises in the village and as such this information should not be difficult to obtain.
15. Former rental figures achieved for the appeal property are cited by the appellant as part of justifying the £20,000 rental figure, but there is no evidence to support claims that valuations have increased in the area since 2014, particularly in light of the arguments made by the marketing agents that the retail sector is experiencing difficulties.
16. The marketing summary originally supplied covers the period between 4/10/16 and 24/4/17 and this is supplemented by additional information contained in **the appellant's** final comments statement (appendices A and B) between April 2017 and June 2018. However, within these documents, the cited reasons why the property was discounted are limited in their scope and unclear. Although the property has not been let, and notwithstanding concerns regarding spurious enquiries that may or may not have been received, there does appear to be a consistent level of interest in the property for a variety of commercial uses and it is not possible to fully appreciate whether any of the feedback related to the advertised price.
17. I acknowledge that, in light of the condition of the building, the particulars **state that incentives to cover the tenant's costs of refurbishment are available**. Work to the building would be necessary to bring it up to a habitable standard for any future use and I have no clear indication of such costs and nor is the nature of any incentives specified.
18. In my view, and without any detailed evidence to the contrary, I am unable to form a judgement as to whether the advertised rent is reasonable in light of the condition and the offer of incentives. I do not therefore consider that the marketing is robust enough to justify the loss of the commercial unit.
19. The development would not be justified under the provisions of CS Policy CS6 and LPR Policy RLP 151. In light of the significance and need for local services to support the village, and due to the policy conflict, I therefore conclude that the permanent loss of the retail unit as a community facility would adversely affect the vibrancy of Coggeshall.

Other Matters

20. The site is located within the Coggeshall Conservation Area (CA), and while I have found harm to overall vibrancy of Coggeshall, the change of use of the appeal property to residential would not undermine the general character of the CA, which is derived from a mix of both commercial and residential dwellings, to any significant degree. The character and appearance of the Conservation Area would therefore be preserved.
21. My attention have been drawn to other local approvals of change of use at other properties on Church Street, however, each application must be determined on its own merits and I have determined the appeal accordingly.

Planning Balance

22. The Council are currently unable to demonstrate a 5-year supply of housing, and accordingly paragraph 11 of the National Planning Policy Framework (the

Framework) is relevant. The appellant also considers that the relevant policies for this appeal are out of date.

23. Paragraph 118 d) of the Framework seeks to promote and support the development of under-utilised land and buildings especially if this would help meet identified needs for housing where supply is constrained. The development would boost housing supply, albeit at a small level, and would bring back the building into use. The development would also preserve residential amenity (including relating to noise), and be a car free development. These would give social, economic and environmental benefits.
24. It has been put to me that due to the long period of vacancy, the commercial offer to Coggeshall has already been lost. Paragraph 85 also states that policies should promote long term vitality and viability of town centre, allowing growth and diversity to respond to changes in the retail industry. However, the use remains extant and this factor in itself would not justify the proposals, in light of my concerns around the rent and lack of evidence to support this rate and its viability. I am also mindful that the Framework emphasises building a strong, competitive economy and supporting a prosperous rural economy through the retention and development of accessible local services and facilities such as local shops (paragraph 83).
25. My attention is also drawn to the Council granting Listed Building Consent for the scheme, citing a lack of harm to the listed building and quoting comments of the Conservation Officer that the scheme represents the optimum viable use of the site, in accordance with heritage policy of the Framework. While I have my reservations that a historic residential use can be extrapolated to represent an optimum use, particularly given the age and significance of the shop fronts, I do not dispute that the change to residential would be consistent with the conservation of the asset and would result in the listed building being repaired and occupied, consistent with CS Policy CS9.
26. However, the consented scheme relates to the fabric of the building only, and the determination of that application does not preclude or override the wider planning matters. A lack of harm to the heritage asset would weigh in favour of the proposed development, however, in assessing the viability issues as part of my consideration of the wider planning merits, I do not consider that the optimum viable use for the site has been demonstrated and there may be other solutions which secure heritage benefits as well as retaining a community use.
27. Taking all of the above into account, I consider that the unjustified permanent loss of a retail unit and the adverse effect on the availability of community facilities would significantly and demonstrably outweigh the benefits, even when attaching weight to the economic, social and environmental benefits of the residential use. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.

Conclusion

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C Searson

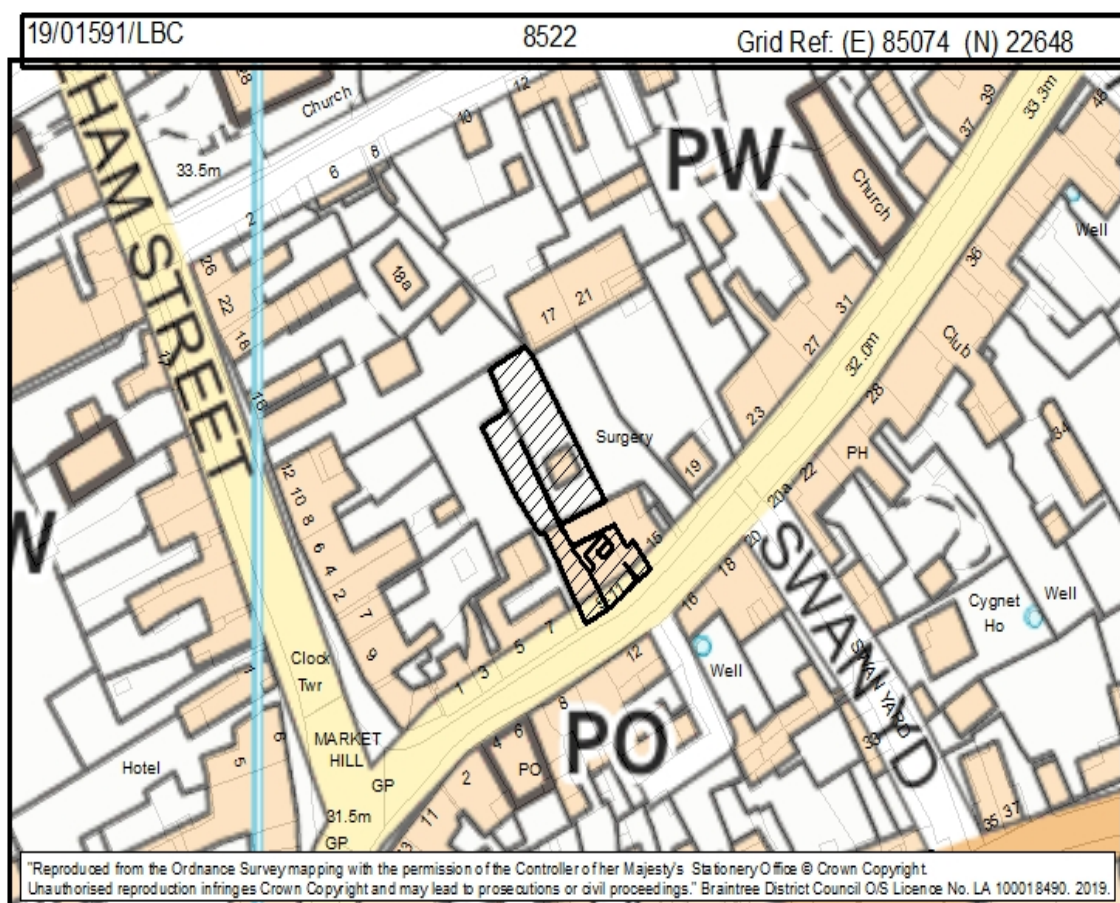
INSPECTOR

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/01591/LBC
 DATE: 29.08.19
 VALID:
 APPLICANT: T Rippon & Sons (Holdings) Limited
 Mr Geoff Willey, PO Box234, Chelmsford, CM1 1BW, Essex
 AGENT: G Dolden & Associates Ltd
 Mr Gerry Dolden, 213 High Street, Kelvedon, CO5 9JD
 DESCRIPTION: Works to facilitate the refurbishment and change of use of three commercial units with two associated first floor flats, to form: - 1 No. 3 bed dwelling; 1 No. first floor 1 bed flat; 1 No. commercial unit at ground floor; and 1 No. commercial unit at ground and first floor.
 LOCATION: 9 - 13 Church Street, Coggeshall, Essex, CO6 1TU

For more information about this Application please contact:
 Kathryn Oelman on:- 01376 551414 Ext. 2524
 or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWZYVABFI7Z00>

SITE HISTORY

18/00017/REF	Conversion of three interlinked commercial properties to 2no. residential properties.	Appeal Dismissed	06.11.18
89/01948/P	Display Of Signwritten Fascia Sign		16.11.89
89/02158/P	Proposed Alterations To Signwritten Fascia Signs	Granted	11.01.90
09/00089/FUL	Installation of an Automated Teller Machine	Refused	03.03.09
09/00091/LBC	Installation of an Automated Teller Machine	Refused	03.03.09
17/00806/FUL	Conversion of three interlinked commercial properties to 2no. residential properties.	Refused	08.12.17
17/00807/LBC	Conversion of three interlinked commercial properties to 2no. residential properties.	Granted	08.12.17
18/01561/FUL	Conversion of three interlinked commercial properties to 2no. residential properties.	Withdrawn	09.07.19
18/01562/LBC	Conversion of three interlinked commercial properties to 2no. residential properties.	Withdrawn	09.07.19
19/01590/FUL	Refurbishment and change of use of three commercial units with two associated first floor flats, to form: - 1 No. 3 bed dwelling; 1 No. first floor 1 bed flat; 1 No. commercial unit at ground floor; and 1 No. commercial unit at ground and first floor.	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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP50 Built and Historic Environment
SP6 Place Shaping Principles
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 in accordance with the Council's scheme of delegation as Coggeshall Parish Council has objected a related application for full planning permission (application reference 19/01590/FUL), contrary to Officer's recommendation and which is also being presented for consideration at this Planning Committee.

SITE DESCRIPTION

The site comprises three retail units, No.9, No.11 and No.13 Church Street. The buildings form a terraced range on the north side of Church Street, they all have painted brick exteriors and clay plain tile roofs. No.9 and No.11 have traditional shop fronts with large traditional sash windows on the first floor above. No.13 Church is joined to No.15, a residential property which lies to the north-east.

No.9 currently forms a separate A1 (retail) unit at ground floor with 2 bedroom flat above (no kitchen). No.11 and No.13 are merged to form another A1 (retail) unit at ground floor with five bedroom flat behind and above. There is a temporary partition between No.9 and No.11 at ground floor.

No.9 and No.11 Church Street are individually listed, classified Grade II, and date from the 15th/16th Century. No.13 dates from the 17th Century and is deemed to be curtilage listed on account of its historic ancillary function to No.11, whereby it may have once formed from a cart access or additional building. All three properties lie within the Coggeshall Conservation Area.

PROPOSAL

The proposal is seeks listed building consent for works to reconfigure the properties to form four separate planning units. A summary of the accommodation changes are explained below:

Unit	Existing	Proposed
No. 9	1 x A1 unit & 2 bed flat	3 bed house
No. 11	1 x A1 unit <i>and associated</i> 5 bed flat	11 a) 1 x A1 unit 11 b) 2 bed flat
No. 13		1 x A1 unit

As part of the works, the original shop fronts would be retained and a door reinstated in the frontage of No.9. Existing modern partition walls would be removed from No.9 and No.11 and new partition walls added to form hallways at ground floor.

No.9 would lose its present ground floor commercial use and the property would instead form a self-contained, three bedroom residential unit with residential accommodation at ground and first floor.

The rear of No.9 is currently in poor condition due to damp ingress and has become structurally unsound. This modern part of the building is proposed to be demolished. A number of detailed works of repair and redecoration, including window replacement and secondary glazing, are set out in the submitted documentation.

No.11 would still contain a commercial unit at ground floor and would have a one bedroom flat above which could be occupied in connection with the shop or let/sold separate from it if desired.

Openings between No.11 and No.13 would be bricked up in order that No.13 could form a separate small shop unit with further commercial space above. A new stairwell will also be inserted in No.13 to allow passage between ground and first floor.

The following documentation accompanies the submission:

- Heritage Impact Assessment
- Condition Survey
- Statement of Works
- Window Report
- Method Statement for protection of crinkle-crankle wall behind property

CONSULTATIONS

BDC Heritage Consultant

Following the submission of additional details, confirm that they raise no objection to the proposed refurbishment and change of use of the buildings, noting the benefits this will deliver in bringing them back to use. Overall it is noted the changes are minimal and positively reinstate the original floor plan of No.9 and No.11 Church Street. Further details are required in a number of areas and it has been agreed these can be dealt with via conditions.

REPRESENTATIONS

None

PARISH / TOWN COUNCIL

No comments received in relation to this application for Listed Building Consent.

REPORT

Planning History

In 2017 applications were submitted for planning permission and listed building consent to convert the premises to two residential properties which would have led to complete loss of the retail component. The application for full planning permission (application reference 17/00806/FUL) was refused and dismissed at appeal. The application for listed building consent (17/00807/LBC) was granted consent.

Heritage Impact

The following policies and documents are of particular relevance to the consideration of this proposal:

- Policy CS9 (Built & Historic Environment) of the Adopted Core Strategy, which requires that the historic environment is protected and enhanced;
- Policy RLP95 (Preservation & Enhancement of Conservation Areas) of the Adopted Local Plan, which requires that proposals do not detract from the character, appearance and essential features of a Conservation Area;
- Policy RLP97 (Change of Use in Conservation Areas) of the Adopted Local Plan, which seeks to ensure changes of use and alterations preserve the setting of a building and the character and appearance of the area;
- Policy RLP100 (Alterations & Extensions and Changes of Use to Listed Buildings and their Settings) of the Adopted Local Plan which ensures that changes to use and works do not harm the character, structural stability and fabric of listed buildings;
- Policy LPP50 (Built & Historic Environment) of the Draft Local Plan whose various criteria operate to promote and secure the highest possible standards of design and layout and protection of the historic environment;
- Policy LPP55 (Layout & Design of Development) of the Draft Local Plan, whose criteria operate to seek a high standard of layout and design in all developments;

- Policy LPP56 (Conservation Areas) of the Draft Local Plan, which encourages the preservation of the character and appearance of Conservation Areas and ensure high quality building materials;
- Policy LPP58 (Shop Fronts, Fascias & Signs in Conservation Areas) of the Draft Local Plan, which controls fascias to ensure they relate to the character of the building and use traditional materials where possible;
- Policy LPP60 (Heritage Assets and their Settings) of the Draft Local Plan, which permits changes of use subject to criteria including the harm to the significance of the setting, character, structural stability and fabric of the building;
- Policy P14 (Protecting & Enhancing our Heritage) of the Coggeshall Neighbourhood Plan, which require inter alia that proposals to demonstrate enhancement of the character, appearance, setting, structural stability, and historic features of heritage assets;

In addition Paragraph 196 of the Framework requires the following:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”

In this case, No.9 and No.11 Church Street are Grade II listed and No.13 listed by association. The properties also lie within the Coggeshall Conservation Area. As such, all decision makers have a statutory duty under Section 66(1) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and a statutory duty under Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

In this case, the existing buildings are in a poor state of repair and require maintenance. The redevelopment proposed would allow some of the modern materials in the buildings to be removed and replaced with materials more sympathetic to their historic heritage. In addition, the proposals would involve reinstatement of the original shop front to No.9, which would represent a change that improves the building’s architectural interest.

The replacement of historic windows throughout the building has the potential to impact upon its special architectural and historic interest. A windows schedule has been submitted and it has been agreed that further details on which windows can be replaced and which should be repaired can be agreed via a condition if consent is granted.

To the rear of the properties exists a crinkle crankle wall which is also Grade II Listed in its own right. The application proposes to repair this wall and protect it from any potential damage over the course of the works. These repairs

would help to retain the structural integrity of the asset and safeguard its long term future.

As noted previously by the Inspector, it is not considered that the changes of use and material changes proposed would alter the character of the Conservation Area but would preserve its appearance. There is therefore no harm caused to the Conservation Area.

CONCLUSION

Overall, it is considered that there would be very limited 'less than substantial' harm to the listed buildings and this would be balanced by the public benefits of bringing them back into use and reinstating their historic configuration as three separate units.

The requirements of the relevant local policies and Paragraph 196 of the Framework have therefore been satisfied.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Proposed Plans

Plan Ref: 6000-3A ver.002 rev.004

Schedule of Works

Supporting Documents

Plan Ref: Crinkle Crankle Wall Protection Method

Statement

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

Reason

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

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

Reason

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

- 3 No development shall commence until a programme of historic building recording and monitoring has been secured with a written scheme of investigation that has been submitted to and approved in writing by the

local planning authority.

Reason

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

- 4 The historic building recording and monitoring shall be undertaken in accordance with the details approved under condition 3 and following this, the applicant will submit to the local planning authority a report in relation to these works (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority).

Reason

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

- 5 Notwithstanding the submitted details, the works identified in each item listed below shall not commence until the corresponding details specified in that item below have been submitted to and approved in writing with the local planning authority:

a) A timescale for repairing the Crinkle Crankle wall relative to the other approved works and a timescale for the wall's protection as detailed in the approved method statement.

b) A report confirming the building will remain sufficiently structurally stable to accept the separating wall in the loft and specific details of how this will be achieved and its construction;

c) Samples of the weatherboarding to be installed, its colour and finish;

d) Large scale details and sections (1:20 or 1:5) of all shopfronts, windows, cills, doors, skirting, architraves, eaves and verges to be replaced/altered, their materials, colour, finish and where applicable their method of glazing and opening;

e) Confirmation of the method of removal for all the cement render to the western gable of the property, by way of a method statement accompanied by a sample area (1 square metre at ground floor level) demonstrating the method of render removal as proposed in the method statement;

f) Details of the floor and wall finishes to be removed on the first floor of the historic sections of the buildings;

g) Details of supporting structure where shop fronts are to be installed or adapted to accommodate additional door openings;

h) Details of the lime render to be used to the front elevation of the

property/properties;

The works shall only be implemented in strict accordance with the approved details.

Reason

To ensure that the works hereby permitted will not harm the architectural and/or historic character of the existing buildings.

- 6 No repairs shall commence to the sole plates or any other timbers within the properties hereby approved until a comprehensive schedule of repairs has been submitted to and approved in writing with the local planning authority, detailing amongst other things the location of any timbers to be replaced and their method of replacement. The change of use shall not occur until all repairs have been completed in full in accordance with the approved schedule.

Reason

In the interests of the conservation of the historic structure and fabric of the buildings to which the works relate.

- 7 Notwithstanding the submitted details, no work shall occur to any windows or shop fronts until a revised Window/Shop Front Condition Survey has been submitted to the local planning authority accompanied by a justification of the works proposed to each window/shop front and a Method Statement for its repair or replacement. The work shall only occur in accordance with the Window/Shop Front Method Statement as submitted to and approved in writing by the local planning authority.

Reason

To ensure the character of the listed buildings are safeguarded; the Window Condition Report submitted 13th March 2020 not being agreed and therefore the principle of wholesale window removal and the extent of detailed works still require prior agreement.

- 8 All new work and finishes, or works of making good shall match the existing original work in respect of materials used, detailed execution and finished appearance, except where specifically indicated otherwise on the drawings or documents hereby approved.

Reason

To ensure that the works hereby permitted will not harm the architectural and/or historic character of the existing buildings.

- 9 Prior to installation of any rainwater pipes, external flues, ductwork, soil stacks, soil vent pipes, or any other pipework to be fixed to the exterior of the building precise details of their location shall be submitted to and agreed in writing with the local planning authority. Installation shall only occur in accordance with the approved details to thereafter be retained and maintained as such.

Reason

To ensure the development will not harm the architectural and/or historic character of the existing buildings.

- 10 Where relevant, and notably in regard to the Crinkle Crankle wall and the repointing of the chimney hereby approved, all new or replacement facing brickwork shall match the existing original work in colour, texture, bonding and pointing, except where otherwise shown on the drawings or documents hereby approved.

Reason

To ensure that the works hereby permitted will not harm the architectural and/or historic character of the existing buildings.

- 11 All existing historic features, including amongst other things, any chimney pieces, plaster finishes, in-fill between timber frames, architraves, skirting, panelling, doors, staircases, balustrading, floor bricks or tiles etc shall remain undisturbed in their existing position and shall be protected during the course of the works on site, unless specifically authorised otherwise on the drawings or subsequent details hereby approved under conditions to this consent.

Reason

To ensure the development will not harm the architectural and/or historic character of the existing buildings.

- 12 All rainwater pipes and gutters, flues and vent pipes shall be painted cast metal with a black finish and thereafter permanently maintained as such.

Reason

To ensure the character of the listed buildings is safeguarded.

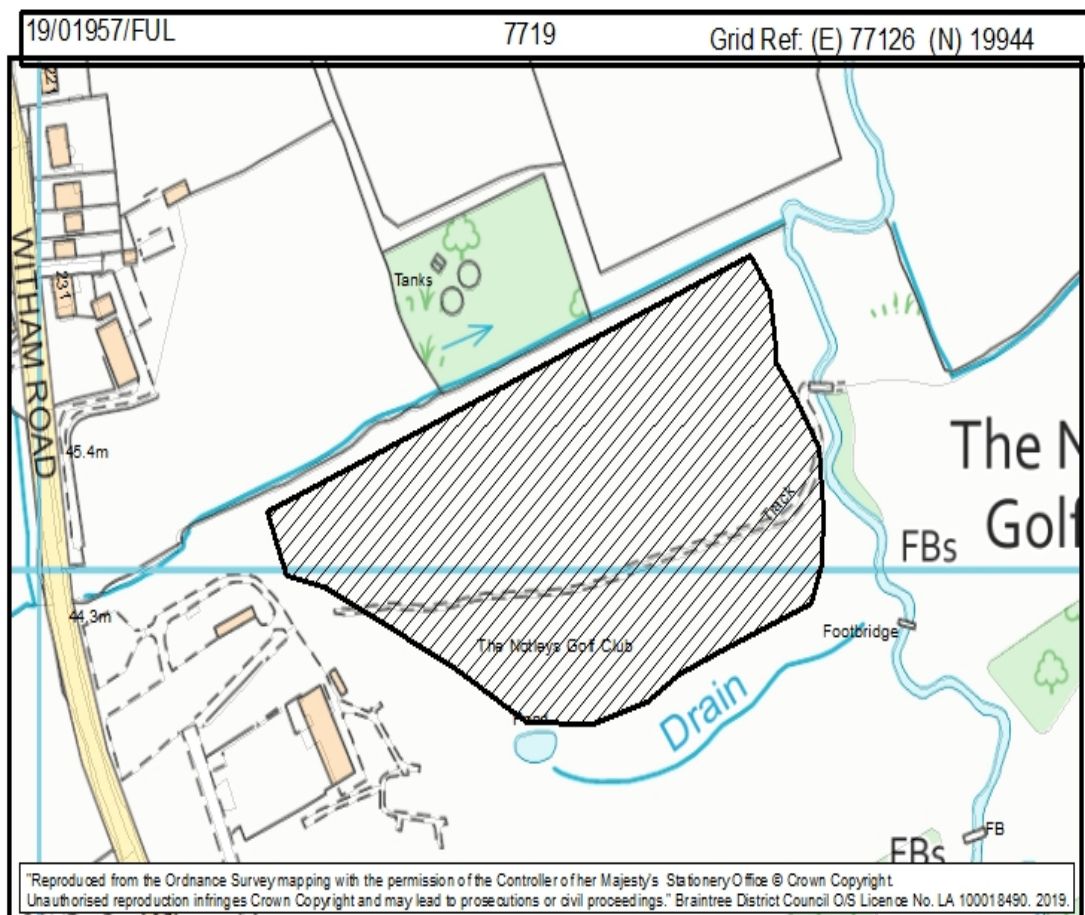
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/01957/FUL
DATE VALID: 06.01.20
APPLICANT: Golfwise Ltd
David Bugg, The Notleys Golf Club, Witham Road, Black Notley, Essex, CM8 1ST
AGENT: Burywood Property Consultant
Mr David Cohen, Highclere Road, Great Notley, Braintree, CM77 7WX
DESCRIPTION: Erection of single-storey driving range shelter on concrete slab, with 2 x 15m lengths of netting at 10m in height
LOCATION: The Notleys Golf Club, Witham Road, Black Notley, Essex, CM8 1ST

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext.
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q03AOCBF0J900>

SITE HISTORY

06/00072/ENF	Appeal against enforcement notice	Appeal Withdrawn	05.10.06
06/00073/ENF	Appeal against enforcement notice	Appeal Withdrawn	06.11.06
00/01744/FUL	Erection of driving range building	Granted	23.01.01
04/00174/COU	Change of use of land for stationing of security caravan and storage containers	Granted	14.04.04
90/01032/POWS	Proposed 18 Hole Golf Course And Clubhouse	Granted with S106 Agreement	30.10.90
93/00703/REM	Proposed clubhouse and landscaping	Granted with S106 Agreement	21.02.94
95/01114/COU	Temporary site office	Granted	23.11.95
99/00673/FUL	Erection of clubhouse	Granted	06.07.99
99/01310/FUL	Construction of 18 hole pitch and putt course in place of 9 hole course and works to practice area.	Granted	22.12.99
04/02378/FUL	Proposed driving range and fence enclosure	Withdrawn	15.07.05
04/02371/FUL	Erection of extension to clubhouse	Granted	13.04.05
05/01715/FUL	Proposed driving range and storage buildings including landscaping and floodlighting - APPLICATION NOT PROCEEDED WITH		
05/02300/FUL	Proposed driving range and storage buildings including landscaping and floodlighting - APPLICATION NOT PROCEEDED WITH		
06/00404/FUL	Proposed driving range and storage buildings including landscaping and floodlighting	Withdrawn	06.10.06

06/02192/FUL	Re-profiling of mounding by the 16th hole	Granted	29.12.06
06/02538/FUL	Development of a practice golf range including covered range bays and associated mounding and landscaping	Refused	03.04.07
07/00605/FUL	Erection of clubhouse (revised scheme) and layout of new car park	Granted	25.05.07
07/00606/FUL	Erection of greenkeepers building	Granted	25.05.07
07/01326/FUL	Development of a practice golf range including covered range bays and associated mounding and landscaping	Granted	07.09.07
09/00267/DAC	Application for approval of details reserved by conditions 3,4 and 5 of approval 07/01326/FUL- Development of a practice golf range including covered range bays and associated mounding and landscaping	Granted	20.01.10
09/01476/FUL	Proposed external illuminated floodlighting to driving range, as required by condition 9 of planning approval 07/01326/FUL	Refused	12.01.10
12/00654/FUL	Development of a practice golf range including covered range bays and associated mounding and landscaping - APPLICATION NOT PROCEEDED WITH	Application Returned	
18/00474/FUL	Change of use of overflow car park to a members' carwash valeting service	Withdrawn	23.05.18

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

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP133	Golf Courses

Braintree District Local Development Framework Core Strategy 2011

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
LPP8	Rural Enterprise
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

Neighbourhood Plan

N/A

Other Material Considerations

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises an existing golf course known as The Notleys Golf Club. The site is located within the countryside, on the eastern side of Witham Road, to the south-east of Black Notley.

The site contains a large clubhouse to the north west of the site, with a number of storage outbuildings and a large car park also located to the north western extent of the site. The 18-hole golf course is located to the east and south of the clubhouse, with the existing driving range located to the north of the clubhouse.

The site received planning permission for a similar scheme consisting of a golf driving range shelter and associated netting in 2007 (Application Reference 07/01326/FUL), which has since lapsed. The driving range received planning permission in 2000, along with a driving range shelter which has since been demolished (Application Reference 00/01744/FUL). The proposed concrete pad for the driving range has been constructed but no further commencement of works has taken place.

PROPOSAL

This application seeks full planning permission for the construction of a shelter to the north of the existing golf club site, along with netting to the existing

driving range. The proposed shelter would house five bays, and would measure 20.1 metres in width by 6.0 metres in depth, with a maximum height of 5.0 metres.

The outbuilding would be constructed of timber boarding, with a pitched roof constructed of dark green metal profile sheeting. The eastern side of the proposed shelter will be open.

The proposed netting would consist of two lengths of 15.0 metres, extending from the eastern corners of the proposed shelter, at a height of 10.0 metres. The length of the existing driving range is approximately 215.0 metres, widening to a maximum of approximately 70.0 metres.

The applicant proposes low level, movement activated lights to the inside of the shelter only to allow for safe access. No further lighting is proposed as part of this application.

CONSULTATIONS

BDC Environmental Health

Raise no objections, suggest that if any lighting is proposed this should be approved prior to installation, and suggest that an hours of construction condition be included.

BDC Ecology

Raise no objection to the application. State that there is no known evidence of golf netting as proposed causing harmful impacts to bats and birds. In order to prevent entanglement of hedgehogs, they suggest that the fencing must be installed tightly at the base, or alternatively sheeting can be implemented at the base of the netting. Also highlight that if any lighting is required then a Wildlife Friendly Lighting Strategy should be conditioned.

BDC Landscapes

Raise no objections and note that no conditions are required in relation to landscaping, but emphasise the comments of the Ecological Consultant with regards to lighting and netting.

PARISH / TOWN COUNCIL

Black Notley Parish Council

Black Notley Parish Council objects to the application due to the proposed netting being a threat to birds and wildlife. They do not object to the new building but request further information on any proposed lighting due to impact on wildlife and neighbouring properties.

Black Notley Parish Council provided a further response stating that the netting will be detrimental to the appearance and views across Brain Valley, and highlighting the impacts of any lighting of the driving range.

REPRESENTATIONS

A site notice was displayed at the front of the application site and neighbours were notified by letter.

Representations objecting to the application have been submitted from three different properties, along with a petition from residents of Meadow Way. A summary of the main issues raised in the representations are set out below:

- Noise disturbance from the driving range
- Floodlighting would be detrimental to wildlife
- Light pollution affecting residential areas

REPORT

Principle of Development

The application site is located within the countryside to the south east of Black Notley where in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, countryside policies apply. 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. Policy CS8 of the Adopted Core Strategy states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

The NPPF supports a prosperous rural economy and Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings, the development and diversification of agricultural and other land-based rural activities and for sustainable rural tourism and leisure developments which respect the character of the countryside.

Policy RLP40 of the Adopted Local Plan is applicable to this application, which allows for minor industrial and commercial development in the countryside and proposals will be considered favourably providing they are on a small scale, compatible with the surrounding area and should secure significant improvements to the local environment, should not be detrimental in terms of visual impact, noise, smell or other pollution or generate excessive traffic generation, health or safety or loss of nature conservation interests. Proposals will also be subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of the development.

Policy RLP133 of the Adopted Local Plan states that on golf courses within rural locations, built development will be restricted to those facilities essentially required to serve the club. Large scale buildings, not related to the use of land for golf, will not be permitted.

In light of the above national and local policies, the proposal would constitute minor commercial development in the countryside, which would be part of the existing commercial development at The Notleys Golf Club. Therefore, the principle of the proposed development is acceptable, subject to satisfying various criteria including amenity, design, highways and environmental considerations.

Design, Appearance and Impact on Countryside

The proposed development consists of a driving range shelter and associated netting to be installed on an existing driving range at an established golf club. The proposed outbuilding would be utilised to provide shelter for use of the existing driving range, with the netting provided for health and safety reasons.

With regards to the proposed driving range shelter, the shelter would be situated to the northern part of the golf course, in proximity to a cluster of existing buildings serving the golf club. The proposed external material of timber boarding reflects the main building for the golf course, and the appearance of the structure is of a design that would be expected in a countryside location. The proposed shelter, at 20.1 metres x 6.0 metres, would be relatively large. However, the visual impacts would be contained as although the shelter would be visible from the north, these views would be restricted by existing vegetation along the northern boundary.

Concerns have been raised by Black Notley Parish Council over the visual impact of the proposed netting on the river valley. With regards to the netting, although it is acknowledged that the structure would be high at 10m, the length of the sections would be relatively limited at just 15m. The netting would not extend around the whole driving range and would only be located in those areas required for increased safety purposes. The netting would not form a solid structure, allowing light and views to pass through it. Furthermore existing vegetation to the northern and western boundary of the site limit the visibility of the site. Therefore its visual impact would not be significant in either close or long distance views across the valley.

Impact on Neighbour Amenity

The premise of the objections received from neighbouring properties and Black Notley Parish Council relate to impact on neighbouring residential amenities, with the main issues being the noise impacts of the driving range, and light pollution affecting residential areas.

The driving range at the site received planning permission in 2000, and has since been utilised for this purpose. The application does not propose to increase capacity, rather it would provide a shelter to partially enclose the

existing facilities. It is therefore not anticipated that there would be an increase in noise or disturbance resulting from the development. Officers consulted with the Council's Environmental Health Officer, who has considered the information submitted. The Environmental Health Officer has raised no objections to the proposal due to the approved use of the application site.

Potential light pollution is an area of concern for the neighbouring properties. This application does not seek floodlighting for the proposal, only low level bulk head lights within the shelter which would be motion activated. Should the applicant wish to erect any flood lighting on the site, a specific grant of planning permission would be required and any application would be considered on its merits.

Environmental Impact

The proposal sees the erection of two lengths of netting extending from the eastern corners of the proposed shelter. Black Notley Parish Council and neighbouring residential properties have raised concerns over the impact of the netting on wildlife. The Council's Ecological Consultants have raised no objection to the proposed netting and have confirmed that there is no evidence to suggest that such netting is harmful to bats or birds. However they have recommended that the netting is installed tightly at the base or sheeting is implemented at the base of the netting, in order to protect hedgehogs. It has therefore been recommended to impose a condition regarding the base of the netting.

The proposed lighting for the application is minor in nature, located only within the proposed shelter in order to light the interior. The Ecological Consultant has recommended that if external lighting is to be provided, a Wildlife Friendly Lighting Strategy should be conditioned. This condition has been recommended, however it is pertinent to note that this would only be for any low level lighting around the building and would not be for floodlighting. As stated above, if the applicant wished to erect any floodlighting, this would be subject to a new application for planning permission.

The Council's Landscape Officer considers that due to the significant vegetation on the northern and western boundary of the site, views of the proposal would be limited. There is an area of TPO trees adjacent to the northern boundary of the application site, however as the proposed structures would be situated approximately 70m from the TPO area, no further conditions are required. They echo the Ecological Consultant's recommendations with regards to the proposed lighting and netting.

Highways

The proposal would have no impact on the existing car parking provision for the site. As the driving range is an established use on the site, it is not considered that there would be an intensification of use for the golf club.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing use of the application site, and would not have a detrimental impact upon neighbouring residential amenity or wildlife.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	
Proposed Site Plan	Plan Ref: Proposed Site Plan
Proposed Plans and Elevations	Plan Ref: Proposed Driving Range Shelter Plans

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

- 5 No floodlighting shall be installed on the application site without the prior consent of the local planning authority.

With the exception of the approved lighting, within the shelter, no further external lighting shall be installed unless a lighting design scheme to protect biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and where lighting is likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 The netting to be erected shall be affixed tightly at the base, or sheeting is to be implemented at the base of the netting, and shall be so maintained at all times.

Reason

In order to ensure that appropriate provision is made for hedgehogs on the site.

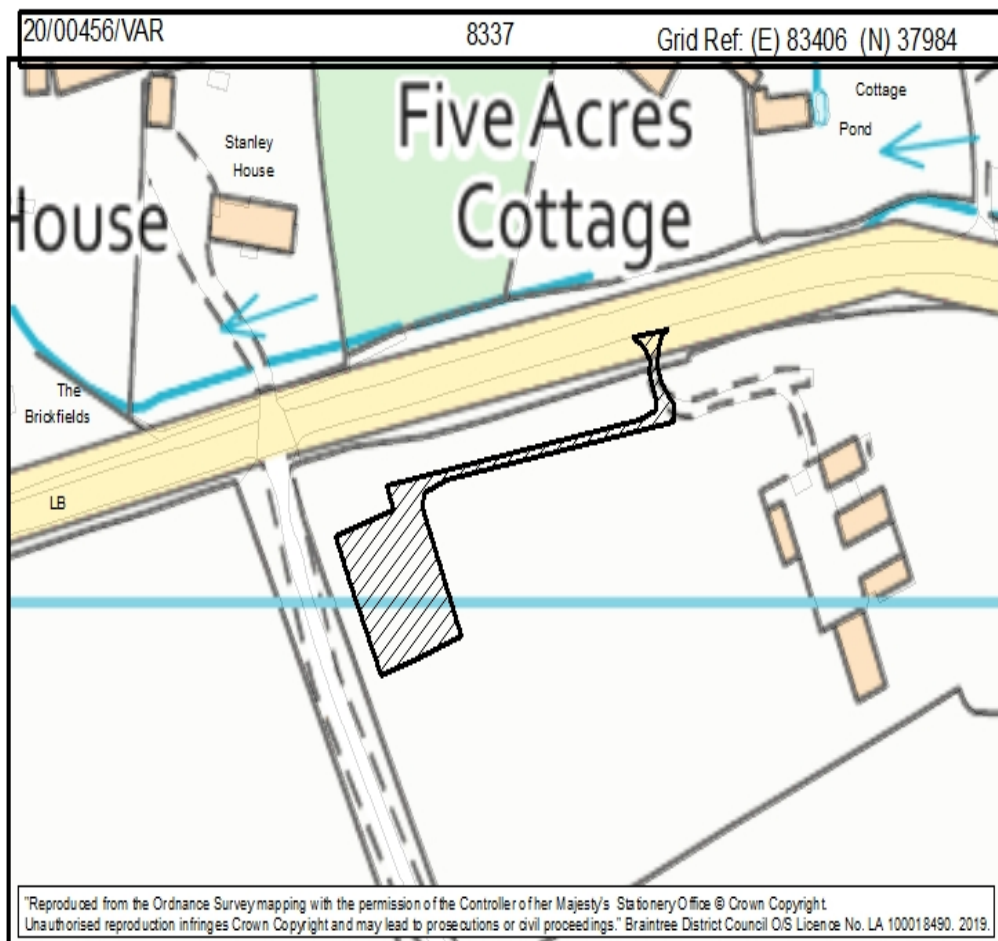
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00456/VAR DATE: 24.03.20
VALID:
APPLICANT: Mr E Writtle
Land South of Hedingham Road, Bulmer, Essex
AGENT: Acorus Rural Property Services
Henry Doble, Old Market Office, 10 Risbygate Street, Bury
St Edmunds, IP33 3AA, England
DESCRIPTION: Variation of Condition 2 Approved Plans of permission
19/01516/FUL granted 21/02/20 - Proposed agricultural
building. Amendment would allow resiting of the building 5m
north west.
LOCATION: Land South of Hedingham Road, Bulmer, Essex

For more information about this Application please contact:
Kathryn Oelman on:- 01376 551414 Ext. 2524
or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6Z2I4BFL9R00>

SITE HISTORY

18/00051/REF	New vehicular access		
18/00087/REF	Erection of storage and workshop building.	Appeal Dismissed	01.02.19
18/00210/FUL	Erection of storage and workshop building.	Refused	08.06.18
18/00211/FUL	New vehicular access	Refused	08.06.18
18/01487/FUL	Erection of agricultural storage building and new vehicular access.	Withdrawn	09.10.18
18/02145/FUL	Erection of agricultural storage building and new vehicular access	Withdrawn	02.04.19
19/01516/FUL	Proposed agricultural building	Granted	21.02.20
20/00387/FUL	Application for replacement of existing buildings with offices	Pending Decision	
20/00428/DAC	Walls - Dark stained timber cladding Roof - Natural fibre cement Metal roller shutter door		
20/00457/VAR	Variation of Condition 6 of permission 19/01516/FUL granted 21.02.2020 for: Proposed agricultural building	Granted	22.07.20
20/00470/DAC	Application for approval of details reserved by condition 6 Part D of approved application 18/00121/OUT	Granted	17.07.20
20/01112/FUL	Proposed new access	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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP89	Agricultural Buildings
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

Neighbourhood Plan

None

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises an agricultural field approximately 667sq.m (0.07ha) in area located south of Hedingham Road in an area of countryside close to Bulmer.

The site is bordered to all sides by deciduous hedgerows with trees. To the east lies agricultural fields containing a complex of agricultural sheds which are in separate ownership. To the west lies a Public Right of Way and an access track to Butler's Hall Farm. On the opposite side of the road, to the north, lies a number of residential dwellings including Five Acres, Stanley and Brickfields. The land slopes gently upwards to the south with open countryside beyond.

PROPOSAL

The application proposes to vary the plans approved under Condition 2 of permission 19/01516/FUL in order to relocate the building 5m to the north, closer to the Hedingham Road.

CONSULTATIONS

None. The original application received no objections from ECC Highways or BDC Environmental Health.

REPRESENTATIONS

None

PARISH / TOWN COUNCIL

“Bulmer Parish Council objects to this application on the following grounds:

The site slopes up to the south and it would appear the applicant in the original position would lift the front to meet the level at the rear of the proposed building. By moving it towards the North would mean a lower height of the building, but closer to the road and property opposite. The hedge between the building and the road is a deciduous hedge and gives very little screening during winter months.

The proposed development would be more dominant in a rural area.”

REPORT

Background

In February this year Members at the Planning Committee held on 18th February 2020 approved application reference 19/01516/FUL which granted permission for an agricultural building on the site measuring approximately 12.3m long by 9m wide, 3.6m to eaves and 4.3m to ridge. The building was restricted to only be used for agricultural purposes only under Condition 4, such term excluding the activities of grain drying or the keeping of livestock.

The application seeks to vary Condition 2 of this consent and replace the originally approved layout plan (Whittle PLEL1) with an amended layout plan (Whittle S1 20-01 A). The effect of the change would be to relocate the building 5m further to the north and closer to Hedingham Road. The building would be set back from the hedgerow enclosing the site approximately 11m and 13m from the roadside itself. The applicant has provided assurance that where the ground rises to the south, the building will be dug-in in order that its floor slab sits level with the lower ground to the north and has agreed to a condition to this effect.

Principle of Development

The principle of an agricultural building on the site has been established under application reference 19/01516/FUL, however any new impacts arising from the siting of the building in the new location require consideration.

Planning History

Historically, previous proposals for a larger building on the site for B8 use were refused (application references 18/00210/FUL & 18/00211/FUL) on this site.

The local planning authority has also recently determined a separate application to vary Condition 6 of the original consent (application reference 20/00457/VAR), whereby the applicant was dissatisfied with the requirement for submission of details regarding the finished floor level of the building. The applicant agreed in principle to a re-wording of Condition 6 which would require the finished floor slab to be set according to the lowest existing ground levels. Whilst this condition would be more restrictive for the applicant, it will avoid the need for further submission of details and still achieve the same objectives from a planning point of view; it is therefore considered an acceptable variation, the principles of which, all parties agree, should be carried through to this application (20/00456/VAR) as well. As a result, a new wording of Condition 6 is given in the conditions section of this report below.

Design, Appearance and Layout

The effects of siting the building in the new location would be to bring it closer to the road, which could potentially increase its visibility particularly in winter months. However, there is an existing hedgerow to the site which provides some screening. The Officer position has not historically been that it is essential to retain the existing hedgerow to screen the building from the road. Whilst the building will be closer to the road, it will now also be lower as it will be built on lower ground. There is still a significant setback distance between the building and the road. The building will have a character which is consistent with the agricultural use of the site and its scale is not regarded to be excessive or out of place in this setting. With this in mind, Officers do not consider it necessary to insist upon additional elements of vegetation screening to hide the building from the road, neither is it considered necessary to require the existing hedgerow to be retained by condition. It is noted that the site is self-contained and not prominent in a wider landscape sense. The proposal is therefore considered to remain sympathetic to its surroundings and would comply with Policies CS5 and CS9 of the Adopted Core Strategy and Policies RLP89 and RLP90 of the Adopted Local Plan.

Impact on Neighbour Amenities

Whilst the building would be closer to the neighbours who live on the opposite side of the road, its proximity would not be such as to harm their outlook or

generate other effects that would unacceptably harm their amenity; it would not therefore be reasonable to refuse the building on residential amenity grounds.

CONCLUSION

The relocation of the building by 5m would be a relatively minor change in comparison to the previously approved position. The change would not give rise to any pronounced impacts that would render the proposal unacceptable and it is therefore considered to comply with the Development Plan. As material considerations do not indicate to the contrary, the application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: Whittle S1 20-01	Version: A
Proposed Elevations and Floor	Plan Ref: Whittle PLEL1	

- 1 The development hereby permitted shall begin not later than 21st February 2023.

Reason

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

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

Reason

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

- 3 Notwithstanding the submitted details, construction of the hereby approved agricultural building shall not take place above slab level until details of all external materials, together with their colour and finish, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter retained as such.

Reason

To ensure an appropriate choice of materials having regard to the location of this site in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding area.

- 4 Notwithstanding the submitted details, the hereby approved building shall only be used for agricultural storage and not for any other purpose, furthermore the building shall not be used for the drying of grain or the accommodation of any form of livestock.

Reason

In the interests of amenity and protection of the local environment.

- 5 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following hours:
Monday to Friday - 08:00-18:00 hours
Saturday - 08:00-13:00 hours
Sunday - No work
Bank Holidays - No work

Reason

In the interests of amenity, in order to prevent noise and disturbance to the occupiers of properties situated opposite the site.

- 6 Notwithstanding the submitted details, the finished floor level of the building hereby approved shall match the lowest existing ground level beneath the building and therefore the building shall be dug in to the ground as the ground rises to the site's southern extent.

Reason

In the interests of visual amenity, the necessary details were not submitted with the application. It has been agreed that the finished floor level will be set according to the lowest ground level on site and this will ensure that the building is not unduly prominent or excessive in scale given its rural context.

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

Reason

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

INFORMATION TO APPLICANT

- 1 It is advised, in relation to Condition 3 of this permission that the external materials shall be timber weatherboarding finished with a dark paint or stain for the walls and a roller shutter door finished in a colour to match.

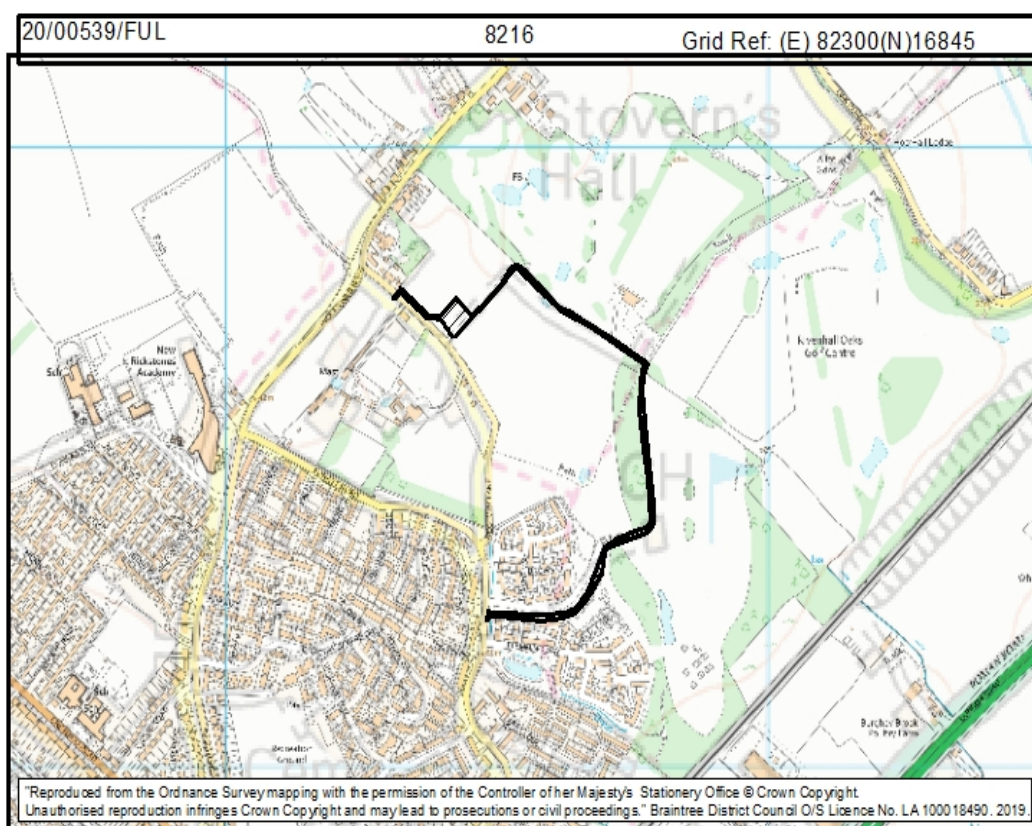
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00539/FUL DATE: 31.03.20
 VALID:
 APPLICANT: Bellway Homes Limited
 Mrs Sarah Cornwell, Bellway House, 1 Cunard Square,
 Townfield Street, Chelmsford, CM1 1AQ
 AGENT: Andrew Martin - Planning Limited
 Mr Olivier Spencer, Town Mill, Mill Lane, Stebbing,
 Dunmow, CM6 3SN
 DESCRIPTION: Temporary change of use of land (for a period of 2 years)
 from agriculture to car park, with vehicular access from
 Forest Road only and a pedestrian bridge and path leading
 to Rectory Lane, for contractors working on the land south
 of Rickstones Road (in relation to planning permission ref.
 18/00947/OUT).
 LOCATION: Land to the South East, Rickstones Farm, Rickstones
 Road, Rivenhall, Essex

For more information about this Application please contact:
 Mr Timothy Havers on:- 01376 551414 Ext. 2526
 or by e-mail to: timha@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7P5F2BFLHW00>

SITE HISTORY

04/00066/ENF	Appeal against Enforcement Notice Material C of Use	Appeal Withdrawn	08.11.04
91/00008/DC	DC Appeal	Appeal Dismissed	
01/00748/COU	Proposed conversion of barn to domestic dwelling		17.08.01
03/02460/COU	Change of use from Class B1 Office and Light Industry to Class B1 Office and Light Industry and drivers vehicle training centre with provision for vehicle parking		16.04.04
79/0119/P	Change of use of barn to use as residential annexe to use of existing house	Granted	19.03.79
88/00074/E	Change Of Use - Seventeenth Century Barn To Residential Use		
89/00405/P	Conversion Of Barn To Residential Use	Refused	22.06.89
90/00683/POWS	Demolition Of Industrial Units & Erection Of Eight Dwelling- Houses & Realignment Of Rickstones Road At Its	Refused	07.08.90
90/01430/POWS	Erection Of New Dwelling And Garage	Refused	19.10.90
91/00127/POWS	Demolition Of Existing Industrial Units And Their Replacement By Eight Dwelling Units		18.03.91
92/00078/PFWS	Change Of Use To Class B1 And Installation Of New Septic Tank	Granted	17.03.92
94/01237/ADV	Proposed advertising/directional golf board sign	Granted	16.12.94

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
LPP1	Development Boundaries
LPP45	Parking Provision
LPP46	Protected Lanes
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

Supplementary Planning Guidance

Essex Parking Standards 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site lies in the countryside and consists of a small part of an agricultural field and an associated access route from the public highway. It also includes a pedestrian access route from the site to Rectory Lane via a proposed footbridge. In total the site measures approximately 0.77ha.

The main part of the site is bounded to the north and west by the remainder of the agricultural field within which it is located. Beyond this to the west lie existing dwellings which front on to Rectory Lane and Rickstones Road. To the east lies further agricultural land whilst Rectory Lane is located to the south.

The site access runs through the southern periphery of Rivenhall Golf Course before leading back to the public highway at Forest Road.

PROPOSAL

The applicant seeks temporary planning permission for the construction of a car park for construction workers working on the Rickstones Road development located immediately to the west of the application site, on the opposite side of Rectory Lane.

Outline planning permission was granted for the development of this site in January 2019 for a development of up to 58 dwellings with Reserved Matters being granted in July 2019.

The application site has an existing agricultural access from Rectory Lane. However this is not suitable or appropriate for construction workers vehicles, nor is it appropriate for such traffic to use Rectory Lane. The planning permission for the housing development permits a new access point from Rickstones Road which leads into a relatively central point within the housing site. The housing site itself is rectangular in shape and is quite narrow, meaning that it is difficult to both find space for construction workers parking on the site and also to safely segregate this from the actual construction zone.

The applicant has therefore had to find an alternative solution to provide parking for construction workers vehicles during the construction phase of the development. A temporary car park is therefore proposed for a 2 year period. Vehicular access would be from Forest Road and a pedestrian link would be provided from the temporary car park to Rectory Lane, thereby allowing construction workers to walk over to the development site.

The proposal was amended during the course of application with the car park and proposed pedestrian pathway being moved further away from Rectory Lane to ensure it sat entirely outside the exclusion zone of a high pressure gas main which runs across adjacent land and to safeguard the existing tree/hedge line in the locality.

The application is supported by relevant documents which include:

- Drawings
- Planning Statement
- Ecology Report

CONSULTATIONS

Highways England

No objection.

ECC Highways

No objection.

Health and Safety Executive

No objection.

ECC Archaeology

No objection. The works proposed at the above site are of a scale and nature where there is unlikely to be any impact on potential below ground archaeological deposits. There will be no archaeological recommendations on the above application.

ECC Historic Buildings Consultant

No objection to the proposals which will not be harmful to the setting and significance of the nearby designated heritage asset, The Old Rectory. The temporary nature of the proposals, the positioning of the car park, set back from Rectory Lane and installation of a locked gate to prevent access to Rectory Lane should ensure the appearance of the lane (which is protected) should not be greatly altered, retaining its rural, historic character.

BDC Landscape Officer

It is noted that the proposals include a bridging point and hoggin path installed in proximity to the boundary hedge line/roadside vegetation. These features inform and support the character of Rectory Lane and its status as a quiet route away from the settlement edge. While it is understood that this will be a temporary arrangement there is a concern that the setting of the lane would

be damaged if appropriate measures are not put in place to protect the boundary vegetation during installation of the facility and for the period of use.

Further details are requested identifying the distance of the path from the hedge line (which should be outside the root protection zone for the boundary vegetation), a suitable hedgerow protection plan and appropriate reinstatement proposals for areas damaged or removed to provide the bridging point.

Note: In response to the above the applicant revised the proposed layout moving the hoggin path away from the identified root protection area. A tree protection plan has also been submitted and a planting proposal for a new Oak Tree once the temporary bridge has been removed.

Cadent Gas/National Grid

We do not object to the proposal in principle. The car parking area must be sited outside of the gas pipeline easement which is 12m wide (6m either side of pipe).

BDC Ecology

No objection. Require a condition which requires the mitigation measures identified in the applicant's submitted Ecology Report to be secured and implemented in full.

BDC Environmental Health

No objection to a temporary use with no external lighting on the site as stated within the application. Request conditions relating to hours of construction and a dust and mud control scheme.

PARISH / TOWN COUNCIL

Rivenhall Parish Council

The Parish Council object to the proposal. Their objection is summarised below:

- Encroachment of development on the strategic countryside gap between Witham and Rivenhall and in particular on the setting of Rectory Lane (Protected Lane, a Quiet Lane and part of the John Ray Walk also specified as an important area for protection in the Adopted Rivenhall Parish Plan).
- Request BDC recognises that Rivenhall includes the houses along Rectory Lane and near the Rectory Lane/Rickstones Road junction (Rickstones End).

- Car park not identified as being necessary during the consideration of the planning application for the housing development. Temporary parking need could be met by changing the phasing of the development.
- Landowner/Developer wish to develop for housing the rural land where the car park is proposed, in addition to the more than 400 houses already consented for Bellway at Forest Road and Rickstones Road.
- Concerned that the car park may not be reinstated to agricultural land after the 2 year period because the applicant intends to build housing on the field.
- Why are 58 car parking spaces required for a 58 house development when Bellway required 58 spaces for 163 houses plus finishing around 50 houses on phase 1 at Forest Road?
- Question whether vehicular traffic would in fact use the proposed lengthy access route through the golf course or if some vehicles would use Rectory Lane. What assurances in planning terms could there be to make the use of Rectory Lane impossible or to ensure the car park wasn't used for other purposes e.g. sales car parking
- Developer has already opened up an unauthorised access off Rectory Lane (dealt with via BDC planning enforcement) and contractor's vehicles have since been using Rectory Lane for turning (reported to planning enforcement).
- Proposed access is a rough track liable to erosion and not wide enough for two way traffic.
- Car park proposed to drain to an existing water course, presumably the deep ditch that drains the John Ray Walk. There do not appear to be any assessments of the risk of pollution from car park run-off.
- The proposed hoggin path would be built next to the well-established native hedge that runs alongside Rectory Lane. No assessments appear to have been made as to the impact of the proposed path and associated bridge on this hedge.
- Applicants acknowledge that this application is against policy as it is in the countryside and they cite various policies, including RLP87 in respect of impacts on Rectory Lane.
- No planning justification for imposing the urban development of a large car park next to Rectory Lane on agricultural land. There is inadequate assessment in the application of environmental impacts. Parking should be addressed within the main development site and not spread further into the countryside.

REPRESENTATIONS

At the time of writing 19 objections have been received from local residents. These are summarised below:

- Concerned that land would be permeably damaged and no longer suitable for agriculture
- Concerned that the use would not be temporary
- It is known that the developer wants to build housing on this field
- Only cars should use the car park, not commercial vehicles
- There is currently car parking on the housing development site which should be used instead
- Pedestrian safety concerns
- Highway safety concerns
- Flood risk
- Noise impact from workmen using the Hoggins path
- Local residents should not suffer because the developer overlooked parking space in their original planning application
- Impact on wildlife and protected species
- Unsightly impact on Rectory Lane (a quiet lane and protected lane) and the John Ray Walk
- Proposed bridge is excessive. If illuminated will also have a further impact upon the locality
- Proposed lack of lighting is a safety concern
- If lighting were proposed would be a concern for local residents, environmental and energy issues
- Impact on tranquillity of Rectory Lane and upon people who use it
- Alternatives such as the railway station car park, Rickstones School playing field, Glebe Farm, the Golf Club or nearby development sites could be used
- Excellent public transport in the area could be used
- Further intrusion into the rural area
- Developer has a poor track record already on this development for using an illegal access point, removing a hedge and crushing a drain
- Area is designated a green wedge between Witham and rural Rivenhall
- Concerned vehicles will use Rectory Lane to access it
- On street parking is available and could be used instead
- Concerns regarding who will use it, hours of use, impact of lighting
- 2 year period not required. Bellway state that the housing development will be ready from autumn 2020 onwards
- The landowner of this field also owns an area of wasteland adjacent to Rectory Lane which could accommodate the parking area and provides a much more suitable alternative
- Overbearing impact and loss of privacy to existing dwellings which abut the field the car park would be located in
- Dust and noise pollution
- Impact upon the hedge caused by the footbridge
- Potential increase in crime

REPORT

Principle of Development

The application site is located within the countryside where Policy CS5 of the Adopted Core Strategy states that development 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 LPP1 of the Draft Local Plan also strictly controls development in the countryside *'to protect the intrinsic character and beauty of the countryside'*.

The application is therefore a departure from the Adopted and the Emerging Development Plans as it does not accord with the above policies.

The applicant proposes a temporary construction workers car park for a 2 year period. Access to the car park would be taken from Forest Road, via an existing hard surfaced access track. A dedicated pedestrian link would then be created from the car park to allow construction workers to walk from the car park, over a small foot bridge and to the Rickstones Road Development site. This would avoid any use of Rectory Lane by construction associated vehicles, prevent construction workers from parking in the surrounding public highway with associated highway safety issues and ensure that the construction of the main development site could proceed promptly.

As the application is a departure application, it is necessary for an assessment to be made of its potential impact before a conclusion is reached as to whether or not a departure from the Adopted Development Plan is appropriate. The fact that it is a temporary permission, for a maximum of 2 years, is a material consideration and must also be taken into account as must the fact that the proposal is directly linked to an approved housing development.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments.

Although the proposal is for a temporary construction workers car park it remains necessary to assess its design and layout. The car park would be constructed from a rolled bitmac surface and would be enclosed by a 600mm high wooden knee rail. The pedestrian pathway would be a hoggin path which is essentially a self-binding gravel pathway. The footbridge would be metal and painted green.

The car park design and layout has been designed to be simple and efficient and to cater for the minimum required to achieve its function. No external lighting is proposed and the car park itself measures approximately 32.5m by 52m.

Overall, the design and layout is not considered to be objectionable in its own right.

Landscape

The proposal is comparatively small and low profile and could not be considered likely to have any significant visual impact on the wider surrounding landscape, particularly as no external lighting is proposed.

It would however have a limited impact upon the immediate character and setting of this section of Rectory Lane, which is identified as a Protected Lane in the Adopted Local Plan and safeguarded by Policy LPP46. This impact would derive primarily from a) the visual impact of the car park when viewed from the lane; b) the potential impact upon the trees/hedge which run adjacent to the lane and c) the presence of the green metal bridge.

With regard to a) and c), the impact would be temporary and after a 2 year period the land would be restored to its existing agricultural use. The harm to the setting of Rectory Lane would therefore be temporary and must be weighed against the role the temporary car park would play in facilitating the adjacent residential development with its associated market and affordable dwellings which are required to help meet the housing need within the District.

With regard to b), the applicant has amended the proposal, moving the proposed footpath significantly further away from the hedge and providing a tree protection plan to demonstrate that this hedge/tree line would be protected during the construction of the development. The scheme would require the removal of a small amount of vegetation to be cleared, consisting of some low scrub and an Elm sapling. The applicant has, at Officers request submitted a re-planting proposal for a new Oak Tree to be planted in this location, following the removal of the temporary foot bridge. This new tree would provide a lasting legacy to Rectory Lane and would complement the existing Oak Tree located slightly further along the lane to the south-east.

Ecology

The applicant submitted an Ecology Report in support of their application. The Report did not identify the presence of any protected species on the site which primarily consist of arable farmland. One tree was found to have a single potential roosting feature for bats. This tree along the ditch adjacent to Rectory Lane and would remain unaffected by the development.

The Report considers that the field boundary habitats and Rectory Lane are likely to be used by Bats for commuting and foraging purposes and recommends that if lighting is required it should be specifically designed to cater for this. The applicant has however confirmed that no lighting is required for the car park or footpath and it is therefore recommended that a condition is attached to any permission granted preventing lighting from being installed.

The Ecology Report also identifies the need to comply with legislation relating to nesting birds before any vegetation is removed and to employ precautionary methods during the construction of the car park to prevent mammals such as badgers and European hedgehogs from becoming injured or killed.

The Council's Ecology Officer has reviewed the Ecology Report and has no objection to the proposal subject to a condition securing the mitigation measures identified in the applicants Ecology Report.

Overall, it is therefore considered that there are no Ecological grounds to recommend that planning permission is refused.

Highways and Parking

The temporary car park would be accessed via a road which leads from Forest Drive into Rivenhall Oaks Golf Centre and then on to the temporary car park via an existing private hard surfaced track with a 5mph hour speed limit and convex mirrors situated on the sharpest corner to aid driver visibility.

This would ensure that vehicles did not use Rectory Lane and the gate which leads from the private access track past the car park location and onto Rectory Lane would remain locked.

The car park would be able to accommodate 58 cars, with each parking bay measuring 5.5m x 2.9m as required by the Essex Parking Standards 2009. The Parking Standards do not contain any detail relating to construction parking and the applicant states that they require up to 58 spaces for their construction workers. A condition is recommended to prevent HGV's or other large vehicles using the car park.

The application has been assessed by Essex County Highways who have raised no objection. Highways England were also consulted and again raised no objection.

Amenity

Policy RLP90 of the Adopted Local Plan states that developments shall not cause any undue or unacceptable impact on neighbouring dwellings. Policy RLP36 of the Adopted Local Plan also seeks to protect existing areas from unacceptable impacts relating to noise, dust and light pollution.

There are existing dwellings located to the west/north-west of the application site. A condition requiring a Construction Management Plan is necessary to ensure that the amenity of the occupants of these dwellings would not be adversely affected during the construction of the temporary car park.

In terms of its operation, the applicant has confirmed that no lighting would be required. The construction workers using the car park would park there for the duration of their working day before leaving again. It is not considered that this

would be likely to have an unacceptable impact upon the amenity of existing residents in the locality.

The Council's Environmental Health Officer has been consulted and has no objection to the proposal.

Heritage

The Council's Historic Buildings Consultant has been consulted and has raised no objection to the proposal, stating that it would not be harmful to the setting and significance of the nearest designated heritage asset, The Old Rectory.

It is further identified that the temporary nature of the proposals, the positioning of the car park, the set back from Rectory Lane and use of a locked gate to prevent access to Rectory Lane should ensure the appearance of the lane (which is in itself protected as a non-designated heritage asset) should not be greatly altered, retaining its rural, historic character. This is also assisted by the applicant's amendment to the original scheme which proposes to move the car park further away from Rectory Lane and to move the pedestrian pathway further from the hedgerow which bounds Rectory Lane to ensure it does not impact upon this vegetation.

Therefore, no specific heritage harm to a designated heritage asset has been identified and the heritage balance is not triggered. Any impact upon Rectory Lane as a non-designated heritage asset would be minor and temporary in nature and is considered to be outweighed by the public benefit of the associated housing development this proposal would facilitate, which would bring both market and affordable dwellings to help meet the identified shortfall within the District.

Flood Risk and Surface Water Drainage

The application site is located in Flood Zone 1, where there is a low risk of flooding and is under 1 hectare in size meaning that the applicant is not required to submit a detailed drainage strategy nor are the County Council a statutory consultee in this regard.

The actual parking hardstand area is relatively small, measuring a 52m in length and 32.5m in width. It would be surrounded by permeable agricultural land which would absorb any surface water run-off from the car park during its 2 year period of use.

Archaeology

The ECC Archaeologist has been consulted and has no objection to the proposal, advising the following:

The works proposed at the above site are of a scale and nature where there is unlikely to be any impact on potential below ground archaeological deposits. There will be no archaeological recommendations on the above application.

No planning conditions relating to archaeology are therefore recommended.

PLANNING BALANCE AND CONCLUSION

The applicant seeks a temporary planning permission for the construction of a car park for construction workers for a 2 year period. The site is located in the countryside and the proposal is therefore a departure from the Adopted and the Emerging Development Plans.

However, the proposal is directly linked to the development of the adjacent housing site at Rickstones Road and is required by the developer to facilitate the prompt and efficient delivery of this housing site. It is therefore a temporary permission, proposed for a 2 year period after which the site would be returned to its current agricultural use which would be required by way of a planning condition.

There are no objections to the proposal from any of the statutory technical consultees. The Parish Council have objected on a number of grounds but Officers do not consider that any of these present a justifiable reason for recommending that planning permission is refused.

A number of residents have objected on the grounds that they consider there are alternative sites in the area which could be used instead. However, the Local Planning Authority must assess the planning application as submitted by the applicant on its merits.

No specific harm has been identified to designated heritage assets nor has any significant landscape or ecological harm been identified. The highway impact is considered acceptable and the site is not in a designated flood risk area. The impact upon neighbour amenity could be controlled by the Construction Management Plan for the adjacent housing site which would also cover the current application site.

There would be a limited impact upon the setting of Rectory Lane, but this has been further reduced by the amendments to the proposal and would be temporary in its nature. A small amount of vegetation would need to be removed but a replacement Oak Tree would be secured.

Overall, it is therefore considered that the planning balance falls in favour of this temporary proposal and it is recommended that planning permission is granted.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Location Plan	Plan Ref: BW228-PL-01	Version: C
Proposed Plans	Plan Ref: BW228-BR-01	Version: A
Site Plan	Plan Ref: BW228-PL-03	Version: C

- 1 This permission shall expire 2 years after the date of issue and on or by that date the use of the land for the purposes hereby permitted shall cease and the temporary footbridge, pathway and car park shall be removed and the land be reinstated to its previous condition to the satisfaction of the Local Planning Authority.

Reason

This permission is granted only for a temporary period.

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

Reason

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

- 3 Development shall not be commenced until the tree protection measures detailed in the submitted Arboricultural Method Statement, dated 15th June 2020 and completed by Southern Ecological Solutions are fully in place in order to protect the trees to be retained on the site from damage during the carrying out of the development. The protection measures shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The protection measures need to be in position prior to the commencement of development to ensure they serve their function.

- 4 Prior to the removal of the temporary footbridge, footpath and car park the tree protection measures required by condition 3 shall again be fully put in place in order to protect the trees to be retained on the site from damage during the removal of the development. The protection measures shall remain in place until after the completion of the removal of the development and the completion of the tree re-planting scheme to the complete satisfaction of the local planning authority.

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

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 5 No lighting is permitted to be installed on the application site which includes the temporary car park, footpath, bridge and access road during either its construction or its 2 year period of use.

Reason

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

- 6 The development shall adhere to the Construction Method Statement required by Condition 5 of planning permission 18/00947/OUT and shall not commence until this Construction Method Statement has been approved by the Local Planning Authority.

Reason

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

- 7 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact

Assessment (Southern Ecological Solutions Ltd., May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 8 The new Oak Tree as detailed in the submitted Arboricultural Method Statement, dated 15th June 2020 and completed by Southern Ecological Solutions shall be planted in the first planting and seeding season after the expiration of this planning permission or the return of the application site to its previous condition, whichever is the earlier.

If the Oak Tree dies, is removed, or becomes seriously damaged or diseased within a period of 5 years from the date of planting, it shall be replaced in the next planting season with another Oak tree of a similar size.

Reason

To enhance the appearance of Rectory Lane.

- 9 The car park hereby approved shall not be accessed by vehicles from Rectory Lane at any time.

Reason

To ensure that this Protected Lane is safeguarded.

- 10 The car park boundary treatment shall consist of a 600mm high wooden knee rail only.

Reason

To safeguard the visual amenity of the area.

- 11 The car park shall only be used by contractors/construction staff member's private vehicles in connection with the construction of the development granted permission pursuant to application reference 18/00947/OUT.

Reason

To safeguard the amenity of the area.

12 The temporary car park hereby permitted shall only be used during the following hours:

07:30 to 18:30 on Monday to Friday

07:30 to 13:30 on Saturdays

Reason

To safeguard the amenity of the area.

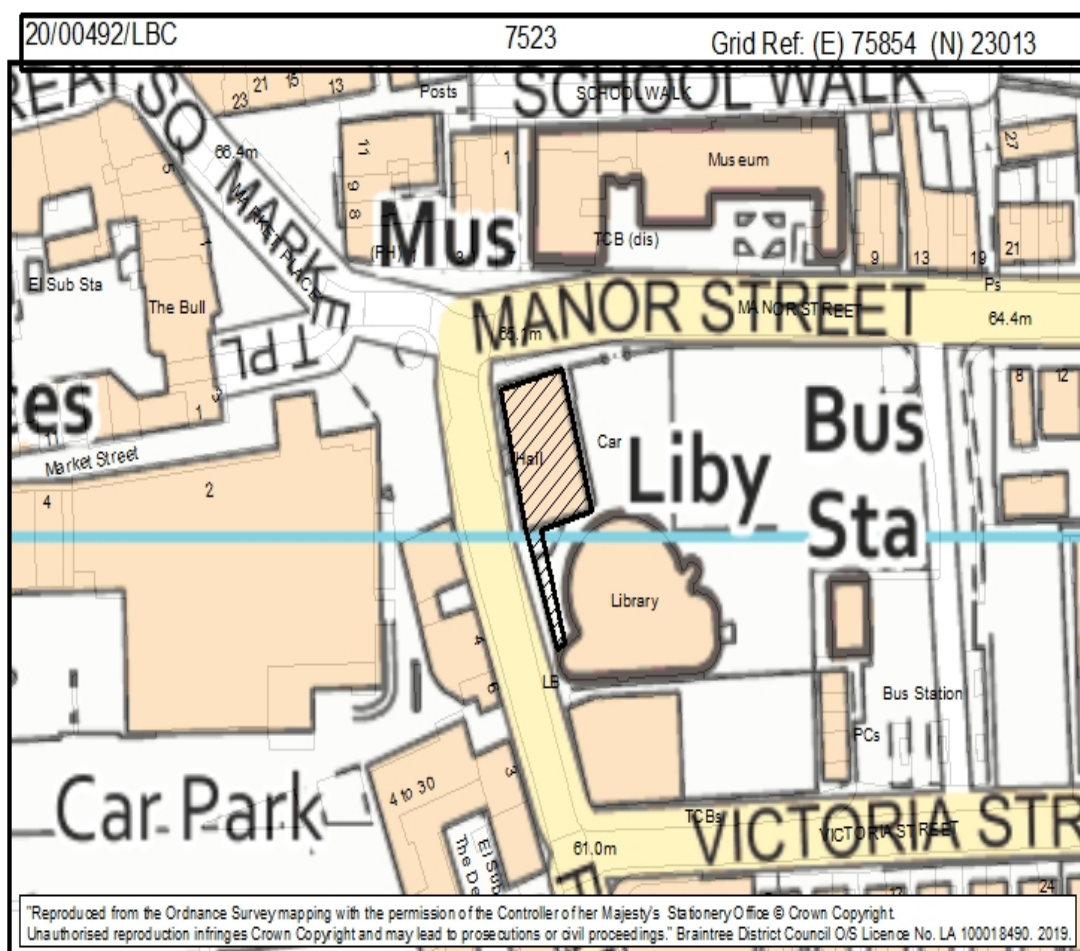
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/00492/LBC
 DATE: 01.04.20
 VALID:
 APPLICANT: Mr A Epsom
 Causeway House, Bocking End, Braintree, CM7 9HB
 AGENT: Macegreen
 Ms Louisa Reynolds, 4th Floor, 33 Cannon St, London, EC4M 5SB
 DESCRIPTION: Repair and refurbishment of existing gates to the library and Fairfield Road elevation.
 LOCATION: Town Hall Centre, Fairfield Road, Braintree, Essex, CM7 3YG

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7AEV5BFLDI00>

SITE HISTORY

04/00520/LBC	Installation of upgraded security alarm system	Granted	20.12.04
91/00433/E	Access By Disabled		
92/00429/PFBN	Alterations And Construction Of Ramp For Access For The Disabled	Withdrawn	15.06.93
94/00040/BDC	Proposed access for the disabled; Construction of ramp on part Manor Street footpath & internal alterations and alteration to Manor street carriageway, footpath and taxi rank to accommodate ramp	Withdrawn	28.09.94
94/00041/LBC	Proposed access for the disabled; construction of a ramp and steps on part Manor Street footpath and general internal alterations and alterations to Manor street carriageway, taxi rank to accommodate ramp. Provision of disabled toilet.	Withdrawn	28.09.94
96/00721/FUL	Proposed alterations to existing south and east elevations to create new access and escape doors including minor internal modifications and related external works	Granted	11.11.96
96/00722/LBC	Alterations to existing south and east elevations to create new access and escape doors including internal modifications and related external works	Granted	11.11.96
05/00094/LBC	Installation of lift and alterations to toilet	Granted	23.09.05
05/01911/LBC	Installation of a cabled computer data network	Granted	18.11.05
06/00556/LBC	Installation of CCTV system, replacement of	Granted	06.06.06

	inner lobby front entrance doors, installation of first floor ceiling crawlway access, installation of anti-pigeon netting to clock tower and repairs and remedial works to floorboards in art gallery		
07/01391/LBC	Removal of existing window to boiler room and replacement with ventilation grille	Granted	04.10.07
10/01065/LBC	Interior and exterior cleaning of limestone cladding and adaption of Art Gallery, Arts Development, Tourism and Manager's Offices into rooms suitable for meetings	Granted	07.12.10
10/01570/LBC	Installation of secondary double glazing window units fitted to all meeting rooms excluding Council Chamber French doors, stained glass window on staircase and basement windows	Withdrawn	01.08.11
12/00314/LBC	Erection of a blue plaque to commemorate the Protestant martyr William Pygot who was publicly burnt near to this spot on 28 March 1555	Granted	01.05.12
16/00089/LBC	Installation of aluminium framed secondary glazing units to first and ground floor	Granted	10.08.16
16/02138/LBC	Installation of external flue as part of boiler installation	Granted	15.02.17
17/00618/LBC	Installation of aluminium framed secondary glazing units to Chairman's office, doors in main council chamber and ground floor kitchen	Granted	21.06.17
18/00437/LBC	Internal alterations	Granted	16.05.18

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

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site comprises Braintree Town Hall and is located on Fairfield Road, in the centre of Braintree. The building is listed Grade II* and occupies a prominent location within the Braintree Conservation Area, at the centre of Market Place.

PROPOSAL

The proposal seeks Listed Building Consent for works to repair and refurbish the existing gates for both the pedestrian and vehicular access adjoining the library and the Fairfield Road elevation of the Town Hall. The proposed restoration, repair, and refurbishment works will involve the following repairs and improvements:

- Remove and take down the existing gates.
- Carefully remove all existing paint coatings and pattern the intricate details to match existing.
- Repair the existing gates where possible and make new to match existing where unable to repair using materials and methods to match the existing and original methods of the gate manufacture.
- Redecorate the gates to match existing and those on Manor Street.

A method statement has been submitted to ensure that the historic fabric of the gates is not compromised and only the necessary repair works are carried out.

CONSULTATIONS

Historic England

On the basis of the information available do not wish to offer any comments.

Historic Building Consultant

The proposals seek to repair the existing listed iron gates with like for like detailing, which is acceptable in principle, however it is considered that a condition survey should be submitted regarding the condition of the gates at present. Therefore, it is recommend that prior to the commencement of works, a thorough inspection of the gates is undertaken in order to assess the required repairs. A condition report and method statement should be submitted to the local authority and approved before any repairs begin. The removal and transportation of the gates to a secure space may be necessary for the inspection/condition survey to take place and this is also acceptable in principle, however a method statement needs to be provided regarding the proposed method of transportation and/or storage of the gates.

As a result of the Historic Buildings Consultants comments as above, the information has been subsequently submitted and reviewed, and the requirement of conditions covering the above is no longer deemed necessary.

Joint Committee of the National Amenity Societies

No comments received.

REPRESENTATIONS

A site notice was displayed at Braintree Town Hall for a 21 day period. No representations have been received.

REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in Paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

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 proposed works should be assessed on their impact on the character of the listed building. In this case, the works are considered to be limited in their scope and intrusion and would not result in harm to the significance of the listed building as confirmed in comments from the Historic Buildings Consultant. The proposed works would allow the continued use of the building as an events venue, which is the optimum viable use of the building.

CONCLUSION

The proposed works would not result in harm to the identified heritage asset being the Grade II* Listed Building and therefore the proposed works would comply with Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan.

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

Method Statement	Plan Ref: MS.5657 01 rev.C1
Location Plan	
Block Plan	
Proposed gate details	Plan Ref: 5657-01-01 rev.A
Proposed gate details	Plan Ref: 5657-01-02 rev.A

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

Reason

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

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

Reason

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

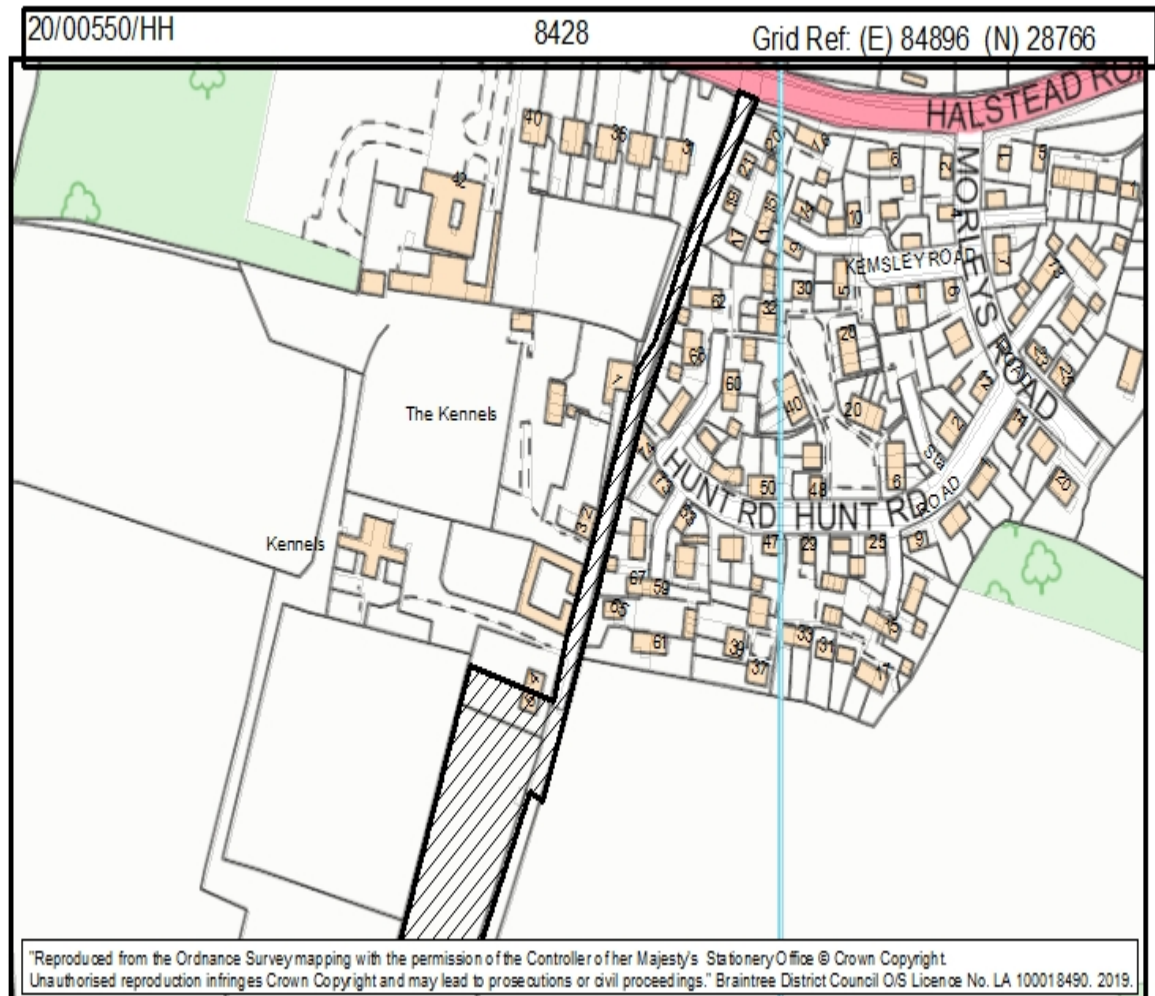
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 20/00550/HH
 DATE: 25.03.20
 VALID:
 APPLICANT: Mr & Mrs Jeffreys
 5, The Kennels, Earls Colne, CO6 2NJ
 AGENT: Oswick Ltd
 Mr Damian Lockley, 5/7 Head Street, Halstead, CO9 2AT,
 United Kingdom
 DESCRIPTION: Two-storey side and rear extension
 LOCATION: 5 The Kennels, Earls Colne, Essex, CO6 2NJ

For more information about this Application please contact:
 Ellen Cooney on:- 01376 551414 Ext. 2501
 or by e-mail to: Ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7R5NOBFLIR00>

SITE HISTORY

04/00702/FUL	Erection of two storey side extension	Granted	26.05.04
19/02063/HH	Erection of a two-storey side extension	Refused	06.03.20

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation at the request of Councillor Mrs Spray.

SITE DESCRIPTION

The application site comprises a semi-detached dwelling located outside the Earls Colne Village Envelope. The dwelling is located at the end of a private drive which joins Halstead Road and is situated to the south west of the village. The dwelling is a modest character property which is sited on a substantial plot.

The application site is not situated within a Conservation Area and the application dwelling is not subject to any statutory listing.

PROPOSAL

This application seeks full planning permission for the erection of a two-storey side and rear extension. The side extension would measure 5.3 metres in width and 7.1 metres in depth. The extension would include a double pile element which would wrap around the existing cat-slide roof to the rear. The double pile element would comprise part of the roof and would envelope the majority of the cat-slide roof, losing the modest character to the rear elevation. The double-pile element would be clad in roof tiles to match the host property and the main body of the extension would be constructed from red brick to match the host dwelling. The ridge line of the side extension would be set down from the host dwelling and the side extension would be set back from the front elevation by 0.45 metres. The double-pile would be further set down from the side elevation ridge line.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

Raises no objection to the application.

REPRESENTATIONS

Two letters of support and one letter of no objection from neighbouring residential properties have been received in relation to the application.

REPORT

Principle of Development

The proposal is for a two-storey rear and side extension to increase habitable accommodation at the property. The application site is located outside the Earls Colne development boundary and is therefore acceptable in principle in accordance with Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to meeting criteria on design, amenity and other material considerations.

Design and Appearance

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling and the wider countryside setting.

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

As outlined above, this application seeks full planning permission for the erection of a two-storey side and rear extension. The proposal was originally submitted under application reference 19/02063/HH and was subsequently refused for the following reason:

“The proposed two-storey extension, as a result of its design and massing, would constitute an overly large and incongruous form of development which would fail to be subordinate in scale, and which would be harmful to the character and appearance of the host dwelling and its countryside setting. Therefore the proposal is contrary to Policies RLP18 and RLP90 of the Braintree District Council Adopted Local Plan, Policy CS9 of the Braintree District Council Adopted Core Strategy and Policies LPP1, LPP38, LPP50 and LPP55 of the Braintree District Draft Local Plan.”

The current application has sought to address these reasons for refusal by slightly increasing the set-back from the front and rear elevations and down from the ridge line. This increases the articulation of the rear elevation, however the fundamental scale and massing of the extension remains the same as previously refused. The changes made do not address the issues of the previous application and the concerns of the scale, massing and erosion of character are still present.

The accumulation of the extensions would dominate all elevations of the dwelling and would result in its existing character being almost completely eroded to the rear. The rear extension is a bulky addition which fails to complement the existing character of the property. The proposed scale and massing of the extension is not subservient to the host dwelling and is considered to be an awkward form of development and imposing style of extension in comparison to the host dwelling which is modest in character and style.

It is therefore considered that the proposal is not compliant with the abovementioned policies in terms of its scale, massing and character when considering the appearance of the host dwelling and its countryside setting.

It is acknowledged that the neighbouring property and matching house in the pair of semi-detached dwellings, at No.4 The Kennels, has been previously extended with a two-storey side extension. Furthermore permission was also granted in 2004 for a two-storey side extension at the property which was never implemented. This 2004 permission however sought to retain the rear cat-slide roof and did not include the bulky gable projections which are currently proposed, and which are of most concern. The neighbouring extension also retains the cat-slide roof with the addition of modest dormer windows inserted to the rear elevation. Should the applicant wish to match the neighbouring extension, Officers are of the opinion that such a development would be acceptable. Such a proposal however does not form part of this application and has not been presented to Officers for consideration.

Impact on Neighbouring Residential Amenities

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

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

No.4 The Kennels is the only neighbouring property located within a close range of the dwelling. While the proposed rear extension would not protrude any further than the existing cat-slide roof element, the design is much larger in its scale and massing. However, it is not considered that the proposal would result in overshadowing, loss of light, overbearing impact or overlooking to this neighbouring dwelling. Therefore, the proposal is compliant with the abovementioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

No parking would be lost as a result of the development and therefore the proposal is compliant with the abovementioned policies.

CONCLUSION

While the principle of an extension to the dwelling is acceptable, the proposal would result in overdevelopment of the host dwelling in terms of the scale and

massing and would erode the character of this modest character property. The extension would not be subservient to the host dwelling and would be a bulky addition which would not be in keeping with its character and appearance. While the proposal is not considered to have a detrimental impact upon neighbouring amenity or highways considerations, the application does not overcome serious design concerns, nor does it overcome the previous reason for refusal.

RECOMMENDATION

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

- 1 The proposed two-storey extension, as a result of its design and massing, would constitute an overly large and incongruous form of development which would fail to be subordinate in scale, and which would be harmful to the character and appearance of the host dwelling and its countryside setting. Therefore the proposal is contrary to Policies RLP18 and RLP90 of the Braintree District Council Adopted Local Plan, Policy CS9 of the Braintree District Council Adopted Core Strategy and Policies LPP1, LPP38, LPP50 and LPP55 of the Braintree District Draft Local Plan.

SUBMITTED PLANS

Existing Plans	Plan Ref: 19-099-AS-1 rev.A
Proposed Plans	Plan Ref: 19-099-AS-2 rev.B

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER