

UTT/19/1932/FUL - BROXTED

Amendment to a scheme previously approved by Committee

PROPOSAL: Amendment to planning permission UTT/16/3549/FUL in order to substitute the erection of two dwellings with cart lodges to two pairs of three bedroomed semi-detached properties with associated landscaping and cart lodges

LOCATION: Whitehall Hotel, Church End, Broxted, CM6 2BZ

APPLICANT: Mr B Martin

AGENT: Mr Andrew Stevenson

EXPIRY DATE: 30 September 2019 – EOT 8 November 2019

CASE OFFICER: Karen Denmark

1. NOTATION

- 1.1 Outside development limits/adjacent to Grade II* listed buildings (Church Hall and Brewhouse, Church)/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. It falls within the grounds of the previous Whitehall Hotel. This site was granted planning permission for the conversion of the buildings to form 8 dwellings and work has progressed significantly.
- 2.2 This element of the site was the former tennis courts and swimming pool, now no longer visible. The formal gardens to the former hotel lie closer to the historic buildings and this application site lies beyond that area. There are three protected trees within the application site. There is a listed wall running along the boundary of the site adjacent to the Church.

3. PROPOSAL

- 3.1 The proposal seeks an amendment to the previously approved scheme for two detached dwellings, as approved under UTT/16/3549/FUL. Instead, it is now proposed to construct two pairs of three bedroom semi-detached properties.
- 3.2 The proposed dwellings would be 1 ½ storey properties with architectural detailing picked up from the main buildings on the site. The proposed materials would be in keeping with the existing buildings on site.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design, Access and Heritage Statement, an Acoustic Design Statement, a Planning and Heritage Statement, and a biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1 UTT/16/3549/FUL: 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. Approved 25 April 2017.
- 6.2 UTT/16/3550/LB: Demolition of sections of former hotel and outbuildings. Conversion of former barn and modern extension to 3 no. dwellings. Restoration and conversion of Church Hall and Brewhouse to 3 no. dwellings. Extension to western section of former hotel and conversion to 1 no. dwelling, all with associated internal alterations. Approved 25 April 2017.

7. POLICIES

7.1 Uttlesford Local Plan (2005)

S7 – The Countryside
GEN1 – Access
GEN2 – Design
GEN3 – Flood Protection
GEN7 – Nature Conservation
GEN8 – Parking Standards
ENV2 – Development affecting Listed Buildings
ENV3 – Open Spaces and Trees
ENV10 – Noise Sensitive Development and Disturbance from Aircraft
H4 – Backland Development

7.2 National Policies

National Planning Policy Framework (2019)

7.3 Supplementary Planning Documents

SPD: Accessible Homes and Playspace (2005)
Essex County Council Parking Standards (2009)
Uttlesford Local Residential Parking Standards (2013)

Other Material Considerations

7.4 Emerging Uttlesford Local Plan

SP1 – Presumption in Favour of Sustainable Development
SP10 – Protection of the Countryside
H5 – Residential Development in Settlements without Development Limits

H10 – Accessible and Adaptable Homes
TA1 – Accessible Development
D1 – High Quality Design
D2 – Car Parking Design
D3 – Small Scale Development/Householder Extensions
EN1 – Protecting the Historic Environment
EN4 – Development affecting Listed Buildings
EN7 – Protecting and Enhancing the Natural Environment
EN10 – Minimising Flood Risk
C1 – Protection of Landscape Character

8. TOWN / PARISH COUNCIL COMMENTS

8.1 None received.

9. CONSULTATIONS

ECC Archaeology

9.1 The Historic Environment Record shows that the proposed development lies within an area of potential sensitive archaeological deposits. It is located between the medieval settlement of Broxted and Church End, just south of the medieval Church of St Mary the Virgin (EHER4617). This area comprised of a church/hall complex with the western boundary of the site comprising the pathway between the complex and the village at Church End. To the east of the site a medieval trackway and field boundaries have been identified from aerial cropmark evidence. The area is also known to have been exploited throughout the Roman period with evidence of Roman material within Broxted church.

The applicant has identified within the Planning and Heritage Statement the presence of archaeological implications for the development and has indicated that an archaeological assessment will be necessary to assist the discharge of the planning application.

Recommend a condition requiring an archaeological programme of trial trenching followed by open area excavation.

Environmental Health Officer

9.2 Concerns about aircraft noise were raised in relation to the previous application UTT/16/3549/FUL. Condition 3 on that permission required a scheme of sound insulation measures to be submitted and implemented. This condition has now been discharged, but the insulation measures will still need to be implemented in the amended development now proposed.

Recommended conditions: The glazing and ventilation specification of the new-build buildings shall provide a minimum of 41dB Rw noise reduction, and for the existing premises double glazing shall be installed to achieve a minimum of 46dB Rw, as identified in the HA Acoustics Noise Exposure Assessment HA/BRO201170907.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter, and notices were displayed near the site and in the local press. No representations have been received.

11. APPRAISAL

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

- A Principle of development (ULP Policies S7, H4; NPPF)
- B Design, including impacts from aircraft noise, impact on the rural area, listed buildings, protected trees and biodiversity (ULP Policies GEN2, GEN7, ENV2, ENV10; NPPF)
- C Access and parking (ULP Policies GEN1, GEN8; NPPF)
- D Flood risk (ULP Policy GEN3; NPPF)

A Principle of development (ULP Policies S7, H4; NPPF)

- 11.1 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 proposals would be contrary to Policy S7 as it relates to an inappropriate form of development that does not need to take place in the countryside. However, planning permission has previously been granted for the erection of two substantial detached houses and cart lodges in this location, as part of a set of development proposals to secure the long term future and vitality of designated heritage assets. This is the fall-back position and is capable of implementation as an extant consent
- 11.2 The principle of sustainable development was considered in detail when planning permission was granted for the two detached dwellings under UTT/16/3549/FUL. It is acknowledged that the previous scheme was considered in respect of the 2012 version of the NPPF. However, the 2019 version of the Framework does not substantially amend the concept of sustainable development. The economic and social elements of the proposals still carry significant weight in terms of the proposals. Indeed, the exchange of two substantial four bedroom properties with four smaller three bedroom dwellings would result in greater benefits in comparison the previously approved scheme. As discussed in greater detail below, the environmental impacts would not be greater than the approved scheme. Therefore, it is considered that the proposals still represent sustainable development, notwithstanding the fact that the tilted balance is disapplied in this instance due to the less than substantial impacts on designated heritage assets.
- 11.3 The principle of backland development was also considered when planning permission was granted under reference UTT/16/3549/FUL. Whilst those considerations were in respect of the proposed erection of two substantial four bedroom detached dwellings, it is not considered that the erection of four smaller three bedroom dwellings would give rise to such significant impacts on neighbouring properties as to warrant refusal of the application. As such, it is considered that the proposals comply with Policy H4.

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

- 11.4 The previously approved dwellings were to be 1 ½ storey dwellings, and this revised scheme relates to a similar scale of development. The two detached properties had a combined footprint of 304sqm (137sqm and 167sqm). The revised scheme has a combined footprint of 300sqm. The location of the proposed dwellings remains the same, albeit a different footprint, but the cart lodges would be positioned slightly closer to the listed buildings in comparison to the extant scheme.
- 11.5 The scale of the development would be larger than previously approved, but would now relate to 4 dwellings and not 2. As previously stated, the new build dwellings on this site previously approved were to help facilitate the renovation works to the listed buildings. Since planning permission was granted for the development there has been a significant change in the market with a shift away from large detached dwellings. The current proposals relate to three bedroom properties, better suited to the current housing market requirements.
- 11.6 The proposed location of the dwellings would be such that no adverse loss of residential to existing dwellings (it is acknowledged that these are currently unoccupied) would arise. In addition, the relationship between the new properties would be such that no adverse impacts on residential amenity would arise. Each plot would have substantial private gardens, far in excess of the minimum requirements as set out in the Essex Design Guide.
- 11.7 The proposed design and materials would be in keeping with the characteristics of the existing development. The proposals therefore comply with Policy GEN2.
- 11.8 The layout of the development would result in the loss of five additional trees in comparison to the previously approved scheme. However, the proposals ensure that there would be no adverse impacts on the protected trees on the site. Tree protection measures during construction works would ensure their long term vitality and viability. As such the proposals comply with Policy ENV3.
- 11.9 A noise survey has been submitted with the planning application. In addition, a range of noise insulation measures in respect of the previous scheme have been approved. These measures can be carried forward and implemented in the current scheme if planning permission is granted. These could be secured by way of condition and as such the proposals comply with Policy ENV10.
- 11.10 The impacts of proposed new build dwellings on the setting of the designated heritage assets was considered in respect of the previous application. The siting of the dwellings enables the retention of the formal grounds to Church Hall and the Brewhouse. As such, the proposals would not result in a significant impact on the setting of the listed buildings. As previously approved, 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 substantial harm to the setting of the heritage assets.
- 11.11 The new build units were considered appropriate to secure the long-term future vitality and viability of the designated heritage assets on the site. The developer has completed the majority of the works to these buildings and is preparing to commence work on the new build units. The less than substantial harm to the heritage assets is considered to be outweighed by the benefits of the proposal, as they would not be significantly different to the previously approved scheme. Indeed, the provision of four dwellings rather than two is seen as providing

increased benefits in comparison to the previously approved proposal. The proposals therefore comply with ULP Policy ENV2 and paragraph 196 of the NPPF.

C Access and parking (ULP Policies GEN1, GEN8; NPPF)

- 11.12 The proposals would utilise the same access arrangements as previously approved. The increase in the number of dwellings from two to four would not give rise to any significant highway issues to warrant refusal of the scheme. The proposals therefore comply with Policy GEN1.
- 11.13 The proposed dwellings would now be three bedroom units and each property would have two parking spaces, as required by the Council's adopted car parking standards. Whilst visitor parking is not specifically identified on the plan, there would be more than sufficient space within the site to accommodate additional parking for visitors. As such the proposals comply with Policy GEN8.

D Flood risk (ULP Policy GEN3; NPPF)

- 11.14 The flood risk issues were considered in respect of the original proposals as the overall site covered approximately 1ha. The site 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 were previously considered by ECC as the Lead Local Flood Authority who raised no objections to the proposals subject to conditions. As this site relates to only part of the former 1 ha site, ECC is not required to be consulted on the revised proposals. However, the previously approved drainage scheme can be carried forward to this proposal. As such the proposals comply with Policy GEN3.

12. CONCLUSION

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

- A** The proposals relate to an alternative scheme in respect of new build properties at Whitehall. The principle of development has already been established with the extant consent on the site. It is not considered that this scheme is so significantly different as to warrant refusal.
- B** The proposals would result in less than substantial harm to the heritage assets. As before, the public benefits outweigh the harm, and the increase in the number of dwellings would increase the benefits. Protected trees can be protected during the construction works. Noise impacts can be mitigated and secured by way of a condition.
- C** The access and parking arrangements are as per the previous scheme and meet the adopted standards.
- D** The proposals do not give rise to any increased flood risk

RECOMMENDATION – APPROVAL WITH CONDITIONS

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. Development shall be carried out in accordance with the materials as approved under reference UTT/17/3357/DOC, unless otherwise agreed 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).

3. The dwellings hereby permitted shall be constructed in accordance with the noise mitigation measures as approved under reference UTT/17/3357/DOC.

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.

4. The surface water drainage scheme for the site shall be carried out strictly in accordance with the details approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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.

5. The development shall be carried out strictly in accordance with the measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works as approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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).

6. The development shall be carried out strictly in accordance with the Maintenance Plan approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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.

7. The development hereby permitted shall be carried out strictly in accordance with the landscaping scheme approved under reference UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

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.

8. The dwellings 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.

9. The development hereby permitted shall be carried out strictly in accordance with the lighting scheme approved under UTT/17/3357/DOC, unless otherwise agreed in writing by the local planning authority.

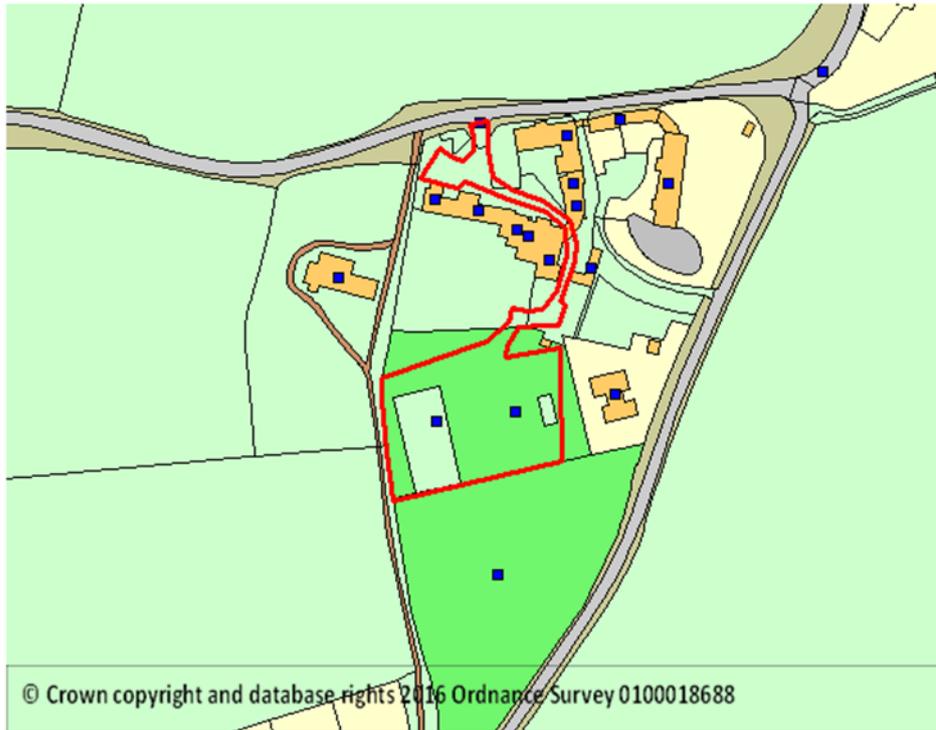
REASON: To make appropriate provision for conserving and enhancing the natural environment within the approved development in the interests of biodiversity and in accordance with Uttlesford Local Plan Policy GEN7.

10. The development hereby permitted shall be carried out in accordance with the following design principles:
- o All new roofs to be hand made plain clay tiles or natural slate
 - o All weatherboarding to be feather edge pointed timber
 - o All new brickwork to be formed in hand made soft clay bricks and laid in Flemish bond
 - o 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).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes E (outbuildings) and F (hardstandings) or Part 2, Class A (fences, gates or walls) shall be constructed within the site or on the site boundaries without the prior written permission of the local planning authority.

REASON: To ensure the development retains the character and setting of the principal Grade II* and Grade II listed buildings, in accordance with Uttlesford Local Plan Policy ENV2 and paragraphs 132-134 of the NPPF.



Organisation: Uttlesford District Council

Department: Planning

Date: 10 October 2019