

Land off Briarfields, Kirby-Le-Soken

Nine dwellings comprising 6 x two bed almshouse style bungalows, 1 x three bed and 2 x five bed houses and a replacement garage.

Planning & Heritage Statement

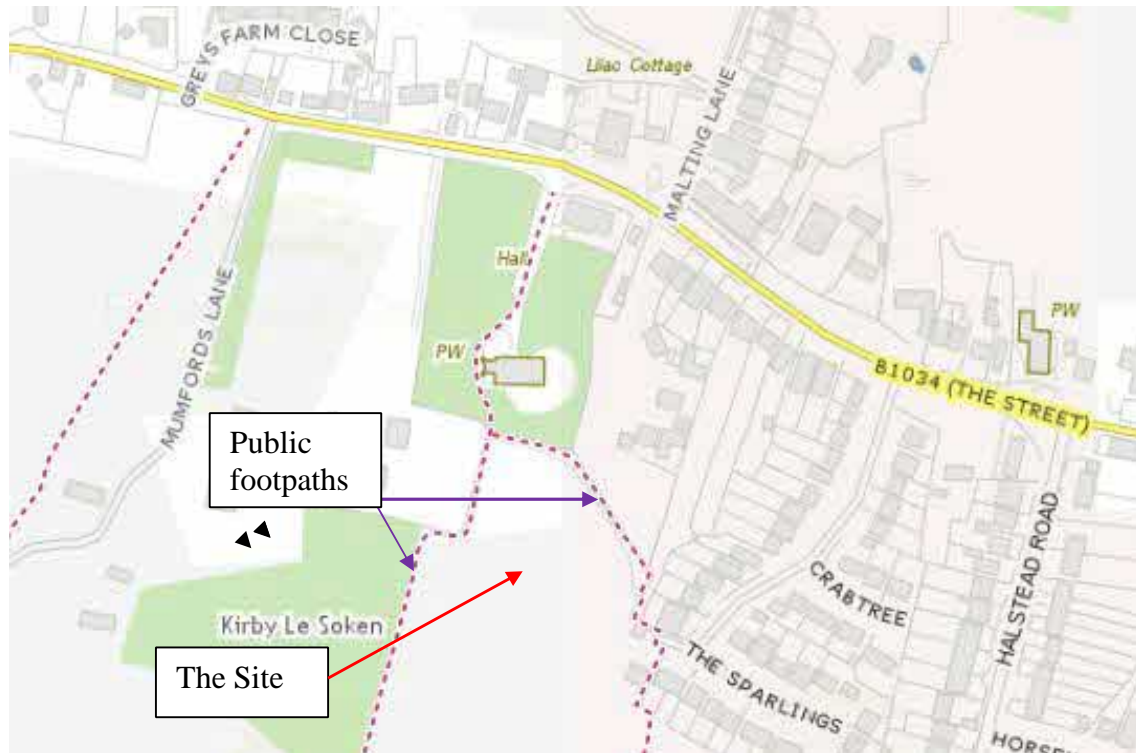
1.0 Introduction

- 1.1 This joint Planning and Heritage Statement has been prepared on behalf of Parkers Farms and is submitted in support of a Full planning application for the erection of nine dwellings including six x 2 bed almshouse style single storey units and one x 3 bed and two x 5 bed houses on land off Briarfields, Kirby-Le-Soken. The application is a resubmission of 22/01670/FUL.
- 1.2 This statement should be treated as forming part of the application, and includes details on the site and its surroundings, the intended scheme and how it relates to adopted planning policies and government guidance. It is considered that the statement accords with the advice contained within the National Planning Practice Guidance (launched in 2014) and The Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2.0 Site and Surroundings

- 2.1 Briarfields and The Sparlings form a relatively modern 1970's estate of detached houses and chalet style properties. No.4 The Sparlings is a detached house with a large double garage adjacent to No. 28 Briarfields which backs on to an open field to the west. This property is owned by the applicants together with the farmland to the south which extends to Kirby Cross, as well as The Old Vicarage to the rear of St Michael's Church. Further land along Mumfords Lane is also owned and farmed by the applicants while two dwellings are under construction at the junction with Mumfords Lane. Grove House, Mumfords Lane is a modern detached farm workers dwelling also owned and occupied by the family.
- 2.2 The Old Vicarage is listed Grade II. Constructed circa 1830, the listed description states that it is of Gault brick. Hipped grey slate roof, projecting eaves. Right and left chimney stacks. 2 storeys. 3 window range of small paned vertically sliding sashes, gauged brick arches. 3 steps approach the square central porch supported by 2 pilasters and 2 fluted columns with moulded capitals, frieze, moulded cornice, 2 panelled 2 light door, moulded surround. It has been owned and occupied by the applicant's family for 20 years.

- 2.3 St Michael's parish church is located 60m to the north and is listed Grade II*. The listing description records inter alia, this is a C14/C15 restored c.1833 and mainly rebuilt c.1870 by Henry Stone. C15 west tower. Stone, flint and septaria, stone dressings. Plain red tiled roofs with pierced and scalloped ridge tiles, cross finials. Chancel, angle and 2 southern buttresses. East window of 3 lights with trefoiled roundel over under a 2 centre arched head, stone and flint dressings to arch. C19/C20 stained glass to all windows. A plaque and railings within the churchyard are also separately listed Grade II.
- 2.4 This area of Kirby-Le-Soken would have once been characterised by large detached properties and agricultural farms and associated buildings. However, recent development in the area has begun to infill and complete the settlement pattern within the locality, creating new dwellings within gaps along the frontage of The Street. The residential development within the area is of a variety of sizes, types, scales, ages and architectural styles, although a cottage style rural vernacular dominates. This situation is particularly apparent to the west of No.45, where two large detached houses have recently been constructed. Planning permission has also recently granted for dwellings either side of Norton's Barn, and directly opposite Mumfords Lane permission has been allowed on appeal for five bungalows. Most recently, 8 dwellings have been permitted immediately alongside St Michael's Church, rear of No.19 The Street, and these works are nearing completion.
- 2.5 The site is entirely arable farmland. The north, east and west boundaries feature Public Footpaths around the edge of the field. The boundary to The Old Vicarage is screened with a range of mature native trees, while the churchyard to St Michael's Church includes a number of specimen trees although the rear boundary is open. To the west is an extensive woodland.
- 2.6 Kirby-Le-Soken is a small village served by a range of local services and facilities including a village shop and post office, two public houses, church, hall and playing field. The village is also served by frequent bus routes stopping along The Street and Walton Road; connecting the village with Frinton-On-Sea and Clacton-on-Sea. A bus stop is located within close proximity of the site.



2.7 The site is located outside, although adjacent to the conservation area boundary. The land is not the subject of any landscape designation.

3.0 Relevant Planning History

3.1 There is no planning history directly relevant to this application other than the initial application submitted last year. Land to the north of the site, at the rear of 11 - 19 The Street, is currently being developed for residential purposes.

4.0 Policy Context

4.1 The National Planning Policy Framework advises that in determining planning application for residential developments, local planning authorities should take into account the Development Plan Policies and all other material considerations. Local planning authorities should follow the approach of the 'Presumption in Favour of Sustainable Development' and that development which is sustainable can be approved without delay. It emphasises the need to plan positively for appropriate new

development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than a barrier. The NPPF further states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements and should avoid new isolated homes in the countryside. Moreover, housing applications should be considered in the light of sustainable development. The NPPF states that to promote sustainable development in rural areas, housing should be located where there are groups of smaller settlements and should avoid new isolated homes in the countryside.

- 4.2 Section 16 of the NPPF addresses the need to conserve and enhance the historic environment. At paragraph 194 the NPPF requires the applicant to describe the heritage asset affected and the potential impact of the proposal on their significance. Details provided should be proportionate to the importance of the asset. Local planning authorities must carry out their own assessment of an asset's significance and take account of this assessment when considering a proposal's potential impact on a heritage asset to minimise conflict between the asset's conservation and any aspect of the proposal (para.195). When considering the impact of a proposed development on the significance of a heritage asset, great weight must be given to its conservation; the more significant an asset the greater the weight should be (para. 197). Consent should only be refused where substantial harm to the significance of the heritage asset is caused and no substantial public benefits are achieved to outweigh the substantial harm (para. 199).
- 4.3 Paragraphs 202 to 204 of the NPPF considers the relative importance of the heritage asset and the desirability of preserving its setting against the desirability of new development in making a positive contribution to local character and distinctiveness. Paragraph 197 cites that local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.4 The application site is located immediately adjacent the defined development boundary for Kirby Le Soken as identified in the Policies Map of the adopted Tendring District Local

Plan where residential development is considered appropriate and expected to take place.

- 4.5 The Council stipulate high design standards within Policy SPL3. This Policy seeks to ensure that development will be compatible to the surrounding uses. It should be of a scale appropriate to its setting and protect the privacy daylight and amenity of surrounding occupiers. The proposal should not result in the loss of important buildings of architectural interest or other landscape or ecological value. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents.
- 4.6 The site is beyond the Kirby Le Soken Conservation Area where Policy PPL 8 applies. Nevertheless, reference to criteria e concerning important views into, out of, the Conservation Area is relevant.

5.0 Proposed Development

- 5.1 The applicant owns and farms the extensive farmland to the south of the village, while also owning and occupying the adjoining Old Vicarage. As evident from the aerial photograph below, the land at northern end of the farm is of such a size and position that it is difficult to use while also being constrained on three sides by public footpaths.



- 5.2 Following the relatively recent appeal decisions to allow three dwellings on two parcels of land to the west, a further 5 dwellings directly opposite Mumfords Lane, two permissions for dwellings either side of Nortons Barn, and the development of 8 dwellings alongside St Michael's Church, the applicant considers that the proposed site to be as suitable for additional housing. It is also noted that the site is outside the designated conservation area, unlike the above examples. More importantly, as a long serving member of the local community, the applicant is particularly concerned with the limited provision of accommodation for older persons within the locality.
- 5.3 This scheme follows a number of proposals made by ourselves elsewhere in Essex for the provision of specialist 'almshouse type' accommodation for older persons, including a scheme for 9 similar units approved immediately alongside a Grade I listed church and one for 8 units located within a conservation area in the centre of an historic village, have been approved. A further case where four units were allowed on appeal adjacent to a Grade 1 church and a Grade II* Quaker meeting house within a conservation area and which included no car parking is detailed within appendix PLG1 hereto. In each of these cases, the site had to have considerable regard to the proximity of listed buildings and often on tight awkward land parcels where access is often difficult and the relationship to neighbouring buildings needed to be handled sensitively. Equally, each of these sites have been in the centre of a town or village, with easy access to local shops, facilities and transport. The suitability of each site for older persons with ease of access and limited need for private car parking provision had been demonstrated. The close relationship to a place of worship or other similar charitable philanthropic organisation has also provided an historic and architectural link to the form of almshouse type accommodation.
- 5.4 A similar opinion towards the need for accommodation specific for older persons is identified within the Council's adopted Policy LP2 which states that *'The Council will support the development of bungalows, retirement complexes, extra care housing, independent living, starter homes, self-build and other forms of residential accommodation aimed at meeting the future needs of older and disabled residents as well as family housing. Support will also be given to innovative development proposals subject to consideration of other Local Plan policies'*. Further, paragraph 62 of the NPPF states 'the size, type and tenure of housing needed for different groups in the community

should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'. The NPPF continues by considering within paragraphs 78 and 79 that:-

In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs... To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

- 5.5 The location of this site within the heart of the community, clearly accords with the suggestions made within Policy LP2. Having regard to the setting of the church and the enclosed nature of the land surrounded on three sides by public footpaths, the design concept has considered that a traditional almshouse form would reflect the circumstance where a benevolent parish or charitable trust may have undertaken a modest scheme within the vicinity of the parish church. The form of these units has taken its cue from the Winnocks almshouses in Colchester and the listed Willie almshouses in Great Totham. Designed as two continuous runs of simple units, the principal consideration has been to ensure that they front a green to the south of the church to provide the concept of space and place within the setting of the church and Old Vicarage.
- 5.6 As a consequence of the rather ordinary housing recently permitted for the land to the east of the church, and the relatively limited depth of the churchyard to the south of the church, the applicant is particularly conscious of the need to improve the setting of this public building. The public footpaths on all three sides of the agricultural field provide little in terms of enjoying the churchyard from the south. While the churchyard is extensive to the north from The Street, the rear land feels constrained and inhibited. Thus, the six 'almshouse' style dwellings would form a distinctive arrangement towards the church with a permissive path around the new green. These dwellings would each contain two bedrooms, although one is more akin to a computer room or box room. Designed as a symmetrical terrace, with simple gable fronts to each dwelling, the design would provide both a degree of uniformity and also a sense of place within its setting.

The introduction of chimneys would emphasise the design approach. The external materials to be used would be subject to agreement at a later stage, although it is evident from the nature of the design scheme that traditional quality materials would be used. A bin collection point and carports would also be placed at the site entrance together with electric charging points. The car ports would be suitable for mobility scooters or similar. Each of the properties would have a garden of not less than 50m².

- 5.7 The scheme is to construct three further houses, with a modest 3 bed house anchoring the two terraces. The two larger 4 bed dwellings would be set within extensive gardens at the southeast and southwest corners of the site. This mix of dwellings will provide an appropriate balance of housing with the former being positioned adjacent to Briarfields/The Starlings. A replacement double garage for No.4 The Sparlings is also included. Each of the houses would be bespoke properties with considerable attention to detail.
- 5.8 The public footpaths will not be affected by the scheme. As mentioned above, this scheme will alter the footpaths to be more than the edge of a ploughed field, by enabling them to be incorporated into wider areas of open space. An extensive landscaping scheme is envisaged, particularly along the southern boundary.
- 5.9 There can be no doubt that the presumption in favour of sustainable development is applicable to this case as set out in Paragraph 11 of the NPPF. Although the site is adjacent to the settlement boundary, the scheme sets out distinct advantages for the local community which would enable an approach reflecting paragraph 12 of the NPPF. Simply because the Council has a five year supply of housing and has defined the development boundary of the village, should not be seen as a barrier to appropriate forms of development. As identified in appeal cases received this year, the Development Plan is the starting point and not a ceiling for all further development. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.

Economic and Social Context

- 5.10 The proposed scheme is considered to be in a sustainable location as the development lies close to the heart of the village, off one of the main housing estates and with direct pedestrian connections to The Street. Other schemes within the village including those allowed on appeal, have confirmed that the village has such facilities and services sufficient for further development.
- 5.11 On the basis of the above, it is considered that the application site is located where future occupiers would have access to local community facilities as well as access to further amenities, services and full employment opportunities through public transport links. The site is therefore considered sustainable and in accordance with Government Guidance as contained in the NPPF.
- 5.12 The proposal would contribute economically to the area by supporting existing construction jobs and also increasing the population within the village to help sustain local services and amenities.

Environmental Context

- 5.13 It would be easy to simply argue that the development of an open field to the south of the church would have a visual impact upon the area. However, this narrow approach forgets that the churchyard to the south of the church is constrained while the public footpaths on all three sides of the field are very limited in width and space to enjoy the approaching views of the village. It is also disappointing to remark upon the rather awkward housing permitted by the authority to the east of the Grade II* church. This scheme would go some way to off-setting the harm to the setting of the church while ensuring that a new sense of place was provided which would also provide a link between the church, The Old Vicarage and a form of housing often found in such settings. The architectural format of this scheme is of the highest standard and introduces a traditional approach so sadly absent in most of the contemporary housing approved by the authority in recent years. It is inevitable that the development will have an impact, but the design and space proposed would be unique in itself while benefitting the adjoining listed buildings and considerably enhancing their setting. There is no

evidence of any ecological interest that would be affected. The site is a ploughed arable field with no supporting hedgerow or trees. It therefore is concluded that when considering the balance of issues presented, the proposal meets the test of the environmental context set out within the definition of sustainable development.

- 5.14 In addition to the above comments, it is noted that the Council's Tree & Landscape officer confirms that there are no trees or hedgerow upon the site. However, reference is made to the prominent nature of the site due to the adjoining public footpaths. This comment should however take into account the rather obtrusive and incongruous development recently undertaken upon the adjoining land, supported by the authority. This development would be to some considerable extent be masked by the proposed scheme. Similarly, we cannot accept the comments from the County Conservation specialist, who appears not to have visited the site when providing comments upon the impact upon the adjoining conservation area and setting of the church. The environs are no longer 'undeveloped' or in a 'rural landscape' as suggested, nor does it retain its 'isolated and agrarian setting' while the surroundings are now significantly changed and considerably spoilt by modern development. It would therefore be appropriate for an accurate consultation report be undertaken by the conservation specialist that reflects the true situation.
- 5.15 Reference is made on several occasions by the conservation officer to an 'isolated settlement'. It is suggested that regard is made to the leading judgement on isolated settlements as set out in *Braintree. DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2017] EWHC 2743 and to which the authority will no doubt be aware.
- 5.16 Concern is expressed towards the Council's approach to the development of this site when compared to their recent decision for the adjoining land as permitted under applications 19/00120/FUL and 23/00620/FUL. For these applications, the development lies immediately adjacent to the Grade II* church. The quality and character of this development is quite shocking. However, unlike the approvals for the adjoining land, the current application site is more detached from the conservation area while the degree of openness and scale of the almshouse type units are distinctly different to the approved development. It is noted that the County Conservation officer in supporting the development adjacent to the church stated *'Whilst "less than substantial harm" to the*

significance of the aforementioned heritage assets has been identified, this has been deemed modest. Further to this, the harm may be minimised subject to appropriate detailing'. The setting of the church and the conservation area has been denigrated to such an extent that the assumptions made by the Conservation Officer no longer read true. It should also be noted that this development will not 'intervene' between the Hall, church and Old Vicarage, which are all located to the west of the application site. As the Council will already be aware, we have serious concerns with the manner in which the previous application was handled, and expect a more accurate and current understanding of the situation relating to this scheme.

6.0 Highway Issues

- 6.1 The scheme proposes a single point of access on to Briarfields. This would be positioned within the 30mph speed restricted area. The access is in the same position as an existing driveway. Each property will have its own off-street parking either in the form of a garage, car port and parking spaces to meet the Council's standards. Bicycle parking is not being considered for the older persons units but the carports will facilitate use by mobility scooters etc.
- 6.2 Within consideration of the application submitted last year, no concerns were raised by the highway authority to the form and nature of the access nor to the parking arrangements shown. As the scheme remains identical to the earlier proposal in highway terms, it is expected that a similar response will be provided by the highway authority.

7.0 Proposed Development and Assessment of Heritage Significance

- 7.1 This report assesses the relative significance of the development and the effect upon the adjacent conservation area. It is important to highlight that the significance of the development has been based on 'Conservation Plan' methodology and assessed with regard to the following categories:

Very High Significance – elements which are fundamental to the architectural and historic significance of a heritage asset

High Significance – elements which are important to the architectural and historic interest of the building or area

Moderate Significance – original elements contributing to architectural and historic interest of a listed building or the area but which may have been subject to considerable alteration diminishing their interest

Low Significance – original elements of little significance (or significantly altered such that original character has been lost); and later features which broadly support the architectural interest of the original buildings or limited impact upon local amenity

No Significance – Later elements making no contribution to the architectural or historic interest of the listed buildings or character of a conservation area.

- 7.2 Using the historic Ordnance Survey maps to determine the stages of development within the locality and following review of the conservation area boundary and the Essex Historic Environment Record, the proposed development has been assessed using the categories of significance as an area of Low significance. The church was also the subject of an archaeological watching brief undertaken by Colchester Archaeological Trust in 2007, while a monitoring brief also undertaken by CAT was approved by the Council in March 2022. In the latter case, no archaeological remains were found.
- 7.3 The earliest evidence of the application site can be found upon the Ordnance Survey of 1876. This shows the site beyond the churchyard and solely as an agricultural field. This situation has not altered since, although housing has progressively enveloped the church and infilled the village. It is noted that the County Council conservation specialist raised no objection to the development of the site to the east in 2019, commenting that any impact upon the church would be 'modest'.
- 7.4 With the absence of any past use of the field other than for agricultural purposes, and the very clear delineation of the churchyard, the presence of any archaeological interest is likely to be minimal. The effect is therefore upon the setting of both the Old vicarage and St Michael's Church.

7.5 A Conservation Area Review was undertaken on behalf of the Council in 2006 although a Management Plan has not yet been prepared. The review noted that the special character of Kirby-Le-Soken Conservation Area rests in the sinuous layout of The Street and the relationships between the wide varieties of buildings associated with it, from the parish church and larger houses to smaller cottages and cabins. The church is observed as having a substantial tower, but this is more obvious in longer views from the west and is comparatively reticent within the village. It is however another factor underlining this central location, as are the numbers of mature trees within the churchyard and otherwise enclosing the central part of the Area. The old Vicarage and the Hall are also far less prominent than their grounds in any assessment of the Area. No mention is made of the views from the south of the village or the application site.

7.6 The views into and out from the conservation area are not likely to be compromised by the proposed development. The views will be affected, but the scheme will provide for an enhanced setting to the rear of the church and enabling more appropriate space in conjunction with the public footpaths and a better transition to the back of the church and the rural area beyond. The extensive woodland to the west will prevent any impact upon Kirby Hall, while the gardens of the Old Vicarage are extremely self-contained.

7.7 Previously the County Archaeologist requested an archaeological trial trenching scheme to be undertaken. The applicants fully understand the need for such archaeological investigation and concur with the terms of the condition suggested in this respect.

8.0 Conclusion

8.1 This scheme will provide for a form of accommodation not available within the village. It is of a design supported elsewhere in Essex in similar historical locations, including on appeal where the site was directly adjoining a Grade 1 church, a Grade II* meeting house and within the heart of a conservation area. Although the site is just beyond the village settlement boundary, this is an exceptional scheme which will ensure the setting of the church and public footpaths to the south of the village will be enhanced. The approach taken in this case deserves more than a rudimentary approach by the Council to the adopted village plan, with the creation of a sense of place and space sadly missing in most of the developments accepted within the district. As such, the proposal would be in

accordance with the presumption in favour of sustainable development contained within the NPPF (paragraphs 11 & 12) and the adopted Plan policy LP2, while having a positive public benefit that outweighs any effect of the scheme.