

UTT/16/3549/FUL - BROXTED

(MAJOR)

PROPOSAL: Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Conversion of former staff dwelling to 1 no. dwelling. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings with new cart lodge. Extension to western section of former hotel and conversion to 1 no. dwelling with new cart lodge. Alteration to rear driveway and erection of 2 no. dwellings with cart lodges. Erection of open cart lodging and storage areas and associated landscaping. Alterations to vehicular and pedestrian access.

LOCATION: Whitehall Hotel, Church End, Broxted

APPLICANT: Mr B Martin

AGENT: Andrew Stevenson Associates

EXPIRY DATE: 22 March 2017

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Grade II (Barn northeast of Church Hall/wall to west of Church Hall) and Grade II* (Church Hall and Brewhouse) Listed Buildings/adjacent Grade II* listed buildings (Church and barn to east of Church Hall)/Tree Preservation Order/Within 57dB 16hr LEQ.

2. DESCRIPTION OF SITE

2.1 The site lies within the hamlet of Church End, Broxted, on the southern side of the B1051. A property known as Church Hall Farm is located to the east and St Mary's Church is located to the west, both are listed Grade II*. There is open farmland to the north and south of the site. The site was formerly the Whitehall Hotel until its closure nearly 5 years ago (May 2012).

2.2 The application site covers an area of just over 1 hectare. The site has vehicular access from the B1051, with a further access point between the frontage barn and Church Hall Farm.

2.3 Within the site the barn listed at barn northeast of Church Hall lies on the northern boundary of the site, adjacent to the B1051. Extending southwards from this are the 1990's extensions which join the barn to the Grade II* listed Church Hall and Brewhouse. There is vehicular access under an oversailing element of this extension. Church Hall and Brewhouse front onto the access and have extensive grounds to the south. At the western end of the building is a further modern extension (1980's) which was known as the Butler Wing. Lying adjacent to the eastern boundary of the site is a further building which was the former staff dwelling. At the southern end of the site are the former swimming pool and tennis courts. There are mature trees within the grounds. The listed wall runs along the

western boundary with St Mary's Church.

3. PROPOSAL

3.1 The proposal relates to the conversion of the buildings within the site to form 8 dwellings, and the erection of two detached dwellings on the southern part of the site.

3.2 The proposal seeks the removal of the following sections of built form:

- The detached building in the grounds of the barn (15sqm)
- Small section to the south of the barn (14sqm)
- The reception and other infill sections of the 1990's extensions (200sqm)
- Removal of extensions to the 1980's western extension (26sqm)
- Outbuildings in the grounds (40sqm)
- Total loss of buildings footprint 304sqm, with the loss of domestic structures, the swimming pool and the tennis court, a total of just over 800sqm

3.3 The proposal comprises of:

- The renovation of the Grade II listed barn (plot 1)
- The modernisation and division of the 20th century eastern section into two dwellings (plots 2 and 3)
- The renovation of the coach house (former staff dwelling) to form a detached dwelling (plot 4)
- The detachment and conversion of the eastern part of the building to a single storey dwelling (plot 5)
- The comprehensive conversion and renovation of the Grade II* listed building and division into two dwellings (plots 6 and 7)
- The extension and enhancement of the western section (Butler Wing) (plot 8)
- The construction of two 1 ½ storey dwellings at the rear of the site accessed via the existing driveway, on the site of the former tennis court and the swimming pool (plots 9 and 10)
- The renovation of the area with cart lodges and parking areas, high quality soft and hard landscaping with sensitive boundary treatment

3.4 The proposal results in 10 residential units with the following accommodation and amenities:

Plot	Beds	Garden area sqm	Parking	Comment
1	4	260	3	Converted barn
2	3	150	2	Conversion from 1990's hotel
3	2	115	2	Conversion from 1990's hotel
4	2	85	3	The Coach House
5	3	128	2	Single storey mobility dwelling
6	3	225	3	Converted from house/Brewhouse
7	4	400	3	Main part of Grade II* listed dwelling
8	4	270	3	Converted from 1980's extension
9	4	1000 plus	4	New dwelling and cart lodge
10	4	1000 plus	4	New dwelling and cart lodge

4. APPLICANT'S CASE

4.1 The application is accompanied by the following documents:

- Planning and Heritage Statement
- Acoustic Design Statement
- Protected Species Survey of Whitehall Hotel, Broxted
- Bat Survey
- Heritage Statement for Hotel Buildings
- Archaeological Desk Based Assessment
- Arboricultural Report
- Transport Statement
- Flood Risk data
- Sustainable Construction Pre-application checklist for dwellings
- Biodiversity Questionnaire
- Report by Wills Surveyors
- Report by Beresford of Resale Values

4.2 Summary of Planning and Heritage Statement:

It can be concluded that the following is the result of the proposal that should attract the support of the Council given the positive result of the pre-application advice:

- The proposal is not harmful to the natural environment specifically in line with the objections of Section 11 of the NPPF and Policy S7 of the Local Plan
- The proposal enhances the historic built environment in terms of character and appearance to accord with Section 12 of the NPPF and Policy ENV3 of the Local Plan
- There is no harm to the designated assets where the scheme respects their significance (referring to S66 of the Act) with sensitive conversions and new buildings
- There would be no harm to the natural environment through protecting the trees identified to be an important part of the landscape, nor harm to the biodiversity of the site, with potential for significant improvement in this area
- There would be good quality of life for future inhabitants of the 10 dwellings proposed, with above average garden areas and parking that accords with standards. The proximity of the airport as in other developments nearby, can within standards required with the development measures that mitigate against noise, to ensure levels are not exceeded
- Moreover, and most importantly the development can be described as a sustainable one, in terms of the three strands of the definitions as set out in the NPPF where the government urges support for development proposals of this nature.

5. RELEVANT SITE HISTORY

5.1 UTT/16/1973/LB: Emergency repairs to roof structure and associated areas and removal of modern chimney – Approved

5.2 UTT/0674/06/FUL: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved

- UTT/0131/06/LB: Proposed ramp for disabled access to barn and proposed installation of disabled WC within main building – Approved
- 5.3 UTT/1769/04/FUL: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.4 UTT/1770/04/LB: Erection of single storey and two storey rear extensions to provide 17 No. hotel bedrooms – Refused
- 5.5 UTT/1082/99/FUL: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.6 UTT/1083/99/LB: Change of use from residential to hotel accommodation and minor alterations – Approved
- 5.7 UTT/0284/98/FUL: Refurbishment of outbuilding to form staff accommodation – Approved
- 5.8 UTT/0285/98/LB: Refurbishment of outbuilding to form staff accommodation – Approved
- 5.9 UTT/0674/90/LB: Formation of fire escape to first floor bedroom in barn house. Replanning of gable rooms & alteration to layout – Approved
- 5.10 UTT/0401/90: Amendment to previous approval under ref: UTT/1923/89 in the form of installation of one No. Klargestor BioDisc Sewage – Approved
- 5.11 UTT/1923/89: Change of use from residential to hotel use with extension & alterations & extensions & alterations to Whitehall – Approved
- 5.12 UTT/1924/89: Demolition of outbuildings. Erection of a linked extension between Whitehall & the Barn House and internal alterations – Approved
- 5.13 UTT/1500/87: Outline application for erection of a dwelling to provide ancillary residential staff accommodation – Refused; Allowed on appeal
- 5.14 UTT/1500/87/A: Erection of a dwelling unit to be used for staff accommodation with car parking facilities and turning area – Approved
- 5.15 UTT/0768/87: Outline application for erection of bungalow - Refused
- 5.16 UTT/0034/87: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.17 UTT/0035/87/LB: Extension to hotel to provide additional bedrooms and lounge area – Approved
- 5.18 UTT/1356/85: Conversion and additions to garages and old stable building to provide six additional hotel bedrooms - Withdrawn
- 5.19 UTT/0892/84/LB: Extension to provide restaurant kitchen and alteration of an existing access - Approved
- 5.20 LB/UTT/0893/84: Extension to provide restaurant kitchen and alteration of an

existing access – Approved

- 5.21 UTT/1051/83: Change of use of private dining room to restaurant (max. 40 covers) and use of 3 bedrooms as overnight accommodation – Approved
- 5.22 UTT/1087/81/LB: Internal alterations to provide 1 bedroom and 1 bathroom and additional living room and study. The Barn House - Approved

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford Local Plan (2005)

- S7 – Countryside
 - GEN1 – Access
 - GEN2 – Design
 - GEN3 – Flood Protection
 - GEN6 – Infrastructure Provision to Support Development
 - GEN7 – Nature Conservation
 - GEN8 – Vehicle Parking Standards
 - E2 – Safeguarding Employment Land
 - ENV2 – Development affected Listed Buildings
 - ENV3 – Open Spaces and Trees
 - ENV10 – Noise Sensitive Development and Disturbance from Aircraft
 - H4 – Backland Development
 - H9 – Affordable Housing
 - H10 – Housing Mix
- 6.3 - SPD: Accessible Homes and Playspace (2005)
- Essex County Council Parking Standards (2009)
- Uttlesford Local Residential Parking Standards February 2013

7. PARISH COUNCIL COMMENTS

- 7.1 My Council has no objection to this application but would remind the planning officer that the site does contain a number of trees which are subject to TPOs.

8. CONSULTATIONS

London Stansted Airport

- 8.1 The proposed development has been examined from an aerodrome safeguarding aspect and we subsequently have no objections subject to a condition controlling landscaping.

Historic England

- 8.2 Historic England consider that the proposed works have been adequately justified in accordance with the guidance in the National Planning Policy Framework and we are satisfied that the alterations and new build would not cause additional harm to the significance of this grade II* listed building or its setting or the setting of the adjacent grade II* listed St Mary's Church. We would have no objections should

your authority be minded to approve the application for planning permission.

Environment Agency

8.3 No objections.

ECC Ecology

8.4 No objections, subject to conditions.

ECC Flood & Water Management

8.5 No objections, subject to conditions.

ECC Highways

8.6 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

Specialist Advice

8.7 The original Church Hall has been altered and much extended to facilitate the hotel use. As the hotel use has now failed, the proposal subject of this application is to convert most of the existing structures to independent residential units and to form two new-built dwellings. The proposal has been extensively negotiated which included pre-application consultations with Historic England.

I consider that this final scheme overcomes officer's early concerns and is likely to form a prestigious development resulting in the restoration of the important heritage asset, as well as secure its future in an economically sound ownership. As the setting of the Hall has already been much altered by the 'hotel linked' development I feel that the formation of two additional houses in the back of the site would not unduly exacerbate this scenario. It could be said that the proposed removal of some of the modern ranges would visually isolate the listed buildings from its modern neighbours re-inventing their important sense of primacy on this site. In conclusion and on balance I suggest approval subject to conditions.

Landscape Officer

8.8 The proposed tree removals are considered to be acceptable as part of the development proposals. The trees to be removed are not high category trees and some of them have significant defects. The individual trees to be felled are 2 sycamore (T8 & T26), 1 ash (T7); and two groups of trees one consisting of Chamaecyparis, holly, and yew; and the other consisting of yew, hawthorn, sycamore, and holly (G4).

9. REPRESENTATIONS

9.1 This application has been advertised and no letters of representation have been received. Notification period expired 26 January 2017.

10. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development (ULP Policies S7, E2; NPPF)
- B Impact on listed buildings (ULP Policy ENV2; NPPF; s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990)
- C Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies S7, H4, GEN2, GEN7, ENV2, ENV3, ENV10; NPPF)
- D Residential amenity (ULP Policy GEN2; NPPF)
- E Housing mix and affordable housing (ULP Policies H9, H10, GEN6; NPPF)
- F Access and parking (ULP Policies GEN1, GEN8)
- G Flood risk (ULP Policy GEN3; NPPF)

A The principle of the development (ULP Policies S7, E2; NPPF)

- 10.1 The application site is located outside the development limits and falls within open countryside where Policy S7 operates a policy of restraint. Planning permission will only be granted for development that needs to take place there, or is appropriate to a rural area. It will only be permitted if its appearance protects or enhances the character of the countryside within which it is set or there are special reasons why the development in the form proposed needs to take place there. The proposal would be contrary to Policy S7, particularly insofar as it relates to the proposed new dwellings, as it relates to an inappropriate form of development that does not need to take place in the countryside, fails to protect or enhance the character of the countryside in which it is set. It is therefore necessary to consider whether there are any special reasons why the development needs to take place in that location.
- 10.2 The preamble to Policy S7 sets out examples of development that may be permitted in principle, including affordable housing and other facilities to meet local community needs. Policy S7 also permits infilling and paragraph 6.14 of the Local Plan states that there is no specific policy on infilling outside development limits. Infilling will be permitted if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements where they would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 10.3 In this instance, it is not considered that the site constitutes infilling. The site consists of the land and buildings which were formerly used as the Whitehall Hotel. This is a part of a small cluster of buildings located in an isolated area which consists of St Mary's Church, Church Hall and Brewhouse (former Whitehall Hotel) and Church Hall Farm. To the south is a bungalow which was formerly the staff accommodation associated with Whitehall Hotel but is now a separate residential unit in its own right having had a Certificate of Lawfulness granted for this use.
- 10.4 A review of the policies in the adopted Local Plan has been carried out to check their compatibility with the NPPF. Policy S7 is only partially consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development. However, the NPPF takes a positive approach, rather than a protective one, to appropriate development in rural areas.
- 10.5 National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if

the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

- 10.6 The Council can demonstrate a deliverable 5 year supply of housing land. Notwithstanding this, applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council needs to continue to consider, and where appropriate, approve development which is sustainable and meets its housing objectives.
- 10.7 Economic role: The proposal would offer a limited economic role with the potential for some short term employment opportunities during the construction period. In addition there would be limited support for the existing facilities within nearby villages, such as shops and public houses, potentially during the construction period and more likely following occupation of the properties.
- 10.8 Social role: The development proposal would deliver a social role in that it would constitute the provision of 10 additional dwellings in the rural area supporting the facilities of Broxted and nearby villages. Despite the rural location the site is on the number 6 bus route which provides approximately hourly services to Stansted Airport and Saffron Walden. The route continues from Stansted Airport as route 5 between the airport and Bishop's Stortford. As such, the site is relatively accessible for a rural area. On this basis it is considered that the proposals can contribute to the social role.
- 10.9 Environmental role: This role relates to the protection and enhancement of the natural, built and historic environment. In this instance, there are various considerations which would need to be taken into account, which are discussed in greater detail below. Firstly, the proposals would impact on the character of the rural area. Secondly, it would enable the listed buildings to be converted to a use which would ensure their long-term viability. The positive benefits of the proposal would deliver the environmental role. On this basis, overall it is considered that the proposals represent sustainable development.
- 10.10 The site is a former employment site, the last use of the buildings being as a hotel and conference centre. Policy E2 seeks to safeguard existing employment uses and only permits development where the employment use has been abandoned or the present use harms the character or amenities of the surrounding area. In this instance it is considered that the use has been abandoned. The hotel closed down in May 2012 and, despite extensive marketing, no potential purchaser has been found to operate the site on a commercial basis. Therefore, it is considered that the proposed development would not be contrary to Policy E2.
- 10.11 This flexible approach towards employment land is reflected in paragraph 22 of the NPPF which requires applications for alternative uses of land or buildings to be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

B Impact on listed buildings (ULP Policy ENV2; NPPF; s66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

- 10.12 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires when considering whether to grant planning permission which affects a listed building or its setting, that special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This

application affects the Grade II* Church Hall and Brewhouse and the Grade II barn within the site. In addition, it would impact on the setting of the adjacent Grade II* Church of St Mary's.

- 10.13 Policy ENV2 reflects the requirements of the Act. In addition, paragraphs 132-134 of the NPPF relate to the consideration of proposals affecting designated heritage assets. It states that, the more important the asset, the greater the weight should be given to its conservation. Substantial harm to ... grade II* listed buildings ... should be wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.14 The site was formerly a hotel and conference facility which ceased trading in May 2012. It has been extensively marketed since that time but no alternative operators have come forward to take up the site. The listed buildings are now falling into disrepair with extensive works required to the roof of the Grade II* Church Hall and Brewhouse (see listed building consent granted under reference UTT/16/1973/LB). As such an alternative viable use is required to secure the long-term future of the listed structures.
- 10.15 Church Hall and Brewhouse have been extensively extended when in use as a hotel resulting in the buildings being linked to the barn at the front of the site. This has resulted in a sprawling extensive complex and the scale and form of extensions may not have been considered appropriate if considered in light of current legislation and guidance. This application proposes to remove certain elements of the modern extensions to enable the principal listed buildings within the site to regain their prominence. It is proposed that the 1980's extension would be separated from the Grade II* listed building and become a detached dwelling (plot 8). Elements of the 1990's extensions would be removed whilst two elements would be retained to create a detached single level dwelling and a pair of semi-detached dwellings (plots 2 and 3). The listed barn would become a link-detached dwelling (plot 1) and the Grade II* listed building would become a pair of semi-detached dwellings (plots 6 and 7). The existing detached building formerly used as staff accommodation will become a detached dwelling (plot 4).
- 10.16 In principle the removal of elements of the modern extensions is welcomed as this would reinstate the prominence of the Grade II* listed structure. The retention, alteration and extension of the 1980's extension to form a separate dwelling would be acceptable in terms of their impact on the setting, character and fabric of the listed building.
- 10.17 The proposed separation of the historic building from the modern extensions would allow the original walled garden to be retained to serve plots 6, 7 and 8, with the remainder of the grounds forming communal gardens to serve the complex of dwellings. The alterations to the principal listed building have been considered by the Council's Conservation Officer and the Historic England Inspector, who both consider that the proposals would not cause harm to the significance of the Grade II* listed building.
- 10.18 The removal of elements of the 1990's extension would result in the removal of unsympathetic elements including the section oversailing the driveway. This would remove a substantial element of bulk from the frontage and reinforce the prominence of the principal listed building. Whilst plot 5 would be part of the retained 1990's extension this would be set back and as such this would be

beneficial to the setting of the heritage asset. The works required to deliver this section of the proposals would not cause harm to the significance of the Grade II* listed building.

- 10.19 Plots 2 and 3, and part of plot 1, would be the remainder of the 1990's extensions which would be retained. The existing unsympathetic windows would be replaced with more traditional style casement windows. These external alterations would be beneficial to the setting of the adjacent listed buildings and would not cause harm to their significance.
- 10.20 In addition to the proposed alterations to the hotel buildings it is proposed to construct two dwellings to the rear of the site. This would be on land formerly used as tennis courts and a swimming pool. These dwellings would lie to the south of the Grade II* listed building, and to the south east of St Mary's Church, also Grade II* listed. There are views into and out of the site to and from the churchyard.
- 10.21 In terms of their impact on the setting and significance of the listed buildings it is considered that the proposals would not result in harm to the settings of these. As such it is considered that the proposals would comply with Section 66(1) of the Act as well as Policy ENV2 and paragraphs 132-134 of the NPPF.

C Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies S7, H4, GEN2, GEN7, ENV2, ENV3, ENV10; NPPF)

- 10.22 As discussed above, the site lies within a rural area. The principle of the re-use of the existing buildings is considered acceptable in terms of Policy S7 and E2. The re-use of buildings in rural areas is supported in the NPPF and it is considered that the reduction of built form with the removal of sections of the modern extensions would be beneficial to the character of the rural area.
- 10.23 However, it is also proposed to construct two substantial detached dwellings on the southern section of the site. Plot 9 would have a frontage of 17m and a span of 10.7m at its widest point. This is proposed to be a 1 ½ storey dwelling with a single storey utility element to the eastern elevation. The highest ridge height is proposed to be 7.2m. Plot 10 would have a frontage of 18.5m and a span of 14m and its widest point. This dwelling is proposed to have the character of a barn conversion with a wing on the western section of the building. This would have a maximum ridge height of 6.9m with the wing having a ridge height of 6m.
- 10.24 Whilst the proposed dwellings would be extensive in scale, they would be smaller than the proposed units 1, 6 and 7 which would be the historic elements of the site. In addition, they would have a smaller footprint than the adjacent bungalow to the east of this section of the site.
- 10.25 Policy S7 permits some infilling in accordance with paragraph 6.13 of the Local Plan. Paragraph 6.13 states that some approaches to the village are too loose in character for development to be appropriate. Paragraph 6.14 states that sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development.
- 10.26 Paragraph 55 of the NPPF specifically addressed the provision of housing in rural

areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes in the countryside unless there are special circumstances. One such special circumstance is where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

- 10.27 Policy H4 permits development in backland locations where there is significant under-use of the land and development would make more effective use of it. The applicant argues that the land is considered to be brownfield land as it has previously been used as tennis courts and a swimming pool for the former hotel. As such, it is argued that its redevelopment would make more efficient use of the land.
- 10.28 The other criteria relate to the proposals not resulting in material overlooking, overshadowing or overbearing impacts on neighbouring properties. The location of the proposed dwellings would ensure that these adverse impacts would not arise as a result of the proposals. Furthermore, access to the proposed development would not cause disturbance to nearby properties given the enclosed nature of the site. As such, it is considered the proposals comply with Policy H4.
- 10.29 As discussed above, the reuse of the existing buildings would secure the long-term viability of the listed buildings. The retention and reuse of elements of the modern extensions would also be considered appropriate. This element of the proposals would therefore introduce 8 new dwellings in this rural location in accordance with policy and the NPPF. This would fundamentally alter the characteristics and the nature of the site. As such, the introduction of two additional new build dwellings would be considered significantly less isolated than if they were applied for in isolation. They would add to the cluster of dwellings in this location and as they would not extend beyond the built form established by the neighbouring property, could be considered appropriate development in the rural area given that they are well related to the existing built form in this location.
- 10.30 The proposed works to the listed buildings to secure their long-term viability is estimated to cost in the region of £905,948. The construction of the two new detached dwellings would assist in financing the works required to secure their future. The applicant has submitted a financial case to support the application and it is officer's view that the proposed works are considered acceptable in this instance and the benefits from the proposals outweigh the harm to the character of the rural area. As such, the proposals can be considered to be in accordance with the sustainability aspects of the NPPF.
- 10.31 The impact on the setting of the listed buildings has been discussed briefly above. The proposed demolition, conversion and extensions are considered to be in accordance with Policy ENV2 and the NPPF. However, the proposed new dwellings (plots 9 and 10) would have an impact on the setting of Church Hall and Brewhouse, as well as the adjacent St Mary's Church, both Grade II* listed structures.
- 10.32 The siting of the proposed dwellings would enable the retention of the formal grounds to Church Hall and Brewhouse. This would ensure the setting of the listed building would not be significantly be impacted by the proposals. There would be some inter-visibility between the church yard and the site. However, given the relationship between the listed church and the site of the proposed new dwellings, it is not considered that the proposals would result in significant harm to

the setting of the heritage assets. Therefore, the proposals are in accordance with Policy ENV2.

- 10.33 Policy ENV3 seeks to protect visually important spaces, groups of trees and fine individual tree specimens. Within the site are a number of individually and two groups of protected trees. The groups and one individual tree are located at the front of the site and the remainder are in close proximity to the proposed new detached dwellings on the southern part of the site.
- 10.34 An Arboricultural Report has been submitted with the application which assesses the quality of the trees within the site. Low quality trees have been identified to be removed (T3, T4, T7, T8, G3 and G4) and one tree needs to be removed on health and safety grounds (T26). The trees have been inspected by the Council's Landscape Officer who has no objection to their removal.
- 10.35 The Arboricultural Report also proposes tree protection measures in order to ensure no adverse harm arises with regards to the trees to be retained, particularly as these add to the character and setting of the site. The proposed tree protection measures are considered satisfactory and a condition can be imposed requiring the works to be carried out in accordance with the measures if planning permission is granted. The proposals therefore comply with Policy ENV3.
- 10.36 Policy GEN7 seeks to protect features of nature conservation, protected species and habitats. The site provides a mix of habitats, including the existing buildings, trees and shrubs and lawns. A Protected Species Survey has been carried out which has not identified the presence of any protected species within the site. However, there is evidence of Pipistrelle and Brown Long-eared bats roosting in the adjacent Church. There is a strong possibility that these will use the site for foraging. This behaviour is expected to continue following the completion of the development and as such the proposals would not have a detrimental impact on the local bat population. The proposals have been considered by the ECC Ecologist who raises no objections to the proposals. As such, it is considered that the proposals comply with Policy GEN7 and paragraph 118 of the NPPF.
- 10.37 The site lies within the 57dB 16hr LEQ for noise associated with aircraft at Stansted Airport. Policy ENV10 states that housing will not be permitted if the occupants would experience significant noise disturbance and requires noise surveys to be submitted with such applications.
- 10.38 An Acoustic Design Statement has been submitted with the application. A short-term noise survey was undertaken involving a mix of internal and external noise measurements. Daytime ambient noise levels experienced on site are predicted to be approximately 55-60dB LAeq and night time ambient noise levels are approximately 45-55dB LAeq.
- 10.39 With regards to the proposed new build structures, the structures when built in accordance with Building Regulations would provide significant attenuation to achieve the required internal noise levels. Recommendations for windows, including trickle vents, and roofs and internal ceilings are also made. The submission of the full details could be the subject of a condition if planning permission is granted.

D Residential amenity (ULP Policy GEN2; NPPF)

- 10.41 Policy GEN2 seeks to provide an environment which meets the reasonable needs of all potential users. Development proposals should not result in an adverse impact on the reasonable occupation and enjoyment of residential properties as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.42 The Essex Design Guide sets out the recommended minimum garden sizes for residential dwellings. Given the complexities of the site and the need to retain various historic features in connection with the principal listed buildings the relationship of amenity space to the properties may not match the ideal in that some amenity areas would be to the front of the properties. Amenity space provision would be as follows:

Plot 1	307sqm to front, 73sqm to rear
Plot 2	109sqm to front, 46sqm to rear
Plot 3	150sqm
Plot 4	96sqm to front, 87sqm to side
Plot 5	132sqm to rear
Plot 6	270sqm to rear
Plot 7	396sqm to rear
Plot 8	300sqm to rear
Plot 9	Over 850sqm, including the existing landscaped boundary
Plot 10	Over 1300sqm, including the existing landscaped boundary
Plots 1-10	Access to approximately 1950sqm of communal garden

- 10.43 As can be seen in the table above, sufficient amenity space can be provided for each of the properties, together with access to an extensive area of communal private parkland garden which is essential to the setting of the principal listed buildings. However, traditional private amenity space would be difficult to achieve on this site due to the need to retain various elements of the parkland setting. Boundary fences would be willow screens in order to secure a degree of private residential amenity to each plot. Metal estate railings would be provided to demark the private space from the parkland garden area to the rear of plots 7 and 8. These features would be present throughout the site, including the new build properties to the rear to ensure the better integration of the proposed new development into the existing setting. On balance, it is considered that the provision of amenity space is appropriate for the proposed development.
- 10.44 In terms of overlooking, the conversion of the existing building does pose some challenges. Plot 5 is proposed to have a secondary kitchen window overlooking the rear amenity space to plot 6. In addition, plot 6 has a door and bi-fold doors within 4 and 8 metres of the boundary with plot 7 respectively. Under normal circumstances such relationships would not be considered appropriate. However, on balance it is considered that the proposals are acceptable and would not result in significant loss of residential amenity and would comply with Policy GEN2.

E Housing mix and affordable housing (ULP Policies H9, H10, GEN6; NPPF)

- 10.45 Policy H9 sets out a requirement for 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings. In this instance the site measures approximately 1 hectare and therefore a requirement for 40% affordable housing would be required in line with the adopted policy. Furthermore, Policy H10 sets out a requirement for a significant proportion of small market properties on developments of 3 or more dwellings or sites greater than 0.1ha.

- 10.46 As set out in the table in paragraph 3.4 above, the proposed development would be a mix of 2, 3 and 4 bedroom properties, with a 50% split between smaller and larger properties. Given the constraints of the site due to the heritage assets it is considered that the proposed mix would comply with Policy H10.
- 10.47 With regards to affordable housing requirements, Paragraph 31 of the Planning Practice Guidance (23b-031-20160519) states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres. Whilst this proposal is for 10 units, the combined gross floorspace exceeds 1000 square metres and therefore 40% affordable housing would be required in accordance with Policy H9.
- 10.48 Notwithstanding this, paragraph 22 of the Planning Practice Guidance (23b-022-20160519) states that a 'credit' should be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. The existing floorspace of a vacant building should be credited against the floorspace of the new development.
- 10.49 In this instance the development relates to the reuse of existing buildings, including the demolition of certain elements and therefore a vacant building credit must be applied. The existing footprint of the buildings, including those to be demolished is approximately 2200sqm and the proposed development footprint is approximately 2730sqm. This means that the proposed development would result in an additional 530sqm of footprint and therefore falls below the 1000sqm threshold for affordable housing contributions. As such, the proposals would comply with Policy H9.

F Access and parking (ULP Policies GEN1, GEN8)

- 10.50 The proposed development would utilise the existing access from the B1051. A Transport Statement has been submitted with the application which demonstrates that there would be a reduction in vehicular traffic on the local road network in comparison with the permitted use of the site. This would have a beneficial impact on the local highway network.
- 10.51 The proposals have been assessed by ECC Highways who confirm that they have no objections to the proposals subject to conditions and informatives. As such, the proposals comply with Policy GEN1.
- 10.52 In terms of parking provision, each property would have sufficient parking to meet the adopted parking standards, as shown in the table in paragraph 3.4 above. Whilst no designated visitor parking is shown on the plans, the layout of the site means that informal visitor parking can take place within the site. As such, the proposals comply with Policy GEN8.

G Flood risk (ULP Policy GEN3; NPPF)

- 10.53 The application site measures approximately 1ha in size and is located within Flood Zone 1 where there is no risk of flooding from rivers, sea etc. Surface water flooding can occur within highly dense urban areas or where there are large areas of impermeable surfacing. The proposals have been considered by ECC as the Lead Local Flood Authority who raise no objections to the proposals subject to

conditions. The proposal therefore complies with Policy GEN3.

H Other material considerations

10.54 Policy GEN2 and the SPD entitled 'Accessible Homes and Playspace' indicate that the proposed dwelling should meet the Lifetime Homes standards on accessibility. However, the PPG explains that enhanced accessibility should be sought only by reference to the optional requirements in the Building Regulations. Taking into account the objectives of the SPD, it is considered that it would be appropriate to use a planning condition to secure compliance with Requirement M4(2) of the Building Regulations for the two new build dwellings (plots 9 and 10).

11. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A The site is located outside the development limits and does not constitute an infill development. However, the proposals would represent sustainable development with benefits in all three strands of sustainability.
- B The proposals would result in the restoration of the Grade II* Church Hall and Brewhouse and adjacent Grade II listed barn. The conversion of the buildings to residential use would ensure their long-term viability. Furthermore, the separation of the listed structures from the modern extensions would reinforce the prominence of the principal listed building. The proposed new dwellings would not adversely affect the setting of the listed buildings.
- C The proposals relate to the reuse of existing buildings within the rural area and would comply with policy. In addition, the development of the backland dwellings would not adversely affect the character of the rural area or the setting of the listed buildings. Impacts on residential amenity due to noise from aircraft can be mitigated by appropriate design solutions, the final details of which can be secured by condition. The proposals would not result in significant harm to ecology and biodiversity or the trees within the site.
- D The housing mix is considered to be appropriate. When taking the vacant building credit into account no affordable housing provision is required.
- E The proposal would utilise the existing access and would result in less vehicular movements than the authorised use of the site. Sufficient parking is provided within the site.
- F The site is located within Flood Zone 1 where there is no risk of flooding from rivers or sea. The proposals comply with the requirements of the LLFA.

RECOMMENDATION – APPROVAL WITH CONDITIONS AND S106 LEGAL OBLIGATION

- (I) The applicant be informed that the Planning Committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless by 20 March 2017 the freeholder owner enters into a binding agreement to cover the matters set out below under S106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Head of Legal Services, in which case he shall be authorised to conclude such an obligation to secure the following:
 - (i) Maintenance of SuDS
 - (ii) Pay the Council's reasonable legal costs
 - (iii) Pay the monitoring fee

- (II) In the event of such an obligation being made, the Assistant Director Planning shall be authorised to grant permission subject to the conditions set out below
- (III) If the freehold owner shall fail to enter into such an obligation the Assistant Director Planning shall be authorised to refuse permission in his discretion anytime thereafter for the following reason:
 - (i) No maintenance of SuDS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the erection of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

Justification: This pre-commencement condition is required to ensure the appropriate materials can be sourced for the development without delay.

3. Prior to the commencement of the development hereby permitted, details of the scheme of design and sound insulation to achieve the internal noise levels recommended in British Standard 8233:2014, and for individual noise events to not normally exceed 45 dBLA max, shall be submitted to and approved in writing by the local planning authority. The details shall include the internal configuration of rooms, and the specification and reduction calculations for the external building fabric, glazing, mechanical ventilation, and acoustic barriers. If the internal noise limits can only be achieved with closed windows then alternative means of both whole dwelling and purge ventilation should be provided to allow residents to occupy the properties at all times with windows closed, having regard to thermal comfort. The scheme as approved shall be fully implemented prior to occupation of the residential units and shall be retained thereafter.

REASON: In order to provide suitable living environment for the occupiers of the dwellings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV10 (adopted 2005) and the NPPF.

Justification: Failure to provide this information prior to the commencement of development may result in the construction of dwellings which would fail to provide appropriate living conditions for future occupiers of the dwelling, resulting in harm to residential amenity due to adverse noise disturbance from external sources.

4. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Demonstration that the runoff rates do not exceed the current rates & that betterment is provided as far as possible without affecting the viability of the site
- Demonstration that storage/infiltration can be provided to cater for the 1 in 100 plus climate change event
- Water quality treatment provided in line with the CIRIA SuDS Manual C753.

The scheme shall subsequently be implemented prior to occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005), and the NPPF.

Justification: Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

REASON: The NPPF paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development, and in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005).

Justification: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

6. No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Uttlesford Local Plan Policy GEN3 (adopted 2005) and the NPPF.

Justification: Failure to provide the above required information before

commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

7. Development shall not commence until a fully detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Aerodrome Safeguarding Authority for Stansted Airport. The landscaping scheme should include details of species mix, numbers and locations of planting. The landscaping scheme shall incorporate the following:
 - External boundary treatment to be estate railings or post and rail fencing with indigenous hedging
 - Party fence lines relating to plots 1, 6, 7 and 8 shall be estate railings and hedging

The landscaping scheme is to be implemented as approved.

REASON: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, and in order to protect the character and setting of the listed buildings, in accordance with Uttlesford Local Plan Policies GEN2 and ENV2.

Justification: Details of the landscaping are required to be agreed at an early stage in order to ensure landscape works would not be detrimental to the safe operation of Stansted Airport.

8. Prior to the occupation of the dwellings hereby permitted refuse enclosures shall be provided in accordance with details which have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

9. All the repair works to the listed buildings shall be carried out prior to the first residential occupation of plots 9 and 10.

REASON: Planning permission is granted for the new dwellings on plots 9 and 10 to assist in facilitating the repair works to the listed buildings.

10. Prior to the first residential occupation of the dwellings hereby permitted, the access parking and turning area shall be implemented as shown on drawing no 5079/10 Rev C and maintained in perpetuity thereafter.

REASON: To ensure appropriate parking and turning off the highway is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1 (adopted 2005).

10. The dwellings on plots 9 and 10 hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy

GEN2 of the Uttlesford Local Plan (adopted 2005) and the Planning Practice Guidance.

11. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting throughout the site is designed in such a way to minimise any potential impacts upon nocturnally mobile animals. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7.

12. The development hereby permitted shall be carried out in accordance with the following design principles:

- All new roofs to be hand made plain clay tiles or natural slate
- All weatherboarding to be feather edge pointed timber
- All new brickwork to be formed in hand made soft clay bricks and laid in Flemish bond
- All external joinery to be painted timber with slender ovolo moulded glazing bars as indicated.

REASON: In the interests of the appearance of the development and to protect the character and setting of the listed buildings, in accordance with Policies GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

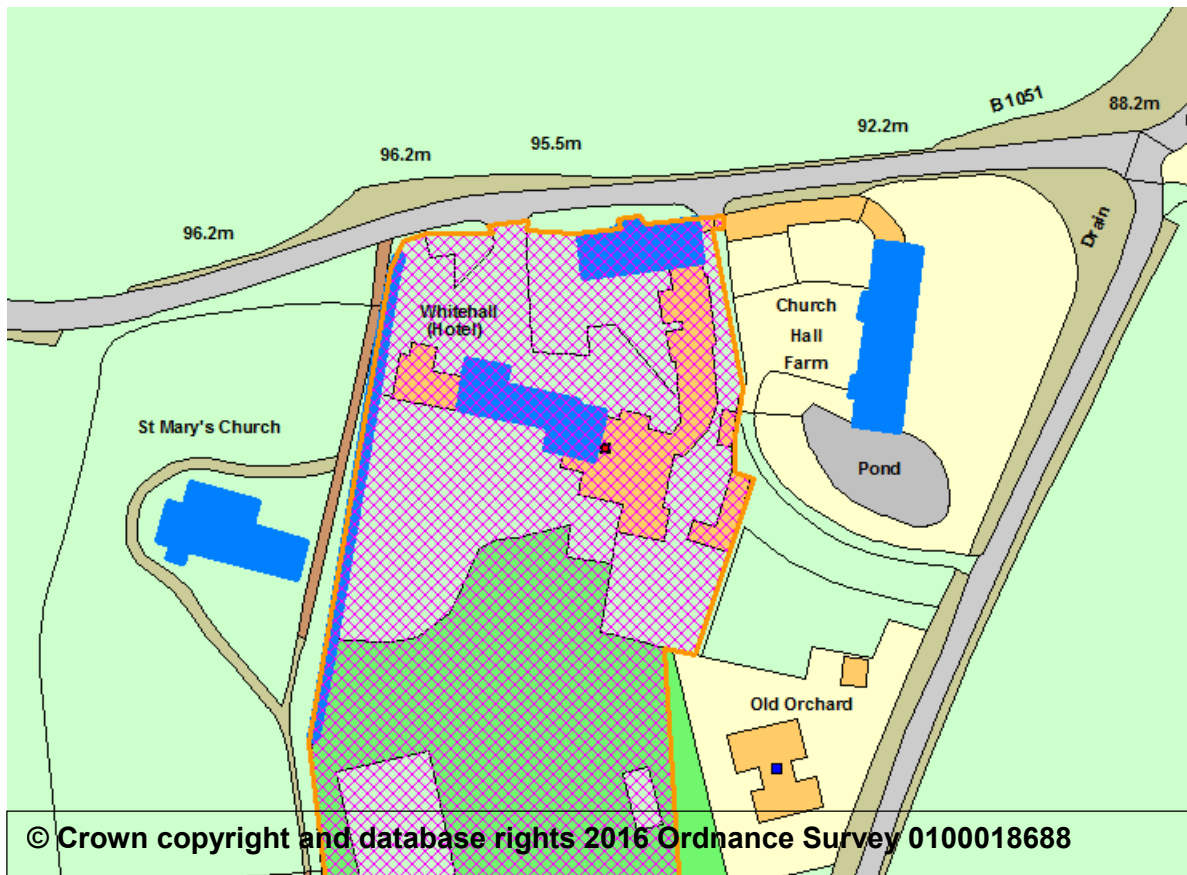
13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

14. 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, and Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application Number: UTT/16/3549/FUL
Address: Whitehall Hotel, Church End Broxted



Organisation: Uttlesford District Council

Department: Planning

Date: 22 February 2017