

PLANNING COMMITTEE AGENDA

Tuesday, 19 November 2019 at 7:15pm

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

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Members of the public wishing to speak 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 to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 5th November 2019 (copy to follow).

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

5a	Application No. 18 02075 FUL - Codham Park Equestrian, Codham Little Park Drive, WETHERSFIELD	6 - 27
5b	Application No. 19 00634 REM - Land East of Boars Tye Road, SILVER END	28 - 56
5c	Application No. 19 00953 FUL - 1 Wheaton Road, WITHAM	57 - 67
5d	Application No. 19 01119 FUL - Valley Farm, Halstead Road, SIBLE HEDINGHAM	68 - 76
5e	Application No. 19 01428 FUL - Valley Farm, Halstead Road, SIBLE HEDINGHAM	77 - 87
5f	Application No. 19 01511 FUL - Burtons Farm, Booses Green, Pebmarsh Road, COLNE ENGAINE	88 - 105

PART B
Minor Planning Applications

5g	Application No. 19 00765 FUL - Moors Farmhouse, Brickhouse Road, COLNE ENGAINE	106 - 116
5h	Application No. 19 01073 FUL - 305 Rayne Road, BRAINTREE	117 - 126
5i	Application No. 19 01348 HH - 13 Hull Lane, TERLING	127 - 134
5j	Application No. 19 01692 FUL - Goldingham Hall, Park Drive, BRAINTREE	135 - 142

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

7 Exclusion of the Public and Press
 To agree the exclusion of the public and press for the
 consideration of any Items for the reasons set out in Part 1 of
 Schedule 12(A) of the Local Government Act 1972.
At the time of compiling this Agenda there were none.

PRIVATE SESSION

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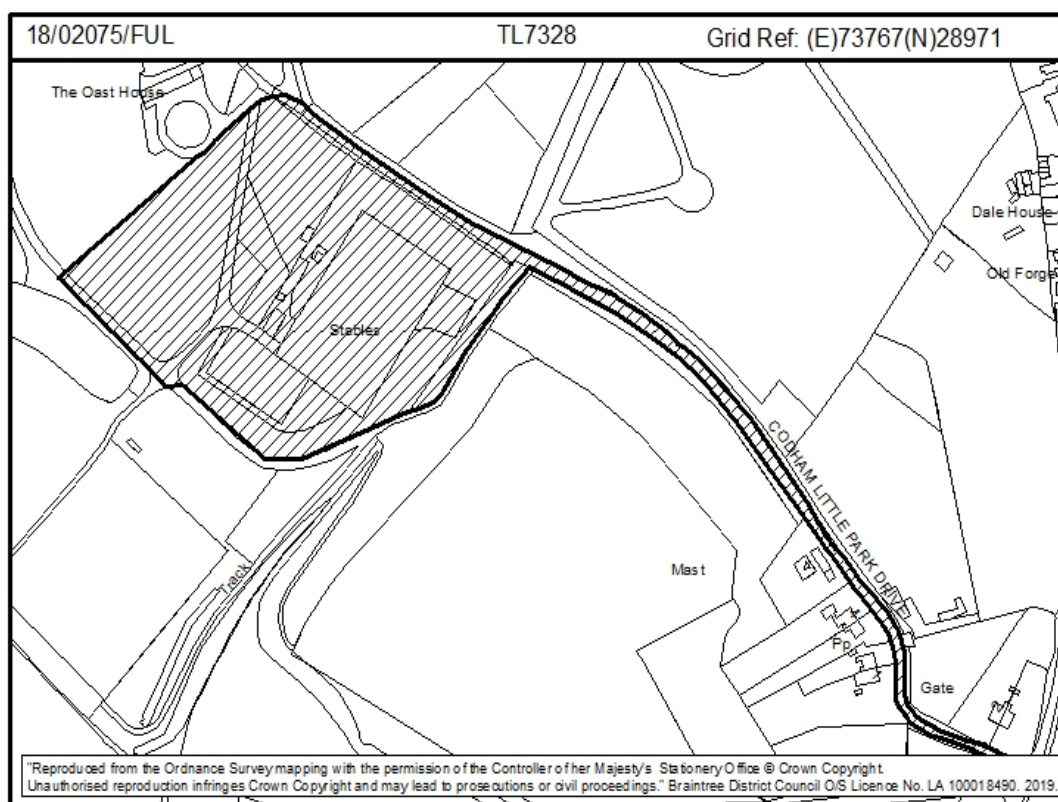
8 Urgent Business - Private Session
 To consider any matter which, in the opinion of the Chairman,
 should be considered in private by reason of special
 circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/02075/FUL DATE: 28.11.18
VALID:
APPLICANT: Mrs Sharon Peters
Codham Park Equestrian, The Oast House, Codham Little
Park Farm, Codham Park Drive, Beazley End, CM7 5JQ
AGENT: Holmes and Hills
Dale Chambers, Bocking End, Braintree, Essex, CM7 9AQ
DESCRIPTION: Extension and alteration to existing equestrian centre,
involving the retention of the equestrian warm-up area and
extended land for car parking, the proposed erection of an
ancillary single-storey food and drink kiosk and the
extension of the operating period for the use for
'Competitive Events' to between 1st March and 30th
November
LOCATION: Codham Park Equestrian, Codham Little Park Drive,
Wethersfield, Essex, CM7 5JQ

For more information about this Application please contact:
Derek Lawrence on:- 01376 551414 Ext.
or by e-mail to: derek.lawrence@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PIJNL YBF0I 000>

SITE HISTORY

12/00054/REF	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Appeal Allowed	10.06.13
88/00966/P	Proposed Alterations	Granted	23.06.88
89/00136/P	Erection Of Attached Double Garage And Lobby	Granted	10.03.89
08/02152/FUL	Change of use from paddock to exercise arena	Granted	29.12.08
09/00007/DAC	Application for approval of details reserved by condition 3, 4, and 6 of approval 08/02152/FUL - Change of use from paddock to exercise arena	Granted	31.03.09
12/00330/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Refused	15.06.12
12/00993/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions	Refused then allowed on appeal	14.09.12
13/00141/DAC	Application for approval of details reserved by condition nos. 2 and 6 of approval appeal decision APP/Z1510/A/12/2184055 (planning refusal 12/00993/FUL)	Granted	20.06.13

14/00205/FUL	Application to remove condition no. 2 of application no. 08/02152/FUL (Change of use of paddock to exercise arena) to enable use of exercise arena for equestrian competitions on a permanent basis	Granted	14.04.14
17/00033/VAR	Application for variation of Condition 3 of approved application 12/00993/FUL - There shall be no more than three competitive events held at the venue in any single week.	Withdrawn	18.01.17
17/00034/VAR	Application for variation of Condition 4 of approved application 12/00993/FUL - The competitive events shall not start before 09:00 hours not continue beyond 18:00 hours	Withdrawn	18.01.17
17/00102/VAR	Application to vary Condition 4 of approved application 14/00205/FUL - There shall be no more than three competitive events held at the venue in any single week up to a maximum of ten times per calendar year. At all other times there shall be no more than two competitive events held at the venue in any single week.	Withdrawn	10.04.17
17/00103/VAR	Application to vary Condition 5 of approved application 14/00205/FUL - The competitive events shall not start before 09:00 hours not continue beyond 18:00 hours	Withdrawn	10.04.17

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP78	Countryside
RLP85	Equestrian Facilities
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP129	Sports and Leisure Facilities

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

LPP46	Protected Lanes
LPP46	Protected Lanes
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP54	Equestrian Facilities
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

Other Material Considerations

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 Gosfield Parish Council and Shalford Parish Council have objected to the proposal contrary to Officer recommendation and due to the public interest through the significant number of representations received, including petitions.

SITE DESCRIPTION

The application site is a restored, former, quarry which lies within an area of countryside beyond the envelope or development boundary of any settlement. The site is surrounded by agricultural land and woodland which falls naturally to the south and east. The site comprises of an equestrian facility located at Codham Little Park Farm with access on Codham Little Park Drive from Bovingdon Road and it is currently developed by an exercise arena of 80 metres by 50 metres, with an adjacent warm up arena of 60 metres by 25 metres, plus 3 ancillary buildings being a secretaries and entries building, a lean-to open shelter and a judges building.

BACKGROUND TO PROPOSALS

The principle of equestrian use for competitive purposes on the greater part of the site has already been established. Planning permission, referenced 12/00993/FUL was granted on appeal (Planning Inspectorate ref: APP/Z1510/A/12/2184055) in June 2013 for a temporary period to October 2014, subject to a number of conditions to control the number of competitive events, the period over which they could take place, the hours of the events, lighting and parking.

In allowing the appeal the Inspector considered the use appropriate for a countryside location and that it was suitably located for the horse riding community which would be served. This was with regard to the closure of Towerlands Park and the nearest show jumping venues being between 26 and 50 miles from Beazley End. As such the facility was considered to lead to a reduction in vehicle journey lengths for horse riders. Based on the likely attendance level the Inspector considered there would be no significant effect on local landscape character or nature conservation such as to conflict with Core Strategy Policy CS8 and the Adopted Local Plan Policy RLP85. On a further point the Inspector found that notwithstanding concerns of local residents the estimated level of traffic movements would have little impact on local routes, noting that the Highway Authority had not raised any issues and was satisfied with visibility at the junction of Codham Little Park Drive and Bovingdon Road.

Subsequently, planning permission was granted, on a permanent basis, in April 2014, under reference 14/0205/FUL, which permitted the retention of the exercise arena but otherwise subject to the same conditions as were attached to the June 2013 approval including conditions in respect of the period and timing of competitive events, (limiting events to be within British Summer Time from 0900 hours to 1800 hours), lighting and parking.

PROPOSALS

The application is seeking planning permission for an enlargement (to the south west) of the site area of the equestrian centre from 1.75 to 2.38 hectares, retention of the existing warm up area with dimensions of 60 metres by 25 metres, plus the provision and regularisation of additional land for car parking, the erection of a kiosk of 40 square metres for the sale of food and drink and the extension of the period of competitive events to take place during the period 1st March to 30th November, restricted to 0900 hours to 1800 hours.

The details of the current application state that the number of parking spaces for cars and horse boxes would remain unchanged at 80 and 30 respectively and that there would be no change in the number of staff at 3 full time and 8 part time employees.

The application is accompanied by a Transport Statement by Intermodal Transportation Limited which has reviewed the impact of the proposals on the local highway network.

The enlarged area included with the present application contains the warm up area and the provision of an additional area for car parking. The food kiosk is to be sited adjacent to the north-west side of the main events arena, between existing timber buildings. Competitive events would be limited to 2 per week, in line with the existing permission 14/0205/FUL, and would not exceed 2 consecutive days, save for 3 occasions each year when an event could last up to but not exceed more than 3 consecutive days.

No floodlighting has been proposed in line with the limitations on the existing planning permission, 14/0205/FUL.

CONSULTATIONS

External Consultees

Essex County Council Highways

No objection. Initial response recommended that conditions attached to previous application 14/00205/FUL be applied. Following direct representations from local residents ECC Highways reconsidered previous comments and have stated that as the principle of the use was established under applications 08/02152/FUL & 14/00205/FUL the proposal is acceptable to the highway authority but request that if planning permission is granted an Informative be added that all work within the highway should be laid out and constructed with and to the requirements of the Highway Authority with details to be agreed prior to commencement of the works.

Historic Buildings Consultant

Codham Park Equestrian is located within the setting of Maltings, a grade II listed structure and Codham Little Park farmhouse, a grade II listed house. The proposal is acceptable from a heritage point of view subject to confirmation of location of new car parking area and the additional building.

Internal Consultations

BDC Landscape Services

No comment

BDC Ecology

No objection providing no floodlighting is permitted to avoid disturbance to biodiversity.

BDC Environmental Health

No objection, but applicant to be aware of the need to contact BDC Environmental Health in respect of kitchen facilities and WC provision.

PARISH/TOWN COUNCIL

Wethersfield Parish Council- No objection

Representations have been received from adjoining Parish Councils as follows:-

Gosfield Parish Council - Objection on the following grounds;-

- Increase in traffic, noise and disturbance.
- Roads between Gosfield and Beazley End have no paving and are single track in places.
- Increased number of horseboxes will adversely affect quality of life for residents.
- Would damage rural character of Gosfield and surrounding areas

Shalford Parish Council – Objection on the following grounds;-

- Large numbers of vehicles using small lanes to access site.
- Road past Codham Mill is steep and winding making passing of other vehicles difficult.
- If approved would request conditions put on the use of the tannoy.

REPRESENTATIONS

The planning application was advertised in the local press as development affecting a listed building in November 2018 and subsequently in June 2019, following an amendment to the description of the development to clarify the request for an amendment to the period during which competitive events could be permitted to take place. A site notice was displayed adjacent to the application site for a 21 day period in November 2018 and subsequently, as previously explained, in June 2019. Immediate neighbours were notified by letter in November 2018 and in June 2019.

In response to the initial advertisement and neighbour notification 23 comments of objection and 4 comments of support were received and are summarised below:

Support

- Much needed venue in the area.
- An important and well regarded venue fulfilling demand particularly with the loss of venues in Essex such as Towerlands which was a larger operation.
- Wide range of events offered enabling members of the community to enjoy their hobby.
- Healthy facility for young and old.
- Erection of food kiosk welcomed
- Unpleasant to read 'vitriol' directed towards the applicant in objections.
- Some objections have no legitimate basis such as those relating to traffic and views which are not relevant given that planning permission for the use has been granted.
- Site was formerly a quarry.
- Traffic in the countryside is inevitable.
- Rural communities need diverse businesses.

Objections

- Overdevelopment of site.
- Increase in equestrian related traffic movements, particularly on B1053 which is unsuitable for horse boxes.
- HGVs 'clog up' and damage small lanes which have no pedestrian footpaths thereby endangering walkers and causing danger for cyclists and horse riders.
- Use of warm-up area has increased traffic volumes.
- Codham Mill Lane is a Protected Lane.
- More 'heavy' traffic on quiet country lanes in Gosfield, Shalford, Blackmore End and Beazley End.
- Traffic Consultant's report underestimates traffic movements within vicinity of site and in the centre of Braintree, traffic data is inaccurate and therefore the report should be ignored.
- Traffic count showing distribution of vehicle movements is misleading and traffic volumes exceed what is stated in the transport statement.
- Would cause stress and disturbance to local residents by reason of noise, air and light pollution. Plans show more parking area than currently permitted.
- Vehicles parked on site are an eyesore having negative visual impact on Pant Valley
- Relaxation of condition 5 of planning permission 14/00205/FUL would adversely affect traffic levels through village
- Applicant wants to change condition relating to use of tannoy and other conditions imposed on permission reference 14/00205/FUL and by the Planning Inspector.
- Application would enable events to be held throughout the year.
- Applicant states 30 horseboxes attending site in a week and therefore question why so many horsebox parking spaces are required.
- Period of events will be extended for more than 3.5 months.
- Development has been undertaken without planning permission.
- Proposal diminishes the economic, social and environmental conditions in the area.

Following re-notification 41 further comments reiterating objections above and setting out additional objections:

- Potential increase in noise from tannoy.
- Concentration of events over 10 months unacceptable
- Extension of opening hours and proposed food kiosk would have an adverse effect on surrounding area.
- Allowing competitions outside of British Summer Time would increase potential for accidents on local highway network.
- Additional events would be detrimental to Beazley End and Gosfield Park Residential site.
- Large vehicles ignore signs advising roads not suitable for such traffic.
- Lack of public transport to serve site
- Adverse impact on wildlife.

- Would consider support if traffic controls put in place on local roads such as limits on weight and width of vehicles.
- Horsebox drivers inconsiderate to other road users.
- Excessive traffic speeds through Shalford.
- Additional traffic will impact on tranquillity of area.
- Why is application being made retrospectively?
- Dashcam footage supplied showing delay to traffic from Bocking End to equestrian centre.

In addition 4 petitions of objection have been received containing a total of 78 signatures citing concerns as set out above.

Campaign to Protect Rural England (Essex)

- Rural part of district with Pant Valley characterising landscape
- Local road network consists of narrow roads without pavements and Protected lanes.
- Proposals threaten tranquillity of area.
- Extension of activities would adversely affect rural characteristics of area.
- Increased vehicle movements on road network and nature of vehicles.
- Roads not suitable for increase in size and number of vehicles creating pollution from fumes and dust.
- Concern that tannoy system would increase noise pollution.

Essex Area Ramblers

- Increase in heavy traffic and car parking will create an unsafe walking environment.
- Beazley End area has a number of well used walking routes which require road walking to connect with each other.
- Small country lanes not designed for large vehicles.
- Expect rights to walk on highways to be respected.
- Safety of residents should have priority over HGVs.

REPORT

Principle of Development

The application site lies within the open countryside beyond the village envelope or development boundary of any settlement. Policy RLP78 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and Policy LPP1 of the Draft Local Plan state that development outside village envelopes 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. Furthermore, Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change whilst taking account of the potential impacts of climate change and ensuring the protection

and enhancement of the natural environment, habitats and biodiversity and geodiversity of the District.

Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area, as a result of:

- noise
- smells
- dust
- grit or other pollution
- health and safety
- visual impact and
- traffic generation
- contamination to air, land or water.
- impact on nature conservation interests
- unacceptable light pollution

The Council will refuse proposals where access roads would not be adequate to cope with consequential traffic.

Policy RLP85 of the Adopted Local Plan states that new riding schools, stable buildings or other equestrian facilities or extensions to such facilities will be permitted where:

- a) There is no significant effect on the Special Landscape Area, other important landscape or nature conservation interests or any adjacent residential area;
- b) No alterations to vehicular highways in the area are required;
- c) Bridleways and byways in the vicinity are located and designed to accommodate horse riders from the site; and
- d) No additional residential accommodation is consequently required to supervise the facilities.

Floodlighting will not be allowed in association with such facilities.

In addition Policy LPP54 of the Draft Local Plan also supports equestrian facilities and/or extensions to such facilities reiterating Policy RLP85 adding that there should be no significant effect on the setting of designated or non-designated heritage assets

Paragraph 83 of the NPPF indicates, inter alia, that planning policies and decisions should support sustainable rural tourism and leisure developments which respect the character of the countryside.

Whilst the current application proposes an increase in the overall site area the principle of the equestrian use has already been established by the permanent granting of planning permission under reference 14/00205/FUL. The current application proposes an increase in the site area from 1.75 to 2.38 hectares, retention of the warm-up area and additional land for vehicle parking, the extension of the period for competitive events by one month at either end of British Summer Time, to allow operation between 1st March and

30th November and the erection of a timber building for the sale of refreshments.

There is no change, however, to the principle of the established equestrian use or to the hours for the competitive events and no floodlighting is proposed in line with the restrictions imposed on the existing planning permission, referenced 14/00205/FUL.

Design, Layout and Appearance

Paragraph 127 of the NPPF states that planning should ensure that developments are, amongst other matters, sympathetic to local character and history, including any surrounding built environment and landscape setting. This accords with paragraph 170 of the NPPF which makes specific reference to the need for development to contribute to and enhance the natural and local environment, including recognising the intrinsic character and beauty of the countryside.

Policy CS8 of the Adopted Core Strategy states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. This will include where appropriate protection from:-

- Air, noise, light and other types of pollution
- Excessive use of water and other resources

Development should protect the best and most versatile agricultural land.

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. Landscape Character Areas will be defined in the Site Allocations Development Plan Document and further guidance will be set out in a supplementary planning document.

Policy LPP71 of the Draft Local Plan states that in decision making on applications the Council will recognise the intrinsic character and beauty of the countryside ensuring that development permitted responds to the local context.

Policy RLP90 of the Adopted Local plan states that planning permission will only be granted for development which satisfies amenity, design, environmental and highway criteria and where it could take place without detriment to the existing character of the locality.

Furthermore Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan state that the Council will promote and secure the highest possible standards of design and layout in all new development and the

protection and enhancement of the historic environment in order to respect and respond to the local context, especially in the District's historic villages, where development affects the setting of historic or important buildings, conservation areas and areas of highest archaeological and landscape sensitivity.

Policy RLP100 of the Adopted Local Plan seeks to preserve and enhance the settings of listed buildings by appropriate control over the development, design and use of adjoining land.

The main arena, having a 'footprint' of 80 metres by 50 metres on a north east/south west axis already has the benefit of planning permission (reference 08/02152/FUL- 29.12.2008) and is located on the lower part of the site, enclosed by post and rail fencing and is not intrusive in the landscape due to the mature tree screen on the southern and western boundaries and the ground rising up fairly steeply from the southern boundary. The warm-up area, the retention of which is sought by the current application, has a smaller footprint of 60 metres by 25 metres, on a northwest/south east axis, is located immediately adjacent to the main arena and is also enclosed by post and rail fencing to match that on the main arena.

The applicant has confirmed that a warm up arena is a standard requirement of any equestrian show centre being used in conjunction with the main arena and that this 'ancillary' arena has been in use for the entire time the equestrian show centre has been operating and has not increased any additional footfall or increased traffic.

The additional car parking area on the upper, north western, part of the site is to the immediate west of the existing approved vehicle parking area and, as with the current parking area, no change whatsoever is proposed to the existing surface of grass and unmade access trackway which traverses the parking area, so as to maintain the existing open rural character. There are no trees within the parking area.

No residential properties are visible from views across the south eastern and south western boundaries of the site from either the main arena or the adjacent warm up area and also from the parking area.

The proposed refreshment/café building would be solely for the use of those persons attending equestrian events and be sited with the existing buildings on the north west side of the main arena between the existing secretaries and entries building and the lean to open shelter. It would have dimensions of 10 metres by 4 metres, with a height to the ridge line of the roof of 3.5 metres and constructed with horizontal timber cladding with coloured polyester profiled steel sheeting so as to match the materials on the existing timber buildings. The existing timber buildings are screened from view from the northern boundary of the application site and the parking area by mature boundary hedging.

The two dwellings to the north west of the site, Maltings and Codham Little Park Farmhouse are Grade II listed and provide accommodation for the applicant and her family. The Historic buildings Consultant has been consulted and has advised that the proposals are acceptable from a heritage point of view subject to the confirmation of the location of the parking area. The extension to the parking area is further away from the listed buildings than the existing parking area and would therefore have no adverse impact upon the setting of these buildings.

Accordingly the proposals would have no adverse visual impact on the surrounding area or to views across the wider landscape

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local plan and Policy LPP55 of the Draft Local Plan both emphasise, inter alia, that development proposals should not have an undue or unacceptable impact on the amenities of adjoining residential properties.

In allowing the appeal for the main arena, the Inspector, in his decision letter on the appeal in June 2013 noted that the nearest dwellings were those at the south eastern end of Codham Little Park Drive some 250 metres from the arena and 'reasonably' set back from the access road such that the additional traffic generated would not amount to an unacceptable impact upon living conditions in those properties which would conflict with Policy RLP90 of the Adopted Local Plan.

As the appeal Inspector was satisfied that the level of traffic generated by events was not such as to have an 'unacceptable impact' on neighbouring residents and the only change proposed by the application is to extend the operating period of the equestrian centre it is not considered there would be any adverse impact on residential amenity.

The only comment raised by BDC Environmental Health was that the applicant be made aware of the need to make contact in respect of kitchen facilities and WC provision in relation to the proposed refreshment building.

Reference has been made within the objection letters and by Shalford Parish Council to the need for constraints to be imposed on the use of the tannoy system. Condition 7 attached to the planning referenced 14/00205/FUL was imposed to control the audible noise from the tannoy system and a similarly worded condition is sought in relation to the current application. Furthermore BDC Environmental Health have no record of any complaints having been made with regard to the past and present ongoing operation of the site.

With regard to the proposed extension to the operating period, under condition 5 of the planning permission referenced 14/00205/FUL 'competitive events' are restricted to the period of British Summer Time which is from 31st March to 31st October and limited to the hours of 0900 to 1800 hours. The application is seeking to extend the operating period for competitive events' by

4 weeks on either end of British Summer Time, from 1st March to 30th November with no change to the hours of operation during the extended period.

The proposed extended period would therefore result in the 'competitive events' taking place outside of daylight saving and the applicant has confirmed that, as at present, there would be no floodlighting which would mean that events would therefore have to finish earlier than 1800 hours. A condition precluding floodlighting at the equestrian centre, identical to condition 6 of the existing planning permission, referenced 14/00205/FUL, would also be sought in relation to this planning application.

Under condition 4 of the existing planning permission, reference 14/00205/FUL, competitive events are limited to two in any single week with no more than one event being held during any weekend and the applicant is required to maintain a log of all competitive events.

The term 'competitive events' was introduced by the Inspector through a planning condition in allowing the appeal and granting planning permission, reference 12/00993/FUL but was not specifically defined as to the duration of such events. An event could therefore be interpreted as being a single day or having a duration of several days as presently is the case with horse racing, e.g. Royal Ascot or motor racing, e.g. British Grand Prix.

The applicant is has therefore seeking to clarify the interpretation of a competitive event, through the current application, by confirming, in the event of planning permission being granted, that an event would be, *'not more than 2 consecutive days, save for on not more than three occasions a year a competitive event may last up to, but not more than 3 days'* or similar.

Accordingly it is therefore concluded that the proposals would not be such as to have any adverse impact on neighbouring residential amenity.

Highways Issues

Policy RLP56 of the Adopted Local Plan states that off road parking should be provided in accordance with the Council's adopted Parking Standards.

Policy RLP87 of the Adopted Local Plan and Policy LPP46 of the draft Local Plan state that the District Council will seek to conserve the traditional landscape and nature conservation character of roads designated on the Proposals Map as Protected Lanes, including their associated verges, banks and ditches. Any proposals that would adversely affect the physical appearance of these protected lanes, or give rise to a material increase in the amount of traffic using them will not be permitted.

Policy RLP90 of the Adopted Local Plan states that planning permission will only be granted for developments where they satisfy amenity, design, environmental and highway criteria and where it could take place without detriment to the existing character of the locality. Paragraph 108 of the

National Planning Policy Framework states that planning decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Whilst the majority of objections relate to highway issues, including the impact on Beazley End, Gosfield and Shalford, Essex County Council Highways, following direct representation from objectors, reviewed their initial comments on the application but have stated that, as the principle of the use had been established by the permissions granted under applications 08/02152/FUL and 14/00205/FUL the proposals are acceptable and no objection is raised.

The access to Bovingdon Road has previously been approved under the permissions referred to in the preceding paragraph and no change to the access is proposed by the current application.

The Transport Statement reviewed traffic attraction and distribution on the local road network and concluded that traffic levels are very modest and the results demonstrated that an extension of the period for events would not increase the traffic generation from each event.

Whilst objectors have raised issues on the adequacy of the local road network Essex County Council Highways has not raised any issues in this respect and in relation to the appeal referred to in this report the Inspector had found that the level of traffic movements as a result of events held at the equestrian centre would have little impact on local routes.

The submitted application form confirms there will be no change in the numbers attending events. Objectors claim that traffic levels are high on event days but the Transport Statement has recorded a log of 16 events which has shown that actual traffic levels on event days are relatively modest at an average of 30 vehicles at each event with a maximum of 53 on one event only.

In addition, using traffic counters for two way traffic passing the site the Transport Statement has demonstrated that traffic levels on the local road network are well within the capacity of the network. The Transport Statement has concluded that extending the period for events at the equestrian centre would not result in an increase in vehicles on the day of an event or have a negative impact on the local road network. Essex County Council Highways have carefully considered the details of the application for extension of the operating period and the impact of this on the local road network and accordingly raised no objection.

In addition, to assist those travelling to events, the Codham Park Equestrian website provides details of recommended routes to the site and strongly recommends that these routes are used with specific reference to use these routes so as to avoid travelling via Protected Lanes.

Since the appeal decision Codham Little Park Drive, which is within the ownership of the applicant, currently has a metalled surface along its' entire

length so as to reduce any adverse effects of dust or other adverse environmental impacts from vehicles using the access. Furthermore this has not been an issue raised in the letters from objectors and there is no record of complaints having been made to BDC Environmental Health who had no objection following consultation on the application.

As stated above Essex County Council Highways has not raised any issues in relation to the proposals

Landscape

As previously mentioned in the section on 'Design, Layout and Appearance' Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to their landscape setting and Paragraph 83 indicates that decisions should support leisure developments which respect the character of the countryside.

Policy RLP 85 of the Adopted Local Plan and Policy LPP54 of the Draft Local Plan support equestrian facilities or extensions to such facilities where there is no significant adverse effect on the landscape and state that floodlighting will not be permitted.

Policies CS5 and CS8 of the Adopted Core Strategy refer to the importance of development having regard to and enhancing the character of the landscape and the amenity of the countryside.

The equestrian centre is on the site of a former quarry and the applicant has carried out significant tree planting to the south western and south eastern boundaries and there is no change proposed to the parking area on the upper part of the site which is currently grass traversed by an access trackway. As has previously been stated the main arena and warm up area are on the lower part of the site, from which, to the south beyond the site boundary, the ground rises up on the adjoining orchard land such that this, together with the substantial tree planting, is such that there are no views to, or from, any neighbouring residential properties.

The existing use, by reason of the former use, can therefore be described as 'sitting within the landscape' and has no adverse impact from long distance views. In addition the applicant has confirmed that no floodlighting is to be installed in line with the planning condition imposed on the existing permission, referenced 14/00205/FUL.

As previously described the main arena and the warm up area are enclosed by post and rail fencing and the proposed refreshment kiosk building, as with the existing buildings, is to be timber clad and will be bounded by natural screening.

Objectors have referred to the visual impact of parked vehicles on the site, but these occurrences are associated with the events and being purely temporary

have no permanent impact on the open rural character of the surrounding landscape.

The Campaign to Protect Rural England has made reference to the proposal affecting the 'tranquility of the area and its' rural characteristics. The Appeal Inspector considered that the likely level of attendance would be such as to have no significant effect on the character of the surrounding landscape or nature conservation interests such as to be in conflict with either the Adopted Core Strategy Policy CS8 or Adopted Local Plan Policy RLP85. Neither BDC Landscape Services nor BDC Ecology have made an objection.

Accordingly the proposals are considered to be policy compliant and to maintain local landscape character and the amenity of the open countryside.

CONCLUSION

Although the current application proposes an increase in the overall site area the principle of the equestrian use has been established by the permanent granting of planning permission under reference 14/00205/FUL. The current application seeks to increase the site area from 1.75 to 2.38 hectares, retain the warm-up area and additional land for vehicle parking but extend the period for competitive events by one month either side of British Summer Time, from 1st March to 30th November and erection of a timber building for the sale of refreshments.

No change is proposed to the principle of the established equestrian use or to the hours for the competitive events and no floodlighting is proposed in line with the restrictions imposed on the existing planning permission, referenced 14/00205/FUL.

Whilst there has been a considerable number of objections relating to highways and traffic issues there is no intention to expand or increase the intensity of competitive events. The application only seeks to increase by 8 weeks the period for events to take place at the site. Therefore the number of vehicles attending each event is not expected to increase and the Transport Statement has demonstrated, by reference to specific events which have taken place that relatively modest traffic has been attracted to the site, lower than set out within the details of the existing planning permission. Essex County Council Highways have considered the likely impact of additional traffic on the local highway network, including the issue of highway safety to other road users and have raised no objection to the application.

Policy RLP85 of the Adopted Local Plan and Policy LPP 54 of the Draft Local Plan acknowledge that equestrian uses and extensions to these are wholly appropriate to a rural area subject to there being no significant impact on the landscape and amenity of the countryside, particularly in relation to floodlighting. The established use occupies the site of a former quarry with existing buildings being discrete in nature and constructed of appropriate materials to a rural area, designed with timber cladding. Both the main arena and the warm up area are at a lower level than the main access road to the

equestrian centre and screened by extensive tree planting such that the site is not visible when viewed from neighbouring properties. In addition there is no floodlighting at the equestrian centre and none is proposed in line with conditions imposed on the existing planning permission. Whilst the parking area is to be enlarged the application form has indicated that there will be no change to the number of vehicles attracted to the centre and also no change to the existing grassed surface in keeping with the open landscape.

The use of the equestrian centre has been established and is an appropriate use within the countryside. It protects and enhances the local landscape in accordance with Policies CS5 and CS8 of the Core Strategy which require development to have regard to the landscape and its sensitivity to change.

Notwithstanding the objections, there have also been letters of support received stating that this is a much needed venue in the area providing a wide range of events for the benefit of the local community and making the point that rural communities need diverse businesses. The latter point is reflected at paragraph 83 of the NPPF which supports the development of new land based rural businesses and for sustainable rural tourism and leisure developments which respect the character of the countryside.

The use has brought about and will continue to bring positive benefits both economically and socially to the local community through establishing a venue attracting visitors and replacing a facility which was lost through the closure of Towerlands.

Taking the above assessment into account officers consider on balance the economic and social benefits would outweigh the possibility of any harm resulting from the proposals and therefore recommend that the application be approved.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: PSD_CPE_01	Version: A
Proposed Plans	Plan Ref: PSD_CPE_02	

- 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 is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 The recommended routes to the equestrian centre shall be available at all times on the Applicant's website and provided to contestants and other users of the equestrian centre prior to relevant events.

Reason

In the interests of highway safety and to minimise the impact on the nearby Protected Lane

- 4 The competitive events shall be restricted to taking place within the period of 1st March to 30th November and shall not start before 0900 hours nor continue beyond 1800 hours.

Reason

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

- 5 There shall be no more than two competitive events held at the equestrian centre in any single week and no more than one such event held during any weekend. The duration of competitive events shall be no more than 2 consecutive days, save for on not more than three occasions a year a competitive event may last up to, but not more than, 3 days. The operators of the equestrian centre shall maintain a log of all competitor events held at the equestrian centre and this log shall be available for inspection by the local planning authority on request.

Reason

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

- 6 There shall be no floodlighting or other forms of illumination provided at the site.

Reason

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

- 7 Noise emitted from the public address system shall not exceed 55dB at the points, on the site boundary, marked A, B, C & D on drawing PSD_CPE_01 A. The noise limits shall be expressed as a 1 hour LAeq. Noise from the public address system shall be limited to those times during which a competitive event is being held

Reason

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

- 8 The access shall be permanently retained in accordance with the approved specification under planning permission referenced 14/00205/FUL

Reason

In the interests of highway safety

INFORMATION TO APPLICANT

1 The applicant is to be aware of the need to contact BDC Environmental Health in respect of kitchen facilities and wc provision.

2 In the event that any work is to be undertaken within the highway this should be laid out and constructed with and to the requirements of the Highway Authority with details to be agreed prior to the commencement of the works.

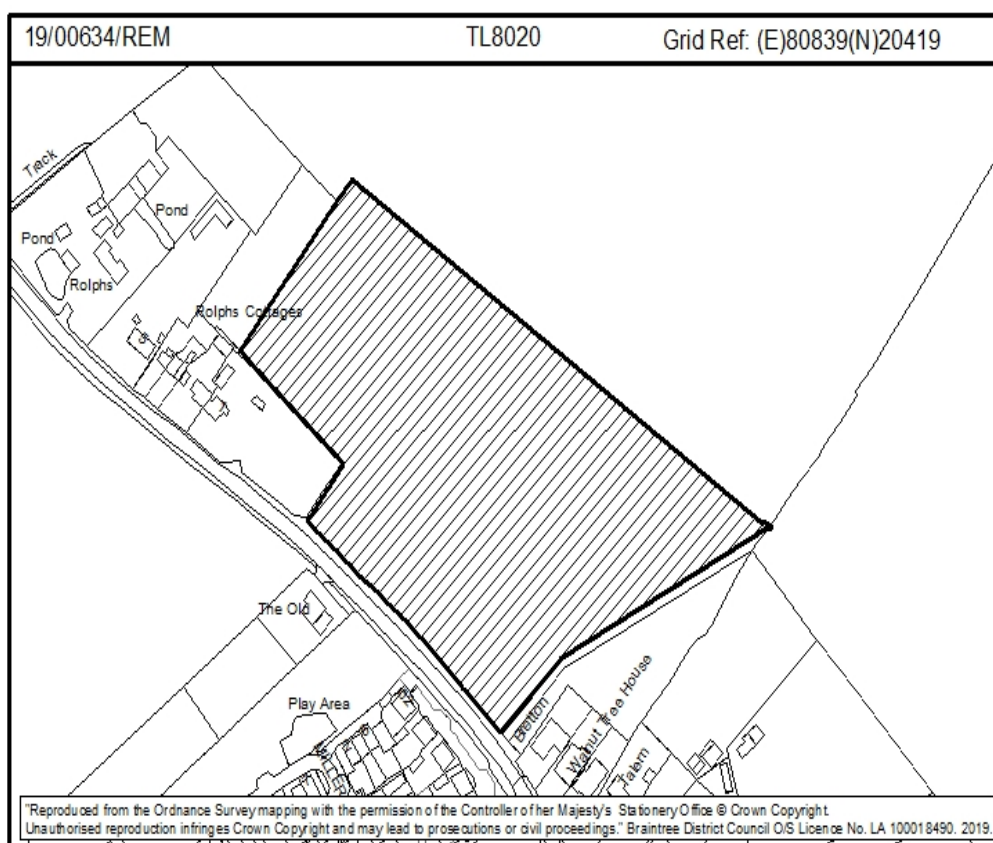
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/00634/REM DATE: 26.06.19
VALID:
APPLICANT: Mr Conan Farningham
88-96 High Rd, Lymington Avenue, London, N22 6HE
DESCRIPTION: Application for approval of Reserved Matters of outline planning consent 18/01172/VAR for the delivery of 50 residential units, parking, landscaping and all associated works at Land East of Boars Tye Road, Silver End and approval of Condition 6 (Reptile Survey), 11 (Landscape and Ecological Management Plan) and 21 (Archaeology).
LOCATION: Land East Of, Boars Tye Road, Silver End, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPFZ7NBFFXH00>

SITE HISTORY

16/01653/OUT	Outline planning permission for the erection of up to 50 dwellings, public open space and supporting site infrastructure with all matters reserved apart from access	Granted with S106 Agreement	07.07.17
17/01550/VAR	Application for removal or variation of a condition following grant of planning permission ref 16/01653/OUT - Variation of Condition 2 - approved plans to be amended from Plan ref. LOC 01 Rev.A to Rev.B. To adjust the footpath connection point to be 2.8m east of original connection point.	Granted with S106 Agreement	11.10.17
18/01172/VAR	Application for a variation of Condition 2 of planning permission 16/01653/OUT- Replace approved Parameter Plan PP01 REV D with 0192_001 - P01 Parameters Plan and demonstrate broad compliance with a new illustrative masterplan 0192_002 - P01 Proposed Illustrative Masterplan	Granted with S106 Agreement	14.03.19
18/01178/DAC	Application for approval of details reserved by condition no. 3 of approved application 16/01653/OUT.	Granted	09.07.19
19/00551/DAC	Application for approval of details reserved by condition 3 of approval 18/01172/VAR - Application for a variation of Condition 2 of planning permission 16/01653/OUT - Replace approved Parameter Plan	Granted	02.04.19

19/00746/DAC	PP01 REV D with 0192_001 - P01 Parameters Plan and demonstrate broad compliance with a new illustrative masterplan 0192_002 - P01 Proposed Illustrative Masterplan Application for approval of details reserved by condition 16 of approval 16/01653/OUT - Erection of 50 dwellings, open space and supporting site infrastructure with all matters reserved apart from access	Granted	26.06.19
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POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards Design and Good Practice 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the village envelope of Silver End and lies to the North of the existing settlement less than 1km from the village centre. The site is currently in agricultural (arable) use.

The site measures approximately 2.41 hectares and consists of agricultural land, forming part of a large arable field. The site is bounded to the southwest by Boars Tye Road and to the north east by the remainder of the agricultural field of which it forms part. A group of around 6 dwellings are located on the north western boundary, one of which (Rolphs Farmhouse) is a Grade II Listed building. Existing residential dwellings are located to the south west of the site.

The site is partially bound by low level hedges, however, the boundary does follow a line between a well-established mature tree/hedge-line to the East and a hedge-line and boundary fence forming the outer limit of the curtilage of the group of dwellings located to the North of the site. In terms of topography, the site is relatively flat with a slight fall of approximately 4m from west to east.

There is no formal vehicular access to the site at present.

Whilst outside of the current settlement boundary, it adjoins the existing built-up area of the village.

The application site is located directly opposite a site which is allocated for residential development in the Draft Local Plan and was granted planning permission in March 2016 for the erection of up to 60 dwellings (15/1004/OUT). This is now under construction.

PROPOSAL

Outline planning permission (application reference 16/01653/OUT) was granted on 10th January 2017 for the redevelopment of the site for the erection of up to 50 residential dwellings, public open space and supporting site infrastructure with all matters reserved apart from access. The scope of the Outline permission was defined by an approved Parameter Plan which sets out the primary access into the site, location of landscaping and open space, along with the defined parameters of development.

The Outline consent was granted subject to a S106 agreement securing financial contributions in relation to outdoor sports, education, allotments and play areas and non financial contributions in relation to the level of on site affordable housing and highway works.

Following on from the approval of the Outline application, 2 minor material amendment applications have been approved, 17/01550/VAR which relates to a minor amendment to the location of the site's connection to the PROW to the east of the site, and 18/01172/VAR which relates to a minor reduction to the width of the proposed tree belt to the north eastern boundary of the site.

Whilst the Outline consent set the principle of the residential development on the site, this Reserved Matters application seeks detailed approval for all matters reserved at the Outline permission stage, which includes Layout, Scale, Appearance and Landscaping for the sites entirety.

The proposal seeks to provide a total of 50 residential dwellings in the form of 1 and 2 storey houses. The type of houses consist of bungalows, maisonettes, semi- detached and detached dwellings. The dwellings range in size from 1 bed - 4 bed dwellings. The site provides 20 affordable dwellings, in a range of sizes, 14 of which are affordable rent and 6 shared ownership. The application also provides details of open space, landscaping and highways works.

The application is supported by a suite of documents which include:

- Parking Strategy
- Affordable Housing Statement
- Arboricultural Impact Assessment
- Archaeology Report
- Ecological Management Plan
- Ecology Appraisal
- Reptile Survey
- Site Contamination Report
- Statement of Community Involvement
- Trial Trenching
- External Lighting Report
- Refuse and Cycle Strategy
- Design and Access Statement
- Full set of drawings

This application also seeks the approval of the following conditions attached to the Outline consent (18/01172/VAR):

Condition 6 - Reptile Survey

Condition 11 - Landscape and Ecological Management Plan

Condition 21 - Archaeology

CONSULTATIONS

Date Statutory Consultation Period Started: 11/07/2019

Date Statutory Consultation Period Ended: 18/10/2019

Site Notice: Site notices were erected around the site on 25/07/2019.

Press Advert: The application was advertised in the Braintree and Witham Times on 15/07/2019.

Neighbours: Letters were sent to 32 surrounding residents on 17/09/2019 informing them of the planning application.

Nb. A series of minor amendments to the Design and Access statement and Landscape drawings have been made since the submission of the original application.

STATUTORY CONSULTEES

External Consultees

ECC Built Heritage

No objection. The site affected by this application is adjacent to a Grade II listed property, Rolph's Farmhouse (list entry number: 1122601) and in close proximity to the Silver End Conservation Area. Steps have been taken to mitigate the harm to the setting of the farmhouse and Conservation Area in the layout of the scheme, setting the development back from Boars Tye Road and with a landscape buffer at the north eastern section of the site. This provides a physical gap and visual distinction between the new houses and heritage assets, which is positive and lessens the impact upon their settings.

Silver End Conservation Area is significant as an example of early modernist architecture in the UK. Built by the Crittall window company, the buildings display key characteristics of the modernist movement, such as flat roofs, art deco decorative detailing and of course, Crittall windows. The proposed design of the buildings within this development respond positively to the design ethos of the village, with a limited material palette and restrained appearance.

Built Heritage have no objection to the submitted plans, however recommend that material samples are submitted and approved to the local authority prior to construction, to ensure no harm occurs to the Conservation Area through a dilution of the quality of construction in the surrounding area.

ECC SUDs

More information required in relation to SUD's.

Officer comment: The details will be submitted pursuant to conditions 22 (Surface Water), 23 (Offsite Flooding) and 24 (Maintenance of SUDS) of the Outline consent prior to commencement of works.

ECC Archaeology

No objection confirmed. No further conditions recommended.

Essex Police

No objection. Require details of proposed lighting, boundary treatments and physical security measures.

Officer comment: These details will be submitted pursuant to conditions 16 (Lighting) and 31 (Boundary Treatment) attached to the Outline consent prior to commencement of works.

Anglian Water

Objection raised.

Foul Drainage Strategy

Anglian Water reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in an increased risk of flooding in the downstream network and therefore request to be consulted on any forthcoming application to discharge Condition 35 of the Outline planning application 18/01172/VAR, that requires the submission and approval of detailed foul water drainage information.

Officer comment: Further details will be submitted pursuant to condition 35 (Foul Water) attached to the Outline consent prior to commencement of works.

Surface Water

Anglia Water have reviewed the applicant's submitted surface water drainage information (Design and Access Statement) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations into discharging the flows to a watercourse proven to be unfeasible.

ECC Highways

No objection. The proposed layout doesn't represent an adoptable layout and therefore assuming it is the applicant's intention to keep it private, from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.

ECC Ecology

No objection. Ecology Officers are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable. In addition, the submitted Ecological Management Plan has outlined suitable ecological measures and how they will be maintained. These measures will secure measurable net gains for biodiversity, as highlighted within Paragraph 170d of the National Planning Policy Framework 2019. It is also recommended that the mitigation measures contained within the Preliminary Ecological Appraisal (Geosphere environmental Ltd) are secured by condition based on BS42020:2013.

Officer comment: Appropriate conditions have been recommended.

Internal Consultees

BDC Landscape Services

No objection.

BDC Waste

No objection.

BDC Environmental Health

More information is required in relation to contaminated land.

Officer comment: Land contamination details will come forward by way of condition 20.

BDC Housing Enabling Officer

No objection. The number of affordable units and tenure mix is considered appropriate to match evidence of housing need.

PARISH / TOWN COUNCIL

Silver End Parish Council: No response received.

REPRESENTATIONS

Neighbours: Letters were sent to 32 surrounding residents on 17/09/2019 informing them of the planning application. 1 letter of objection was received from a local resident. The following concerns were raised:

- There are inconsistencies with the Design and Access Statement submitted.
- With the magnitude of housing developments already approved for construction in this village, the primary school and surgery will not cope with the increase of demand.
- Additional cars on the roads accessing this development could present very dangerous occurrences
- No mention of providing a safe crossing for pedestrians wishing to access the amenities within the village
- Parking insufficient on the site. Garages not large enough.
- Do not agree that from an environmental aspect the development is sustainable.
- Loss of farmland.

Officer comment:

Updates were made to the Design and Access Statement and the objector was sent an additional consultation. No further comments were received.

REPORT

ASSESSMENT

This Reserved Matters application seeks approval for the following detailed matters only, pursuant to condition 1 of the Outline planning approval:

- a) Layout, Scale and appearance of the buildings;
- b) Landscaping.

The principle of the residential development of the site has been established under the original Outline consent (application reference 16/01653/OUT) which was issued on 7th July 2017. The current application seeks approval only for the reserved matters pursuant to the Outline consent and its subsequent minor variations.

In terms of the historical background to the Outline consent, the application site is located immediately adjacent to but outside the Village Envelope of Silver End and is situated in the countryside. Silver End is identified in the Adopted Core Strategy as a key service village, one of six within the District. Key Service Villages sit below the main towns but above Other Villages within the settlement hierarchy, and are defined within the Core Strategy as *'large villages with a good level of services, including primary schools, primary health care facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Silver End as a key service village has not however been carried forward into the Draft Local Plan and the Village has been downgraded to a secondary village (the new proposed hierarchy in the Draft Local Plan being Key Service Village; Secondary Village and Tertiary Village rather than the existing two tier hierarchy of Key Service Village and Other

Village) due to its more limited facilities, lack of employment and more limited public transport in comparison to the other 5 Key Service Villages. Historically, the application site has been considered through the Draft Local Plan process but was not allocated for residential development.

Notwithstanding this, an Outline consent was granted for the site in 2017. The application was assessed on its merits as a freestanding proposal, rather than under the comparative approach which is taken during the Local Plan process and considered to constitute sustainable development. The principle of development is established and cannot therefore be revisited as part of this Reserved Matters application.

Layout, Scale and Appearance

Quality of design lies at the heart of the planning system and is stressed at section

12 of the NPPF where good design is described as a key aspect of sustainable development that is indivisible from good planning, and should contribute positively to making places better for people. It goes on to state that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 127 of the NPPF states that developments should help establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, it goes on to say the developments should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy requires a high standard of design and layout in all developments. Paragraph 5.15 of the Adopted Core Strategy states that securing high quality housing design and layouts is an essential part of protecting the overall environment of the District, promoting social inclusion and securing sustainable communities. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

In accordance with the Outline Consent, the applicant proposes the development of the site for 50 residential dwellings. The site Parameter Plan, which was approved as part of the suite of documents pursuant to the Outline application, sets out the limits of deviation in relation to the access into the site, location of residential accommodation, height of built form, and location of landscaping and open space within the site. Each Reserved Matter is discussed below.

Layout

In terms of layout, the application proposes the erection of 50 dwellings on the 2.42ha site, with the delivery of 0.64ha of open space (26% of the site). The gross density for the site is 21 dwellings per ha. In terms of the developable area, that being 1.78ha, the density would be 28 dwellings per ha.

The site will be served from a single vehicular access from Boars Tye Road as approved in Outline consent, this road will serve as a spine road through the centre of the development with a loop road to the west and two internal streets to the east. The location and layout of the internal roads are supported in principle and whilst they comply to ECC standard widths, they will not be adoptable. Improvements to and linking of the existing footpath to the north eastern corner of the site are required in the future but are not included within the scope of this application.

The application proposes residential dwellings as a series of 1 and 2 storey detached and semi-detached dwellings, bungalows and maisonettes, in 3 land parcels on the site. The orientation and separation distance of the dwellings have been designed to comply with the Essex Design Guide. The location of 1 storey dwellings to the south eastern corner of the site are in compliance with the approved Parameter plan.

Table 1 below sets out the proposed dwelling mix on the site.

Dwelling size	Type	TOTAL	Percentage
1 Bed Unit (2 person)	Maisonette	4	8%
2 Bed (4 person)	2 Storey House	14	28%
2 Bed (4 person)	1 Storey Bungalow	6	12%
3 bed (5 person)	2 Storey House	16	32%
3 bed (6 person)	2 Storey House	2	4%
4 Bed (6 person)	2 Storey House	8	16%

Table 1. Proposed dwelling mix

All dwellings are proposed to front the internal roads with a minimum of 1.5m defensible space to the front of the dwelling to improve privacy to future occupants and provide a boundary to the shared surface road and street. The orientation of dwellings and the positioning of windows will ensure there is plenty of natural light and informal surveillance overlooking the site. Furthermore, dwellings located on corner plots have been designed to ensure that they provide natural surveillance to both streets, preventing inactive frontages. The configuration and positioning of the dwellings on the site is legible and logical with a variety of dwelling sizes which aids in the creation of mixed and sustainable communities.

Two large areas of Public Open Space (POS) front Boars Tye Road. These areas will be defined by tree and hedgerow planting with an aim to filter views into the development and provide a natural defensible buffer to Boars Tye Road. These areas achieve a formal separation between the edge of the

urban area and the listed building to the north west of the site. An additional area of POS is located to the north west of the site that will again aim to achieve protection for the setting of the adjacent Listed Building.

The Affordable Housing is scattered throughout the site, and provides a good level of variety and choice in terms of size and location in accordance with the requirements of the Council's Affordable Housing Officer.

Affordable Housing/Tenure Mix

The NPPF notes that where a Council has identified that affordable housing is needed, the Council should set policies for meeting this need on-site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The Council's Affordable Housing SPD states that the size and type of dwellings will reflect the prevailing housing need and issues such as changes in the benefits regime can impact on the types of affordable housing that is required to meet local need.

The S106 agreement attached to the Outline consent requires that 40% of proposed dwellings are provided as affordable with a 70:30 tenure split (Affordable Rent: Shared Ownership). The application proposes a total of 20 affordable units, 14 of which will be affordable rent and 6 shared ownership. The location of the affordable dwellings are scattered appropriately throughout the site. Table 2 and 3 below sets out the quantity, mix and tenure split of the proposal.

Proposed	Private	Shared Ownership	Affordable Rent	TOTAL
1 Bed Unit (2 persons)	-	-	4	4
2 Bed (4 person)	8	4	8	20
3 bed (5 person)	14	2	-	16
3 bed (6 person)	-	-	2	2
4 Bed (6 person)	8	-	-	8
TOTAL DWELLINGS	30	6 (12%)	14 (28%)	50
TOTAL %	60%	40%		-

Table 2: Proposed Tenure mix

	Total	Private	Affordable		Shared Ownership	Affordable Rent
Number of units	50	30	20		6	14
Percentage	100%	60%	40%		30%	70%

Table 3: Tenure Split

The Council's Strategic Housing Team have assessed the application and have confirmed that the mix reflects the demand for properties on the Council's Housing Register. With regards to the mix of private housing, the proposal provides a variety of units, those being 2, 3 and 4 bed units. This is considered acceptable.

Scale

In terms of scale, the location of built form and height was approved on the site pursuant to the parameter plan attached to the Outline consent, which stipulates the location of 1 storey and 2 storey buildings within the site. The 1 storey bungalows to the south of the site are of smaller scale to protect the amenity of existing residents to the south.

The remainder of the site is set at 2 storeys maximum. The proposed massing of the buildings stay within the parameters set forth by the parameter plan and follows the framework for arrangement of building plots and areas of open space. The one storey bungalows are located to the southern corner of the site to preserve amenity to the existing dwellings to the south, whilst the two storey dwellings are located to the remainder of the site identified for development.

The majority of the dwellings are semi detached, making up 80% of the total dwellings. The detached units are principally located in the Northern most area of the site where the development looks out over the open countryside. There is a mix of detached and semi-detached dwellings located in this area to provide a varied and interesting streetscape whilst the rest of the parcels provide a more utilitarian approach which is in keeping of the character of Silver End.

Detached dwellings have also been located on the central spine road as feature corner houses to provide a gateway entrance into the development whilst also complementing the linear layout adopted.

Residential Quality

The Council has adopted the Essex Design Guide as a Supplementary Planning Document which stipulates garden sizes and separation distances between buildings. Furthermore, policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

In terms of residential quality, all of the dwellings have an adequate level of internal and external space. All units are dual aspect and provide good levels of natural light and outlook. All of the dwellings are in accordance with the Essex Design Guide and the Nationally Described Space Standards in terms of internal and external space standards, amenity provision and separation distances. In order for future residential amenity to be preserved, a condition has been recommended to remove permitted development rights for the erection of outbuildings to plots 36-50 (to the north east of the site), and for the erection of dormers on the single storey bungalows, this is in order to preserve the character of the countryside setting, prevent overlooking and ensure that the design of the buildings are preserved.

Overall, the quality of accommodation is considered acceptable and the proposed standard of residential accommodation is deemed satisfactory in terms of floorspace, natural light, orientation and external amenity provision providing good quality residential accommodation.

Impact on Adjoining/Future Occupiers

The NPPF states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable for existing neighbouring amenity.

Impacts on existing residential amenity were considered at the Outline stage to inform the approved parameter plan. The location of built form was considered and situated away from existing residents, with a landscape buffer in between, to ensure that the impact on existing residential amenity would be minimal. The closest relationship in relation to existing and proposed dwellings is from the front elevation of the 1 storey proposed bungalow to the south of the site, and the rear elevation of the existing 1 storey bungalow fronting Boars Tye Road, whereby the separation distance is 30 metres, in accordance with Essex Design Guidance. Whilst there would be an impact on existing residential amenity in relation to outlook, given the green field nature of the site at present, this was considered at the Outline stage and mitigation measures proposed in terms of good quality landscaping and tree planting, along with the position of development parcels and a requirement for high quality built form. Given the distances between any proposed dwellings and existing dwellings surrounding the site exceed the distances stipulated in the guidance and as such, given the 1 storey and 2 storey nature of the proposed dwellings, the proposal is not considered to have any detrimental impact on existing residential amenity in terms of overlooking, overshadowing and overbearing.

In summary, the scale and layout of the proposed dwellings on site is considered acceptable and in accordance with the Parameter Plan approved for the Outline consent. The location, quantity and mix of affordable dwellings onsite is acceptable and in accordance with the approved S106. The quality of the dwellings is in accordance with the Essex Design Guidance and Nationally Described Space Standards in relation to internal and external space standards. Furthermore, there would be no detrimental impact to future or existing amenity in terms of overlooking, overshadowing and overbearing.

Appearance

Paragraph 5.15 of the Adopted Core Strategy states that securing high quality housing design and layouts is an essential part of protecting the overall environment of the District, promoting social inclusion and securing sustainable communities. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The design approach to the development is set out in detail in the accompanying Design and Access Statement. The final proposed designs are the result of detailed pre-application and post submission dialogue with the Council's Planning Officers and Urban Design consultant.

The architectural detailing has evolved through these discussions whereby previous iterations of the design were not supported. As a result, the verticality of the dwellings has been reduced with lower ridges and flat and wide eaves. Overly busy detailing was also removed, such as feature hip roofs, feature gables and the brick quoins in order for the dwellings to be more in-keeping with the character of the area and in particular the specific character of Silver End.

The proposal being assessed presents a far simpler and more limited palate of materials which is supported by officers. The dwellings will consist of a selection of 2 bricks, those being a weathered buff stock brick and a buff cream soft orange brick. A string of brick courses are used to introduce a sympathetic decorative element to the facade. The windows will consist of UPVC with cottage style front doors and hipped roofs which will be clad in slate tiles or similar. Other architectural design details include stone effect headers, cills and porches.

Officers consider that the overall design and appearance of the dwellings and overall principle of the scheme's architectural treatment and material selection is well handled. The simple architectural expression of the dwellings represents a positive response to the surrounding context. Whilst the brick choice has not been approved at this stage, a more detailed materials condition has been recommended to ensure that a high quality scheme is delivered.

Historic Environment

The application site is located to the south-east of Rolph's Farmhouse, a Grade 2 listed building and is located to the north-west of the Conservation Area.

At national level, Section 66 of the 1990 Listed Buildings and Conservation Areas Act requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings and their settings. The NPPF provides specific guidance relating to heritage assets and decision making. Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 134 provides clear instruction that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

At the Outline stage, the Historic Buildings consultant identified that the development of the application site has the potential to harm the setting of Rolph's Farmhouse if the development is brought up to the road frontage, thereby creating a continuous ribbon of development along Boars Tye Road. The Historic Buildings consultant raises no objection to this application.

The layout of the approved parameter plan has been specifically designed to respond to the heritage constraints of the site. The development is set back from Boars Tye Road with a large, usable area of open space located between the highway and the proposed dwellings. This would ensure that the development would not compromise the comparatively isolated position of the listed Farmhouse and maintain a degree of physical separation between the existing built form of Silver End and the farmhouse itself. In addition, a second area of open space with an associated tree belt would be positioned on the north western side of the site. Again, this would maintain a physical distance and a clear separation between the listed farmhouse and its setting and the new development.

In terms of the Conservation Area, the outer boundary is located further south along Boars Tye Road, being positioned approximately 170m from the application site boundary. The setting back of the proposed development from Boars Tye Road assists in reducing the potential impact of the development on the character of the Conservation Area.

Given the approval of the parameter plan and location of built form, and the 2 storey maximum nature of the development, it was considered that the harm

to the conservation area and the Listed Building would be less than substantial and more specifically at the lower end of the less than substantial category. Officers considered that the public benefit of 50 new dwellings outweighed the limited heritage harm and the heritage balance fell in favour of the development.

The Reserved Matters comply with the approved parameter plan and the design of the dwellings has, as set out above, specifically been designed to respond to the site's context. Therefore in relation to the heritage balance at the Reserved Matters stage Officers again consider that the limited identified harm is outweighed by the public benefits of delivering 50 well designed dwellings which accord with the approved Parameter Plan.

Landscaping

Hard and Soft Landscaping

Policy CS8 of the Adopted Core Strategy 'Natural Environment and Biodiversity' 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.

The Outline consent set the parameters for location of landscaping and open space, to reiterate what was approved at the Outline stage, the site consists primarily of agricultural (arable) land which is considered to be of low ecological value but includes some existing trees, hedges and semi improved grassland along its boundaries.

The applicant submitted an Ecology Survey Report in support of their Outline application. The Report states that no evidence of Badgers was found during the survey and the site is not considered suitable for Water Vole, Otter, roosting Bats or Dormice. The field margins were also considered likely to be suitable for transient populations of reptile, providing a suitable wildlife corridor to the wider area.

The report submitted with the Outline application recommended that species rich hedgerow and grassland field margins be incorporated into the northern boundary of the proposed layout in order to maintain connectivity with the wider area. In addition a survey was recommended to confirm the presence of reptiles. Other identified mitigation/enhancement measures include the inclusion of bat bricks and log piles within the development and inclusion of House Martin colony boxes in the eaves of buildings.

A section of the existing broken hedgerow along the site frontage with Boars Tye Road would need to be removed to facilitate the proposed site access and associated visibility splays. A small section of hedgerow would also need to be removed to facilitate the proposed footpath link to connect to the existing public right of way to the east of the site boundary. The Outline application

required that a detailed soft and hard landscape scheme and necessary ecological reports be submitted with the Reserved Matters application.

Following on from the approval of the Outline consent, a Minor Material Amendment application (18/01172/VAR) was approved to facilitate a minor reduction to the width of the proposed tree belt to facilitate a higher quality site layout. As such details have been submitted with this Reserved Matters application in accordance with the approved Minor Material Amendment application mentioned above. The scheme has been informed by a Landscape and Visual Impact Assessment prepared and submitted by Nigel Cowlin Landscapes in support of the Outline application. The overall aim of the landscape proposals is to create a well vegetated development which sits comfortably within the existing village edge and reflects the rural character of the location.

Planting focuses on the use of native trees and shrub species, with the use of more ornamental varieties within the residential streetscape. The design will take existing ecological criteria into account by providing suitable species and habitats for birds, invertebrates and reptiles.

The development seeks to form part of the gateway to the village and reproduce a semi-rural character reflecting Silver End's original design intent. Access to the properties will be through an area of grassed public open space, providing a formal village green character. The boundary with Boars Tye Road will be defined by a row of standard native trees with sections of the existing hedge to remain, with the exception of the access. This will enable intermittent views into the site. To the rear of this open space, low hedges will define and visually contain the extent of the residential plots. A taller continuation of this hedge will run along the boundary adjacent to the garden of 1 Rolph's Cottages, helping to mitigate views into the development from this existing property.

Within the site, access to the dwellings will be via porous paved, shared surface roads. Where space allows, individual residential plots will be bounded by low hedges to reflect the character of the existing village streetscape. Parking spaces and garden footpaths will be porous block paved.

Two further areas of public open space are located to the north west and south east of the built area. To the north, a grassed area with seating will abut the site boundary. This will be defined by a tall native hedge with standard trees, which will mitigate views into the site from Rolph's Cottages.

An attenuation basin will be located in the eastern corner of the site. This will be seeded with an appropriate damp grass mix and be managed to promote the development of a diverse damp grassland habitat. An area of grassed public open space will be located to the west of this, with a tall hedge and standard tree planting along the site's southern boundary. An informal track will provide a link from the site, across a low-key footbridge in the eastern corner of the site, to an existing Public Right of Way (PROW 108-52), which was secured through the S106.

The Council's Landscape Architect has been involved in the evolution of the landscaping of the site. The details of the landscaping and associated management has been assessed in detail and no objections have been raised.

Ecology

Policy RLP80 of the Adopted Local Plan requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 of the Adopted Local Plan encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon badgers or protected species. 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. This is echoed by Policy LPP68 of the Draft Local Plan.

The principle of development is already established on this site and the Outline application was accompanied by the necessary Ecology Reports. However, it has been shown that development can lead to an increase in the net biodiversity value of the site, given the proposed landscape buffers, wildlife corridors, additional planting, and taking account of the current intensive farming use. An Ecology Appraisal and Landscape Ecological Management Plan has been submitted, the latter being pursuant to condition 11 of the Outline consent. Furthermore, a Reptile Survey has been submitted pursuant to condition 6 of the Outline consent. These documents set out how biodiversity will be protected during construction, details of securing a net gain for onsite biodiversity, and the general safeguarding of existing and enhancement biodiversity features.

The Ecology Appraisal and Reptile Survey concluded that there were no protected species on the site and that the ecology has not changed since the last survey was undertaken in 2015. However, advice remains that the any vegetation clearance (trees and hedgerow) is undertaken outside of the bird nesting season. If this is not possible, vegetation should be checked by a qualified ecologist prior to removal. Furthermore, lighting should be designed to limit overspill on to the intact hedge off site to the south east, to prevent negative impacts to foraging bats. The Council's Ecology consultant has assessed the detail and confirms no objection, subject to a compliance condition to ensure all mitigation measures are carried out in accordance with the submitted Ecology Appraisal.

Appropriate conditions were attached to the Outline consent, those being condition 33 (timing for removal of vegetation) and condition 11 (Lighting) to prevent detrimental impacts on birds and bats.

In conclusion, the proposed soft and hard landscaping is of high quality and is well considered. It would create distinct open space whilst enhancing the

overall architectural setting of the site. The proposed landscaping would have no detrimental impact on existing ecology but seeks to enhance and increase biodiversity on the site and surroundings and is therefore supported in principle.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence 2 (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, 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.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Highways and Transport

The access into the site was approved pursuant to the Outline consent. The application proposes a single vehicular access point from Boars Tye Road in accordance with the Outline consent. Pedestrian and cycle access is provided from Boars Tye Road, along with a link into the PROW footpath to the north east of the site. The location of the internal roads has been assessed as part of the layout section above.

The application proposes a total of 96 private car parking spaces associated with the development which complies with the Essex Parking Standards

(2009) at a rate of 1 space per 1 bed unit and 2 spaces per 2 or more bed units.

Each dwelling has been provided with allocated on plot parking with the exception of the 1 Bed Maisonettes, where allocated parking has been provided to the side. Residential parking is formed by a mixture of garage parking spaces and tandem spaces.

13 Unallocated visitor parking would be provided on the fringes of the Public Open Spaces that meet the minimum requirement as set out within condition 14 of the Outline consent. Parking areas are to be hard landscaped so they do not appear intrusive. 6 of these thirteen spaces are designated as wheelchair compliant car parking spaces with suitable access widths and gradients. The total number of car spaces to be provided will be 109 as shown in table 4 below:

Parking Spaces	109
Allocated	96
Unallocated	13
Disabled	6 (include within unallocated provision)

Table 4: Proposed parking spaces

In terms of refuse collection, the roads within the application site are not adoptable and therefore Essex County Highways have requested that a s106 Agreement be entered into to ensure adequate refuse collection and removal of refuse off site. The Officer recommendation is therefore subject to the above s106 Agreement being completed prior to this Reserved Matters permission being granted.

Flooding and Drainage Strategy

The application site is located within Flood Zone 1 (low probability risk of flooding). The application includes an attenuation lagoon to the south eastern corner of the site. At the Outline application stage, the Lead Local Flood Authority (Essex County Council) considered that the surface water drainage scheme proposed demonstrated that surface water management is achievable in principle, without causing flooding on site or elsewhere. However, conditions were attached to the Outline consent (conditions 22, 23 and 24) requiring details of SUDs to be approved by the Council prior to commencement of works on the site. These details will come forward in due course.

Contamination

A contamination report was submitted in support of the Outline application and the site was found suitable for residential development subject to appropriate conditions relating to investigation and remediation.

BDC Environmental Health Team have assessed the contamination details accompanying this application in order to discharge condition 21 of the Outline consent, however, additional information is required and therefore the condition remains in perpetuity.

Approval of Conditions

This application seeks to approve the following conditions attached to the Outline permission 16/01653/OUT (subsequently updated by 18/01172/VAR):

Condition 6 (Reptile Survey):

A Reptile Survey was submitted with this application pursuant to condition 6 of the Outline application. The details have been assessed by the ECC Ecologist who confirms that the details are sufficient to recommend approval of condition 6.

Condition 11 – (Landscape and Ecological Management Plan):

A Landscape and Ecological Management Plan was submitted with this application pursuant to condition 11 of the Outline application. The details have been assessed by the ECC Ecology advisers who confirms that the details are sufficient to recommend approval of condition 11.

Condition 21 (Archaeology):

An Archaeological Evaluation was submitted with this application pursuant to condition 21 of the Outline application. The details have been assessed by the ECC Archaeologist who confirms that the details are sufficient to recommend approval of condition 21.

CONCLUSION

The principle of the residential re-development of the site is established under the existing Outline consent. The applicant seeks permission only for reserved matters pursuant to this Outline consent consisting of the appearance; landscaping; layout and scale of the development.

There are no objections from the relevant statutory consultees (subject to the conditions recommended with this application and the Outline consent coming forward).

The scale and layout of the proposed dwellings on site is considered acceptable and in accordance with the Parameter plan approved for the Outline consent. The location, quantity and mix of affordable dwellings onsite is acceptable and in accordance with the approved S106. The quality of the dwellings is in accordance with the Essex Design Guidance and Nationally Described Space Standards in relation to internal and external space standards. Furthermore, there would be no detrimental impact to future or existing amenity in terms of overlooking, overshadowing and overbearing.

The overall design and appearance of the dwellings and overall principle of the scheme's architectural treatment and material selection are considered

appropriate. The simple architectural expression of the dwellings represents a positive response to the surrounding context.

The proposed soft and hard landscaping and urban realm are of high quality and are well considered. They would create distinct open space whilst enhancing the overall architectural setting of the site. The proposed landscaping seeks to enhance and increase biodiversity on the site and surroundings and is therefore supported.

Car parking has been provided in accordance with the Essex Parking Standards and the level and quality is considered acceptable. Refuse collection is considered acceptable subject to a S106 Agreement being entered into.

In terms of Heritage, the harm to the Conservation Area and the Listed Buildings has been assessed and it is considered that the heritage balance again falls in favour of the proposal.

The details submitted pursuant to conditions 6 (Reptile Survey), 11 (Landscape and Ecological Management Plan) and 21 (Archaeology) attached to application 18/01172/VAR are considered acceptable for approval.

Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following being completed prior to the issuing of this Reserved Matters decision:

a) The applicant entering into a S106 Agreement to submit a Refuse Strategy prior to the occupation of the site to ensure that the refuse and recycling is collected and removed either a) removed from site or b) brought to the front of the site for the Council's refuse collectors to access and remove from site.

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

APPROVED PLANS

Location / Block Plan	Plan Ref: 0192_P100	Version: P02
Proposed Site Plan	Plan Ref: 0192_P101	Version: P08
Street elevation	Plan Ref: 0192_P103	Version: P04
Materials Details	Plan Ref: 0192_P104	Version: P02
Massing Plan	Plan Ref: 0192_P105	Version: P02
Tenure Plan	Plan Ref: 0192_P106	Version: P02

Parking Strategy	Plan Ref: 0192_P107	Version: P02
Refuse Information	Plan Ref: 0192_P108	Version: P02
Floor Plan	Plan Ref: 0192_P110.1	Version: P06
House Type A1/A2/A3		
Elevations	Plan Ref: 0192_P110.2	Version: P05
House Type A1/A2/A3		
Floor Plan	Plan Ref: 0192_P111.1	Version: P04
House Type B		
Elevations	Plan Ref: 0192_P111.2	Version: P05
House Type B		
Floor Plan	Plan Ref: 0192_P112.1	Version: P04
House Type C1/C2		
Elevations	Plan Ref: 0192_P112.2	Version: P03
House Type C1/C2		
Floor Plan	Plan Ref: 0192_P113.1	Version: P04
House Type D		
Elevations	Plan Ref: 0192_P113.2	Version: P04
House Type D		
Floor Plan	Plan Ref: 0192_P114.1	Version: P05
House Type E		
Elevations	Plan Ref: 0192_P114.2	Version: P05
House Type E		
Floor Plan	Plan Ref: 0192_P115.1	Version: P05
House Type 1BF		
Elevations	Plan Ref: 0192_P115.2	Version: P05
House Type 1BF		
Garage Details	Plan Ref: 0192_P116.1	Version: P04
Single		
Garage Details	Plan Ref: 0192_P116.2	Version: P01
Double		
Refuse Information	Plan Ref: 0192_P117.1	Version: P02
Refuse Information	Plan Ref: 0192_P117.2	Version: P02
Window details	Plan Ref: 0192_P120	Version: P02
Other	Plan Ref: 0192_P121	Version: P03
Levels	Plan Ref: W311-RM-SK-001	Version: P03
Other	Plan Ref: 0192_S106	Version: P01
Lighting Plan	Plan Ref: 180945/E/2200	Version: P3
Landscaping	Plan Ref: 17.410-P-201	Version: I
Landscaping	Plan Ref: 17.410-P-202	Version: J
Arboricultural Report	Plan Ref: Arboricultural Impact Assessment - 2857,EC,AR/AIA/KL,RF/17-10-19	Version: V4
Other	Plan Ref: Ecological Management Plan - 2857,EC,AR/Ltr001/RF,KML/17-10-19	Version: V4
Other	Plan Ref: Archaeology Report - 2018300	
Other	Plan Ref: Reptile Survey 1989,EC,AR/REP/TC,KL/14-10-16	Version: V1

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

Reason

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

- 2 The 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.

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no provision of any building within the curtilage of the dwelling-houses within plots 36-50 inclusive, as permitted by Class E Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no additions to the roof of the dwelling-houses within plots 1, 2, 3, 4, 12 and 13, as permitted by Class B or Class C of Schedule 2 of that Order, shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers

- 5 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Geosphere environmental Ltd, December 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason

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

- 6 Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of work above ground (excluding demolition). The development shall not be carried out otherwise than in accordance with the details thus approved.

- i) A sample board for all facing materials; to include window frames, ventilation screens and vent pipes, meter boxes, brickwork and mortar colour,
- ii) Brick samples and specifications along with plans indicating location of bricks
- iii) Façade design and detailing @ 1:20 and 1:5 scale;
- iv) Details of all ground floor frontages including entrance doorways, canopies, soffits, lighting and areas allocated for signage @ 1:20 and 1:5 scales;
- v) Window design: setting out specification of all typical windows including reveals, spandrels, flashing and frame thickness and the location of glazing bars;
- vi) Roof detailing including tile samples and specification of all ridges and verges

Reason

To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area.

- 7 Prior to commencement of work above ground (excluding demolition), details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation, and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

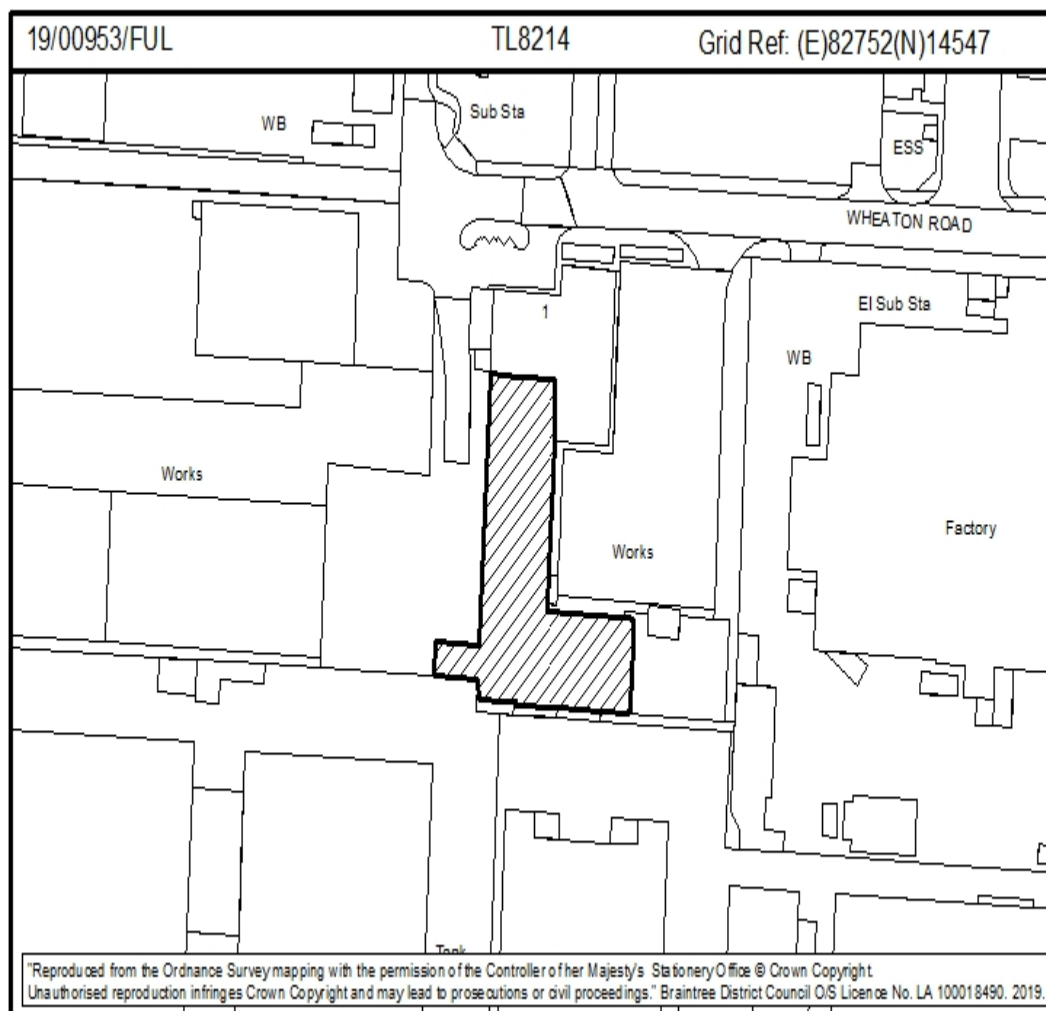
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00953/FUL DATE: 29.05.19
VALID:
APPLICANT: Complete Dance Ltd
25 The Street, Terling, Chelmsford, Essex, CM3 2PG
DESCRIPTION: Change of use from B1 to D2 (Dance and fitness studio)
LOCATION: 1 Wheaton Road, Witham, Essex, CM8 3UJ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS7NX8BF0/G00>

SITE HISTORY

01/00519/FUL	Proposed installation of windows to west elevation of existing building	Granted	30.04.01
90/00366/PFWS	Temporary Permission For Two Years For 6 No. Office Cabins For Upgrading And Expansion Of Existing Premises	Granted	28.03.90
91/01014/PFWS	9101014pfws	Granted	16.09.91
91/01281/PFWS	9101281pfws	Granted	13.12.91
12/01444/FUL	Addition of four windows along south and west elevations to first floor offices	Granted	28.12.12
13/01007/FUL	Change shed (storage) to smoking area - APPLICATION NOT PROCEEDED WITH, TRANSFERRED TO 13/50412/PE	Application Returned	
19/00077/FUL	Change of use from B1 to D2 (Dance and fitness studio)	Refused	05.04.19

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP129	Sports and Leisure Facilities
RLP134	Sports Causing Noise or Disturbance

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP14	Leisure and Entertainment
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development

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 Witham Town Council is supportive of the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located within the Town Development Boundary of Witham. The site is a vacant unit falling under Use Class B1 and is located within the Freebournes Industrial Estate which is a designated Employment Policy Area.

PROPOSAL

The application seeks planning permission for the change of use to a vacant industrial building from a B1 (office) to a D2 (leisure) use in the form of a dance and fitness studio.

CONSULTATIONS

Highways England – No objection.

Environmental Health – No objection.

PARISH / TOWN COUNCIL

Witham Town Council – Support.

Witham Town Council considered the above application on 24th June 2019 and recommends the application for approval on the grounds that the revised National Planning Policy Framework paragraph 120 gave a duty to review and approve alternative uses to meet an unmet need.

REPRESENTATIONS

28 letters of support have been received for the application which have been summarised as follows:

- The unit proposed to be converted has been vacant for three years.
- The dance school has an excellent reputation.
- The dance school has outgrown their existing premises and moving to this venue would facilitate further growth and more job opportunities for Witham residents.
- The new building would offer a safer environment and better facilities.
- The expansion would allow an enhanced leisure offering to the local community.
- There are not currently any D1/D2 commercial buildings in Witham

- There would be no resulting impact on neighbouring premises.
- The dance school encourages children and broader society to be more active.
- Other units in similar contexts have benefited from a change of use
- The application site is a safe distance from busy roads.

REPORT

Principle of Development

The NPPF is explicit that the purpose of the planning system is to contribute towards the achievement of sustainable development. Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives which are: economic, social, and environmental.

Paragraph 9 of the NPPF outlines that 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.

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.

Paragraph 81 of the NPPF explains that planning policies should set out a clear economic vision and strategy to encourage sustainable growth which positively and proactively encourages sustainable economic growth, having regard to local circumstances and other local policies for economic development and regeneration. It then goes on to detail that planning policies should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.

Paragraph 82 of the NPPF is also direct in that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The application site is located within the Freebournes Industrial Estate which is a designated Employment Policy Area under the Council's Development Plan. Currently the lawful use of the unit is Use Class B1 (office) and the proposal is to convert it to Use Class D2 (leisure).

Policy CS4 of the Adopted Core Strategy sets out that the Council and its partners will support the economy of the district. Employment sites in current or recent use in sustainable locations will therefore be retained for employment purposes.

Both Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan are explicit that proposals within Employment Policy Areas for uses other than those within Use Classes B1, B2, and B8 will be refused.

Additionally, it is important to clarify that Policy RLP28 is not applicable to this application, as it relates to employment land provision for new sites on or adjacent to existing employment sites. These sites were allocated in 2005 in the Adopted Local Plan and have since been predominantly built out.

Moreover, in the context of local policy, it is noted that the term 'Employment Policy Area' can be misleading. This is because it infers that the primary criteria in such an area is whether or not a particular use results in employment of any kind. However, as described above, the qualifying policy criteria for an employment use within an Employment Policy Area is that it must fall within Use Class B1, B2, or B8.

Therefore, whilst it is acknowledged that the Dance School currently employs staff, and that the number of staff employed may well increase as part of its future expansion, this does not mean it is compliant with Policy RLP33 of the Adopted Local Plan or Policy LPP3 of the Draft Local Plan.

Fundamentally, Employment Policy Areas are protected for particular employment uses intentionally, as often such uses cannot appropriately be located elsewhere. For instance, they are typically sited on the fringes of development boundaries, where greater access can be achieved to strategic road networks. Moreover, by virtue of their operations, employment uses are not compatible with residential uses. Grouping employment uses together in suitable locations can therefore mitigate against their wider impact on communities.

The Council is explicit of their wish to preserve business parks for class B employment use and move away from uses such as personal storage, gyms and leisure facilities. There is a mismatch between the growing demand for industrial space and limited supply. In 2016, there was only one year's supply of industrial space available across the county and 2.5 years' of office space. This shortfall in supply is holding back business expansion and therefore it is important that the Council retains these spaces for their desired B1, B2 and B8 uses to make the most of the opportunities for these businesses to grow.

It is very concerning that within Employment Policy Areas, through a process of attrition, large amounts of employment floor space are being lost to leisure uses. In 2015 the Council commissioned an Employment Land Needs Assessment, as part of the evidence base for the emerging Draft Local Plan, which forecasts an additional net demand of between 53,400sqm and 66,800sqm of office floor space up until 2033.

To meet the forecast demand it is crucial that, as well as providing new office floor space, existing office floor space is retained. The proposed development would undermine the Council's policy approach to meeting current and future office space demand in the District.

According to the Braintree Employment Land Needs Assessment, there is a rising demand for B2 and B8 uses specifically and it is important to increase

and retain provision of this typology along strategic road networks to try and meet this demand. Evidence also shows that businesses are relocating their back office facilities to the District, particularly in Witham, this is considered to be an area of growth and another reason to protect the B1 use within Employment Policy Areas.

Neither Policy RLP33 of the Adopted Local Plan or Policy LPP3 of the Draft Local Plan have a mechanism for changes of use to non-employment uses within an Employment Policy Area, this is regardless of whether marketing is provided.

Whilst there have historically been planning permissions granted in the District for similar proposals, this does not indefinitely confine the Local Planning Authority to approve all such applications in future. Previous harm should not be used to justify additional harm.

Notwithstanding this, an email detailing the marketing has been submitted by the applicant in support of the proposed change of use. This sets out that the site has been marketed for three years without sufficient interest for a Use Class B1 tenancy. It states that the unit was vacant since 2016 and as such, the applicant argues that alongside previous permissions being granted within the Employment Policy Area for changes of use to leisure uses, the application should be permitted. Notwithstanding the information submitted, in order for the marketing strategy to satisfactorily prove that every other option has already been discounted and that a gym use is the only viable use of the unit, the Council would expect to see a detailed and full assessment of all efforts made to market the site including location of advertising, for sale and to let details, a list of all enquiries made, whether these were followed up and if not, the reasoning for this. The marketing that has been undertaken should not reflect on a lack of demand for this type of premises, but should also reflect on these other factors.

The NPPF (2019) at Paragraph 120 does state that Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

It is acknowledged that there are businesses that are affected by the planning policies relating to Policy Employment Areas. In light of this the Council provides a service for these businesses with partners INVEST Essex, a company which specialises in helping expanding businesses to find a suitable

location in line with their growth. The provision of this service means that businesses should be able to find suitable premises within the District without breaching planning policy. Furthermore, the applicant has not demonstrated that there is an unmet need for the proposed use (Use Class D2).

Within their supporting statement, the applicant cites Paragraph 22 of the 2012 version of the NPPF, which states that: 'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being in use for that purpose'.

Notwithstanding this, the 2012 version NPPF has since been superseded on two occasions, with the most recent published in February 2019. Crucially, the current version of the NPPF has no equivalent policy to that expressed under Paragraph 22 of the 2012 version, arguably demonstrating Central Government's acknowledgement of the fact that unacceptable amounts of employment space are being lost nationally to non-employment uses.

It is however acknowledged that leisure uses provide an important health and wellbeing benefit, with Paragraph 92 of the NPPF emphasising that planning policies and decisions should plan positively for developments that promote health, social and cultural well-being for all sections of the community.

However, as explained under Policy RLP129 of the Adopted Local Plan, sports and leisure facilities should normally be located within town or village centres. If no suitable sites within these areas exist, then such developments may be acceptable, as an exception, on edge-of-centre sites but critically this is subject to compliance with other policies in the Development Plan.

Therefore, whilst national and local planning policies recognise the contribution that leisure uses can make towards sustainable development, this does not detract from the conflict with Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan. Albeit, on the basis that it is not yet adopted and Sport England have an outstanding objection, limited weight is given to Policy LPP3 of the Draft Local Plan.

To conclude, the proposed development is for a change of use of the application site from Use Class B1 to Use Class D2 within an Employment Policy Area, contrary to Policy RLP33 of the Adopted Local Plan and Policy LLP3 of the Draft Local Plan. Furthermore, as these policies represent the Council's economic vision and strategy to encourage sustainable economic growth, by endeavouring to meet the current and future office space demand in the District, the proposed development is also contrary to Paragraphs 81 and 82 of the NPPF and its overarching objective to achieve sustainable development.

Design and Appearance

There is no proposed change to the external appearance of the unit as part of this application.

Impact on Neighbouring Amenity

It is not considered there would be any harmful impact on neighbouring amenity. Nevertheless, if the application was recommended for approval, a condition would have been attached to control the amplification of music or voices.

Highway Considerations

Policy RLP56 of the adopted Local Plan requires that all new development is provided with sufficient vehicle parking in accordance with Essex County Council's Vehicle Parking Standards. For the proposed D2 use, based upon the floor space of 459 square metres, a maximum of 23 parking spaces, a minimum of 12 cycle spaces, and a minimum of three accessible spaces for disabled users would be required.

The proposed development would have provision for 20 parking spaces, with additional spaces being available outside adjoining business hours, when the wider parking area would be underutilised. This is considered to be acceptable in light of the VPS prescribing a maximum of 23 parking spaces.

It is reasonable to expect that cycles could be stored inside the unit.

No accessible spaces have been proposed, however, the parking layout is constrained by its existing operation. The under provision of accessible parking spaces is not therefore considered to be so harmful to substantiate a refusal on that basis.

Conclusion

In conclusion, the proposed development is for a change of use within an Employment Policy Area to a non-employment use, contrary to Policy RLP33 of the Adopted Local Plan and Policy LPP3 of the Draft Local Plan. The proposal would subsequently result in the loss of an employment unit, reducing the floor space available for employment uses, in a suitable location protected for such uses.

Evidently, the proposal would undermine the Council's policy approach to meeting the current and future office space demand in the District, contrary Paragraphs 81 and 82 of the NPPF which set out that policies and decisions should set criteria, or identify sites, for local and inward investment to meet anticipated needs over the plan period in suitable locations.

It is acknowledged that benefits would arise from the proposal, in terms of providing a leisure facility to promote health and wellbeing, but the application site is not in an appropriate location for such a leisure use and the health benefit does not mitigate against the aforementioned policy conflict.

Historically, there have been instances where similar applications have been approved under the same Employment Policy Area constraint, resulting in a notable loss of employment uses. If such trends continue, there is likely to be crowding out, with the demand from non-employment occupiers driving out typical occupiers and increasing the demand for employment land. This is not sustainable and would prevent the Council from meeting its current and future demand for such employment land.

Therefore, in conducting an overall planning balance, it is concluded that the harms identified would significantly and demonstrably outweigh the social benefits of the development. Officers consequently consider the proposed development would not constitute sustainable development and recommend that the application is refused.

RECOMMENDATION

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

- 1 The application site is located on the Freebournes Industrial Estate, a designated Employment Policy Area. The application is for the change of use of a unit from B1 to D2. Within Employment Policy Areas, B1, B2 and B8 uses are encouraged and protected. The proposal in this position would lead to a loss of suitably located employment generating floorspace. Therefore, the development is contrary to Policy CS4 of the Adopted Core Strategy, Policy RLP33 of the Braintree District Adopted Local Plan and Policy LPP33 of the Braintree District Council Publication Draft Local Plan.

SUBMITTED PLANS

Location Plan
Block Plan
Existing and Proposed Floor Plans
Proposed Floor Plan
Floor Plan

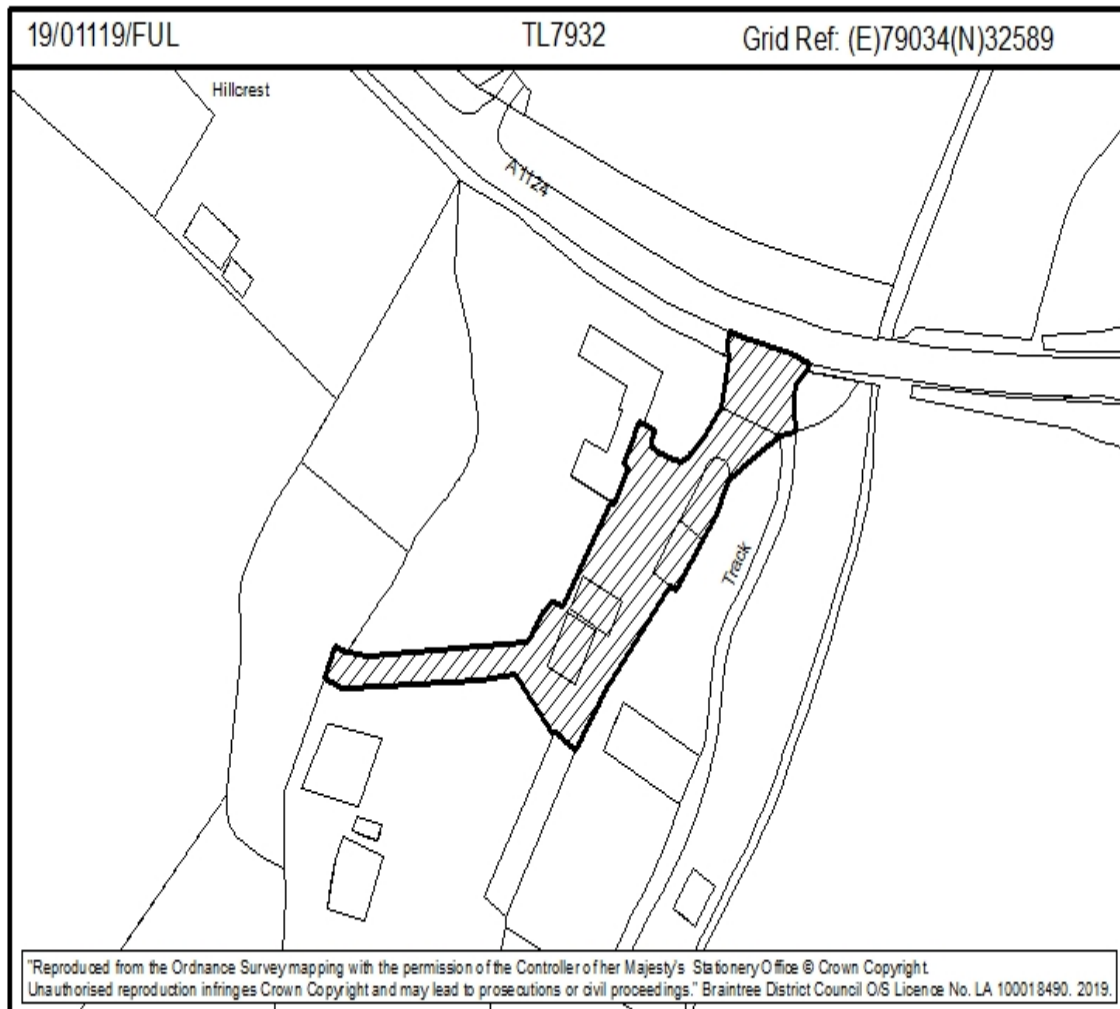
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/01119/FUL DATE: 22.07.19
VALID:
APPLICANT: Mr Michael Stannard
Valley Farm, Halstead Road, Sible Hedingham, Essex, CO9 3AN
DESCRIPTION: Extension to garage following removal of two porta cabins/sheds.
LOCATION: Valley Farm, Halstead Road, Sible Hedingham, Essex, CO9 3AN

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=PTN7JBBFH5P00>

SITE HISTORY

17/00035/REF	Repairing and refurbishing the existing barn to create a new dwelling	Appeal Dismissed	28.09.17
19/00056/REF	Change of use of the existing barn to a dwelling	Appeal Dismissed	30.09.19
03/00706/FUL	Erection of three bay open-fronted garage building	Granted	22.05.03
89/01814/P	Erection of two storey rear extension	Granted	27.11.89
90/00507/PFHN	Erection of building for preparation of bedding plants, tractor workshop and store for nursery machines	Granted	11.06.90
91/00183/POHN	Erection of dwelling to accommodate manager to oversee nursery	Withdrawn	12.04.91
92/00211/PFHN	Erection of detached double garage	Withdrawn	13.04.92
93/00849/FUL	Erection of detached garage.	Granted	18.08.93
94/00157/FUL	Proposed re-siting of workshop/store previously granted under BTE/507/90	Granted	29.03.94
94/00697/OUT	Erection of dwelling (with office/storeroom facilities) to accommodate manager for overseeing existing nursery	Refused	08.08.94
95/01005/FUL	Erection of two storey extension	Granted	13.11.95
97/00209/FUL	Cladding of existing steel frame barn	Granted	24.04.97
98/00609/COU	Change of use of land to builders yard		28.07.98
15/00006/COUPA	Prior approval for the change of use of an agricultural building to dwelling	Planning Permission Required	09.04.15
16/01585/FUL	Repairing and refurbishing the existing barn to create a new dwelling	Refused	17.11.16
18/01684/FUL	Change of use of the existing barn to a dwelling	Refused	21.11.18

19/00668/FUL	Conversion of an existing redundant barn into 4 no one bedroom holiday lets	Withdrawn	30.05.19
19/01428/FUL	Conversion of an existing redundant barn into 4 no one bedroom holiday lets	Pending Decision	

POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspector's views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP45 Parking Provision
LPP55 Layout and Design of Development

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is reported to the Planning Committee in accordance with the Scheme of Delegation as the Chairman and Vice Chairman consider that this application should be determined by the Committee.

SITE DESCRIPTION

The site is situated to the south-east of Sible Hedingham and is located outside of a development boundary and therefore within the countryside for planning purposes. The site is irregular in shape and comprises a 3 bay garage, set back from the road (the subject of this application) and 2 no. dilapidated porta cabins directly to the rear of the garage. In addition is a 3 bay cartlodge which is located closer to the site frontage. The site has gated access.

A wider area of ownership (not included in development area) comprises Valley Farmhouse and land with a polytunnel and a detached 2 storey utility building, previously used as part of a former horticultural plant nursery which operated within the wider site, but has since ceased.

PROPOSAL

Planning permission is sought for an extension to an existing 3 bay garage, following the removal of the 2 no. dilapidated portacabins. The existing garage measures 8.2 metres width, 5.4 metres length and 4.8 metres to the ridge. The extension would follow the same ridge height and width as existing and would add a further 10.6 metres, resulting in an overall depth of 16 metres.

CONSULTATIONS

Health and Safety Executive (due to proximity of major underground pipelines)

'Does not advise against the granting of planning permission'.

National Grid

Holding objection raised, due to proximity of site to a high pressure gas pipeline.

Parish Council

No objections raised.

REPRESENTATIONS

A site notice was displayed at the front of the site. No neighbours have been consulted due to the site's remote location relevant to residential neighbouring properties.

No representations have been received in respect of this application.

REPORT

Principle of Development

The site lies within the countryside as defined in the Adopted Local Plan. Policy RLP 2 of the Adopted Local Plan and Policy PP1 of the Draft Local Plan seeks to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply. Core Strategy Policy CS5 states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

It is considered pertinent to clearly identify the scope of this planning application. The site area, i.e. 'site edged red' the subject of this planning application does not include any residential dwelling and full planning permission (with the associated fee) is being sought, rather than a 'householder' planning application.

It is understood that the wider land ownership of the applicant includes Valley Farmhouse, a residential dwelling, which is located to the north of the proposed extended outbuilding and directly abuts the site area – in addition the wider area of land has been previously been in use as a horticultural nursery. This operation has ceased.

The Local Planning Authority has a duty to assess what has been applied for. In this case the proposal includes the demolition of existing portacabins and

the extension of an existing 3 bay garage to create a larger single storey outbuilding.

The proposed enlarged outbuilding has not been identified in the application as an ancillary residential requirement to Valley Farmhouse, particularly given it is not shown within the red lined application site, neither can it be defined as a required ancillary use in relation to the horticultural nursery as this use has ceased. As such, the proposed extended building would result in a garage not associated with a dwelling or any other use and would therefore amount to an unrelated and unjustified new form of development in the countryside, contrary to Policy RLP 2 of the Adopted Local Plan, Policy LPP1 of the Draft Local Plan and Policy CS5 of the Core Strategy and as such, the principle of this development cannot be supported.

Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that the Council will seek a high standard of design in all developments in the district and the scale, layout, height and massing of buildings and elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area. Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new developments and respect and respond to the local context.

The proposal comprises the demolition of 2 no. dilapidated porta cabins and the extension of an existing 3 bay garage. The existing garage measures 8.2 metres width, 5.4 metres length and 4.8 metres to the ridge. The extension would follow the same width and ridge height and replicate the existing roof design along the entire resultant length of the building, adding a further 10.6 metres, resulting in an overall length of 16 metres.

Notwithstanding the objection to the principle of this development, identified above, the overall design and appearance of the building is not considered to be acceptable.

The development is described as an outbuilding, however the overall scale and design would result in a built form which does not resemble an outbuilding (albeit unrelated to a residential use) but is more akin to a bungalow and as such, would appear visually confusing and contrived and as such, does not amount to good design, given that its physical appearance does not equate to the described and presumably intended purpose. Given that the building is set back from the road and the frontage of the building (facing the driveway entrance to the site) would remain unchanged, the resultant building would not be overly visible from the road. However, this does not negate the requirement for appropriate contextual design and appearance.

It is recognised that the portacabins are not particularly attractive, however their presence is not an overly prominent feature within the site context and their physical form is modest. The proposed extension is not considered to

result in an enhancement such that it is favoured over the existing portacabins. Officers have discussed the proposals generally with the applicant and although the overall footprint of the proposals would not equate to a notably greater footprint than the cumulative area of the existing garage and portacabins, it is not purely the footprint of the resultant building that is the concern; the overall physical built form and increase in size and bulk and the resultant design would be far more prominent and the overall design and appearance would not be sympathetic to the local character and countryside setting. In addition, there is no justification for the proposed increase in size.

Taking account of the context of the site within the countryside the proposed development would amount to an incongruous intrusion into the countryside, contrary to Policies CS5 and CS9 of the Core Strategy, Policies RLP2 and RLP90 of the Adopted Local Plan and Policies LPP1 and LPP55 of the Draft Local Plan.

Impact on Neighbouring Residential Amenities

The NPPF requires that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require that planning permission will only be granted where there is no undue or unacceptable impact on the amenity of any nearby residential properties.

There are no unrelated residential neighbouring properties close to the proposed extended building. The applicant has confirmed that he owns and occupies the adjacent residential dwelling, Valley Farmhouse. In any case, in terms of impact, there is a good separation distance between the building and the dwelling and at single storey level, it is not considered that the resultant building would have a detrimental impact and is therefore acceptable in this respect.

Highway Considerations

There is no alteration to the access proposed. The extended element would provide storage, rather than additional parking; there is no additional consideration necessary in this respect.

Other Issues

High Pressure Underground Gas Pipe

The National Grid comments are noted in this respect as they raise a holding objection to the proposals. However they also indicate that any work should be closely monitored. Officers have clarified the extent of the objection with Cadent and further liaison would be required direct between the applicant and Cadent, prior to any excavation/demolition taking place. The application is being refused and therefore at this stage, no further action is required in this respect.

CONCLUSION

The proposed extended garage is sited within the countryside as defined in the Adopted Local Plan. The proposed development is not identified as being related to any existing use and as such is an unrelated and unjustified new form of development in the countryside. Furthermore, the design and appearance of the resultant building does not represent its described or intended purpose and appears more akin to a new dwelling and as such would amount to a prominent and incongruous intrusion into the countryside, contrary to Policies RLP2 and RLP90 of the Adopted Local Plan, Policies LPP1 and LPP55 of the Draft Local Plan and Policies CS5 and CS9 of the Core Strategy and it is officer recommendation that planning permission should be refused.

RECOMMENDATION

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

- 1 The proposed extended garage is sited within the countryside as defined in the Adopted Local Plan. The proposed development is not identified as being related to any existing use and as such is an unrelated and unjustified new form of development in the countryside. Furthermore, the design and appearance of the resultant building does not represent its described or intended purpose and appears more akin to a new dwelling and as such would amount to a prominent and incongruous intrusion into the countryside, contrary to Policies RLP2 and RLP90 of the Adopted Local Plan, Policies LPP1 and LPP55 of the Draft Local Plan and Policies CS5 and CS9 of the Core Strategy, and the NPPF.

SUBMITTED PLANS

Location Plan

Block Plan

Floor Plan

Elevations

Plan Ref: South

Elevations

Plan Ref: East

Elevations

Plan Ref: West

Elevations

Plan Ref: North

CHRISTOPHER PAGGI

PLANNING DEVELOPMENT MANAGER

PART A

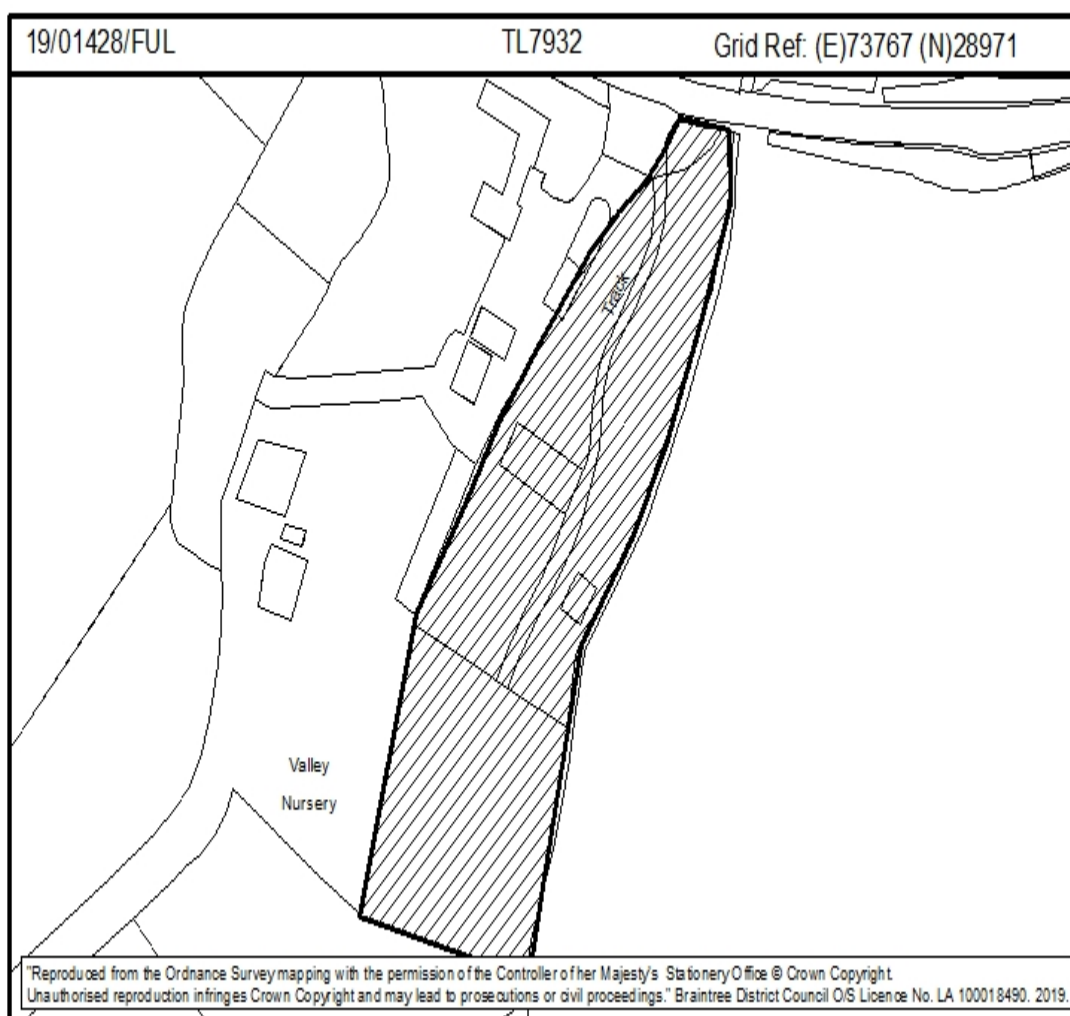
AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01428/FUL DATE: 06.08.19
VALID:
APPLICANT: Stannard
Valley Farm, Halstead Road, Sible Hedingham, Essex, CO9 3AN
AGENT: Jenny Bishop
Hampers Oak Road, Little Maplestead, Halstead, CO9 2RT
DESCRIPTION: Conversion of an existing redundant barn into 4 no one bedroom holiday lets
LOCATION: Valley Farm, Halstead Road, Sible Hedingham, Essex, CO9 3AN

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=PVTANPBFH U800>

SITE HISTORY

17/00035/REF	Repairing and refurbishing the existing barn to create a new dwelling	Appeal Dismissed	28.09.17
19/00056/REF	Change of use of the existing barn to a dwelling	Appeal Dismissed	30.09.19
03/00706/FUL	Erection of three bay open-fronted garage building	Granted	22.05.03
89/01814/P	Erection Of Two Storey Rear Extension	Granted	27.11.89
90/00507/PFHN	Erection Of Building For Preparation Of Bedding Plants, Tractor Workshop And Store For Nursery Machines	Granted	11.06.90
91/00183/POHN	Erection Of Dwelling To Accommodate Manager To Oversee Nursery	Withdrawn	12.04.91
92/00211/PFHN	Erection Of Detached Double Garage	Withdrawn	13.04.92
93/00849/FUL	Erection of detached garage.	Granted	18.08.93
94/00157/FUL	Proposed re-siting of workshop/store previously granted under BTE/507/90	Granted	29.03.94
94/00697/OUT	Erection of dwelling (with office/storeroom facilities) to accommodate manager for overseeing existing nursery	Refused	08.08.94
95/01005/FUL	Erection of two storey extension	Granted	13.11.95
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98/00609/COU	Change of use of land to builders yard		28.07.98
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18/01684/FUL	Change of use of the existing barn to a dwelling	Refused	21.11.18
19/00668/FUL	Conversion of an existing redundant barn into 4 no one bedroom holiday lets	Withdrawn	30.05.19
19/01119/FUL	Extension to garage following removal of two porta cabins/sheds.	Pending Decision	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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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;

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP38	Conversion of Rural Buildings
RLP90	Layout and Design of Development
RLP146	Tourist Accommodation

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LLP9	Tourist Development within the Countryside
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is reported to the Planning Committee in accordance with the Scheme of Delegation and the Chairman and Vice Chairman consider that this application should be determined by the Committee.

SITE DESCRIPTION

The site is located to the south-east of Sible Hedingham and is located outside of a development boundary and therefore within the countryside for planning purposes. The site is linear in shape, measuring approximately 155 metres in length from the road frontage and 37 metres wide. The site comprises a 2 storey building, currently used for storage, set back from the road by approximately 67 metres and a polytunnel. The site has previously been used as a horticultural nursery but is no longer operating as such.

A wider area of ownership (not included in the development area) comprises Valley Farmhouse to the north-west of the site and immediately adjacent the site (the subject of this application) is a piece of land also within the same ownership which contains a 3 bay garage, 2 dilapidated porta cabins and a 3 bay cartlodge, which is the subject of a separate planning application (also being heard at this Committee) for the extension of the 3 bay garage following removal of portacabins (19/01119/FUL).

The site (the subject of this application) has a separate access immediately adjacent the main brick enclosure access to Valley Farmhouse and additional piece of land.

The building itself has a white timber clad finish and red brick plinth with a relatively high level of aluminium glazing on all elevations. It is partially 2 storey with a mezzanine floor.

PROPOSAL

Planning permission is sought for the conversion of an existing barn into 4 no. one bedroom holiday lets. The resultant building would have a timber weatherboard finish to match existing, fibre cement slate roof tiles, and the levels of glazing would be extensive with dark grey aluminium frames – 4 no. full length ground floor windows and 4 no. high level windows on the rear elevation and 4 no. full length smaller windows/doors on the front elevation. It is noted for the avoidance of doubt that the elevations refer to windows, but the floor plan shows access doors to each holiday let. Internally at ground level, an open plan kitchen/dining/living area and shower room for each let and at first floor mezzanine – 1 bedroom for each holiday let. Externally a parking area would be sited in front of the building with 1 parking space per holiday let and cycle parking. Landscaping is also proposed around the building.

CONSULTATIONS

Essex County Council Highways Team

No objection raised. Recommended condition relating to surface water drainage onto highway.

Braintree District Council Environmental Services Team

No comments.

Braintree District Council Landscape Team

No comments.

Parish Council

No objection.

REPRESENTATIONS

A site notice was displayed at the front of the site. No neighbours have been consulted due to the building within the site being set back and in a fairly remote location, in relation to residential neighbouring properties.

No representations have been received in respect of this application.

REPORT

Principle of Development

The site lies within the countryside as defined in the Adopted Local Plan. Policy RLP 2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan seeks to confine new development within town development boundaries and village envelopes and goes on to state that outside these areas countryside policies will apply. Core Strategy Policy CS5 states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

In this particular case, the proposals involve the conversion of an existing building for 4 no. holiday lets.

Policy RLP38 of the Adopted Local Plan and Policy LPP8 of the Draft Local Plan state that the conversion of rural buildings for business re-use will be permitted provided that they are of permanent and substantial construction and capable of conversion without major extension or complete reconstruction.

Policy RLP146 of the Adopted Local Plan states that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Large scale development proposals which are out of character with the rural areas will be resisted.

Policy LPP9 of the Draft Local Plan states that “new tourist accommodation and facilities, within the countryside will be permitted, provided certain criteria are met, including the need to clearly demonstrate that there is a demand for the development

Para.83 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

National and Local Policy is therefore generally supportive of tourist accommodation in the countryside and the re-use of existing buildings for business re-use. However officers consider it pertinent in this particular case to take previous, recent, planning applications on the same site and building in question into account.

The applicant has sought to convert the barn in question into a single permanent residential unit on three separate occasions, all of which have

been refused. An application for a prior approval from an agricultural barn to a residential unit was refused under 15/00006/COUPA on the basis that officers did not consider the barn was in agricultural use. Planning permission was subsequently refused for both 16/01585/FUL and 18/01684/FUL for a change of use of a barn to a dwelling on the basis that the proposal falls contrary to Policy RLP38 of the Adopted Local Plan, specifically that no evidence had been submitted to demonstrate that every reasonable effort had been made to secure a business or community use for the building and the resultant dwelling would not be sited in a sustainable location, conflicting with the NPPF, Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy.

Both the refusals have been dismissed at Appeal.

It is clear to officers that the preferred choice for this building is for a permanent single residential dwelling. Holiday let accommodation has not been the first choice of use and is being proposed after failing to secure a residential use. It is also pertinent to note that with both the previous applications identified above, no evidence of a viability exercise was submitted for business re-use. As part of this application, the applicant has put forward a statement identifying discussions held with 2 local publicans and local facilities who have identified a need for accommodation. This statement is considered to be scant and does not amount to substantive evidence to support a need for tourist accommodation in this area.

Officers are aware that adopted planning policy is generally supportive of tourist accommodation in the countryside. That said, the newer, emerging policy document is more in line with the aims and objectives of the National Planning Policy Framework; it also requires more scrutiny of the longer term viability of such holiday proposals to guard against the need to find an alternative use for such development if the holiday let use does not remain viable.

Having said that, given the background to the site, officers consider it necessary in this particular instance to be satisfied that there is an identified demand or need for tourist accommodation in this area, in line with the NPPF.

Officers do not consider that the submitted Planning Statement shows that the applicant has undergone a robust viability exercise to ascertain whether there is a clear need for the holiday lets business and consequently have concerns that the future holiday lets business in this location may fail as there is no identified need; the consequence of which may lead to the need to find an alternative use for the building. The Council are already aware that a residential use has been sought and it has already been established through two Appeal Decisions identified above that a permanent residential dwelling would be contrary to the above mentioned policies.

Officers are aware that planning permission has recently been granted under reference 18/00983/FUL for holiday let accommodation at the property opposite the site, known as Melbourne House and no evidence was submitted

that indicated a viability exercise had been carried out. Each application is assessed on its individual merits and it is considered appropriate, given the numerous attempts to obtain permission on site for a new dwelling – a holiday let business is not the preferred choice for the applicant and officers consider it appropriate to be satisfied that due diligence has been carried out in order for the business to succeed, before supporting the proposals.

Relevant national and local Policies identified above provide support for holiday let accommodation in rural areas as it would support a prosperous rural economy and this positive measure would outweigh the harm of unsustainable development within the countryside, and therefore the general principle of this development is acceptable. However, it is the particular circumstances appertaining to the site and the previous attempts to acquire a permanent residential dwelling for the building; the holiday lets business is not the first choice of the applicant and no viability exercise has been identified in the supporting statement, in accordance with the NPPF to ascertain the need for the business. For this reason, officers are not convinced that the proposals would succeed and ultimately a situation could arise where the holiday lets business fails and the benefits identified would be lost. For this reason, officers cannot support the proposals and in this particular case.

Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that the Council will seek a high standard of design in all developments in the district and the scale, layout, height and massing of buildings and elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area. Policy CS9 of the Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new developments and respect and respond to the local context.

The building exists and is of substantial construction. There is already a notable proportion of glazing and it is not considered that the additional glazing areas would harm the character of the building. Although set back from the road, given the building's two storey height, it can be seen from the highway. However, the resultant appearance of the building is not so different from that which presently exists and as such would be considered to be acceptable in terms of design and appearance.

Notwithstanding the objection raised to the principle of this development, it is considered the proposed conversion accords with Policies CS5 and CS9 of the Core Strategy, Policy RLP 90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

Impact on Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require that planning permission will only be granted where there is no

undue or unacceptable impact on the amenity of any nearby residential properties.

There are no unrelated residential neighbouring properties close to the proposed holiday lets. The applicant has confirmed that he owns and occupies the adjacent residential dwelling, Valley Farmhouse. In any case, in terms of impact, there is a good separation distance between the building and the dwelling and it is not considered that the resultant building would have a detrimental impact and is therefore acceptable in this respect. In terms of impact on unrelated neighbours, Melbourne House is on the opposite side of road, but there is a distance of approximately 120 metres between the neighbouring house itself and the building and therefore there would be no impact from a planning perspective.

Highway Considerations

The Essex County Council Adopted Car Parking Standards (2009) require that for 1 bedroomed properties, 1 off street car parking space is provided measuring 2.9 m x 5.5 m. The spaces accord with the requirements.

There is no alteration to the access proposed. The Essex County Council Highways Team raise no objection from a highways perspective and the proposals are therefore considered to be acceptable in this respect.

Conclusion

The proposed conversion of an existing building to 4 no. holiday lets accommodation is sited within the countryside as defined in the Adopted Local Plan. Given the applicant has attempted to obtain planning permission to convert the building to a permanent residential dwelling, a holiday lets business has not been the preferred choice of development. Insufficient evidence has been submitted to demonstrate the holiday lets business is a financially viable option in this location and as such, officers are not satisfied that the proposals would succeed and subsequently would not amount to a development that supports a prosperous rural economy and would conflict with the spirit of Policies RLP38 and RLP146 of the Adopted Local Plan and LPP8 and LPP9 of the Draft Local Plan and the NPPF. The benefits of supporting a prosperous rural economy would not outweigh the harm of unsustainable development within the countryside which would also be in conflict with RLP2 of the Adopted Local Plan, Policy LPP1 of the Draft Local Plan, Policy CS5 of the Core Strategy and NPPF and it is officer recommendation that planning permission should be refused.

RECOMMENDATION

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

- 1 The proposal for holiday let accommodation is proposed after failing to secure a residential use in the same building. The

application is not supported by sufficient evidence to demonstrate a demand and need for holiday let accommodation in this area and that such a business would be viable, as such the Council is not satisfied that the proposals would succeed and subsequently would not amount to a development that supports a prosperous rural economy, in conflict with Policies RLP38 and RLP146 of the Adopted Local Plan, Policies LPP8 and LPP9 of the Draft Local Plan and the NPPF.

SUBMITTED PLANS

Site Plan	Plan Ref: 1503.05.002
Block Plan	Plan Ref: 1503.05.002
Ground Floor Plan	Plan Ref: 1503.05.020
Perspective	Plan Ref: 1503.05.020
First Floor Plan	Plan Ref: 1503.05.020
Roof Plan	Plan Ref: 1503.05.020
Elevations	Plan Ref: 1503.05.020
Elevations	Plan Ref: 1503.05.020
Elevations	Plan Ref: 1503.05.020
Elevations	Plan Ref: 1503.05.020
Section	Plan Ref: 1503.05.020
Perspective	Plan Ref: 1503.05.020

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

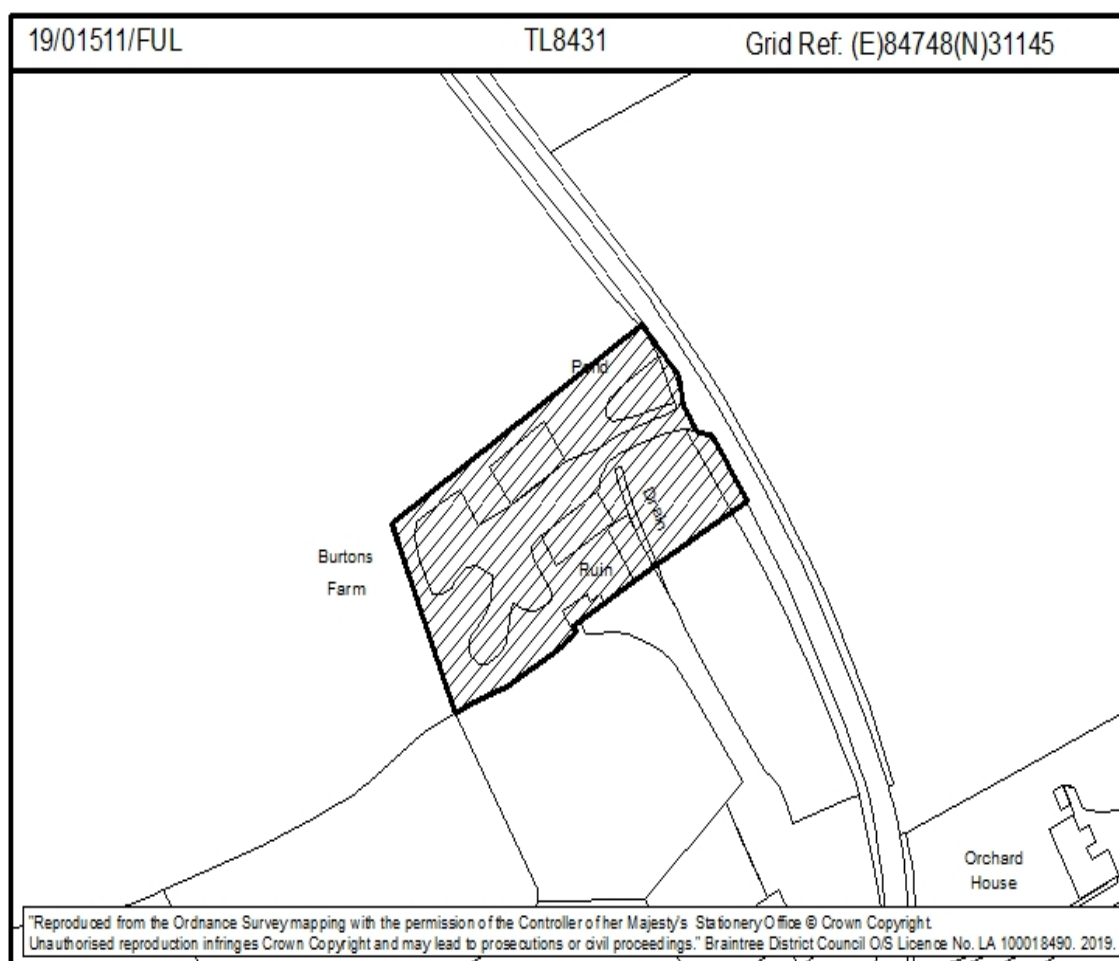
AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/01511/FUL DATE: 15.08.19
VALID:
APPLICANT: Mr George Courtauld
C/O Strutt and Parker
AGENT: Strutt and Parker
Mrs Nicola Bickerstaff, Coval Hall, Rainsford Road,
Chelmsford, CM1 2QF, United Kingdom
DESCRIPTION: Change of use of barn to 1 No. dwelling, replacement of an
associated outbuilding and provision of a garden.
LOCATION: Burtons Farm, Booses Green, Pebmarsh Road, Colne
Engaine, Essex, CO6 2HH

For more information about this Application please contact:

Mrs F Fisher on:- 01376 551414 Ext. 2503

or by e-mail to: fayfi@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PWA9WEBFI0T00>

SITE HISTORY

None of relevance

POLICY CONSIDERATIONS

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

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

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

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

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

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

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP64	Contaminated Land
RLP56	Vehicle Parking
RLP65	External Lighting
RLP84	Protected Species
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
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation because the applicant is related to an elected member.

SITE DESCRIPTION

The site is known as Burtons Farm and is located approximately 0.5 miles to the north east of the village of Colne Engaine. Until recently the buildings at this site have been used as a car repairs business. The site enjoys an existing access along Pebmarsh Road.

The site is surrounded by a perimeter of mature hedgerows and trees and extends to approximately 0.27 hectares. There are a number of, former, agricultural buildings on the site, utilised for vehicle repairs for over the last 10 years.

The principal building on the site is a timber framed Essex barn (Barn A). The barn is not listed but is a substantial traditional four bay Essex timber framed barn with a tiled roof. A Structural Survey accompanying the planning application states that the timber framed barn is in a reasonable structural condition and should be capable of conversion without the need for substantial rebuilding.

Whilst not listed, it is clear that the barn is historic, as it is evident on a historic maps dating back to 1897.

The other substantial building located opposite Barn A is a metal clad mono pitch building of simple construction (Barn B). It is proposed to demolish this building and replace it with an ancillary structure.

PROPOSAL

This application seeks planning permission for the change of use of Barn A to a 3-bedroom dwelling and the footprint of Barn B will be used to form the basis for a replacement outbuilding, using traditional materials, to include an office area, garden store, games room and parking garage. There will also be a change of use of surrounding clearly defined curtilage to residential amenity space.

CONSULTATIONS

EXTERNAL CONSULTEES

National Grid

No objections

Health and Safety Executive

The HSE state that they do not advise, on safety grounds, against the granting of planning permission in this case.

Cadent Gas

Searches have identified that there is apparatus in the vicinity of the site which may be affected by the proposal. Therefore an informative will be placed on any approval to ensure that the contractor contacts Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

INTERNAL CONSULTEES

ECC Historic Buildings Consultant

There is no objection to the proposed conversion of Barn A, which is sensitive to the structure and responds positively to its form. The change of use is appropriate, due to the retention of the rural appearance of the site. The construction of an entirely new structure would likely be inappropriate, and conversion of the barn will positively contribute to its conservation. Early OS maps indicate the barn has existed since the nineteenth century, therefore its retention will positively maintain the historic appearance of the area.

The replacement of the outbuilding (Barn B) will not have a negative impact upon the site and the proposed design of the replacement structure is appropriate for the setting. Retaining a neutral elevation on the north east side will ensure the rural appearance of the site is maintained, as will the proposed landscaping of the site, introducing hedgerow and post and rail fencing appropriate for the location.

ECC Highways

Given the existing use of the buildings, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Councils adopted parking standards, the proposal is acceptable to the Highway Authority.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures. A compliance condition is suggested to ensure all mitigation and enhancement measures as detailed in the Ecological Impact Assessment (Robson Ecology Ltd, July 2019) are adhered to.

BDC Environmental Health

There are no objections to the proposal on Environmental Health-related grounds, subject to conditions relating to the control of contaminated land.

BDC Landscape Services

There are no objections to the proposal. The Arboricultural Impact Assessment is considered sufficient and includes a Tree Protection Plan and Method Statement. The AIA should be an approved document, with the tree protection measures set out on site prior to construction and remaining until construction is complete.

PARISH COUNCIL

Colne Engaine Parish Council state they have no objections.

REPRESENTATIONS

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

REPORT

National Planning Policy Framework (NPPF) 2019

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 statutory Development Plan consists of the Braintree District Local Plan (2005) and the Braintree District Core Strategy (2011).

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan (2005) and the Adopted Core Strategy (2011).

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. Policy CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore also contrary to the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The proposed development is therefore considered to be contrary to the Development Plan and the Draft Local Plan in this regard.

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 supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of

deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

Location and Access to Services and Facilities

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies 3 overarching objectives: economic; social; and environmental. These roles should not be considered in isolation, because they are mutually dependant.

The development will bring both social and economic benefits, albeit limited in nature relative to the scale of the development. The development will provide a minimal contribution towards housing for the local area. In addition the development would provide benefits during the construction stage and thereafter with prospective occupiers supporting the services/facilities within nearby towns/villages.

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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

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.

The village of Colne Engaine is classified as an 'Other' village in the Settlement Hierarchy set out in the Adopted Core Strategy, and as a 'Third Tier' village in the Draft Local Plan.

This classification is defined as "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".

In this case, the application site is located 0.5 Km to the North of Colne Engaine Village envelope, adjoining a cluster of dwellings in an area known

locally as Booses Green, therefore, it is reasonable to conclude that the site is not isolated.

Within the village of Colne Engaine there is a Primary School, a village shop and village hall. There is a bus service connecting the village to Earls Colne and Colchester which runs 3 times a day. The nearest large village is Earls Colne which is approximately 2.5 km from the site. It is considered likely that there would be a reliance on the private car to travel between the site and the nearest Key Service Area, but that day to day facilities do exist in Colne Engaine village, which would be accessible to the occupiers of the site.

Heritage Impacts

In terms of heritage impacts, there are two Grade II listed buildings located near to Burtons Farm, being The Grove and Orchard House, however it is considered that the proposed changes will not have an impact on the significance of these heritage assets.

Burtons Farm itself is not a statutorily listed building, however, it is considered that the barn building makes a positive contribution to the rural character of the area. Early OS maps indicate the barn has existed since the nineteenth century, therefore it is considered that its retention will positively maintain the historic appearance of the area.

As such, there is no heritage objection to the conversion of Barn A, which is considered sensitive to the existing structure and would respond positively to its current form. The construction of a new dwelling would be inappropriate, and as such the conversion of the barn building will positively contribute to its conservation.

The replacement of the outbuilding (Barn B) is not considered to have a negative impact upon the site and the proposed design of the replacement structure is appropriate for the setting. Retaining a neutral elevation on the north east side is considered to ensure that the rural appearance of the site is maintained, as would the proposed landscaping of the site, hedgerow and post and rail fencing.

Impact on Neighbouring Residential 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 requires consideration to be given to the amenity of neighbouring properties. The site lies near a number of residential properties. The use of the site for residential purposes would not see an increase in activity at the site and therefore it is considered that the proposal would not be detrimental to the residential amenity enjoyed by nearby neighbours.

Highway Considerations

The Council's adopted parking standards require that a 2+ bedroom house should have two off street parking spaces. The site is considered to have ample space to accommodate this requirement and as such is considered compliant with these standards.

There is an existing vehicular access from Pebmarsh Road which is considered sufficient to serve a dwelling. No objections from ECC Highways have been received and as such the proposal is therefore considered acceptable in this regard.

Ecology

The application is supported by an Ecological Impact Assessment (Robson Ecology Ltd, July 2019) which is considered acceptable. A compliance condition will ensure that the ecological protection and enhancement of the site is adhered to.

It is considered that the development could take place without any detrimental impact to the character of the site or immediate locality and without unreasonable impact on neighbouring residential properties and no adverse highway impact has been identified.

Habitat Regulations Assessment (HRA / RAMS)

The site is situated within the Zone of Influence 2 (ZOI) for the Blackwater Estuary SPA/Ramsar site.

In this regard, 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.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all

residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

Planning Balance

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

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

The change of use of a redundant building to a habitable dwelling would have a negligible influence on the vitality of the community and it would not be large enough to bring about the creation of new services within the settlement. The development will therefore perform only a very marginal economic role, i.e. the short term employment related to construction.

In providing a social role development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. The prospective occupiers of the dwellings would support health, cultural and social facilities in Colne Engaine to only a limited extent. The creation of 1 dwelling would also make a limited contribution to the Council's 5 Year Housing Land Supply given the scale of development proposed.

It is stated within the application that the applicant has tried to utilise the building for commercial use and this has not proven to be a viable ongoing proposition. The form, scale and condition of the buildings are constraints that result in options, which do not financially support the retention the buildings in their current form. The buildings are also not considered viable for community use. As such, an alternative viable long term use is required for the site.

In terms of other uses, the site is unsuitable for a commercially-led development being in close proximity to a number of residential dwellings and as such an employment based use could have a detrimental impact on neighbouring amenity. No evidence of other uses has been provided, however, given the close proximity of the existing residential properties, it is considered that a commercial type use would not be appropriate.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the harm and the conflict with the Development Plan. The proposed change of use to a habitable dwelling in this location would bring about the reuse of a building which is considered to make a positive contribution to the rural character of the area. Without conversion it is likely that the building would fall

into disrepair. Therefore, officers consider that the conversion of the barn to a habitable dwelling can be supported and recommend that the application be approved.

RECOMMENDATION

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

APPROVED PLANS

Location Plan		
Proposed Site Plan	Plan Ref: GC/BF/6	Version: A
Frame Survey	Plan Ref: GC/BF/8	
Frame Survey	Plan Ref: GC/BF/7	
Proposed Plans	Plan Ref: GC/BF/5	
Proposed Plans	Plan Ref: GC/BF/4	
Section	Plan Ref: GC/BF/D/1	
Other	Plan Ref: Ecological Impact Assessment	Version:
Dated July 2019		
Other	Plan Ref: Extended Phase 1	
Other	Plan Ref: Phase 1 Geoenvironmental Assessment	
Arboricultural Report	Plan Ref: Arboricultural Survey	Version: Dated
26th April 2019		

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

Reason

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

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

Reason

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

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

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 4 Construction of any above ground works to the building hereby approved shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

Reason

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

- 5 Prior to commencement of development all ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Robson Ecology Ltd, July 2019).

Reason

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

- 6 Prior to the first occupation of the dwelling, a competent person shall undertake an intrusive investigation of the ground of the proposed garden and landscaped areas. Any samples taken as part of this investigation shall be tested for potential contaminants in order to confirm the suitability of these areas for the proposed end use. Where the investigation identifies contamination of significance, a competent person shall produce a remediation strategy and submit it to the Local Planning Authority for approval. A validation report from a competent person must be submitted to the Local Planning Authority for approval within 14 days of completion of any necessary remediation works. Occupation of the dwelling will only be permitted once the Local Planning Authority approves the validation report. The investigation referred to above shall be assessed by a competent person in accordance with the 'Model Procedures for the Management of Land Contamination, CLR 11' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason

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

workers, neighbours and other offsite receptors.

- 7 Should contamination be found that was not previously identified during any stage of the application it shall be made safe, work cease and it be reported immediately to the local planning authority. The site shall be assessed by a competent person in accordance with the 'Model Procedures for the Management of Land Contamination, CLR 11' and in association with the Essex Contaminated Land Consortiums Land Affected by Contamination: Technical Guidance for Applicants and Developers. Details of the assessment and a remediation scheme, where necessary, shall be submitted for approval by the planning authority prior to the resumption of construction works.

Reason

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

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

Reason

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

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

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

Reason

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

- 10 Tree protection measures as set out in the approved Arboricultural Impact Assessment shall be erected on site prior to the commencement of development and shall remain in place until construction is complete.

Reason

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

INFORMATION TO APPLICANT

- 1 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.

It is your responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the National Grid or Cadent website.

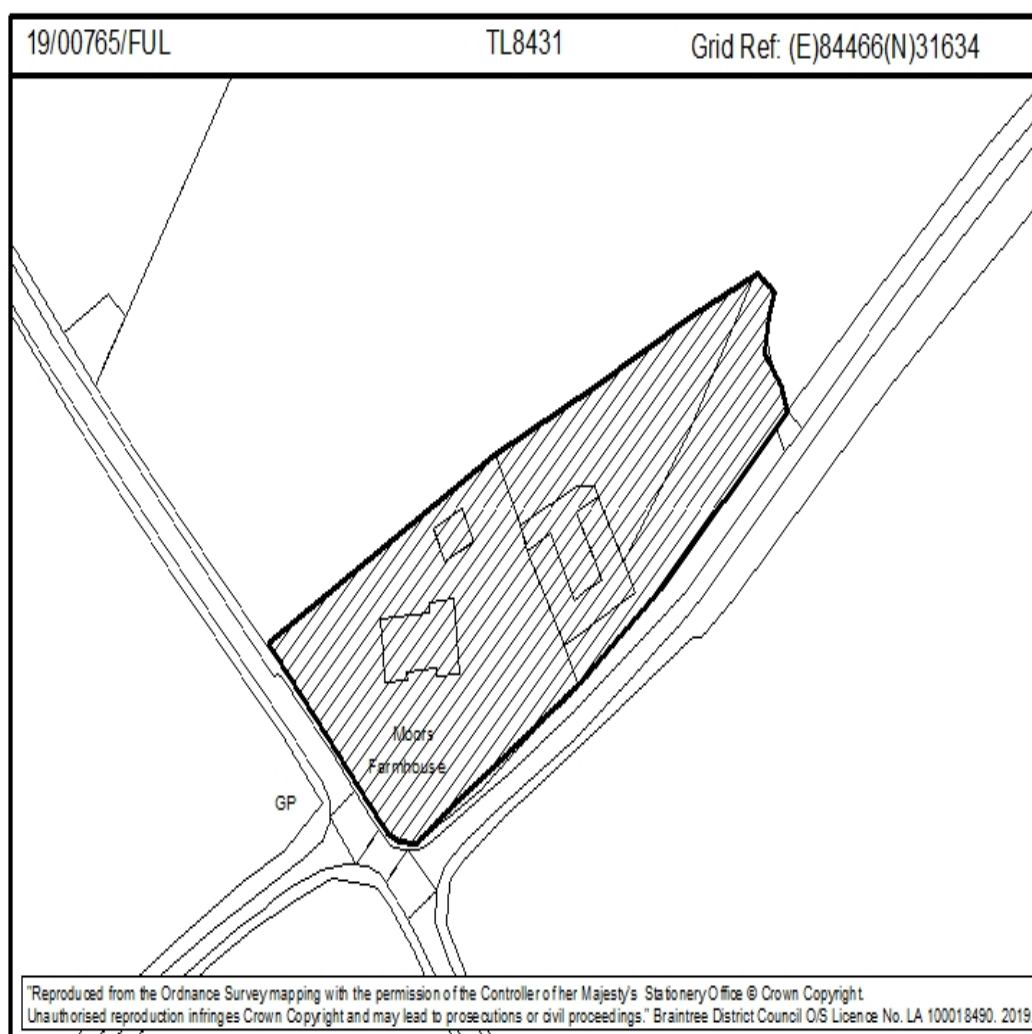
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/00765/FUL DATE: 29.04.19
VALID:
APPLICANT: Mr & Mrs R Brooks
Moors Farmhouse, Brickhouse Road, Colne Engaine,
Essex, CO6 2HH
AGENT: Mr Nigel Chapman
Kings House, Colchester Road, Halstead, CO9 2ET
DESCRIPTION: Erection of Garden Machinery/Classic Car Storage Building
LOCATION: Moors Farmhouse, Brickhouse Road, Colne Engaine,
Essex, CO6 2HH

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQPPPIBFGAR00>

SITE HISTORY

19/00038/REF	Proposed garden machinery/classic car collection storage building	Appeal Dismissed	23.08.19
00/01390/FUL	Construction of timber framed stable block/storage shed	Granted	20.09.00
87/00760/P	Demolition of existing house and erection of one dwellinghouse	Granted	09.07.87
85/01357/P	Additional use of knights estate for the breeding and grazing of welsh mountain ponies	Withdrawn	09.12.85
75/00236/P	Erection of agricultural dwelling	Withdrawn	20.05.75
90/00127/PFHS	Erection Of Detached Double Garage	Refused	28.02.90
90/01486/PFHS	Erection Of Double Garage	Refused	20.11.90
05/01233/FUL	Proposed outbuilding to replace existing structures	Granted	09.08.05
18/01764/FUL	Proposed garden machinery/classic car collection storage building	Refused	16.01.19
19/00669/PLD	Erection of detached single storey garage and garden store building	Refused	05.06.19

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

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

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 the Agent acting on behalf of the Applicant is related to a member of staff.

SITE DESCRIPTION

The application site consists of an existing residential dwellinghouse known as Moors Farmhouse, which is situated outside of any designated development boundary, approximately 1km to the north of Colne Engaine.

The site currently contains the main dwelling itself, and a 'U' shaped building which is used for a garage and an annexe. The second building is located outside of the curtilage of the main dwellinghouse. This application relates to an area of space to the side of the 'U' shaped building and is served by a separate access from Brickhouse Road.

BACKGROUND

This application follows a previous application which was refused planning permission by the Planning Committee on the 15 January 2019. That application proposed the erection of a garden machinery/classic car collection storage building, and measured 29.8 metres in length, and 7.1 metres in depth, 4.6 metres in height, and would have been sited against the boundary with Brickhouse Road. This application was refused for the following reason:

The proposed building, by virtue of its design and excessive length, would result in a form of development which would be out of keeping with the rural character of the locality, would have a detrimental impact upon the character and appearance of the countryside and the wider area, and would represent the inappropriate overdevelopment of the site. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS9 of the Braintree District Core Strategy, and Policies LPP1, LPP38, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

This decision was subject to a written representations appeal, which was subsequently dismissed. The Planning Inspector noted that the main issues with the proposed building were in relation to its height, its design which wouldn't sit comfortably in the rural context, and that there isn't sufficient screening along the roadside to prevent views towards the new building.

PROPOSAL

This application seeks full planning permission for the erection of a single storey outbuilding, located to the east of the main dwelling in the same position at the previously refused proposal. The building would be used to store garden machinery and the applicant's classic car collection.

To address the reasons for refusal on the former application, this application proposes a smaller building, measuring 24.9 metres in length, 5.4 metres in depth, and 3.8 metres in height. The design has been revised, to appear as a stable building instead of a more industrial looking building, and additional planting is shown as being proposed along the Brickhouse Road frontage, and adjacent to the existing vehicular access to the site.

The building would be finished in black cladding, with traditional slates on the roof. The submitted floor plans indicate the building would contain 12 vehicles.

CONSULTATIONS

Environmental Health Officer – No Objections.
Colne Engaine Parish Council – No Response Received.

REPRESENTATIONS

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

REPORT

Principle of Development

For sites located outside of designated village envelopes and development boundaries, Policy RLP2 of the Adopted Local Plan states that countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan elaborate on this, allowing development to existing habitable dwellings within the countryside provided that the development is "in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands".

It is understood that the need for additional storage on the site for the applicant's car collection arises from a need to vacate an off-site storage facility.

This application follows a similar planning application at this site which was refused by the Planning Committee on 15 January 2019 and subsequently dismissed at appeal. This application includes reductions in terms of the building's length, depth and height, and a change in its design, as well as additional planting. The revised design, which appears more akin to a traditional stable block with better articulation on the front elevation, does represent an improvement over the previous design.

To overcome the previous issue raised relating to the length of the building, the overall length has been reduced from 29.8 metres to 24.9 metres. The height, which was previously proposed at 4.6 metres, has been reduced to 3.8 metres.

This reduction in size is acknowledged; however the building would remain substantial in terms of its size. It would not be subservient to the main dwelling and would continue to be located outside its domestic curtilage. The cumulative effect of both the existing annexe/garage building and the proposed car collection building would result in a form of development that would compete with the host dwelling and would be overly dominant in its setting.

Furthermore, although Officers recognise the applicant's need for a location to store their vehicles, this does not in itself form justification for such a large building in a countryside location. The collection of cars on this scale is not a use which would typically be considered 'incidental' to the use of the dwelling.

When considered on its merits, Officers consider that there remain issues with the proposed building, including a lack of justification for a building of this size in the countryside. It would not be related to agriculture and it would be located outside of the residential curtilage of Moors Farmhouse. The resultant building would result in harm to the character and appearance of the countryside, and is therefore considered to be contrary to Policies RLP18 and RLP90 of the Adopted Local Plan, Policy CS5 and CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan.

Design, Appearance, Layout and Impact upon the Character and Appearance of the Area

Policy RLP90 of the Adopted Local Plan sets out criteria to ensure a high standard of design and layout, including that the height and mass of new development should be in harmony with the character and appearance of the surrounding area.

The revised design of the building appears more akin to a stables building, this, and its reduced height, depth and length is acknowledged. Its position however remains as previously proposed along the southern boundary with Brickhouse Road. It would continue to be highly visible in its siting. This expanse of development to the road would result in a degree of harm being caused to the character and appearance of the street scene and the rural

setting of the site. There would continue to be a form of urbanising effect rising from the proposed development, which would be alien to this area.

The application includes additional hedge planting along the road frontage to further screen the building in areas where it would be visible. However, the proposed hedge is not within the red line of the application site, and it is not clear whether the hedge is within the applicant's control. Therefore, the screening proposed along this road frontage cannot be secured. The design, appearance and layout of the development cannot therefore be considered acceptable.

Impact on Neighbour Amenity

Having regard to the location of the application and its relationship to residential properties, it is considered that the proposal would not have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

The proposed development would provide covered parking spaces on the site and therefore there would be sufficient space on the site to park the minimum of two cars, in accordance with the Council's Adopted Parking Standards.

CONCLUSION

The proposal in this case is for the erection of a large car storage building in the countryside. Previously planning permission was refused for a building in this location due to its height, length, depth and design. This application seeks to overcome the reasons for refusal, through the proposed building's reduction in terms of its length, height and depth, as well as a redesign to help it appear better suited to its rural context.

Notwithstanding this, concerns remain in relation to its position, size and impact on the rural setting in which it is located. The Applicant's motivation to store their car collection, which has arisen through the need to vacate an off-site premises, does not in itself justify the erection of such a large building in a rural location. There are other off-site storage facilities which could be utilised as an alternative.

Officers recommend that the application is refused planning permission.

Appendix 1: Planning Appeal Decision APP/Z1510/W/19/3227522

RECOMMENDATION

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

- 1 The proposed building, by virtue of its design and excessive length, would result in a form of development which would be out of keeping with the rural character of the locality, would have a detrimental impact upon the character and appearance of the countryside and the wider area. The proposal is therefore considered to be contrary to the National Planning Policy Framework, Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS9 of the Braintree District Core Strategy, and Policies LPP1, LPP38, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Location Plan	Plan Ref: 17/11/01/12	Version: B
Proposed Elevations and Floor Plans	Plan Ref: 17/1101/9	Version: B
Site Plan	Plan Ref: 17/1101/13	Version: B

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 24 July 2019

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/Z1510/W/19/3227522

Moors Farmhouse, Brickhouse Road, Colne Engaine, Essex CO6 2HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Brooks against the decision of Braintree District Council.
- The application Ref 18/01764/FUL, dated 25 September 2018 was refused by notice dated 16 January 2019.
- The development proposed is a garden machinery and classic car collection storage building.

Decision

1. For the reasons given below, the appeal is dismissed.

Reasons

2. Moors Farmhouse is a substantial dwelling located in a rural area to the north of the village of Colne Engaine. It stands at the south-western end of its large plot close to the junction of Brickhouse Road and Pebmarsh Road. The grounds around the house are laid to garden whilst to the north-east is a large area of mown grassland. On the southern side of this, adjacent to the Brickhouse Road frontage, is a "U" shaped residential annex, workshop and car store. The proposed new building would be located beyond this on an area currently hard surfaced with gravel chippings. This is intended to store garden machinery and vintage cars in association with the Appellants' hobby. The building would be some 29.8 metres in length and 7.1 metres in width and would be able to accommodate about 12 vehicles and a large tractor mower.
3. The new building would be a substantial structure that would be close to and parallel with the Brickhouse Road boundary. My particular concern is with its height, which would be some 3.2 metres to the eaves and 4.6 metres to the ridge. This would significantly exceed the adjoining annexe and the higher eaves level would considerably add to the bulk and massing of the proposed building overall. The Appellants comment that it would be no higher than the cupola on the existing building, but this is a small, decorative feature and the existing annex is relatively low in comparison with what is being proposed. It seems to me that when viewed adjacent to the annex, the appeal development would appear of considerably greater scale.
4. There is a 1.8 metre fence and a field hedge along the boundary with Brickhouse Road, although this becomes more patchy towards the gate that would provide access to the proposed development. In my assessment the new

building would be clearly apparent from the public domain through the gate and gaps in the hedge. In contrast to the existing annex, which has been successfully integrated into its rural surroundings, the new development would appear an overly dominant and intrusive structure in the roadside view. Policy CS 5 in the Council's Core Strategy (CS) seeks to strictly control development in the countryside in order to protect and enhance landscape character and amenity. Saved policy RLP 90 in the Braintree District Local Plan Review sets out criteria to ensure a high standard of design and layout. This includes that the height and mass of new development should be in harmony with the character and appearance of the surrounding area. The appeal proposal would fail to accord with these requirements.

5. The Appellants have referred to other developments that the Council has permitted in the vicinity. There were various additions to the nearby Elm Farm granted in about 2007, including a stable building. The latter has not been constructed to date, but the Appellants' plan shows that it would be set back from the road, to one side of the angled access. I observed the position to be well screened by the hedge along the road frontage. No details of the height of the building have been provided but, in my opinion, it is likely that it would not be a prominent feature as asserted by the Appellants. There is a glamping site to the north-east of the appeal site. Whilst I note that this involves various structures, I do not know the circumstances of this development or the details of the planning permission. Furthermore, it involves a different type of development to the appeal proposal. These developments do not provide justification for the harm that would occur at the appeal site if the appeal scheme were to go ahead.
6. I note that an application for a Lawful Development Certificate has recently been refused. This was for a building close to the main dwelling and the Appellants have the right to make an appeal if they wish to do so. I also note that a new planning application has been submitted for a building in a similar position to the appeal proposal that would be narrower and lower in terms of its ridge and eaves height. However, this is not before me for consideration and it would not be appropriate for me to comment on the merits of this undetermined proposal.
7. The Council has referred to saved policy RLP 18 in the LP and policy CS 9 in the CS. The former relates to residential extensions and the latter relates to the built and historic environment. Neither seem to me to be directly relevant to the appeal proposal. Saved policy RLP 2 refers to development boundaries and apart from the obvious fact that the site is within the countryside, is also not particularly helpful to my determination. The Braintree District Publication Draft Local Plan is currently undergoing examination and, from the information provided, it appears that there are a number of outstanding issues. In the circumstances the emerging document has very limited weight.
8. I have considered all other matters raised in the representations but have found nothing to alter my conclusion that the appeal should not succeed.

Christina Downes

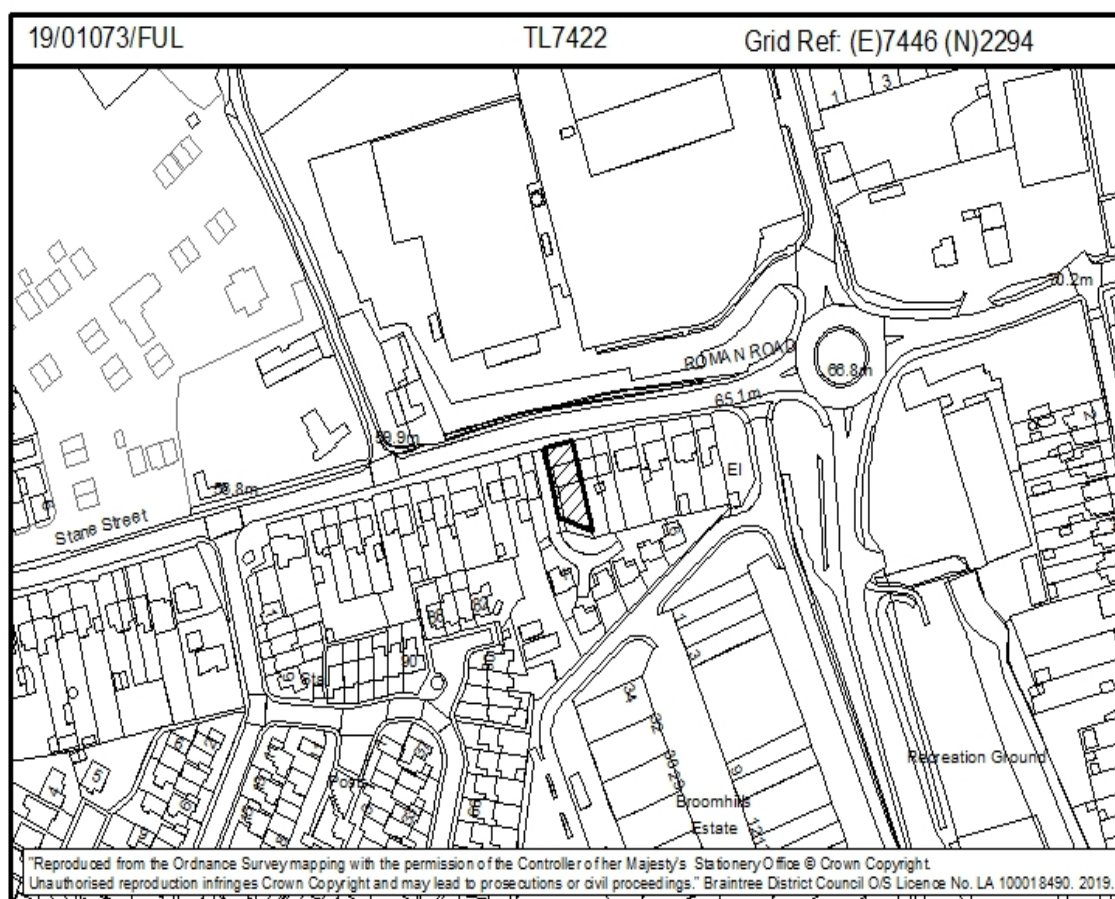
INSPECTOR

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 19/01073/FUL
DATE VALID: 14.06.19
APPLICANT: Mrs Rachel Hickman
4 Pike Way, North Weald, Epping, CM16 6BL UK
AGENT: DLM DESIGN
Mr Dean McLeod, Croxtons Mill, Blasford Hill, Little Waltham, Chelmsford, CM3 3PJ
DESCRIPTION: Change of use from C3 dwelling house to C2 residential care home for up to 3 children with 24 hour care, provision of vehicular access and associated parking provision.
LOCATION: 305 Rayne Road, Braintree, Essex, CM7 2QG

For more information about this Application please contact:
Mrs F Fisher on:- 01376 551414 Ext. 2503
or by e-mail to: fayfi@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PT3GI3BFH0C00>

SITE HISTORY

09/00051/REF	Proposed dormers on front elevation	Appeal Dismissed	02.02.10
10/00024/REF	Proposed dormers windows	Appeal Dismissed	16.07.10
09/00925/FUL	Creation of new vehicular access and off-street parking and variation of details submitted pursuant to conditions 3 and 4 of planning approval	Granted	04.09.09
	07/01715/FUL		
09/01262/FUL	Proposed dormers on front elevation	Refused then dismissed on appeal	16.11.09
10/00260/FUL	Proposed dormers windows	Refused then dismissed on appeal	08.06.10
19/00391/PLD	Change of use from C3(a) dwelling house to C3(b) care home for children.	Refused	12.06.19

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP20	Residential Institutions in Towns and Villages

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
LPP35	Specialist Housing
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

305 Rayne Road is a detached dwelling located within the Braintree Town Development Boundary. The dwelling enjoys a rear garden and parking for 2 cars. Planning permission was granted for the construction of 7 dwellings to the rear of the property which is known as Graynes Close. The access to Graynes Close is to the side of 305 Rayne Road, and 305 Rayne Road has a right of access to the two parking spaces which sit abutting the boundary.

PROPOSAL

This application is for the change of use of the property from a dwelling (Use Class C3) to a residential care home for children (Use Class C2). The property will provide a home for up to 3 children who will be looked after by a team of care workers on a shift pattern. During waking hours, one-to-one care would be provided for the children within the home. At night two waking carers would be on site at any one time. No changes are proposed to the exterior of the building however the retaining walls at the front of the property will be removed to create an additional hardstanding to provide 3 additional parking spaces.

CONSULTATIONS

ECC Highways

Given the scale of the proposed development and the area to be available for parking within the site as shown on Drawing No. LDC-392-03, the proposal is acceptable to the Highway Authority, subject to conditions relating to technical details relating to the dropped kerb, no unbound materials, the gradient of the hardstanding and the control of discharge of surface water onto the highway.

REPRESENTATIONS

12 letters of representation have been received with regard to this application. Only comments relative to material planning considerations are summarised below. Comments relating to devaluing of property, tax payers funding the development and other comments regarding the processing the application and the Council's motives have not been included in this report:-

- Types of resident – antisocial behaviour, disruptive behaviour etc
Objections to the prospect of any young offenders, alcohol or substance misusers, as we are concerned about any potential disturbances, inappropriate language and late night distribution.
- Parking issues
- Movements to and from the site
- Highway safety issues relating to current pavement parking and visibility when leaving Graynes Close.
- Issues relating to turning and parking in Graynes Close.
- Impact on the character of the area.

REPORT

Principle of Development

The site is located within the Braintree Development Boundary. As such, Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

Policy RLP20 of the Adopted Local Plan and Policy LPP35 of the Draft Local Plan 'Residential Institutions in Towns and Villages' states that within predominantly residential areas in towns and villages, permission will be given for the development of residential care homes providing that there is sufficient amenity open space, the boundary treatments provide privacy and a high standard of visual amenity both for residents and neighbouring properties, there are shops, health facilities and regular public transport services, in close proximity to the site and that parking is provided in accordance with the Council's standards.

The proposal seeks to change the use of the existing dwelling from a C3a (residential) use to a C2 use (residential institutions and care to people in need of care) for a children's care home. The C2 Use Class encompasses a number of similar uses, including other types of residential care homes, hospitals, nursing homes, boarding schools and residential colleges.

In this case it is considered that the principle of development is acceptable subject to compliance with the abovementioned policies.

Design, Layout & Parking

In terms of design, Paragraph 124 of the NPPF states inter alia that good design is a key aspect of sustainable development. In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP50 and 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 ensure development affecting the public realm to be of a high standard of design and materials, and use appropriate landscaping.

In terms of parking, Policy RLP56 of the Adopted Local Plan and LPP45 of the Draft Local Plan state that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. A C2 use requires that there should be 1 space per full time member of staff and

therefore a total of 5 spaces would be required. The number of parking spaces provided would facilitate staff changeover with minimal impact on on-street parking.

The application is supported by a block plan which indicates that there would be five off-street parking spaces available for the care home. This would be achieved by making changes to the front garden to facilitate a hardstanding. Currently, the front garden is elevated and contained within a retaining wall. The front garden area would be largely removed, with a retaining wall built closer to the house and a steps to reach the front door. A dropped kerb would be provided to the highway (subject to highway approval) to enable access to the front parking spaces. The existing parking to the side of the boundary would also be retained for parking.

In terms of design and visual impact, whilst the alterations to facilitate the parking will change the appearance of the frontage of the property it is not considered to be out of keeping with the current street scene when viewed in connection with the off street parking arrangements of surrounding properties. There no other external changes proposed to the property and as such the proposal is considered compliant in terms of visual amenity.

In terms of highway safety, the Highways Authority has not raised any concerns with regards to the dropped kerb and creation of the additional parking spaces.

On this basis, the proposal is considered to be acceptable in terms of highway safety and would be compliant with the councils adopted parking standards. A condition requiring the proposed off-street parking areas to be laid out ready prior to first use is considered necessary to prevent unnecessary impact on nearby on street parking.

Impact on Neighbouring Residential amenity

In terms of impact on neighbouring residential amenity, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

In this case 12 letters of objection have been received. Relevant planning considerations are centred on concerns from neighbours that the proposed use will result in increased antisocial behaviour from residents and visitors to the property. There is a fear that there will be an increase in bad language and the types of residents would increase disruption and disturbances resulting in the neighbours not being able to enjoy their own properties and surrounding outside amenity areas. There is also concern that the proposed use will have a detrimental impact in terms of available parking on or around the site and the unauthorised use of the access at Graynes Close.

In response to these concerns, a statement has been submitted by the applicant to support the application which states that the care home would

accommodate up to three children between the ages of 11 and 16. The applicant has also confirmed that the home would be registered with OFSTED.

Given that there will be one to one supervision of the children, it is unlikely that the types of nuisance cited by neighbouring residents in relation to young offenders, alcohol or substance misusers, nor late night distribution would be likely to occur. It should not be assumed that children living in care would be more likely to behave antisocially or create levels of noise and disturbance over and above children living in a 'traditional' family unit. As such, whilst the fear and perception of crime is a material planning consideration, there is no reasonable evidence base for the fear in this instance. A refusal reason cannot be reasonably justified on the grounds of residents' fear of crime in this case.

In regards to concerns relating to the impact on surrounding on-street parking, it has been stated that there would be a maximum of three carers on the premises at any one time. All children will be given one to one support and there will also be the manager on site from 9am to 5pm, Monday to Friday and on call at weekends. Based on this information, there could be a maximum of five members of staff at the premises. On the basis that the staff could all arrive and leave individually, that would result in 10 – 20 staff movements to and from the property per day.

Officers considered that there would be an increase in comings and goings to the site caused by the operational requirements of the care home, however, this level of movement is not considered to intensify the use to the extent that it would be incompatible in this residential location, when considering that the dwelling could house a grown family of 5 adults all being car owners.

With regards to the access into Graynes Close, it is understood that No.305 Rayne Road, enjoys rights of access to the parking spaces at the side of the property, and that the access into Graynes Close should not be used to turn a vehicle. It should be stated however, that the rights of access and any issues surrounding land ownership are not a material planning consideration and are a civil matter which cannot be regulated by the planning authority. A reason for refusal cannot be substantiated on the grounds that cars may turn in this area to leave the site.

In conclusion, officers are mindful of the concerns raised by neighbours in relation to the functioning of the dwelling as a care home. However, the information provided with the application provides clarity as to the number of residents and how they will be cared for. Officers consider that the use of the dwelling as a care home, for 3 children aged between 11 and 16 with close care and supervision would not have a detrimental impact on the amenities of the surrounding properties to a degree such as to be considered contrary to the above policies.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: LDC-392-01
Block Plan	Plan Ref: LDC-392-02-B
Planning Layout	Plan Ref: Parking Layout

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

Reason

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

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

Reason

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

- 3 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 4 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 5 The gradient of the proposed vehicular hard-standing shall be not steeper than 4% (1in 25) for the first 6 metres.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety to ensure accordance with safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 6 There shall be no discharge of surface water onto the highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

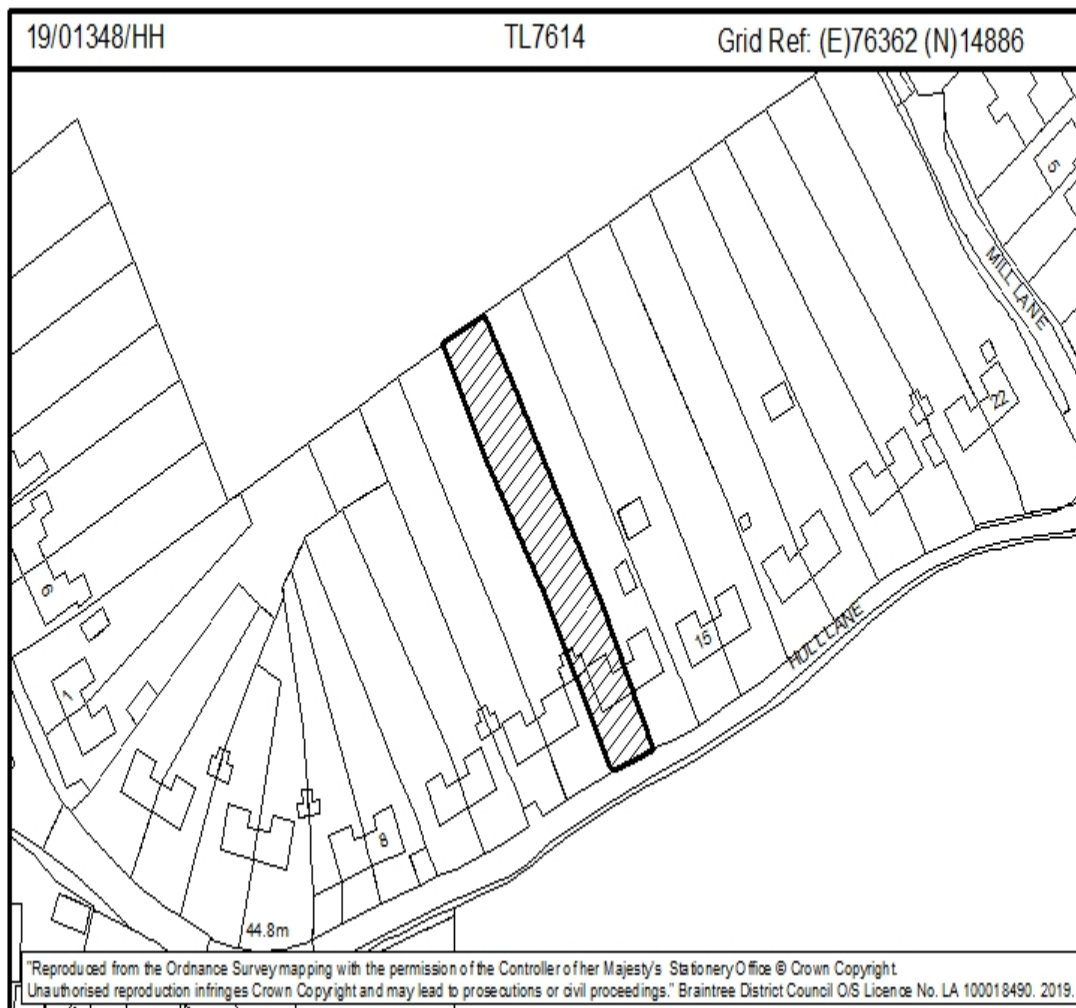
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5i

APPLICATION NO: 19/01348/HH
DATE: 29.07.19
VALID:
APPLICANT: Ms C. Dervish
13 Hull Lane, Terling, CM3 2QX,
AGENT: Mr Richard Page
14 Cornard Road, Sudbury, CO10 2XA,
DESCRIPTION: Proposed two storey rear extension and front porch
LOCATION: 13 Hull Lane, Terling, Essex, CM3 2QX,

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=PVCJU5BFH0100>

SITE HISTORY

75/00538/P	Vehicular access	Granted	16.06.75
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
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
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

Terling and Fairstead Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as the applicant is a BDC Councillor. The Parish Council have also objected to the application, prior to revisions.

SITE DESCRIPTION

The site comprises a semi-detached dwelling on Hull Lane, within the Village Envelope of Terling. The adjoining neighbour at No. 14 Hull Lane has been extended at both ground and first floor to the rear of the property.

PROPOSAL

The application seeks planning permission for a part two storey part single storey rear extension and a single storey porch to the front of the property. Revisions were sought from the original submission to remove part of the first floor extension due to the impact on neighbouring amenity for the adjoining property at No. 14 Hull Lane. The revised rear extension would measure 6.8 metres wide at ground floor level, at a depth of 3.0 metres from the existing utility and 6.1 metres deep from the existing lounge. The rear extensions would see the creation of new rooflines to the property, with the utility room removed to create a gable end roofline.

The first floor extension would extend to the same depth as the ground floor extension, at a width of 4.1 metres. The first floor extension would be set back 2.5 metres from the boundary. The front porch extension would measure 1.4 metres deep at a width of 2.2 metres. Both extensions would be finished in render to match the host dwelling, and would be tiled to match existing.

CONSULTATIONS

Archaeology – No recommendations for archaeological investigation.

PARISH / TOWN COUNCIL

Terling and Fairstead Parish Council have objected to the application as originally submitted, for the following reasons:

- Overdevelopment of the plot.
- Impact on No. 14 Hull Lane.
- Lack of information provided in relation to BDC policies and Terling Village Design Statement.
- Concerns over parking.

REPRESENTATIONS

One objection comment was received from the neighbouring dwelling at No. 14 Hull Lane, this is summarised as follows:

- Proposed extension is too close to the boundary to be two storey
- Overbearing and tunnel effect to first floor window
- Overbearing to stairwell window
- Loss of light and overbearing to ground floor extension

REPORT

Principle of Development

The application site is within the Village Envelope of Terling 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.

Design and Appearance

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

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

The property falls within the area specified in the Terling and Fairstead Village Design Statement. The relevant guidelines are to 'ensure extensions are sympathetic to the materials, bulk and form of the existing building' and state that 'developments should be proportional to the plot size'.

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 proposals to the rear of the property have been amended to closely mirror the neighbouring existing extensions at No. 14 Hull Lane. It is considered that the revised design would be proportionate to the host dwelling and due to its location would not be detrimental to the street scene. To the front, the porch would be a modest addition to the dwelling, retaining the characteristics of the property and using materials to match.

The proposals are considered to be subservient, in keeping with the character of the host dwelling and the wider street scene, and therefore are compliant with the abovementioned policies.

Impact on Neighbour Amenity

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.

Due to the projection of the first floor extension and the orientation of the property, the first floor bedroom window located on No. 14 Hull Lane falls within the 45° line as advised by the BRE which illustrates an element of loss of light and overbearing caused by the extension. The proposals closely mirror the existing extensions at No. 14 Hull Lane, and so whilst the first floor extension remains relatively deep, the revised scheme would not be so

harmful to the residential amenity of the host dwelling or the neighbouring property to justify a refusal on that basis.

Highway Considerations

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.

The property has existing parking located to the front of the dwelling, which would remain unaffected by the proposals.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and 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

Location Plan	Plan Ref: 19/116/01	
Proposed Elevations and Floor Plans	Plan Ref: 19/116/02	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.

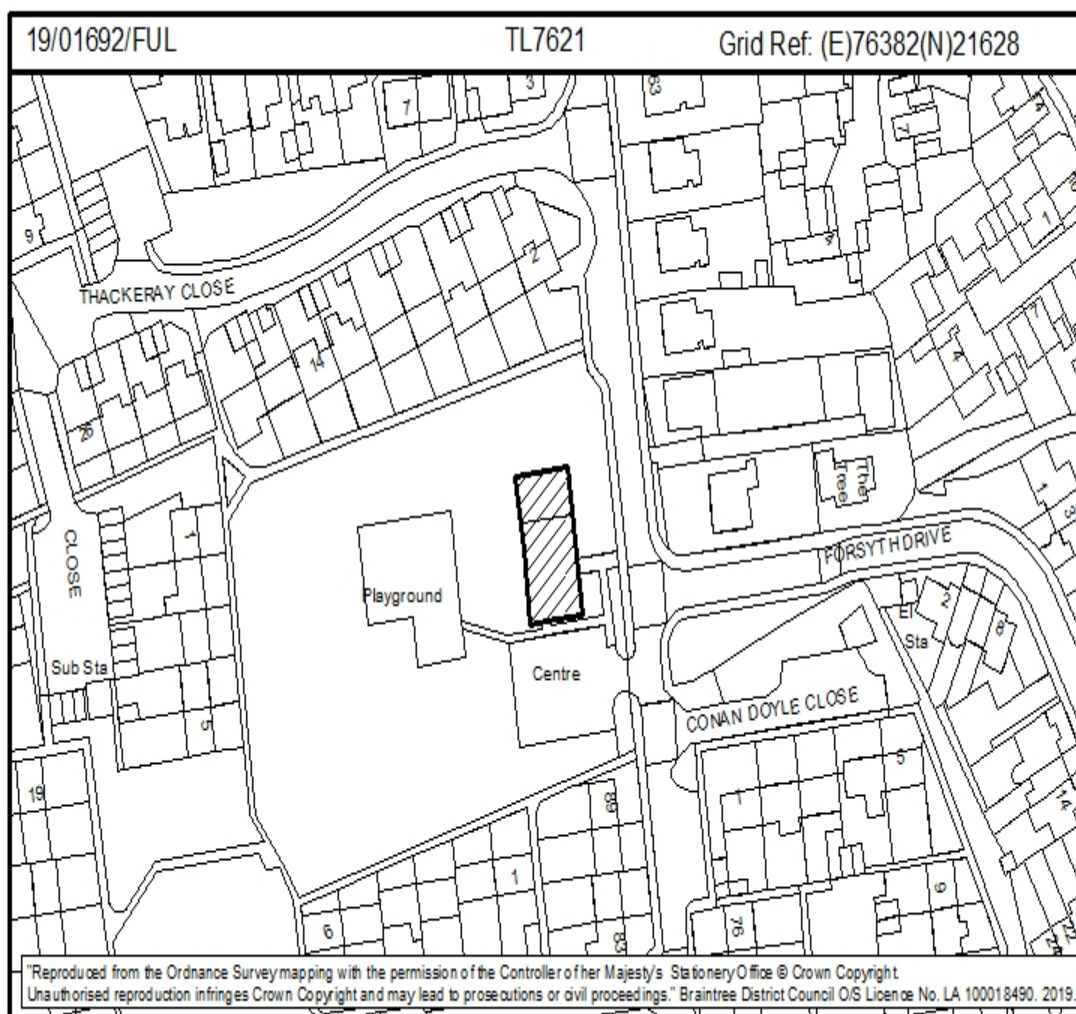
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5j

APPLICATION NO: 19/01692/FUL DATE: 16.09.19
VALID:
APPLICANT: Mrs Toni Bunn
Goldingham Hall, Park Drive, Braintree, CM7 1AW
AGENT: Mr Richard Bailey
146 Main Road, Danbury, CM3 4DT
DESCRIPTION: Construction of an outdoor amenity space and play area adjacent to Goldingham Hall.
LOCATION: Goldingham Hall, Park Drive, Braintree, Essex, CM7 1AW

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXX451BFIHU00>

SITE HISTORY

11/00012/FUL	Construction of outdoor play area adjacent Community Hall and creation of a new doorway into the hall	Granted	24.02.11
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POLICY CONSIDERATIONS

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

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

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

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

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

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

carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP153	Community and Village Halls

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
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP64	Educational Establishments

Neighbourhood Plan

N/A

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being report to the Planning Committee in accordance with the Council's scheme of delegation as the site is owned by Braintree District Council.

SITE DESCRIPTION

The site is located to the south of Braintree in a predominately residential area. It is located immediately adjacent to the Goldingham Community Hall and is currently an open grassed amenity area. Goldingham Community Hall is a well used community facility and is also home to the Goldingham Hall Pre-School. To the rear of the site is a public playground with play equipment which is fenced off with low level railings. There are residential properties

around the perimeter of the open space and the site is located on a slight gradient.

PROPOSAL

The application seeks approval for the creation of an enclosed outdoor amenity space and play area together with a new door from the side elevation of the community hall. The proposed amenity space/play area would measure approximately 10.2m x 12.1m, being the same depth as the hall. The area would consist of a mix of grass and paving with planting along the border. The site would be enclosed with 1.8m high welded mesh panel fence, with a gate to provide external access.

CONSULTATIONS

None

REPRESENTATIONS

A letter of support was received from the occupier of 73 Goldingham Drive, who stated that there is a need for an outdoor play area. It was however, stated that youths regularly climb onto the building and are likely to climb into the proposed play area. Also, the representation stated the concern regarding the speed of traffic driving past the hall and the need for traffic calming measures.

REPORT

Principle of Development

In this case the site lies within the defined settlement boundary of Braintree. In this location, as set out in Policies RLP3 and RLP90 of the Adopted Local Plan, Policies LPP1, LPP50 and LPP55 of the Draft Local Plan and Policy CS9 of the Adopted Core Strategy, development will only be permitted where it satisfies amenity, design, and highway criteria, and where it can take place without detriment to the existing character of the area without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy RLP153 of the Adopted Local Plan and LPP65 of the Draft Local Plan supports the upgrading and enlargement of village halls, in sustainable locations, subject to satisfactory siting, design materials and landscaping. Policy LPP64 of the Draft Local Plan states that the Council will support appropriate and well-designed proposals for new schools and educational facilities in sustainable locations. In existing communities the Local Planning Authority seeks to protect existing community facilities. The provision and enhancement of these facilities or their diversification to support their ongoing viability will be supported wherever possible

It is therefore considered that the principle of the proposed development is acceptable subject to satisfying the abovementioned policies and all other material considerations.

Design, Appearance and Layout

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. To achieve this, developments must be visually attractive as a result of good architecture, layout and effective landscaping.

Policy RL90 of the Adopted Local Plan states that the layout, height and design of developments shall be in harmony with the character and appearance of the surrounding area and shall promote a safe and secure environment.

The main visual impact would be created by the erection of the proposed fencing. The proposed amenity space is to provide a safe outdoor environment for the users of the hall, including pre-school children who attend Goldingham Hall Pre-School which is based in the hall. Goldingham Hall is a valuable and extremely well used community asset, utilised by a wide range of community groups. There is an existing play area to the rear of the site which contains outdoor play equipment and is fenced with low level railings. The proposed amenity area directly adjacent the hall, would provide the children using the pre-school with an opportunity to experience supervised outdoor play and learning. Therefore given the nature of the proposal it is accepted that the need for fencing is essential to provide a safe environment for the children. The area would also provide an enclosed amenity space which can be used generally by the community and would enhance the existing community offering at the site.

The proposed fencing would be 1.8m in height and the welded mesh has been chosen to provide the least visually invasive form of fencing. It would continue to allow views through to the remainder of the open space. Because of the transparency of the material it is considered that the erection of the fencing and the choice of materials would be acceptable.

The site is on a slight gradient and therefore, although the height of the fence is a continuous 1.8m, the side furthest from the hall would appear to be higher than 1.8m. Therefore the enclosure would appear to have a greater visual prominence on the higher land. However, because of the mesh material to be used for the enclosure, it is not considered that the open views of the site would be compromised and would therefore, not be detrimental to the character and appearance of the area.

Impact on Neighbour Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan,

both emphasise the need to protect the amenity of nearby properties by preventing loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

A letter of support was received from a nearby resident who resides at 73 Goldingham Drive. Additional comments were made within the representation which are noted. Officers acknowledge the comments regarding anti-social behaviour and concerns regarding the speed of passing traffic. Unfortunately, the comments raised by the resident cannot be dealt with during the determination of this proposal.

The site has residential properties located on the perimeter of the open space. The proposed amenity area is located a sufficient distance from nearby residents so as not to have an unacceptable detrimental impact upon amenity, in terms of either visual or aural impact. Furthermore, no representations have been received which object to the proposal. It is therefore considered that the proposal would comply with the aforementioned policy.

Highway Issues

The existing parking arrangements would not be affected by the proposal. There is currently a car park to the south of the community hall, where there are twelve parking spaces for users of the community hall. The existing parking arrangements would remain and would not be affected by the proposal.

CONCLUSION

In conclusion, the application meets the Policy criteria in the Adopted Core Strategy, the Adopted Local Plan and the Draft Local Plan. The development would enhance an existing community facility and would provide an area of enclosed outdoor amenity space which facilitates the operation of the existing pre-school. The erection of a mesh enclosure allows views of the existing open space to still be experienced by local residents, although it is acknowledged that by fencing off an area of existing open space it reduces the open space available to be utilised by members of the public. However sufficient and generous open space would be retained. It is therefore considered that the proposal would not have a detrimental impact on the existing character of the area and it is therefore recommended that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Existing Plans	Plan Ref: 01
Proposed Plans	Plan Ref: 02
Location Plan	Plan Ref: 03
Block Plan	Plan Ref: 04

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER