

PLANNING COMMITTEE

AGENDA

Tuesday 21st July 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.

Public Question Time Registration

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

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 this time.

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

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 the 3 minutes allotted for each question/statement. The question/statement will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted question/statement.

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.

Members of the public can view the meeting via the Council's YouTube Channel - Braintree District Council Committees.

Documents: All documents for this meeting are available on the Council's website. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk or www.braintree.gov.uk/info/200141/committee_timetable_committees_and_meetings

YouTube Broadcast: Please note that this meeting will be recorded and available on the Council's YouTube Channel - Braintree District Council Committees and will be available via: <http://braintree.public-i.tv/core/portal/home>

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 23rd June 2020 and 7th 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. 20 00032 FUL – Old House, Park Road, WICKHAM ST PAUL	6-15
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b	Application No. 20 00479 FUL – Pump House, adjacent to Ashbourne Cottage, Smeetham Hall Lane, BULMER	16-31
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PART B

Minor Planning Applications

c	Application No. 20 00229 HH – 29 Valentine Way, SILVER END	32-39
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d	Application No. 20 00259 FUL – 28 Tey Road, EARLS COLNE	40-47
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6	Conservation Area Character Appraisals – Update on Progress	48-55
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PRIVATE SESSION

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7 Urgent Business - Private Session

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

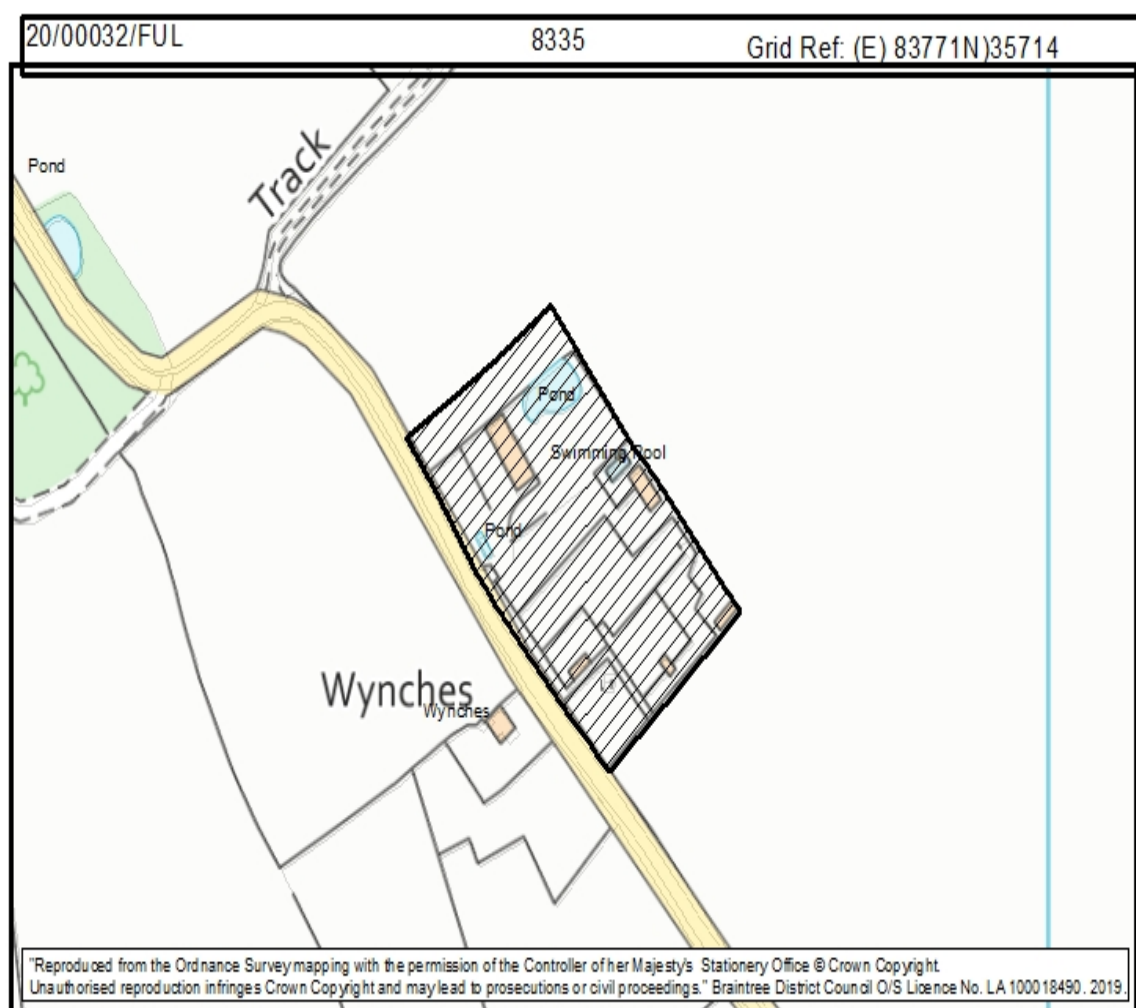
There are no items for Private Session for this meeting

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00032/FUL DATE: 08.01.20
VALID:
APPLICANT: Mr & Mrs Tarbin
Old House, Park Road, Wickham St Paul, Essex, CO9 2PX
AGENT: Medusa Design Ltd
Mr Lee French, Eatanswill House, 36 Cross Street,
Sudbury, CO10 2DL, UK
DESCRIPTION: Change of use of land to residential garden and erection of detached garage with accommodation above.
LOCATION: Old House, Park Road, Wickham St Paul, Essex, CO9 2PX

For more information about this Application please contact:
Mrs H Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q3S3KOBFK8900>

SITE HISTORY

88/00828/P	Rebuilding of dwellinghouse (demolished by gales)	Granted	28.06.88
86/01548/P	Erection of two storey extension and detached double garage	Granted	18.11.86
87/01329/P	Refurbishment and extensions to existing house and re-positioning of timber barn	Granted	29.10.87
10/01729/FUL	Alterations and extensions to existing dwellinghouse	Granted	31.01.11
15/00405/FUL	Erection of 3 bay cartlodge with first floor storage	Withdrawn	20.05.15

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. 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
RLP18	Extensions to Existing Dwellings in the Countryside
RLP26	Garden Extensions into the Countryside
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
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
LPP43	Garden Extensions
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as Wickham St. Paul Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site is located within the countryside, to the south-east of Wickham St. Paul. The application site comprises a strip of land directly adjacent a spacious residential plot with a two storey, white rendered detached dwelling, set back from the frontage with a gated vehicular access and large gravelled driveway area. The dwelling has been extended with a 1.5 storey projection to the front and side of the property on the north-western end. The southern part of the site is some distance from the main dwelling and contains a small number of outbuildings and a swimming pool exists close to the north-eastern boundary to the rear of the dwelling.

Surrounding uses are largely agricultural with a single dwelling sited opposite the site, identified as 'Wynches'. To the north west of the site is Park Farm. The topography of the immediate area is flat and the land adjacent the site is particularly visible and open. The area immediately beyond the site edged red to the north-west, identified to be owned by the applicant, edged in blue, appears as a roughly mown field at the time of the Officer site visit and currently does not differentiate from the area identified to be changed to garden land.

PROPOSAL

Planning permission is sought for the change in use of a piece of agricultural land to residential garden land and the erection of a 3 bay garage with first floor space above for a home office/study.

The area of land identified for a change of use is located directly adjacent the north-western edge of the existing garden area and would follow the same length as the existing plot and measures 10 metres in width. The north-western length of the boundary would have a post and rail fence with a native species hedge.

The proposed garage would be sited approximately 15 metres to the south west of the host dwelling at the end of the existing gravelled driveway, and would comprises 3 parking bays with an internal staircase leading to a first floor area comprising a home office/study area and separate W.C. External materials would be render with a brick plinth with a slate roof and timber garage doors.

It should be noted that the scheme has been revised since the outset with the relocation of the proposed cartlodge from the piece of land identified to be

changed in use and the cartlodge itself has been reduced in height and dormer windows omitted.

CONSULTATIONS

BDC Environmental Services Team

No objection on environmental grounds.

PARISH / TOWN COUNCIL

Wickham St Paul Parish Council

Object to the proposals:

- The description and plans are different they are not the same. The plan refers to accommodation and shower room.
- Outside the village envelope.
- Agricultural land.

At an early stage of the application, the description has been amended to include the accommodation/office space above.

A further consultation with the Parish Council is currently being undertaken relating to the relocation of the outbuilding. Officers have confirmed to the Parish Council that with the change of use of land remaining part of the application, they are assuming the objection to the application remains valid. Members will be provided with an update at the Committee meeting.

REPRESENTATIONS

The nearby residential property at Wynches has been notified and a site notice has been displayed outside the property. No representations have been received in connection with the application.

REPORT

Principle of Development

There are two elements to the application; the change of use of land to garden, and the erection of a 3 bay cartlodge with office space above.

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply.

The site is located within the countryside wherein Policy CS5 of the Adopted Core Strategy states that new development in the countryside will be strictly controlled to uses appropriate to the countryside in order to protect and

enhance the landscape character, biodiversity, geodiversity and amenity of the countryside. Policy CS8 of the Adopted Core Strategy indicates that where new development is proposed it must have regard to the character of the landscape and its sensitivity to change.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the alteration and extension to habitable dwellings in the countryside and the provision of outbuildings, subject to siting, design and materials being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and plot upon which it stands. Extensions and outbuildings will be required to be subordinate to the existing dwelling in terms of bulk, height, width and position.

Policy RLP26 of the Adopted Local Plan and Policy LPP43 of the Draft Local Plan state that proposals for the extension of a domestic garden into the countryside will only be permitted if:

- there would be no significant increase in residential impact;
- there is no material adverse effect on the surrounding countryside;
- there would be no loss of existing trees, shrubs or hedgerows;
- it would not seriously interfere with a neighbouring agricultural enterprise;
- it would have no material adverse effect on the amenities of neighbouring properties;
- public rights of way are not enclosed.

There will also be a requirement for the planting and retention of native species trees and hedging, in the interests of amenity within the countryside. In addition, emerging Policy LPP43 requires that the size of the garden extension is proportionate with the size of the dwelling.

The proposals are considered acceptable in principle, subject to meeting the above mention policy criteria and all other material considerations.

Design, Appearance and Impact on the Countryside

The area identified to be changed in use to garden land is sited directly adjacent the host dwelling and original side boundary. The additional width would be 10 metres as seen from the road and the depth would follow the same as the existing plot. As previously stated, at the time of visiting the site, the area identified, together with the wider area edged blue on the submitted location plan appears different to the farmland beyond, however it is noted from online geographical imagery that the area has previously been an integral part of a much larger arable field. In this respect, however, the strip of land, relative to the wider area of arable land, is limited in size. There would be no loss of trees and no public rights of way would be enclosed. As stated earlier, the scheme has been amended to relocate the cartlodge which was proposed to be sited on the land, to an area which is within the existing domestic curtilage.

Officers consider that the change in use to this piece of land would have no material impact on the countryside itself; it is limited in size in terms of its width, viewed from the road and would follow the same shape as existing. In terms of its separation from the larger arable field, this has already taken place, presumably with the larger piece of land identified in blue, sold to the applicant and is no longer actively in use for crops.

In terms of limiting the residential impact as a result of the change of use on this piece of land, the preamble to Policy RLP26 of the Adopted Local Plan states that the Council will normally impose conditions removing Permitted Development Rights over new areas of garden, in order to avoid the suburbanisation of the countryside. In this case, and given the particularly open nature of the site and surrounding countryside it is considered that the imposition of such a condition would be fully justified.

Moving onto the provision of the proposed cartlodge, the revised siting would be relatively close to the existing dwelling and as such would appear as a well related outbuilding within an existing residential garden setting, rather than a remote new form of development within the countryside, which would be contrary to countryside policies that seek to protect against new inappropriate development. The overall height and bulk of the proposed building has been reduced and the previously proposed dormer windows have been removed and replaced with rooflights facing into the site, resulting in an outbuilding which appears as a subservient outbuilding, compatible with the scale and character of the existing dwelling and the plot upon which it stands.

The first floor 'accommodation' is noted and is identified on the submitted drawings as home office/study space with a separate W.C. To avoid the future potential for the building to be converted to primary living accommodation, a restrictive condition will be imposed preventing the building from being used as living accommodation and to prevent it from being sold, leased or rented separately from the host dwelling on site.

The area concerned is identified as being within the Wickham Farmland Plateau as designated in the Council's Landscape Character Assessment, which requires a greater level of scrutiny in terms of protecting the intrinsic character and beauty of the countryside.

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

As already identified, the site lies with the Wickham Farmland Plateau Landscape Character Area, which is identified as having a 'relatively high sensitivity to change'. Suggested Landscape Planning Guidelines are listed as follows:

- Consider the visual impact of new residential developments and farm buildings.
- Maintain characteristic views of the valleys and hills.
- Ensure any new exposed development is small scale, responding to historic settlement pattern, landscape setting and locally distinctive building styles.
- Develop strategies for managing and monitoring increased traffic during peak tourist periods.

Although the Landscape Character Assessment does not seek to prevent development in such areas, it needs to respond to local context. The site is particularly open and forms part of the characteristic views across the plateau. However in terms of built form, the proposed outbuilding would be well related to the existing dwelling and is of a small scale with matching materials in relation to the house and it is not considered there would be any greater visual impact within this sensitive landscape than existing and is therefore acceptable.

The change in use of land would also have a limited impact. As previously identified no hedgerow is proposed to be lost and a new form of enclosure would be introduced consisting of a post and rail fence of 1.2 metres high and a native hedge which would be an appropriate choice in this location. Future development on this land would be controlled through the imposition of a restrictive condition.

In summary, the new piece of garden land and the provision of the proposed outbuilding would not have a detrimental impact on the character of the landscape, and as such would accord with Policy RLP2 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy, Policy LPP1 of the Draft Local Plan and the NPPF.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Furthermore, in relation to the garden extension, Policy RLP26 of the Adopted Local Plan and Policy LPP43 of the Draft Local Plan state that there should be no material adverse effect on the amenities of neighbouring properties.

The nearest residential property, Wynches, is in excess of 60 metres from the proposed outbuilding and further still from the proposed garden land. As such, it is not considered there would be any undue impact on the said neighbouring amenity in terms of overlooking, overshadowing or overbearing issues or other adverse effect and is therefore acceptable in this respect.

Highway Issues

There would be no alteration to the highway as part of this application.

The proposal includes the provision of a 3 bay garage. Adopted Car Parking Standards (2009) require that the internal dimensions of a single garage should be 3m x 7m. In this case, the proposed parking spaces fall short of the recommendations. However, there is ample space within the site and existing driveway for the provision of off-street parking. In this case, given the existing provision within the site, it is preferable to see a building of limited size, given its sensitive countryside location, rather than meeting the standards set and the proposals are considered to be acceptable in this respect.

CONCLUSION

It is concluded that the proposed change of use of land to garden land, together with the provision of a 3 bay garage with office space above is acceptable and complies with the abovementioned policy criteria.

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: 1802/19/01	Version: E
Proposed Plans	Plan Ref: 1802/19/0	Version: D

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected along the boundary of the land identified to be changed in use to garden land, other than as indicated on the approved drawing numbers 1802/19/01 Rev E and 1802/19/01 Rev D without first obtaining planning permission from the Local Planning Authority.

Reason

In order to control any future forms of enclosure in the interests of appearance in this sensitive rural locality.

- 4 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Old House. It shall not be used for independent living accommodation, neither shall it be sold, transferred, leased or otherwise disposed of without first obtaining planning permission from the local planning authority.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any building on the land hereby identified as a change of use as permitted by Class E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future outbuildings in the interests of visual amenity, given the sensitive rural locality.

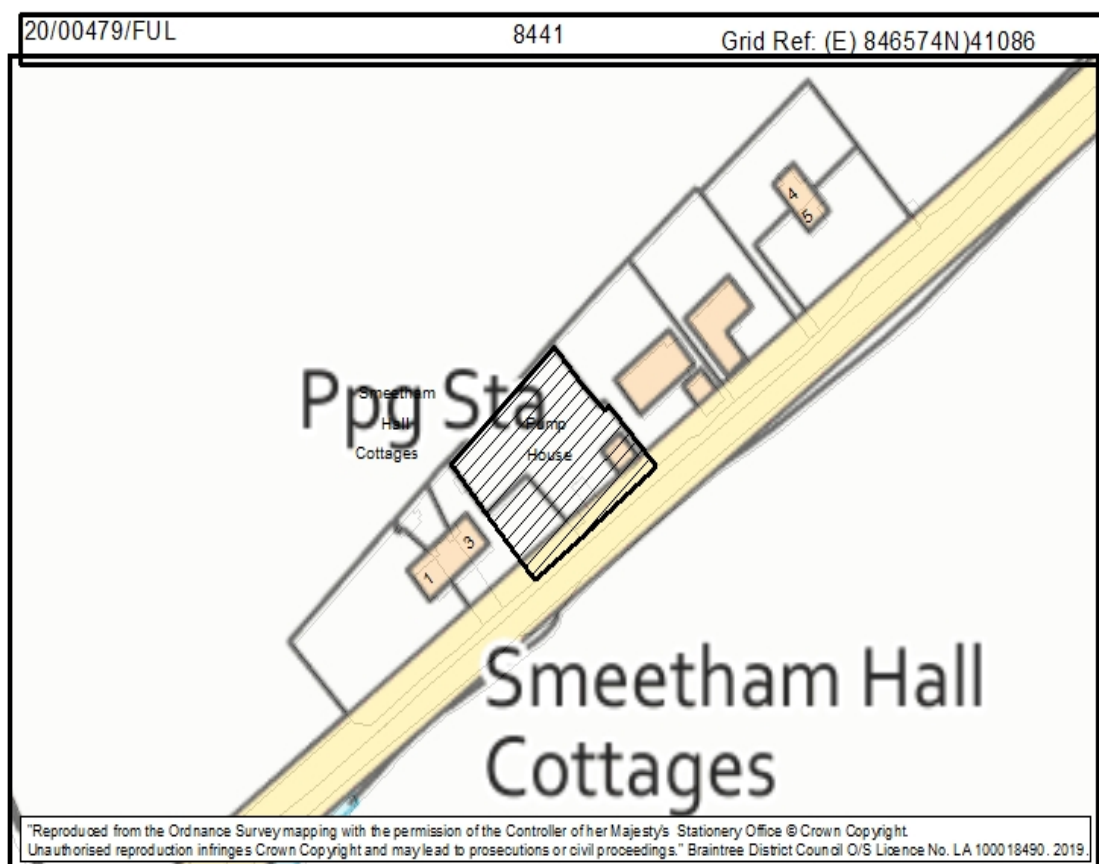
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00479/FUL DATE: 20.03.20
VALID:
APPLICANT: Mr A Hyde Parker
C/O Agent
AGENT: Mr Peter Johnson
The Coach House, Beacon End House, London Road,
Stanway, Colchester, Essex, CO3 0NY
DESCRIPTION: Demolition of existing garages and erection of two
dwellinghouses, garages, access and landscaping and
restoration of existing water pump station.
LOCATION: Pump House Adjacent Ashbourne Cottage, Smeetham Hall
Lane, Bulmer, Essex

For more information about this Application please contact:
Melanie Corbishley on:- 01376 551414 Ext. 2527
or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74LIXBF0J900>

SITE HISTORY

91/01020/PFHN	Erection Of Single Storey Hipped Roof Extension	Granted	26.09.91
98/01480/COU	Change of use of redundant listed barn for wedding receptions and use of yard building for associated kitchen, toilets etc.	Granted	14.12.98
99/00197/FUL	Alterations and erection of extension to existing barn/open shelter sheds to provide function facility	Granted	09.04.99
99/00198/LBC	Alterations and erection of extension to existing barn/open shelter sheds to provide function facility	Granted	09.04.99
99/00247/COU	Change of use of redundant listed barn for wedding receptions, charity events, dinners, art exhibitions and aerobic classes	Granted	09.04.99

POLICY CONSIDERATIONS

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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.

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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:

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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

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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
RLP16	Hamlets and Small Groups of Dwellings
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP80	Landscape Features and Habitats

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP41	Infill Developments in Hamlets
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment

LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises a parcel of land that lies between No.3 Smeetham Hall Cottages and Pump House, Smeetham Hall Lane, Bulmer.

The site currently contains a block of three garages and a water pump, which is currently protected by an open sided structure.

Beyond these two structures, the site is open with roughly mown grass in parts and overgrown in others.

The site is located in the open countryside, a significant distance from the nearest village boundary of Bulmer.

PROPOSAL

This application seeks full planning permission for the erection of two detached four bedroom houses. A detached, shared garage, is also shown on the proposed site plan and would be located between the two proposed dwellings in the rear garden.

The existing water pump with a new protection structure would be retained to the front of dwelling 1A. Two turning areas, are shown to the front of each dwelling. Both dwellings would share a new vehicular access from Smeetham Hall Lane.

CONSULTATIONS

Health and Safety Executive

No comments received.

BDC Ecology

Holding objection due to insufficient ecological information.

National Grid

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

BDC Environmental Health

No comments received.

Dedham Vale and Stour Valley Project

No objection in principle subject to the proposed materials being altered and suggest additional landscaping to conserve the local landscape character.

ECC Highways

No objection. Conditions suggested regarding the construction of the access, the closure of the existing access and the provision of residential travel information packs.

BDC Landscape Services

No objection in principle, suggests amendments to the proposed planting scheme to not include oak trees.

PARISH / TOWN COUNCIL

Bulmer Parish Council

Bulmer Parish Council has no objection to this application, providing a change of finish is made.

Although this development is outside the village envelope, it will provide significant improvement to this location and restore the Pump house to a sounder structure. The house designs are sympathetic to the nearby Ashbourne house.

The plans show a white render and this would be out of place between the existing properties, which are all red brick. The Parish Council requests a change of finish is made.

Although the Parish Council raise no objections to the proposal, the detailed comments outlined above, support the proposed development of the site.

REPRESENTATIONS

At the time of writing this report, no representations have been received. The application has been advertised by way of neighbour notification letters, site notice and a press advertisement. Although both the neighbour notification letters and the site notice have expired, as the Press Advertisement was published on 25th June 2020, the consultation period for the application does not expire until 16th July 2020. Any representations received will be reported to Members at the Committee meeting.

Principle of Development

National Planning Policy Framework (NPPF)

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary

delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of an identified town or village boundary and lies within the countryside for planning purposes. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan.

Although Policy RLP16 of the Adopted Local Plan states that exceptions may be made to Policy RLP2 for the filling of a gap for a single dwelling between existing dwellings, this is where there is a defined nucleus of at least ten dwellings. The application site is not located within an area where this threshold of 10 is met and the proposal is for two dwellings. As such policy RLP16 is not applicable.

The application has therefore been advertised as a departure from the Development Plan.

5 Year Housing Land Supply

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

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

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

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

The Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position.

The Council is continuing to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers.

However, the lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

SITE ASSESSMENT

Location and Access to Services and Facilities

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Bulmer is an 'Other Village' within the settlement hierarchy within the Adopted Core Strategy. The Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

The definition of 'isolated new homes' in the context of Paragraph 55 of the superseded National Planning Policy Framework (2012) for the provision of new residential development had been considered in a High Court Judgement *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin) (Appendix N) as being "given its ordinary objective

meaning of “far away from other places, buildings or people; remote” (Oxford Concise English Dictionary).”

Following this judgement, Braintree District Council sought leave to appeal this decision. The decision of the Court of Appeal was received on 28 March 2018 (Appendix O), and established that isolated new homes is defined as follows:

“... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, ‘isolated’ in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand” at [31].

The site being considered now can be distinguished from the site subject of the judgement. The site subject of the judgement was described in the Court judgement as:

The undisputed evidence before the Inspector was that Blackmore End was a village, which had linear development extending along several roads. There was a dispersed pattern of development along Lower Green Road (the location of the appeal site). Lower Green Road was a road leading out of the village, heading north. There were dwellings immediately to the south and north of the appeal site. There was also a dwelling to the west, on the other side of the road.

It was common ground that the appeal site was to be treated as outside any village envelope, and therefore within the countryside. Until 2014, no settlement boundary existed for Blackmore End, in common with some other villages in this rural district. A settlement boundary was introduced in 2014 in the Site Allocations and Development Management Policies document, which was an interim measure whilst the new Local Plan was prepared, but it was never formally adopted as part of the development plan. In June 2016, a draft Local Plan was published for consultation, which included the same or very similar settlement boundary, but it only had the status of an emerging plan. In both documents, the settlement boundary (referred to as a “village envelope”) was drawn around the two main clusters of housing in the centre of the village, excluding development, such as Lower Green Road, located on the edge of the village. This was a material consideration for planning purposes.

It was agreed that the village of Blackmore End had very limited facilities and amenities, comprising a village hall, public house and playing field. Blackmore End was within the parish of Wethersfield. Wethersfield village was about 2 miles away, and it had a post office, village store, public house, a nursery and pre-school. The village of Sible Hedingham, identified as one of five “Key Service Villages” in the draft Local Plan was about 4 miles away. In assessing accessibility, the Inspector concluded, at AD 14: “It is likely that those occupying the dwellings would rely heavily on the private car to access everyday services, community facilities and employment. While this weighs against the development, it is consistent with the Framework that sustainable transport opportunities are likely to be more limited in rural areas.”

The application site is located between No.3 Smeetham Hall Cottages and Pump House, and is located in the middle of a cluster of 7 dwellings. Whilst this small cluster of dwellings does not constitute a settlement or village as outlined above, it does mean that the new dwellings would not be isolated in the context of the Court of Appeal decision.

The site is distant (over 1km) from the defined settlement of Bulmer, and access from this village is via an unlit country lane with no pavements. Furthermore facilities and services in Bulmer are limited, such that future occupiers of the proposed development would need to travel, by private car, to a larger settlement to satisfy daily needs, schooling and employment. Future occupiers of the proposed dwellings would not, given the location of the site, be encouraged to travel by sustainable modes. The proposal conflicts with Policy CS7 of the Adopted Core Strategy and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

Character, Design, Appearance and Layout

The NPPF requires planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policy CS5 of the Adopted Core Strategy states that beyond settlement limits 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.

The application site is located beyond a settlement boundary/village envelope and is therefore within the countryside. Development in the immediate location is sporadic highlighting the role performed by the settlement boundaries in protecting the amenity of the countryside. The settlement boundary policies are performing an important function in this location to direct development away from the countryside.

The site is currently occupied by a block of three garages and a water pump, which is protected by an open sided canopy structure. These structures are permanent and have not blended in to the landscape, thus it is arguable that a small section of the site can be considered as previously developed within the NPPF meaning. The majority of the site however is clearly undeveloped and corresponds to the character of the wider surrounding countryside.

The proposed development results in the consolidation of sporadic ribbon development within the countryside, which would compromise the clear distinction between the settlement and the countryside. The function of the settlement boundaries is to control inappropriate development within the countryside. The open and undeveloped nature of the countryside would be lost/eroded and the character of the countryside diminished should the development be allowed. The clearing of the site and introduction of two houses combined with the inevitable domestic paraphernalia and hardstanding for car parking, would result in built form and development that

would be intrusive in this countryside setting and would fail to integrate in to its surroundings, harmful to the intrinsic character and beauty of the countryside, conflicting with Policies CS5 and CS8 of the Adopted Core Strategy and Policy RLP80 of the Adopted Local Plan and the NPPF.

In terms of elevational design, the dwellings are generally acceptable, although the two storey rear projection is overly dominant, especially as viewed from the side. It is noted that both the Parish Council and the Dedham Vale and Stour Valley Project Team request different materials. This could be adequately be controlled by condition on any grant of permission.

Impact on Neighbour Amenities

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed development would not give rise to any unacceptable impact on the amenity of either neighbouring property, due to its layout and acceptable distances from these neighbouring properties. The proposal complies with the abovementioned policies.

Highway Issues

A new vehicular access is proposed and would be central in the front boundary of the site. An existing access that currently serves the site would be blocked up.

No objection has been raised by the Highways Authority to this arrangement. The layout indicates that development will create 2no. car parking spaces for each dwelling along with turning areas which complies with the adopted car parking standards.

Ecology

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft Local Plan states that planning permission will not be granted for development,

which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The Council's Ecologist has reviewed the documents supplied by the applicant, and note that ecological appraisal information has been include in the Planning Statement (The Johnson Dehenney Planning Partnership, March 2020).

However, the Council's Ecologist is not satisfied that there is sufficient ecological information available for determination of this application and have recommended that further ecological information is submitted to the Local Planning Authority for consideration. This is because there is currently not enough information to determine the likely impacts of development on Protected & Priority species and habitats, particularly reptiles, bats and Great Crested Newts.

Reptiles

There is insufficient information to determine why further survey effort has not been recommended to establish presence/absence of reptiles although there is reported to be suitable habitat on the site and adjacent habitat, or how the proposed mitigation has been determined.

Bats

The submitted information has advised that a preliminary roost assessment has been undertaken and that many of the mature trees have potential for roosting bats but the trees have not been identified nor categorised to establish the roost type. Categorisation is required to inform if any further surveys may be required or any precautionary measures that may be necessary if the trees are to be felled/pruned, and in accordance with Bat Survey Guidelines Collins 2016.

Great Crested Newts

The submitted information does not contain the results of the pond HIS assessment or identification of the location of the ponds that have been assessed in relation to the application site. Further, there is no identification of how proportionate mitigation, particularly the requirement for a Great Crested Newt European Protected Species Licence, has been determined.

Biodiversity Net Gain

Biodiversity Net Gain is development that leaves biodiversity in a better state than before (CIEEM, 2016). It is also an approach where developers work with

local governments, wildlife groups, land owners and other stakeholders in order to support their priorities for nature conservation. All developments should demonstrate measurable biodiversity net gains. We recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures should also be provided.

This additional information is needed to provide the LPA with certainty of impacts on legally Protected and Priority species and enable it to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006.

This information is required prior to the determination of the application and has not been supplied by the applicant. The proposal is contrary to Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

Habitat Regulations Assessment (HRA / RAMS)

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

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

PLANNING BALANCE AND CONCLUSION

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

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

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

It is acknowledged that the provision of housing would make a contribution towards the District's 5 year housing supply, albeit limited given the scale of the development proposed. In addition, the development would bring about other economic benefits including the creation of construction jobs and increased demand for local services, however these benefits would also be limited.

It is considered that as a consequence of the limited accessibility to sustainable modes of transport future residents are unlikely to be encouraged to utilise sustainable modes of transport and will rely only on travel by private motor car. In Officer's opinion development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the Adopted Core Strategy and the aspirations of the NPPF to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

The proposal would result in the intrusion of built development into the countryside and would have a detrimental impact upon the character and amenity of the countryside contrary to the NPPF, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policy RLP80 of the Adopted Local Plan.

Additionally insufficient ecological surveys have been provided, contrary to Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

It is considered that the benefits of the proposal carry very limited weight and would be outweighed by the adverse impacts noted above and therefore the proposal would not secure sustainable development.

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

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan and Adopted Core Strategy. The site is divorced from a village/town with facilities, amenities and public transport options beyond reasonable and safe walking distance. As a consequence of the limited accessibility to facilities, amenities and sustainable modes of transport future residents are unlikely to be encouraged to utilise sustainable modes of transport and will rely only on travel by private motor car.

Furthermore the proposal would result in the consolidation of sporadic ribbon development in the countryside, erode the function of the settlement boundaries to control inappropriate development within the countryside, with the rural character and openness of the countryside diminished as a result. The development would erode the rural character of the site and fail to integrate with its surroundings.

Cumulatively the adverse impacts of the development significant and demonstrably outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies CS5, CS7 and CS8 of the Adopted Core Strategy and Policies RLP2 and RLP80 of the Adopted Local Plan.

- 2 The proposal fails to provide a sufficient ecological survey information, such it has not been possible for the LPA to make an appropriate assessment in respect of ecological matters, contrary to the NPPF, Policy RLP84 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP70 of the Draft Local Plan.

SUBMITTED PLANS

Existing Site Plan	Plan Ref: 4100 120
Proposed Site Plan	Plan Ref: 4100 121
Proposed Site Plan	Plan Ref: 4100 122
Proposed Elevations and Floor Plans	Plan Ref: 4100 123
Proposed Elevations and Floor Plans	Plan Ref: 4100 124
Landscape Masterplan	Plan Ref: 4100 125

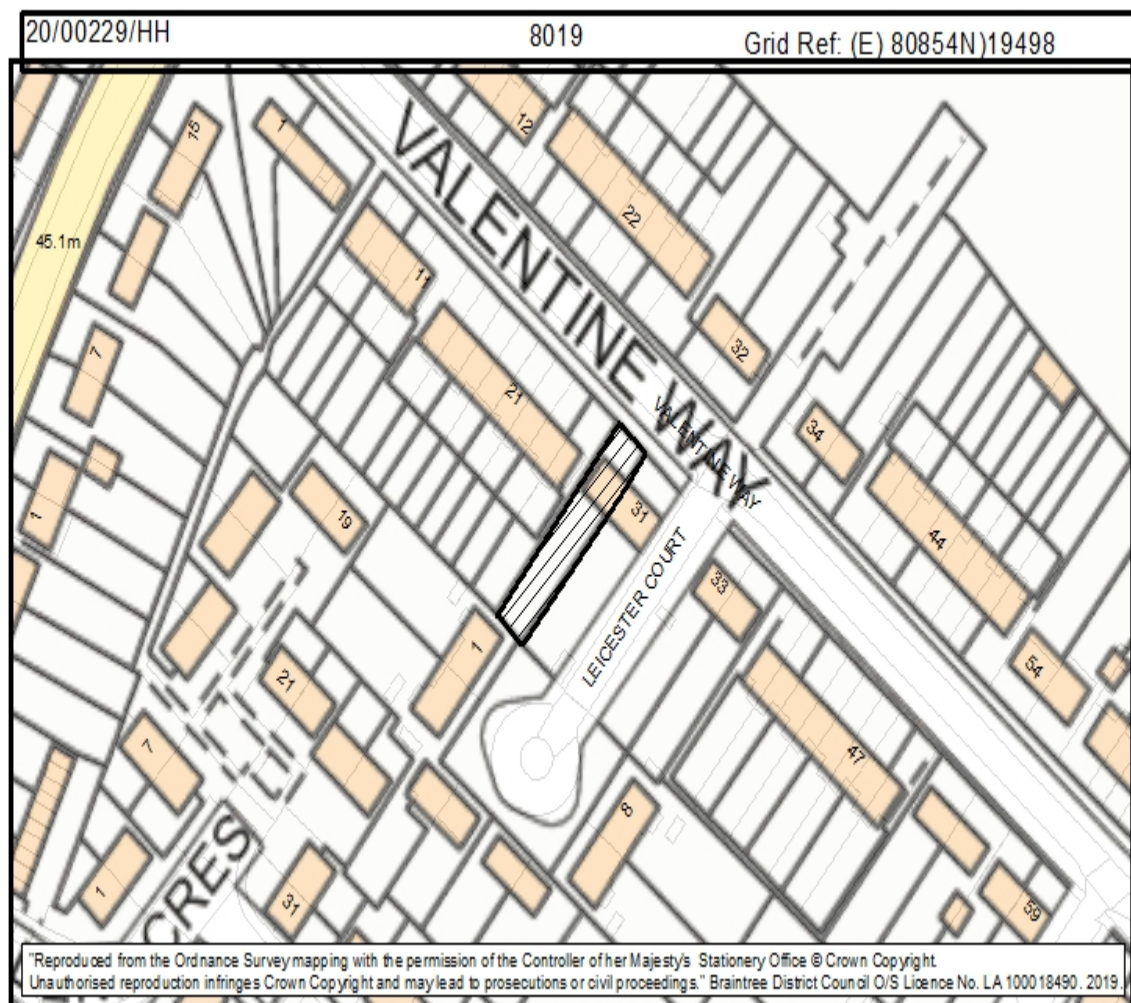
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5c

APPLICATION NO:	20/00229/HH	DATE VALID:	19.02.20
APPLICANT:	Miss Rose 29 Valentine Way, Silver End, Essex, CM8 3RY		
AGENT:	Blue Manor Windows 4 Chilford Court, Rayne Road, Braintree, Essex, CM7 2QS		
DESCRIPTION:	Replacement of Crittall windows to front and side elevations with aluminium windows and new door.		
LOCATION:	29 Valentine Way, Silver End, Essex, CM8 3RY		

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5AGW7BF0EC00>

SITE HISTORY

N/A

POLICY CONSIDERATIONS

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

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

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

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

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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Silver End Conservation Area Guide 1999

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

29 Valentine Way is a semi-detached property located in the village boundary of Silver End. The property is located within the Silver End Conservation Area and is situated within the area which is subject to an Article 4 Direction. Amongst other things, the Article 4 Direction requires that planning permission is required for the replacement of windows.

PROPOSAL

The application seeks planning permission for the replacement of nine windows on the front, side and rear elevation of the property, along with the installation of a new front door to the side of the dwellinghouse.

CONSULTATIONS

Historic Building Consultant

The Historic Buildings Consultant has provided two responses to this application, the first of which was an objection. This objection was due to the proposed windows not replicating the proportions or appearance of the original units. Following further discussions and amendments to include glazing bars, the latest response from the Historic Buildings Consultant is set out below:

I have no objection to the replacement of the windows at the property. The amended drawings detail windows which feature glazing bars and proportions that mimic the original 'Georgian' Crittall windows which featured across the Silver End Conservation Area at the time of its construction. Therefore, they could be considered a largely faithful reinstatement of the appearance of the original windows, although with surface mounted rather than integral glazing bars.

The installation of the proposed windows will be disruptive to the street scene and significance of the Conservation Area, the special interest of which is partially derived by the uniform appearance of the properties within it. However, the installation of windows featuring glazing bars would likely set a precedent for the reinstatement of the original appearance of the properties which would, eventually, be beneficial to Silver End, enhancing one of the elements that contributes to its architectural interest. Therefore, the local authority must determine if this harm, contrary to section 196 of the NPPF, will be outweighed by the longer-term public benefit.

PARISH / TOWN COUNCIL

Silver End Parish Council

Silver End Parish Council have stated that they object to the application as the proposals are in contravention of current Conservation Guidelines, as published.

REPRESENTATIONS

Adjoining neighbouring properties were consulted and a site notice was displayed outside no.29 Valentine Way for a period of 21 days. No neighbour representations have been received.

REPORT

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allow 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 providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should function well and add to the overall quality of the area, be sympathetic to local character and history, and maintain a strong sense of place. In addition to this, 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 LPP50 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

No.29 Valentine Way is located within the Conservation Area of Silver End where an Article 4 Direction is in place. Silver End was designed as a “garden village” with different sections designed by different architects. The original layout and much of the landscaping survives, however, many of the buildings are in poor condition cosmetically. The houses in this part of the village were designed by C Murray Hennell. They are predominantly arranged in terraces, with some semi-detached pairs, and are constructed in a yellow gault brick.

The original window pattern used in Valentine Way was Crittall's Georgian style which was popular at the time. The style of front doors varied with the house types. This property has a side entrance door, which would likely have featured a glazed panel to the top set out in panels of 3, with timber below.

This application seeks to replace the non-contemporary 1960s windows with aluminium double glazed units which would mimic, as closely as possible, the original Georgian pattern. The replacement composite door would be of a similar pattern with a timber core and UPVC overlay to appear like a wooden door.

Following initial concerns expressed by the Historic Buildings Consultant, revised plans have been submitted and reviewed. The Historic Buildings Consultant raises no objections to the replacement windows, but has concerns with regard to the proposed replacement composite door. As referred to above, the Parish Council has objected as the proposal does not accord with the Silver End Design Guide.

Silver End was founded by the Crittall Company in part to provide homes for their workers. It is fair to say that it also acted as a show-case for up-and-coming architects and Crittall products. Sadly, Silver End is no longer owned by the company and the houses are either privately owned or are part of local social housing. It is also fair to say that modern Crittall Windows are extremely expensive in comparison to similar products and out of reach for many of the owner occupiers.

One of the main reasons the core of the Village was designated as a Conservation Area, was due in part to the erosion of its uniformity by owner/occupiers as a result of the 'right to buy' legislation. The Silver End Garden Village Article 4 (No.2) Direction 1985 introduced greater controls to certain forms of development within the Conservation Area that would normally not require planning permission. These controls are:

- *The enlargement of a dwelling house where such enlargement is carried out on the front or side elevation of the dwelling house. The erection of any garages or outbuildings to the front or side of a dwellinghouse.*
- *Alterations of a dwellinghouse affecting windows, doors or other openings to the front and side elevations including the insertion of new windows and doors. Alterations to roofs including the insertion of dormer or other windows into roofs and the change of roof materials on pitched roof properties. The alteration of porches and porch canopies. The application of any form of cladding or rendering to the external walls of the front and side elevations.*
- *The erection or construction of a porch outside the front or side door of a dwellinghouse.*
- *The erection or construction of any fences, walls, gates or other forms of enclosure to the front or sides of a dwellinghouse. Alteration of fences, walls or other means of enclosure if the development is adjoining the highway or in front of the building.*
- *The construction within the curtilage of a dwellinghouse of a vehicle hard standing incidental to the dwellinghouse.*
- *The formation of an access to a dwelling house from an unclassified road.*
- *The painting of the exterior of any wall of a dwellinghouse.*

The Article 4 Direction restricts the scope of permitted development rights. Where an Article 4 Direction is in effect, a planning application is required for development that would otherwise have been permitted development. However, it does not set out how the development should be undertaken. To this end, the first Silver End Conservation Guide was published. The most recent Silver End Conservation Guide published in 1999 is now out-of-date and is in need of revision. Therefore, to consider every application in Silver End on its merits on a case by case basis is a reasonable way forward as a

means of ensuring that residents are able to replace their old windows, whilst mitigating the impact on the individual dwellings and the wider Conservation Area.

The use of double-glazed aluminium framed windows in Silver End has been established in recent years following the granting of many planning applications within the Conservation Area. It has also been acknowledged by the Historic Building Consultant on these previous applications that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal seeks to replicate the Georgian style windows that were originally at the property is considered to be compatible with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity of the street-scene, this will change as properties in the street and the wider Conservation Area look to replace their windows in authentic styles. This would restore some uniformity and be more in keeping with how Silver End originally looked.

In terms of the replacement door, whilst metal doors were available and produced by Crittalls during the 1920s/30s when the Village was built, these were for French-window type doors. Standard timber doors were used when the Village was constructed and many have been replaced over the years. Whilst it is acknowledged that the proposed door will not look exactly the same as a traditional wooden door, it is of a high quality and replicates the pattern of the original door. It is also on the side of the dwelling set into a deep reveal which will mean it will not be readily obvious in street views. On this basis, it is considered that its impact on the Conservation Area will be mitigated and refusal would be difficult to justify.

In applying Paragraph 196 of the NPPF, harm to the significance of the heritage asset (Silver End Conservation Area) must be weighed against any public benefits. In this regard, it is considered that the proposal would have little public benefit. The proposal would generate employment at the installation stage although it would be of limited significance due to the small scale nature of the work involved, which weighs against the proposal in the planning balance. However, this 'less than substantial harm' would be mitigated as far as possible by the fact that the design of the replacement windows and door being a reasonable modern facsimile of the original features. As such the proposal is considered acceptable in this instance.

Conclusion

It is concluded that the proposal, on balance, is acceptable from a design, appearance and heritage perspective. The proposal seeks to minimise the harm to the Silver End Conservation Area as far as possible as a result of the use of design details that are more contemporary with the Village as it was built.

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

Window details

Door Details

Location Plan

Block Plan

Existing and Proposed Plans

Plan Ref: Drawing 1

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

Reason

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

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

Reason

To ensure that the development does not prejudice the appearance of the Conservation Area.

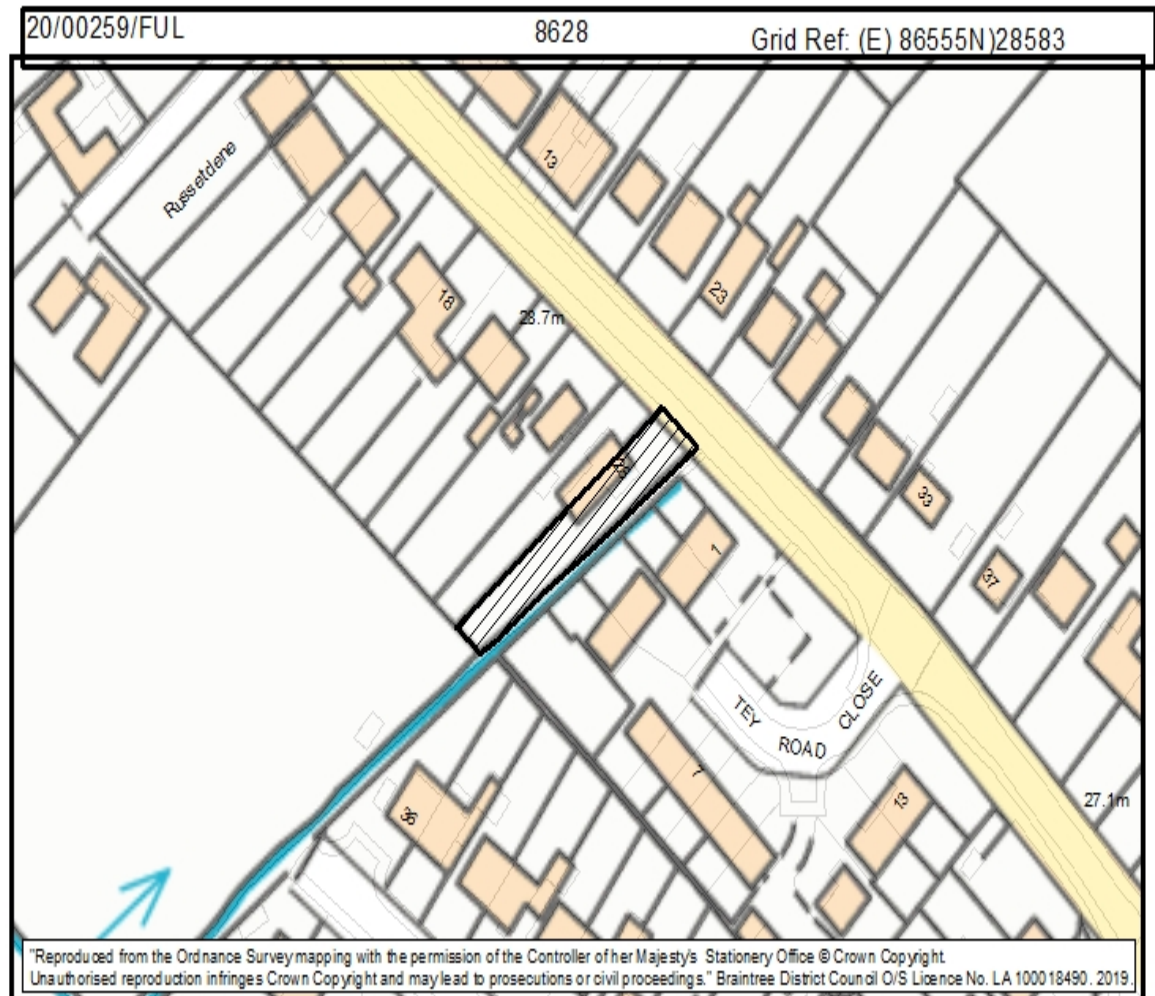
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00259/FUL
DATE: 21.02.20
VALID:
APPLICANT: Leon Mower
28 Tey Road, Earls Colne, Essex, CO6 2LG
DESCRIPTION: Erection of single-storey building in the rear garden for Use as a Beauty Salon (Sui Generis)
LOCATION: 28 Tey Road, Earls Colne, Essex, CO6 2LG

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=Q5LAV5BFKSY00>

SITE HISTORY

93/00393/FUL	Erection of lounge and garage extension	Granted	12.07.93
97/00866/FUL	Erection of two storey side and single storey rear extension	Granted	04.08.97
19/01814/HH	Single storey rear extension	Granted	06.12.19

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

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

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

Neighbourhood Plan

N/A

Other Material Considerations

None.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is a semi-detached dwellinghouse located on the southern side of Tey Road situated within the Village Envelope of Earls Colne. The property recently received planning permission for the erection of a single-storey rear extension (Application Reference 19/01814/HH) which has not yet been constructed and has a generous amenity area located to the rear of the house. Off road parking is located to the front of the property.

The applicant currently runs a Beauty Salon business from the main dwelling and utilises the existing conservatory space.

PROPOSAL

This application seeks full planning permission for the construction of an outbuilding to the rear of the property, which would measure 5 metres by 3 metres with a maximum height of 2.47 metres.

The outbuilding would be constructed of timber, with a shallow pitched felt roof. Following revisions to the proposal, the outbuilding will be positioned 0.5 metres from the boundary with the neighbouring dwelling at No.26 Tey Road, and 0.5 metres from the approved rear extension.

The outbuilding would be used as a *Sui Generis* Beauty Salon.

CONSULTATIONS

BDC Environmental Health

Raise no objections and suggest that the days and hours of operation could be conditioned to protect from intensification of use.

PARISH / TOWN COUNCIL

Earls Colne Parish Council objects to the application due to the existing surface material of the existing driveway (which comprises loose stones). They request that a condition should require the surface material of the access to be changed.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations have been received.

REPORT

Principle of Development

The application site is located within the Earls Colne Village Envelope where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

This application seeks to use the proposed outbuilding as a beauty salon business, whilst the main use of the property would be maintained as a C3 residential dwelling. The applicant currently operates a beauty salon business which is already established at the property and has been operating for over 10 years. This currently operates from the existing conservatory which is being replaced as part of a previous proposal which has been granted planning permission (Application Reference 19/01814/HH).

In this case, it is considered that the scale of the use may have expanded beyond that which would be considered ancillary to the use of the dwellinghouse and a change of use would take place. Therefore, consideration must be given to the impact of the use on surrounding residential amenity in accordance with Policy RLP11 of the Adopted Local Plan.

If a non-residential use ceases to be ancillary, because the business has expanded, planning permission is required for change of use, as is being sought by way of this application. Indicators that a material change of use has occurred include:

- A significant alteration to the appearance of the dwelling;
- A significant increase in volume of visitors or traffic;
- A significant increase in noise, fumes or smell;
- The installation of special machinery or equipment not normally found in a dwelling; and
- The laying out of rooms in such a way that they could not easily revert to residential use at the end of the working day.

In this case the Beauty Salon use would now be operating from a purpose built outbuilding which could be accessed separately from the dwellinghouse. The layout of the outbuilding would be arranged so that it could not revert easily at the end of the day to residential use. Notwithstanding this however, the size of the outbuilding is modest and it would not appear out of place in a normal residential situation. Furthermore, its size would also naturally restrict the level of operation and it is unlikely that there would be a significant increase in volume of visitors or traffic over and above the current situation. The nature of the use would also not result in increased noise, fumes or odours.

The applicant works alone, does not employ any other members of staff and provides a quiet, intimate service to clients. Information has been provided to show that using data over a 15 week period the average number of clients per day was just over 3. In addition to this the applicant only intends to operate Tuesday to Friday with occasional Saturday work.

Therefore whilst a change of use would have taken place, there would be no loss of residential floorspace and the proposed operation is of a scale which would be compatible with the surrounding residential area. The principle of development is therefore considered acceptable in this instance.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposed outbuilding would be situated within the rear amenity space of the existing property, replacing an existing outbuilding. The structure would not be seen from the public domain due to its positioning in the garden away from the adjoining public footpath which runs along the southern boundary of the site. In terms of appearance, the building would look like a conventional domestic outbuilding and would be subservient in scale to the host property. The proposal is considered to be acceptable in this regard.

Impact on Neighbour Amenity

Policy RLP11 of the Adopted Local Plan states that permission will not be given for uses which by reasons of their character or appearance, or the noise, fumes, smell and traffic, which they generate, will harm the character of a predominantly residential area and make it a less pleasant an area in which to live.

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.

The Environmental Health Officer has raised no objection to the proposals, given that the existing business has already been in operation at the property for over 10 years. It is not expected that the Beauty Salon use would require machinery which would contribute to noise levels not expected within a residential area, nor would the level of client attracted lead to a level of disturbance over and above normal coming and goings at a residential dwelling of this size.

The proposed outbuilding has been situated close to the positioning of a recently removed outbuilding at the premises. However it would be situated further from the boundary with the neighbouring dwelling to allow access for maintenance purposes. No increased sense of enclosure or visual intrusion would result and there would be no loss of light experienced to neighbouring habitable windows. It is not considered that the proposal would have an adverse impact on neighbouring residential amenity and therefore the proposal would be in accordance with the abovementioned policies.

Given the modest and quiet nature of the proposed use which would be naturally restricted by the size of the outbuilding it is not considered necessary to restrict the hours of operation in this instance. Furthermore given that a Beauty Salon is a *Sui Generis* use, thus not falling within a specific Use Class, it could not change to another use without further planning permission. It is however considered appropriate to recommend the imposition of a condition ensuring that should the use of the Beauty Salon cease, it should revert back to ancillary residential use.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces. There are no specific standards relating to Beauty Salon uses.

The application property current has off-street parking to the front of the dwelling for 3 cars. The proposed outbuilding would be located to the rear of the property and the existing parking arrangements would remain unaffected by the proposals. The level of parking available is considered sufficient to meet the continued needs of both the dwelling and the Beauty Salon use without harm to the surrounding highway.

Earls Colne Parish Council have objected to the proposal on the basis that the existing surface material to the driveway comprises loose gravel. Whilst the concerns of the Parish Council are acknowledged, the material is not uncommon in the locality and the intensity of the use is not anticipated to increase. Requiring the parking surface to be re-laid would not meet the tests of a planning condition in that it would not be wholly related to the development permitted and would not be considered reasonable in all other respects.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and the proposed business use would not have a detrimental impact upon neighbouring residential amenity. The application is therefore 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

Specification

Proposed Plans

Plan Ref: 19/149-03

Version: A

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

Reason

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

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

Reason

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

- 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 Unless otherwise agreed in writing by the Local Planning Authority, the outbuilding hereby permitted shall only be used as a Beauty Salon. Should the use as a Beauty Salon cease the outbuilding shall revert to ancillary residential use in connection with the host dwelling being no.28 Tey Road.

Reason

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

CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

Conservation Area Character Appraisal Update		Agenda No: 6
Portfolio	Planning	
Corporate Outcome:	A sustainable environment and a great place to live, work and play	
Report presented by:	Alan Massow, Principal Planning Policy Officer	
Report prepared by:	Alan Massow, Principal Planning Policy Officer	
Background Papers:		Public Report: Yes
<ul style="list-style-type: none"> • National Planning Policy Framework • National Planning Practise Guidance • Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (second edition) • The Setting of Heritage Assets Planning Note 3 (2017) • Planning (Listed Buildings and Conservation Areas) Act 1990 		Key Decision: No
Executive Summary:		
<p>Braintree District Council has been undertaking a series of Conservation Area Appraisals and Management Plans across the District. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, local authorities are required from time to time, determine which parts of their areas are of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance. Such areas should be designated as conservation areas.</p> <p>This report provides background information on conservation area appraisals, and an update on the conservation areas program currently underway.</p>		
Recommended Decision:		
To note the contents of the report.		
Purpose of Decision:		
To note progress on the production of conservation area appraisals in the district.		

Any Corporate implications in relation to the following should be explained in detail.

Financial:	None
Legal:	A legal challenge could take place on the adoption of Conservation Area Appraisals, and changes to Conservation Area boundaries
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	The addition or removal of conservation areas may impact on customers, as stricter planning rules apply within conservation areas.
Environment and Climate Change:	A Conservation Area Appraisal and Management Plan will help to protect, conserve and enhance the historic environment
Consultation/Community Engagement:	Conservation Area Appraisals require public consultation.
Risks:	A legal challenge could take place on the adoption of the Appraisal or alteration to a conservation area.
Officer Contact:	Alan Massow
Designation:	Principal Planning Policy Officer
Ext. No:	2557
E-mail:	almas@braintree.gov.uk

1 Introduction

- 1.1 Braintree District has 38 conservation areas within the District ranging from the smaller villages to the main towns, it also includes a small section of conservation area around the Chelmer and Blackwater River.
- 1.2 Many of these areas have not been recently assessed. The Council has secured some funding to undertake a series of Conservation Area Appraisals and Management Plans (CAAMP). Experts in the historic environment from Essex County Council Place Services have been commissioned to undertake this work.

2 Legislative and National Policy background

- 2.1 Local planning authorities must review their conservation areas from time to time in accordance with (S69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.2 A CAAMP can be used to help local planning authorities develop a management plan as well as appropriate policies for the Local Plan. A good appraisal will consider what features make a positive or negative contribution to the significance of the conservation area, thereby identifying opportunities for beneficial change or the need for planning protection.
- 2.3 Section 16 paragraph 186 of the NPPF deals with the designation of conservation areas. It states that when considering the designation of a conservation area, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
- 2.4 Historic England has published guidance on the production of conservation areas designation, appraisal and management under Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (second edition) (2019). Information on the setting of heritage assets is available under Historic England's Advice 3: The setting of Heritage Assets, 2nd Edition (2017).
- 2.5 This guidance sets out how conservation areas should be assessed, and how to identify potential new conservation areas.
- 2.6 Further advice is provided relating to significance and conservation areas and lists different types of special architectural and historic interest which have led to a designation. They include;
 - Areas with a high number of nationally designated heritage assets and a variety of architectural styles and historic associations
 - Those linked to a particular industry or individual with a particular local interest

- Where an earlier, historically significant, layout is visible in the modern street pattern
- Areas designated because of the quality of the public realm or a spatial element, such as a design form or settlement pattern, green spaces which are an essential component of a wider historic area, and historic parks and gardens and other designed landscapes, including those included on the Historic England Register of parks and gardens of special historic interest.

2.7 It is considered that conservation area designation is not generally an appropriate means of protecting the wider landscape (agricultural use of land falls outside the planning framework and is not affected by designation as a conservation area) but it can protect open areas particularly where the character and appearance concerns historic fabric, to which the principal protection offered by conservation area designation relates.

3 Conservation Areas in Braintree District

3.1 The following table shows conservation areas in the district the date of designation, and when that area was reviewed. It also indicates where an area has a management plan.

Table 1 – List of conservation area designation, amendments and Management Plan

Conservation Area	Date Designated	Amended	Amended (2)	Amended (3)	Management Plan
Ashen	09/11/1989				
Belchamp Otten	03/12/1984				
Belchamp St. Paul	11/10/1979				
Belchamp Walter	17/07/1980				
Birdbrook	13/01/1970				
Braintree Town Centre	09/03/1971	22/10/1981	16/05/1985	09/11/1989	In progress
Braintree - Bradford Street	20/05/1969	22/10/1981	""	""	In progress
Bocking Church Street	22/10/1981				
Bulmer	09/11/1989	18/03/2009			Yes
Bures Hamlet	16/09/1969				
Castle Hedingham	20/05/1969				
Coggeshall	26/11/1968	17/07/1980	09/11/1989		
Cressing	22/10/1981	10/03/2009			Yes
Earls Colne and White Colne	04/11/1969	17/10/1985	18/09/1990	20/11/2007	
Feering (2 areas)	27/05/1976	07/07/2020			Yes
Finchingfield	16/09/1969	10/03/2009			Yes
Foxearth	27/05/1976	09/11/1989			
Gosfield	05/05/1988				

Conservation Area	Date Designated	Amended	Amended (2)	Amended (3)	Management Plan
Great Bardfield	16/09/1969	07/07/2020			Yes
Great Saling	26/01/1989				
Great Yeldham	17/10/1985				
Halstead Town Centre	15/07/1969	01/11/1977	01/05/1986	19/09/2008	
Helions Bumpstead	23/10/1990				
Kelvedon	20/05/1969	09/11/1989	07/07/2020		Yes
Pebmarsh	09/11/1989	11/09/2012			Yes
Rayne	22/10/1981	09/11/1989			
Ridgewell	17/07/1973	10/03/1988	09/11/1989		
Sible Hedingham	04/11/1969	02/03/2011			Yes
Silver End	17/01/1983	16/05/2000	2013		Yes
Steeple Bumpstead	07/08/1969	17/10/1985			
Stisted	02/11/1973	22/10/1981			
Terling	16/09/1969	21/12/1999			
Toppesfield	09/11/1989				
Wethersfield	17/07/1973				In progress
White Notley	10/03/1988				
Witham (2 separate areas)	23/01/1984	19/09/2008			Yes
Chelmer & Blackwater	14/01/1992	2006/7			Yes

- 3.2 It can be seen from Table 1 that 16 conservation areas have never been assessed since their original designation, with the oldest areas being from the late 1960s.

4 Priorities for areas to be appraised

- 4.1 Four criteria are used by Braintree District Council to determine which areas should be a priority for assessment. They are;
- Length of time since last appraisal
 - Number of listed buildings
 - Development pressure
 - Local requests (See below)
- 4.2 It should be noted that the designation of conservation areas was previously a function of Essex County Council, and therefore limited background material beyond the decision to designate an area exists.
- 4.3 A request has been received from the Town Council and the Halstead 21st Century Group and the Council for British Archaeology to review the Halstead

Conservation Area. Earls Colne Parish Council also requested a review of its conservation area.

- 4.4 Hatfield Peverel Parish Council have requested a new conservation area which was considered, but Essex County Council concluded that there was insufficient historic interest to designate a conservation area.
- 4.5 Bardfield Saling have also requested the area be considered for a conservation area (September 2016).
- 4.6 Five conservation areas were originally designated in the late 1960s and early 1970s and have not been reviewed since;
 - Belchamp St. Paul
 - Birdbrook
 - Bures Hamlet
 - Castle Hedingham
 - Wethersfield
- 4.7 Wethersfield conservation area includes large areas of landscape which may no longer meet the special architectural and historic interest, however the area is currently being reviewed.
- 4.8 Belchamp St. Paul, Birdbrook, and Castle Hedingham have very little development pressure at this time but have never been reviewed.
- 4.9 Eight conservation areas are considered to be under development pressure;
 - Braintree Town Centre (Currently under review)
 - Braintree Bradford Street (Currently under review)
 - Bocking Church Street
 - Coggeshall
 - Cressing (Reviewed 2009)
 - Feering (Reviewed 2020)
 - Halstead Town Centre (Partial review 2008/9)
 - Witham (Reviewed 2007)
- 4.10 Great Saling parish council have requested a review of their conservation area and any specification could include a requirement to look at the merit of a conservation area at Bardfield Saling as mentioned before.
- 4.11 Other areas such as Witham, Cressing and Halstead have recently been reviewed and it is not proposed to review them at this time.
- 4.12 Coggeshall has recently seen a larger scale development permitted, which could indirectly impact on its conservation area in future.

- 4.13 The conservation areas in Braintree and Bocking, could potentially be impacted by the urban extensions at Broad Road, and North West Braintree/Towerlands primarily by increase traffic travelling through them.

5 Current Appraisals Update

- 5.1 Essex County Council's Place Services are currently undergoing appraisal at Braintree Town Centre/Bradford Street and Wethersfield, on behalf of the Council.
- 5.2 Wethersfield
The appraisal is intended as a baseline to inform future development. It looks at the original and evolution of the village, describing its special significance and sets out the legislative background. It contains an area by area character analysis, and looks listed buildings, the public realm, archaeology, buildings at risk, management of future development and opportunities for improvement.
- 5.3 The appraisal states (paragraph 1.1) that *"the special interest of the Wethersfield Conservation Area is predominately derived from its development as a small rural historic settlement and the resulting characteristic architecture and landscape."*
- 5.4 The draft appraisal recommended;
- Three large areas of open land which lie beyond the built up area of the village removed from the Conservation Area
 - A small border adjustment within the village
 - Two small additions to the Conservation Area at Congregational graveyard and walled gardens of the Manor House
- 5.5 The draft Conservation Area Appraisal was put out to public consultation initially between 10th July and 12th August 2019. This was later extended to the 9th September 2020, following public interest. A public meeting was held on the 17th July 2019 which was attended by approximately 120 people. A site visit was conducted to allow the Parish Council to draw evidence to the attention of representatives of Braintree District and the District's Conservation experts. No further evidence following that date has been forthcoming.
- 5.6 In total 44 comments were received from 42 consultees including the Parish Council, and the appraisal is currently being redrafted in response to those comments.
- 5.7 Following the consultation process one area proposed to be excluded – at Hudson's Hill - is going to be recommended for retention in the appraisal. It is likely that a focused public consultation will take place on the revised draft, given the changes to the original consultation document.

- 5.8 Once the final version of the appraisal is completed, it will be presented to Planning Committee for consideration.
- 5.9 Braintree
The next Conservation Area appraisals underway are those at Braintree Town Centre and Bradford Street. However unfortunately the appraisal has been delayed due to the current pandemic.
- 5.10 Desk top research is ongoing and sites visits will be starting shortly. The local group Friends of Bradford Street, will be invited to accompany officers on the site visit.
- 5.11 The desk top work has indicated that it may be appropriate for the conservation area to be split into two parts, keeping the park as part of the town centre and separate the distinctly medieval/vernacular Bradford Street from the rest of the town, which has a much different character.
- 5.12 It is hoped that the draft appraisal will be presented to officers in August. Consultation with local residents and groups would then be able to take place in September with the final recommendations being considered by this committee before the end of the year.

6 Recommendation

To note the contents of the report.