



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

**Item No: 7.1**

**Application:** 231197

**Applicant:** The Kings Arms Partnership

**Agent:** Mr Rory Baker

**Proposal:** The layout of gravel and change of use for vehicular parking north of and in association with the Kings Arms pub and hotel. Proposed change of use of land from agricultural to domestic residential gardens. (Retrospective)

**Location:** Land north of, The Kings Arms, Broad Green, Coggeshall, Colchester, CO6 1RU

**Ward:** Rural North

**Officer:** Hayleigh Parker Haines

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee as the Applicant is a City Councillor

## **2.0 Synopsis**

2.1 The key issues for consideration are the principle of development and the impact on the character and appearance of the area.

2.2 The application is subsequently recommended for approval.

## **3.0 Site Description and Context**

3.1 The application site comprises a parcel of land of 1.5 acres, located to the north of the A120 (Coggeshall Road) and outside any defined settlement boundary. To the eastern and western boundaries are residential development with open countryside to the north. Over 100 metres to the north west is a Grade II Listed Building known as Bracks Cottage and again, over 100 metres to the southwest are Grade II Listed Buildings known as Broad Green Cottages. There is a public right of way to the north west along Bracks Lane

## **4.0 Description of the Proposal**

4.1 Partially retrospective planning permission is sought for the change of use of 7398.49m<sup>2</sup> of land, this is to provide an extension of residential curtilage associated with neighbouring properties Oakley and Roselea, and land associated with The Public house itself. This would include the construction of close boarded fence to the residential amenity spaces to be provided and a post and rail fence to the boundary with the field. Also proposed is the planting of additional landscaping.

## **5.0 Land Use Allocation**

5.1 The land in which the application relates was previously agricultural.

## **6.0 Relevant Planning History**

6.1 The relevant planning history is set out below:

**182115** - To demolish an existing outhouse building. To erect x6 bedrooms and x1 managers accommodation within same new build. The proposal is for a single-storey building which will be attached to the existing public house. The existing land is part of the ground to a public house. The use of the development is to be a C1 retaining the existing building as its existing use. The proposal also includes removing existing trees and hedges at the rear of the grounds. - **Approved**

**201204** - Erection of outdoor canopy for pub external drinking area. Erection of 1.8m sleeper fence for pub garden to reduce noise – **Approved**

**223140** – Preliminary Enquiry - Retrospective advice requesting the layout of gravel and change of use for vehicular parking north of and in association with the Kings Arms pub and hotel. Proposed change of use of land from agricultural to domestic residential garden.

**231688** – Single storey side extension – pending consideration, approval recommended

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

### 7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG3 Economic Growth Provision  
SG4 Local Economic Areas  
SG8 Neighbourhood Plan  
ENV1 Environment  
OV1 Development in Other Villages  
OV2 Countryside  
DM2 Community Facilities  
DM6 Economic Development in Rural Areas and the Countryside  
DM15 Design and Amenity  
DM16 Historic Environment  
DM19 Private Amenity Space  
DM20 Promoting Sustainable Transport and Changing Travel Behaviour  
DM21 Sustainable Access to development  
DM22 Parking  
DM23 Flood Risk and Water Management

- 7.5 Some “allocated sites” also have specific policies applicable to them. The adopted local plan policies set out below are of direct relevance to the decision making process:

N/A

- 7.6 The Neighbourhood Plan for Marks Tey is also relevant. This forms part of the Development Plan in this area of the City.

- 7.8 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Community Facilities  
Sustainable Construction  
Developing a Landscape for the Future

## 8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

**The Landscape Officer** has raised no objection to the proposal providing the existing low wooden barrier, enclosing the ‘gravel parking area’ that is identified on drawing NC22.747-P202.d is secured for retention under condition

**Environmental Protection** have raised no objection to the proposal, subject to the inclusion of a condition limiting the working hours. However, given the partially retrospective nature of the application it is not considered necessary or relevant to include this in this instance

**The Contaminated Land Officer** has raised no objection to the proposal subject to the inclusion of an informative regarding contaminated land.

**Essex County Council Highways** have raised no objection to the proposal

**The Archaeological Consultant** has raised no objection to the proposal and recommends no conditions in this instance

**National Highways** have raised no objection to the proposal

## 9.0 Parish Council Response

- 9.1 The Parish Council have raised no objections subject to neighbours’ views.

## 10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

- Highway safety – *Discussed below*
- Visual impact on landscape – *Discussed below*
- Retrospective nature -*The Planning system allows for this type of application*
- Unjustified – lack of evidence justifying the need -*Comments noted and discussed below*
- Noise impacts on neighbouring properties from expansion - *Discussed below*
- Lack of community benefits – *Comments noted and discussed below*

## **11.0 Parking Provision**

11.1 The proposal includes additional parking provision on site to accommodate the increasing popularity of the public house and B&B.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

## **13.0 Open Space Provisions**

13.1 The proposed development is not required to provide any open space provisions.

## **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

## **15.0 Planning Obligations**

15.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **16.0 Report**

The main issues in this case are:

- The Principle of Development
- Design and Impact on the Surrounding Area

### **16.1 Principle of Development**

The site falls outside any defined settlement boundary, and as such in accordance with Policy SG1 of the Local Plan, new development in the countryside will only be acceptable where it accords with policies OV1 and OV2 and will be required to respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity to safeguard the rural character of the Borough.

The King's Arms is a small public house/B and B already established on site. Within the planning statement it is advised that The Kings Arms has been a small community orientated pub for many years, employing 7-8 local people. The applicant has since secured planning permission for 6 additional rooms to improve the business' long-term viability. The statement goes on to state that a number of public houses along the A120 have closed and therefore, the continued vitality and prosperity of the Kings Arms is vital and that the development would assist in achieving this, by increasing capacity in terms of parking provision and improving the quality of facilities/amenities offered to customers.

The planning statement advises that the enlarged car park is essential to the expansion of the business, the present parking arrangements are considered unsafe due to the small nature of the existing car park and the proximity to the A120, a busy arterial route, leading to cars being double parked when the pub is busy (this was observed during the Officers' site meeting). Without sufficient, safe parking provision patrons are likely to look for other alternatives.

Policy OV2 acknowledges that sustainable rural businesses (amongst other land uses) may require a countryside location. In general terms, proposals for sustainable rural businesses will be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts and harmonise with the local character and surrounding countryside.

Policy DM6 part (E) goes onto consider proposals to expand an existing employment use into the countryside will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. In all cases new development is expected to have adequate landscape mitigation.

In terms of site specific constraints, concerning parking provision, it is considered that sufficient information has been submitted to support the additional parking, which has already been implemented.

In terms of the significant increase in land associated with the public house and B&B, an addendum to the planning statement was provided on the 3<sup>rd</sup> of July advising that the land will be used as amenity space in association with the use of the pub and patrons, as well as the local community; such as events in conjunction with the pub (falconry display, charity rounders and Childrens football)

Taking into account the above, it is considered that the principle of development is supported, subject to other material considerations which are discussed below.

## **16.2 Design, Layout and Impact on the Surrounding Area**

Policy DM15 Design and Amenity provides that all development, including extensions, must be designed to a high standard, positively respond to its context, achieve good standards of amenity, and demonstrate social, economic and environmental sustainability. In addition, it states that development proposals must respect and, wherever possible, enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features. Wherever possible development should positively integrate the existing built environment and other landscape, heritage, biodiversity and Arboricultural assets and remove problems as part of the overall development proposal.

The operational development which has taken place relating to the extension of the car park and the post and rail fence, are considered to be relatively minor works which are not considered to have a detrimental impact on the character and appearance of the site and surrounding area.

The associated respective change of use of this land to provide garden space to the neighbouring properties, has the potential to result in a sprawl of residential paraphernalia into the open countryside, which has the potential to have an unduly negative impact on the character and appearance of the site and wider setting, it is therefore considered reasonable and necessary to remove permitted development rights for Class E and F of Schedule 2, Part 1 of the General Permitted Development (England) Order 2012 (as amended), to prevent the sprawl of built form in the wider countryside.

The proposed 1.2 metre high fencing to the amenity space afforded to neighbouring dwellings would be a visible feature when views from the footpath. However, the planting to the northern boundary of the site is considered to largely mitigate any views offered from this public vantage point, additionally this is a typical boundary treatment for residential properties and would be read in such context. Therefore, there are no objections in this respect.

In terms of the change of use of the arable land, to land associated with the public house, this largely reflects the natural field boundaries alongside neighbouring properties, responding to plot depths and extent of built form and natural enclosure, and therefore, is not considered to have a significantly harmful impact in terms of character of the surrounding area.

It is therefore, considered that the development is acceptable and policy compliant in respect of the impact on the surrounding area.

### **16.3 Landscaping**

The application is supported by a boundary treatments and planting proposal plan (NC22.747.P202), which shows the supplementary planting to be provided to limit the visual impact of the development on the landscape character. A Landscape and Visual assessment has also been provided. The Landscape Officer has raised no objections to the proposal subject to the inclusion of a condition securing these details. Therefore, there are no objections in this respect.

## **16.4 Impact on Neighbour Amenities**

The application site is bordered by a number of neighbouring properties; to the west are Oakley and Roselea which are closest to the site. The existing lawful car park abuts the eastern boundary of Oaklea, therefore it is unlikely that the extension of the car park (which in itself does not result in additional customers) would result in material harm to neighbouring amenity in terms of noise, compared with the existing lawful situation. However, the proposed use of this land by members of the public would result in a significant loss of privacy to these neighbouring occupiers given the current boundary treatments and garden size. However, the proposal includes the extension of these neighbouring gardens to be in-line with that of Mayflower Cottage. The construction of a close boarded fence to the depth of the car park boundary would retain and protect the amenity space afforded to these dwelling. Therefore, it is not considered that the proposal would result in any further adverse noise implications to the detriment of neighbouring amenity than present at the existing site and there are no objections in this respect.

## **16.5 Highway Matters**

The access to the site would and will remain unaltered as part of the works and therefore there are no objections in this respect. The proposal includes additional parking provision on site to accommodate the increasing popularity of the public house and B&B, and from the Officer Observation on site, would improve access and egress from the site. Whilst, the proposal may increase the number of vehicles entering and exiting the site, this application in isolation, would not result in an intensification of the use, and therefore, would be unreasonable to object on Highway grounds. Therefore, there are no objections in this respect.

## **17.0 Planning Balance and Conclusion**

17.1 The erosion of agricultural land to domestic and ancillary to the existing commercial use is regrettable in principle. The adopted local plan seeks to conserve the natural beauty of the countryside and to protect productive agricultural land. In this case, the provision of additional and safe parking provision to serve the existing pub as an important local business and facility and the extension of neighbouring domestic curtilages in mitigation of any associated adverse impacts is considered to represent an economic and social benefit which outweighs the limited loss of agricultural land with any impacts on wider landscape impacts being capable of mitigation through landscape planting.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1. Time Limit for Full Permissions**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.



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

## **2. Accordance with Approved Plans**

The development hereby permitted shall be carried out and retained in perpetuity in accordance with the details shown on the submitted Drawing Numbers: Block Plan 22-247, Location Plan 22-247 and NC22.747-P202

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out and retained as approved

## **3. Removal of Permitted Development (extension of residential curtilage)**

Notwithstanding the provisions of Classes E and F of Part 1 and Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no buildings, enclosures, swimming pools, structures, hard surfaces, oil or gas storage containers, fences, walls, gates or other means of enclosure (other than those shown on the approved drawings) shall be erected on the extended garden area hereby permitted (outlined in blue on plan 22-247) unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to avoid the site acquiring a cluttered appearance in this rural area

## **4. Clarification of Use**

The development hereby approved (as outlined in red on plan 22-247) shall be used solely in association and ancillary to the public house and B&B and for no other purpose.

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed

## **5. Landscaping**

The landscape details as shown on the approved drawing(s) NC22.747-P202.d lodged on 25/05/2023, together with a minimum 300mm high low wooden barrier all along the boundary enclosing the identified 'gravel parking area' where it bounds the 'land enclosed as amenity space', shall be carried out in full prior to the end of the first planting/seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority and its implementation shall be in compliance with the recommendations set out in the relevant British Standards current at the time of submission. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar

specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details. No vehicular access will be permitted to the 'land enclosed as amenity space' outside of the 'gravel parking area' as identified on drawing NC22.747-P202.d at any other time other than for maintenance of the area.

Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application and the Council's landscape recommendations.

## **19.1 Informatives**

19.1 The following informatives are also recommended:

### **Advisory Note on Works Affecting the Highway**

PLEASE NOTE: No works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements