

PLANNING COMMITTEE AGENDA

Tuesday, 05 December 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

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

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

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 28th November 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor application listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that the application listed under Part B will be taken “en bloc” without debate, this application may be dealt with before those applications listed under Part A.

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 17 01074 REM - Land West of Boars Tye Road, SILVER END | 5 - 19 |
| 5b | Application No. 17 01607 FUL - Former Oil Depot, land West of Hedingham Road, GOSFIELD | 20 - 38 |

PART B

Minor Planning Application:-

- | | | |
|-----------|--|----------------|
| 5c | Application No. 17 01626 FUL - 29 Holly Walk, WITHAM | 39 - 45 |
| 6 | Urgent Business - Public Session
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency. | |

7 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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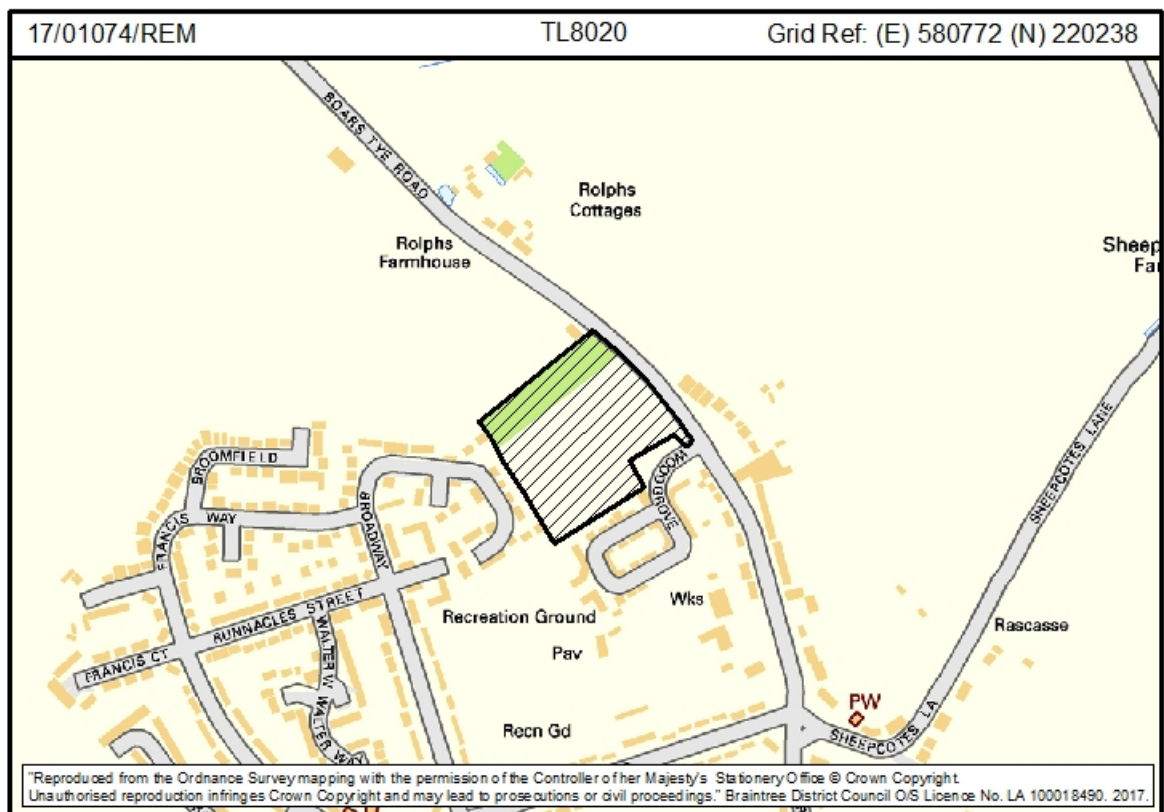
8 Urgent Business - Private Session

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

PART A

APPLICATION 17/01074/REM DATE 12.06.17
 NO: VALID:
 APPLICANT: Mr Ian McFaul
 Keepmoat Homes South East, 950 Capability Green , Luton
 LU1 3LU
 AGENT: Ms Jo Hanslip
 Urbanissta Ltd, EastSide, London, N1C4AX
 DESCRIPTION: Application for approval of Reserved Matters for
 'Appearance', 'Landscaping', 'Layout', and 'Scale' pursuant
 to outline planning permission 15/01004/OUT (Development
 of up to 60 dwellings with all matters reserved, except
 access)
 LOCATION: Land West Of, Boars Tye Road, Silver End, Essex

For more information about this Application please contact:
 Mrs Natalie Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

15/01004/OUT	Development of up to 60 dwellings with all matters reserved, except access	Granted with S106 Agreement	16.03.16
17/01076/VAR	Application for variation of conditions 3, 13 and 17 of outline application 15/01004/OUT with regards to updating references to approved plans (Condition 3) and replacing the approved arboricultural and landscape details with revised details (Condition 13 & 17)	Granted	28.09.17

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was

subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP5	Affordable Housing in New Developments
RLP6	Affordable Housing in Rural Areas
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan
Essex Parking Standards Design and Good Practice 2009

Other Guidance

Landscape Character Assessment 2006

Braintree District Settlement Fringes – Evaluation of Landscape Analysis June 2015

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee following an objection from Silver End Parish Council which is contrary to officer recommendation.

Notation

The application site is located outside the Silver End Village Envelope as designated in the Braintree District Local Plan Review 2005.

The application site is allocated for development in the Publication Draft Local Plan.

PROPOSAL AND SITE DESCRIPTION

The site is located on the northern edge of Silver End on the western side of Boars Tye Road, immediately adjacent to the Village Envelope. The site measures approximately 2.27ha in area. To the south and west of the site is established residential development fronting onto Broadway and Wood Grove. Boars Tye Road defines the eastern boundary of the site and existing housing extends part-way along the opposite side of the road. An established woodland buffer encloses the entire northern boundary and separates the site from the countryside beyond. Agricultural land lies to the north and north-east of the site.

The site was previously used in connection with a timber fabrication business that operated on the land to the south of the site where the Wood Grove development is located. The land is now disused and has largely reverted to scrubland. Whilst the site is not within the designated Conservation Area it nevertheless performs an important function in terms of its setting.

Outline planning permission has been granted for development of up to 60 dwellings, with all matters reserved, except access. An application to vary Conditions 3, 13 and 17 was approved by the Planning Committee on 19th September 2017, reference 17/01074/VAR.

This application seeks approval for the reserved matters namely, appearance, landscaping, layout and scale pursuant to outline planning permission reference 15/01004/OUT for up to 60 dwellings, as varied by application reference 17/01074/VAR. This application proposes the erection of 59 dwellings set out in the form of detached, semi-detached and terraces of 3

dwellings in a mix of 2, 3 and 4-bed houses. The site will deliver 23 affordable homes in line with the Council's requisite 40% set out in the Core Strategy.

Schedule of Units

Affordable housing	17 x 2-bed 6 x 3-bed
Private Housing	5 x 4-bed 25 x 3-bed 6 x 2-bed

BDC Housing Enabling Officer has indicated that a 70/30 tenure mix of rented units over shared ownership would be required which equates to 16 & 7 respectively. Taking account of need and affordability, their preference for tenure is as follows:

	Affordable Rent	Shared Ownership
2 bed houses	12	5
3 bed houses	4	2

Revised plans have been submitted to address concerns regarding the design and layout. The inspiration for the final design has come from the more traditional designs used by C Murray Hennell rather than the more well-known Modern Movement houses. This was thought to be more desirable as development in this location should blend with the Conservation Area in order to ensure that its significance is not overshadowed through over-domineering or competing design and to reflect the transition from village to countryside. A simple and cohesive design approach with a limited palette of materials has therefore been adopted which is more reflective of the more conservative inter-war period of the wider Garden City movement.

The layout of the dwellings is more formal in the central part of the site closest to the existing village, and less formal at the outside edges to reflect the transition from the built environment to the countryside. The existing 7m buffer to the west boundary with Broadway will be retained, together with the wooded area to the north. A formal and informal play space will be integrated within this wooded area. The existing hedge to the front of the site on Boars Tye Road will be modified but retained to continue the softer edge-of-village location. A gateway green to the south of the site bordering Wood Grove is also proposed.

A new tree-lined avenue will be created off Boars Tye Road, forming a spine route leading to the private roads. The dwellings fronting onto Boars Tye Road comprise 5-detached dwellings served by an informal drive off the avenue. Fronting the wooded area is a mix of 3 terraced dwellings and 3 pairs of semi-detached dwellings. The dwellings within the core of the site are laid out in a slightly denser and more formal configuration comprising a mix of terraced and semi-detached dwellings.

The dwellings are designed mainly in hipped roof form with traditional 'georgian' style windows with creased tile cills. Street trees are also indicated in suitable locations. All but 6 of the dwellings achieve or exceed the minimum Standards set out in the Essex Design Guide (EDG). Those that do not comply are reasonably close to the requirement. They are Plots 8, 9, 14, 16, 20, 41 and 42, referred to in more detail below. All the units are compliant with Essex County Council Vehicle Parking Standards and are provided with off-street parking. Garages are proposed for Plots 1-5.

The application is accompanied by the following documents:

Planning Statement
Transport Statement
Arboricultural Method Statement
Refuse Tracking Layout Plan

At the time of writing the report, revised plans of the house types have been received and are out for Public Consultation. Any additional comments/observations will be reported to Members at the meeting.

CONSULTATIONS

Silver End Parish Council objects to the proposal on the following grounds:

Plot 45 is only 5m 'wall-to-wall' away from an existing property on Wood Grove;
The architecture is unimaginative;
Overdevelopment of the site;
The development is in contravention of the ethos of Silver End being a Garden Village, particularly as the planned gardens are small, and is not in keeping with the village particularly in relation to amenities.

ECC Highways – no comments.

ECC Suds – no comments.

ECC Historic Buildings Consultant – has raised concerns regarding previous iterations in terms of the design and layout of the proposal. These concerns related to the overall design of the layout, the private access road at the front of the site, the over-proliferation of house types, the vertical emphasis of the designs, and the details in terms of roof types, windows and doors. He has acknowledged that due to the location of the site, it is not possible that the houses fronting onto Boars Tye Road can have direct access off it. Revised plans have sought to address these concerns and the Historic Buildings Consultant response has been revised as follows:

- It is accepted that the houses cannot have direct access from Boars Tye Road. As a rear service road has been found to be unfeasible, on balance, the plans are acceptable.

- He is concerned at the predominant use of semi-detached dwellings and would prefer to see more terraces as in Valentine Way.
- The use of the slacker roof pitch is more in character with similar properties in the Conservation Area, however, he would prefer the buildings to have a wider but shallower plan form.
- Overall, the revised scheme is better, however, he remains concerned as to whether the development would create a sympathetic sense of arrival into the conservation area.

BDC Refuse – comment that the roads should be to an adoptable standard and can accommodate vehicles up to 26T.

BDC Environmental Services – no comments.

BDC Housing Enabling – supports the application because it provides potential to deliver a significant number of new affordable homes that will assist in addressing the high levels of housing need in the district.

REPRESENTATIONS

Seven representations have been received, 1 commenting on the proposal and 6 objecting. The issues raised are summarised as follows:

- The overall density is not in keeping with Silver End;
- The affordable housing should be more evenly distributed;
- The gardens are too small, and there are no front gardens in some cases;
- Plot 48 at 2m from the boundary fence is too close to the adjacent development in Wood Grove, particularly to No. 123 which will result in overlooking, overshadowing and loss of outlook;
- The ground level of the site is higher than Wood Grove, resulting in the development appearing too tall and overbearing which will result in loss of privacy;
- The first floor window of Plot 37 will result in overlooking onto No. 137 Wood Grove;
- Plots 47, 48 and 59 will overlook properties in Wood Grove – why is screening not suggested?;
- The junction to Boars Tye Road is dangerous;
- It is not clear if the retained tree belt to the rear boundaries of properties on Broadway will be included within the gardens of the new dwellings or fenced off.

REPORT

Principle of Development

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking. Paragraph 17 sets out Core

Planning Principles, which require that development should be, amongst other things, 'plan-led', creative, and of high quality design.

Policy CS5 of the Core Strategy seeks to limit new development to within recognised development limits in order to protect and enhance the character of the countryside.

The application site is located immediately adjacent to but outside of the Silver End Village Envelope and is situated in the countryside. However, as referred to above, outline planning permission has been granted for residential development at this site. It is also relevant to note that since the outline permission was granted, the site has been allocated for residential development in the Publication Draft Local Plan. Whilst the weight attached to this allocation is somewhat limited at this stage, significant weight must be given to the extant outline permission, 15/01004/OUT, as varied by application 17/01076/VAR which have established the principle that a residential development of up to 60 dwellings is acceptable at this site.

Layout and Design

One of the core planning principles set out in the NPPF is that plan making should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Pursuing sustainable development will involve seeking improvements in the quality of the built environment. Part 7 of the NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Planning decisions should aim to ensure that development will function well and add to the overall quality of an area, not just for the short term, but over the lifetime of a development. Part 12 suggests that opportunities should be taken to draw on the contribution made by the historic environment to the character of a place.

Policy CS9 of the Braintree District Core Strategy and Policies RLP3 and RLP90 of the Braintree District Local Plan Review seek the highest possible standards of design and layout in all new development inter alia to ensure that development responds to local context and provides a good standard of amenity. Policy RLP95 of the Local Plan Review seeks to ensure the preservation and enhancement of designated Conservation Areas and their setting. Proposals should not detract from the character of the Conservation Area, its appearance or its essential features. New development should be in harmony with the existing street scene and building line and be sympathetic in size, scale and proportions. This general policy stance is continued in the emerging Publication Draft Local Plan at Policies LPP50, LPP55 and LPP56.

Several criticisms and concerns have been raised regarding the design of the development in terms of its appearance in relation to the Conservation Area and its potential impact on existing residential amenity.

As referred to above, the site is located on the edge of the Village and is also within 100m of the Conservation Area. Developing the design of the scheme

has therefore presented some difficulties in terms of not only accommodating up to 60 dwellings on the site, but also to ensure that the development not only acknowledges its settlement edge location but also respects the nearby Conservation Area.

With this in mind it was considered important to avoid creating an obvious replica or starkly contrasting design which could potentially undermine the listed Modern Movement Houses on the east side of Boars Tye Road and the older buildings which pre-date the Garden Village on the west side. As the houses within the Conservation Area nearest to the site are of a more conservative design, the approach was taken that the best way of ensuring that the hierarchy of the various buildings was respected was to keep the design simple. This has been achieved by limiting the design to a small range of house types that are a variation on the more conservative elements of the Garden Village. A legible road layout has been arrived at, creating an avenue into the site with horizontal side cul-de-sacs and a looped road in the northern portion. Similar proportions to the Crittall houses in terms of the solid to void ratio on the elevations and shallow roof heights to create a more horizontal emphasis reflects the designs in the Conservation Area. Whilst this approach could be criticised for being unimaginative, it is important to reflect on Walter Crittall's own words with regard to the flat-roofed houses which is just as relevant today as it was then:

'Beyond the fact, however, that the roofs are flat and window panes have a horizontal proportion, instead of the traditional 'diagonal of the width equals the height', there is nothing really fundamentally modern or unusual about them. The walls are ordinary brick, white washed, the other materials are much the same and are generally used in this type of house. The plan, though certainly convenient and generous, is not revolutionary. They are, in fact, a very pleasing new dress on a rather humdrum old body, demonstrating that it is not necessary to be eccentric in order to be interesting'. (DIA Quarterly, October 1930).

As referred to above, the outline permission set out the maximum quantum of development on the site to 60 dwellings subject to conforming to the Councils adopted standards in terms of both the Essex Design Guide (EDG) and the Vehicle Parking Standards 2009. This reserved matters application seeks permission for up to 59 dwellings, one less than the outline and variation permissions allowed for.

With regard to garden sizes, the EDG requires that private gardens should measure a minimum of 50sqm for 1-2 bed properties with a minimum of 100sqm required for 3+bed houses. Whilst most of the dwellings exceed this requirement, 7 are slightly short. These are plots 8, 9, 14, 16, 20, 41 and 42. The EDG indicates that in cases where the majority of houses comply with the minimum, there may be some which, due to their situation in the layout, cannot be provided to the required standard. For example, these may be houses which turn external corners, as is the case for Plots 9, 16 and 20, or are in such a position where strict adherence to the EDG would result in a poorer street scene. In this case, this small shortfall is compensated by the

quality of the layout and compliance with other relevant standards and policy requirements. The concern that the proposed front gardens which are either lacking or are not comparable to the houses in the Conservation Area is acknowledged, however, the houses all have some defensible space to their frontages of varying sizes. The avenue into the site also features a gateway green and there are street trees at various locations throughout the development. To this end, whilst this approach does not strictly follow the historic garden village, it is viewed as an acceptable approach in its context. Conditions are suggested removing 'permitted development rights' (for extensions and outbuildings) and requiring further details of windows and doors.

It is therefore concluded that, notwithstanding the comments of the Historic Buildings Consultant, this latest phase in Silver End's history can be seen to reflect the more conventional Twentieth Century design in the Garden Village within a density and layout that complies with modern standards and expectations. As such, it is considered acceptable.

Impact on Residential Amenity

With regard to the impact on the existing and proposed residents, the EDG sets out relevant advice which encompasses other guidance such as the Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" and the Building Regulations. The EDG indicates that every effort should be made to avoid overlooking of rear-facing living room windows in new developments. This may be achieved by remoteness, by design or a combination of the two. Where rear elevations face each other and there is a visual barrier which is above eye-level, a minimum of 25m may be acceptable on new developments. Where new development backs onto the rear of existing housing, the rear of the new houses should not encroach any closer than 15m to an existing boundary, even though with a closer encroachment the 25m can still be achieved. However, where new houses are at right angles to the existing and there are no windows in the flank end and no problems of overshadowing, new houses may encroach up to 1m from the boundary.

The new houses which back onto existing development in Broadway will have a separation distance of over 30m back-to-back. Those which back onto Wood Grove (that is a side-to-back relationship) are sited at a distance of at least 36m away. Plots 48 and 49, and 58 and 59 which are at right angles to Wood Grove have a minimum distance of between 13.3m and 13.4m and even though there is a 1st floor window on the side elevation, these will be obscure glazed and could be designed to limited opening as they will serve a bathroom/WC. Overlooking from these windows will therefore not occur. A condition is recommended to require further details of the design of this particular window. In terms of being overbearing or overshadowing, the height of the proposed dwellings at approximately 7.1m (with hipped ends to the roof) and the separation distances will ensure that these issues will not occur to an unacceptable level where refusal of permission is warranted.

Landscape Issues

The Arboricultural Method Statement submitted with the application 17/01076/VAR stated that the development of the site will require the removal of a number of trees to permit its successful implementation. However, the visually important woodland to the north of the site, the hedge fronting Boars Tye Road, and the 7.5 m wide landscape buffer to the west will be retained and brought into a manageable state as part of the strategic landscape management plan. The developers have now confirmed that the western buffer to Broadway will be incorporated as part of the gardens for the new houses. The retention of the trees could be secured by condition however this is not considered justifiable as they do not add to the landscaping of the development nor are they required to safeguard privacy in the relationship between the new and existing dwellings.

Highway Issues

The concern raised regarding highway safety is noted, however, the issues raised regarding the access point have already been addressed following the granting of the outline consent, as varied by application 17/01076/VAR. In term of highway safety within the site, ECC has been consulted on the application and have raised no concerns. In terms of parking provision, it is confirmed that the development complies with the requirements of the Essex Vehicle Parking Standards, as required by RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the emerging Publication Draft Local Plan.

Other Matters

Potential difficulties in collecting waste from the new dwellings has been highlighted by the Council's Refuse Team in terms of their ability to collect waste from properties that are not within 25m of a road that can accommodate a 26 tonne vehicle. As refuse vehicles will not enter private drives, any dwellings that are situated more than 25m from the highway will need a bin collection point within that distance. A revised plan has therefore been submitted demonstrating that the development can comply with this requirement, subject to the provision of one bin collection point to serve the houses fronting onto Boars Tye Road. Whilst Condition 20 of 17/01076/VAR requires full details of storage facilities across the development to be submitted to and agreed prior to the commencement of the development, it is considered that a condition is warranted in the case of Plots 1-5, as a specific collection point is required for that section of the site.

CONCLUSION

The site lies outside but adjacent to the Silver End Village Envelope as designated in the Braintree District Local Plan Review. It has been allocated as a designated site in the Publication Draft Local Plan 2017, and although this can be afforded limited weight, outline planning permission has been

granted, as varied by planning permission reference 17/01076/VAR. The site is not within but is close to the Conservation Area and whilst the Historic Buildings Consultant has some concerns, he does not object to the compromise that has been reached. Overall, it is concluded that the design, layout and quantum of development is acceptable as it is not only respectful of its context in terms of its relationship to the Conservation Area and the countryside, but is also compliant with the Council's relevant adopted Standards and policies in accordance with the requirements of the NPPF.

RECOMMENDATION

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

APPROVED PLANS

Planning Layout	Plan Ref: 926-00-009	Version: A
Planning Layout	Plan Ref: 926-00-011	Version: A
House Types	Plan Ref: 926/651-PL	Version: E
House Types	Plan Ref: 926/740-PL	Version: D
House Types	Plan Ref: 926/851-PL	Version: D
House Types	Plan Ref: 926/942-PL	Version: D
House Types	Plan Ref: 926/953-PL	Version: D
House Types	Plan Ref: 926/1270-PL	Version: E
Street elevation	Plan Ref: 926-SS-006	Version: D
Street elevation	Plan Ref: 926-SS-007	Version: B
Landscaping	Plan Ref: 926-00-200	Version: A
Landscaping	Plan Ref: 926-00-201	Version: A
Landscaping	Plan Ref: 926-00-202	Version: A
Landscaping	Plan Ref: 926-00-203	Version: A
Landscaping	Plan Ref: 926-00-204	Version: A
Site Plan	Plan Ref: 926-00-001	Version: c
Refuse Information	Plan Ref: 16-275-002	Version: C
Location Plan	Plan Ref: 926-00-010	
Planning Layout	Plan Ref: 926-00-012	
Planning Layout	Plan Ref: 926-00-013	
Garage Details	Plan Ref: 926/325	Version: B

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

Reason

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

- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Class A

- E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 3 Construction of any buildings shall not be commenced until additional drawings that show details of the proposed new windows and doors to be used have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 Prior to installation of any meter cupboards on the external elevations of the dwellings hereby approved details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 5 Prior to its installation, further details of the refuse/recycling collection point for Plots 1-5 as indicated on Drawing No. 16/-275-002C shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter so retained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 6 Details of the design of the first floor window to the bathroom to the dwelling at Plot 48 shall have been submitted to and approved in writing by the local planning authority prior to its installation.

Reason

To ensure that the window is limited in its opening to prevent overlooking of the neighbouring garden.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to Condition 2 of this planning permission which removes permitted development rights for certain

alterations/extensions/development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.

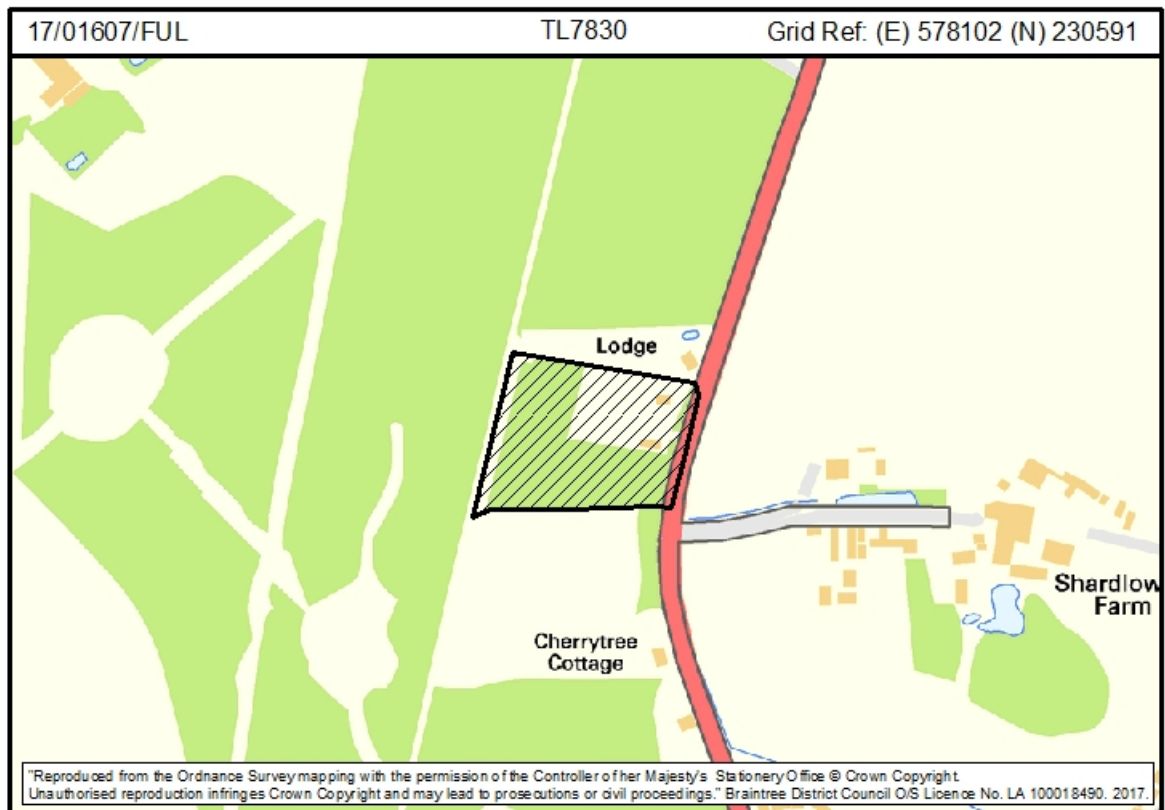
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 3 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site www.braintree.gov.uk

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01607/FUL DATE: 11.09.17
 VALID:
 APPLICANT: Marfleet Developments Ltd
 Sunnyfields Road, High Garrett, Braintree, Essex, CM7 5PF
 AGENT: Arcady Architects Ltd
 Mr Matthew Rollings, The Old Bakery, The Street, Pureigh,
 Chelmsford, Essex, CM3 6QL
 DESCRIPTION: Proposed development of 40 no. new residential dwellings
 LOCATION: Former Oil Depot, Land West Of, Hedingham Road,
 Gosfield, Essex, CO9 1PN

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

89/00905/P	Erection Of New Stores, Proposed Car Park And Barrel Ramp And	Granted	19.06.89
93/00869/FUL	Demolition Of Small Store Relocation of two horizontal cylinder tanks. Removal of earth banks and replacement with concrete walls. Replacement and relocation of vehicle loading gantry	Granted	02.08.93
14/01554/FUL	Proposed demolition of existing units 1, 2, and 3 and erection of new building	Granted	28.01.15
14/01555/FUL	The erection and refurbishment of a relocated Nissen hut (from Air Blast (East Anglia)Ltd) together with associated car parking provision	Granted	28.01.15
16/01412/FUL	Proposed additional parking	Granted	26.09.16
17/01153/AGR	2 new lagoons to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01172/AGR	1 no. new lagoon to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01575/FUL	Proposed lagoon to contain digestate (lagoon 3)	Pending Considerati on	
17/01576/FUL	Proposed lagoon to contain digestate (lagoon 2)	Pending Considerati on	
17/01577/FUL	Proposed lagoon to contain digestate (lagoon 4)	Pending Considerati on	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local

Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP51	Cycle Parking

RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP93	Public Realm
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, as the Development Manager, in consultation with the Chair and Vice Chair of the Planning Committee concluded that the effects of the development are considered to be significant.

SITE DESCRIPTION

The application site comprises 1.77ha of land located to the western side of Hedingham Road, Gosfield. Part of the site was formerly used as the oil depot for the adjacent airfield and appears now to be in use for storage. There was activity on the site at the time of the officer site visit and therefore it is reasonable to suggest that it is in use. This part of the site can reasonably be considered as previously developed land. The remaining area of the site remains undeveloped and densely covered with trees. The trees across the frontage of the site are protected by way of a Tree Preservation Order (REF: TPO 1/22-A2).

The site is served by an access off Hedingham Road and this is to be utilised for the proposed development. The site does not adjoin existing residential development, other than Orange Hall Lodge, a detached property immediately to the north of the site. The site backs on to a public footpath (Public Right of Way), which is also an unmade road and beyond this the Gosfield Airfield and associated commercial operations.

PROPOSAL

The application seeks full planning permission for 40no. residential units served from a single point of access off Hedingham Road. The development includes a mix of 1 bed flats, 2, 3 and 4 bedroom dwellings, of which 2no. are bungalows. The development would include 16 affordable housing units (40% of the total). The proposed layout also includes a Local Area of Play (LAP) and an area for surface water attenuation.

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

- Planning, Design and Access Statement
- Tree Survey and Protection Plan
- Arboricultural Impact Assessment
- Phase I Habitat Survey
- Geo-Environmental Assessment
- Transport Statement
- Flood Risk Assessment

CONSULTATIONS

ECC Highways – Object to the proposal on the basis of highway safety by way of the intensification in the use of the access and insufficient land in order to provide a footway extension in to the village.

BDC Ecology – No objections subject to conditions being attached to any grant of consent which require further surveys to be undertaken in respect of Great Crested Newts, Hazel Dormice and Reptiles.

BDC Landscape Services – The trees along the frontage are protected by TPO 1/77-A2. Some removal will be required in order to facilitate the access to the site. An arboricultural impact assessment and tree protection plan will need to be approved and in place before development starts. A suitable landscape scheme will be needed to provide replacement planting and the layout will need to absorb the space requirement for such planting.

BDC Housing Research – 16no. affordable dwellings meets with policy CS2 of the Core Strategy.

BDC Environmental Health – No objections subject to conditions concerning noise and vibration, dust control, burning of waste and contamination.

NHS England – Primary Healthcare mitigation is not required on this occasion.

ECC Flood and Water Management – Object on the basis of an inadequate surface water drainage strategy.

Essex Police – Would like the developer to achieve a Secured By Design award

ECC Education – Seek contributions in respect of childcare and early years and primary school provision in order to mitigate the impact of the development.

REPRESENTATIONS

Gosfield Parish Council – Support the application for the following reasons:

- The proposed development is sustainable
- The proposed development has good access links to the village
- The proposed development supports diversity with a good range and mix of housing
- The proposed development site has been empty for a number of years following its previous commercial use.

2 letters of objection have been received in response to the public consultation, the main points of which are summarised below:

- The site was submitted for consideration under the Local Plan and at this time the Parish Council did not support residential development as it would create a separate hamlet
- Unsustainable location with no bus route and poor pedestrian access to the village
- It develops a separate settlement from the main village, in direct contravention with the Parish Council's own policy on development
- It is ideal to remain as an industrial site
- The proposed number of homes is unsustainable for the village
- It is outside of the village envelope
- Poor public transport
- Doctors surgeries over subscribed

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelope for Gosfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The site is, in part previously developed land and the NPPF encourages the effective use of previously developed land.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

Part of the site was considered by the Local Plan Sub Committee in May 2016 (ref: GOSF 246) and was not allocated for development, given that there is no access by footpath to the village and its distance from the development boundary.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 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 five-year supply of deliverable housing sites’.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted’.*

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council’s forecast housing supply (as at 30 September

2017) is considered to be 4.97 years based on the Liverpool approach, it is 3.90 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Sustainable Development

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

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Para.55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of

sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church. The village is served by the no. 38/38A and no. 352. The no. 38 provides links to Halstead, Braintree, Witham, Cressing, Silver End and Rivenhall and is a ½ hourly service Monday to Saturday. The no. 352 links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

Gosfield does have a variety of amenities and facilities; however the site is located beyond the settlement limits, is disconnected from the village centre and is not within a reasonable walking distance of the site. Furthermore there is not a safe walking environment from the site. The plans show a new footway on the western side of Hedingham Road; however this is not achievable in practice (discussed further below). The application also relies on an existing footpath (Public Right of Way) to the rear of the site. Although this footpath link maybe beneficial for recreational purposes, this is not a favourable walking environment for connections to Gosfield village. The Public Right of Way is also used as a road, has no designated footway and is unlit. In addition you would have to traverse across a field in order to connect to Meadway. It is not considered that the presence of the Public Right of Way and a possible link to this satisfactorily addresses its poor connection to the village. Development in this location would undoubtedly place reliance on travel by car and this weighs against the proposal in the overall planning balance.

Part of the site can be considered to be previously developed land. The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value. This must however be considered in the context of the Framework as a whole. Although broadly the use of brownfield land to deliver housing would be preferable to releasing greenfield sites, when considering a brownfield site it is not the case that all other standards and policies are disregarded. The NPPF does not dictate or presume that the development of brownfield land should be granted planning permission without giving due consideration to all other material considerations, including securing sustainable development. Previously developed land is a consideration and has benefit in terms of sustainability, but it is not the sole determining factor.

To conclude, in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Gosfield village and a regular bus service, the site is disconnected from these, such it would not allow or encourage means of

travel, such as walking or cycling. This must be a factor in the overall planning balance.

The planning balance is concluded below.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

The application site is located beyond the village settlement and also divorced from the existing development. At this point along Hedingham Road, existing development has dissolved from the main settlement and is sporadic generally in individual or semi-detached plots. It is considered that site is detached and poorly related to the settlement and the development would result in an enclave of housing which is unrelated to the village and fails to integrate in to its setting. A development of this scale in this location would be completely at odds with the character of the settlement and impact upon the amenity afforded to the countryside by introducing 40no. units beyond settlement limits in a rural location whereby residential development is intermittent until the next settlement. Despite the brownfield nature of part of the site, it is not heavily developed with buildings or infrastructure. It is considered that the residential development of the site, together with the loss of trees, would urbanise the rural approach in to and out of the village and result in an unwarranted intrusion in to the countryside.

In order to facilitate the development a large area of trees will need to be removed. The preserved trees across the front of the site will be retained and thus the removal of the trees behind will not have a significant impact when viewing the site from Hedingham Road, however the trees are readily visible from the Public Right of Way to the west and contribute to the rural character of the location. The loss of these trees would be regrettable and landscaping cannot be accommodated within the site layout which would replace this verdant character.

The Design and Access Statement suggests that the site layout has been carefully designed to blend the development in to the village context. Officers

disagree and consider the design and layout has no sense of place nor a character which reflects either the village of Gosfield or has any sympathy to the countryside location. The proposed development is suburban in arrangement, density and architectural style which is not reflective of the context in which it would be situated and is unsympathetic to the rural attributes of the site. It is not considered that the site is suitable for the intense suburban development this proposal creates. Furthermore the development at depth is out of character with the immediate locality where development is much less concentrated than within the settlement limits.

The rear of the site backs on to a public footpath (Public Right of Way) which is also utilised by vehicular traffic. This area does however have a distinctly rural and isolated feel, with little perception of Hedingham Road and little if any appreciation of the activity associated with the adjacent airfield. The proposed development would result in an abrupt developed edge along the Public Right of Way resulting in an overly urban environment and an adverse impact upon the amenity afforded to the countryside and that enjoyed by users of the Public Right of Way.

The development includes a number of different dwelling designs presenting a varied collection across the site. The dwellings do appear as a cohesive collection but are somewhat over designed with a number of different elements which make for a rather contrived appearance.

The development includes the provision of affordable housing and this is clearly distinguishable in the proposed layout. The affordable tenure is treated to a specific design and with a lesser quality car parking arrangement and compromised rear garden areas, in terms of size and shape and relationship to the site boundaries. In addition the layout suggests an intentional segregation of tenures which has resulted in two large turning heads that are excessive and overly dominant at the western end of the site and are not interconnected. The layout is poorly conceived in this respect and fails to result in 'tenure blind' design.

The layout also fails to secure a high quality design for other reasons, for example car parking forward of the building lines is overly prominent, car parking poorly related to the dwelling which it serves (i.e. at plot 43) results in a poor level of amenity for future occupiers and the relationship between dwellings for example at plots 34 and 35 which gives rise to overlooking.

The layout includes a Local Area of Play (LAP). This isn't required by the Open Spaces SPD for a development of this number of units however it would be of benefit for future occupiers given the remoteness of the site from the play areas within the village. Notwithstanding this its position adjacent to car parking isn't favourable given the potential conflict.

To conclude, given the disconnected nature of the site from a settlement the development of the site for residential purposes would result in an enclave of housing which would be an unnatural and physically separate enlargement of the village and at a scale distinctly at odds with the immediate locality. The

proposal by way of the design and layout results in a development which is suburban in character, unrelated and fails to integrate successfully in to the countryside location in which it would be situated. The design and layout also fails to secure a high quality design or a good standard of amenity for future occupiers and cumulatively these weigh against the proposal in the overall planning balance. The proposal falls contrary to the above mentioned policies and fails to secure sustainable development in this regard.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Local Plan Review requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is well distanced in the main from residential properties, apart from Orange Hall Lodge which is immediately to the north of the application site, but separated by an access road. It is not considered that the proposed development would give rise to any unacceptable impact on the amenity of this neighbouring property, due to its layout and distance from the neighbouring property.

Highway Issues

The application is supported by a Transport Statement. This concludes that the development would have a negligible impact on the local highway network.

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel. The NPPF also requires developments which will generate significant amounts of movement to be supported by a Transport Statement and for decisions to take account of whether i) the opportunities for sustainable transport modes have been taken up and ii) whether safe and suitable access to the site can be achieved for all people.

Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in to the design and layout. Policy RLP50 of the Local Plan Review advises that development proposals will only be permitted where design and layout incorporates routes for cyclists. Policy RLP53 states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exists or there is potential for the development to be well served by public transport and the layout has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

A speed survey was undertaken on the 30th and 31st August 2017 whereby 85th percentile speeds were recorded at 43.1 mph north bound and 44.7mph south bound. The access is in the 40mph zone and therefore on average cars are travelling at a greater speed than the limit. In addition average daily traffic flows of 8557 two way trips were recorded.

The Transport Statement considers that the development will generate 38 two way trips in the AM peak hour (08:00 -09:00) and 31 two way trips in the PM peak hours (17:00 -18:00) and a total of 300 two way trips daily.

The Transport Statement suggests a potential traffic reduction when compared to the trip generation of the extant use. No details are given as what the extant use has been considered as. Officers question whether the current use would generate in excess of 300 two way trips. The Transport Statement is also contradictory in that it states that the development will generate 300 potential two ways trips in one paragraph, but 206 two way trips in another.

The Highway Authority considers that the required visibility from the access can be achieved; however they raise concern with regards to the intensification in the use of the access by 40no. residential units. The A1017 (Hedingham Road) is a main distributor, the function of which is to carry traffic safely and efficiently between major centres within the county. Policy DM2 of the Highway Authority's Development Management Policies states the following for Strategic/Main distributors:

The Highway Authority will protect the function of Strategic Routes/Main Distributors between defined settlement areas by:

- i. prohibiting direct access;
- ii. prohibiting intensification of use of an existing access;
- iii. requiring improvements to existing substandard accesses.

It is acknowledged that the access is existing and that some degree of conflict to the passage of through vehicles already occurs, however the proposal will intensify the use of the site access which will be detrimental to the highway efficiency of movement, capacity and safety. It is not considered that the transport statement provides evidence to persuade otherwise.

The plans show the introduction of a footpath from the site access heading south to join to an existing footway near to Cherrytree Cottage. The Highways Authority have considered this and are of the opinion that it would not be possible for this to be provided. Although the proposed drawing shows sufficient land available, given the presence of a roadside ditch, this isn't the case. As such to leave the front of the site on foot would require walking along the A1017, which given the volume and speed of vehicles would be detrimental to highway and pedestrian safety. This will deter pedestrian movements from the site and result in trips being made using a car rather than more sustainable modes of transport.

OTHER MATTERS

Surface Water Drainage

The application is supported by a Flood Risk Assessment which has been revised during the course of the application.

Essex County Council as Lead Local Flood Authority has considered the assessment provided and continues to object on the basis that it has not been demonstrated that a 50% betterment in run off rate for a 1 in 1 year and 1 in 30 year event can be achieved. Although the storage has been provided for the 1 in 100 year event, this would be based on a higher run off rate than would be acceptable for all storm events and this would need to be revised in accordance with the suitable run off rates for each event.

The application is refusable on this basis; given the conflict with the NPPF, policy CS8 of the Core Strategy and policies RLP69 and RLP71 of the Local Plan Review, however it is acknowledged that should the betterment required be demonstrated this reason could be overcome.

Ecology

The application is supported by an Extended Phase 1 Habitat Survey. The Council's Ecologist has considered the report and is of the opinion that it has been sufficiently demonstrated that provided the suggested mitigation is followed, the impacts on protected species will be neutral. Further survey work in respect of Great Crested Newts, Hazel Dormice and Reptiles can be secured by condition.

Contamination

The application is supported by a Geo-environmental report which has been reviewed by the Council's Environmental Health Team. The content of the report is considered to be satisfactory. The report outlines the need for further gas monitoring of the site or the provision of gas protection measures. There is some suggestion of the proposed remediation of the site, which the Environmental Health Officer is in broad agreement with, however a more detailed remediation scheme to include details of validation measures is also required. This can reasonably be secured by way of condition on any grant of consent, if the LPA were to approve the development.

S106

Paragraph 204 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to

secure though a planning obligation, if it were preparing to grant it permission and the applicant has agreed to enter in to a S106 agreement in respect of these matters.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council's Housing Enabling Officer has advised on a mix of type and tenure of housing which would be sought and this corresponds to that proposed within the application.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make a financial contribution in respect of open space. Based on the proposed housing mix the contribution would be £43,768.70.

Education – CS11 of the Core Strategy states that the Council will ensure that the infrastructure services and facilities required to provide for the future needs of the community are delivered. Essex County Council has advised that there is insufficient capacity within Early Years and Childcare, Primary Schools and Secondary School transport in order to meet demand from this proposal. Based on the details provided the contributions would be requested to sums of £50,962 (Index Linked to April 2017) for Early Years and Childcare, £148.998 (index linked to April 2017) to mitigate its impact on local primary school provision and £26,046.50 for Secondary School Transport given that there is no safe walking route to the nearest secondary school.

No S106 has been prepared during the course of the application (in light of the application being refused for other reasons) and therefore this forms a reasonable reason for refusal.

CONCLUSION AND PLANNING BALANCE

As set out above the development of new housing will always bring benefits, but those benefits do not always outweigh all other considerations. Para. 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole; or ii) specific policies of the Framework indicate development should be restricted.

In this particular case Officers have concluded that specific policies of the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

In such circumstances the Local Planning Authority must undertake the tilted planning balance to consider whether any impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

It is acknowledged that the provision of housing would bring social and economic benefits, and would contribute towards the District's 5 year housing supply and deliver affordable housing and this should be given significant weight. In addition the development will bring about other economic benefits including the creation of construction jobs and increased demand for local services. Moreover the development would re develop a site which is in part brownfield, albeit the site is not redundant.

Nonetheless it is considered that the site is in a location which is, beyond reasonable walking distance to the services and facilities in Gosfield village. Furthermore the site does not benefit from a safe or convenient pedestrian link to the village which would encourage sustainable modes of travel. Development of the site for residential purposes would place an undeniable reliance on travel by private car, contrary to the aspirations of the NPPF, Policy CS7 of the Core Strategy and Policy RLP53 of the Local Plan Review.

In addition the disconnected nature of the site from the settlement results in an enclave of housing which would be an unnatural and disassociated adjunct to the village, remote from the settlement and distinctly at odds with the immediate locality, impacting upon the visual amenity afforded to the countryside location and the character of the settlement. Moreover the proposed design and layout is overly urban for this context and the scheme fails to secure a high quality design or a good level of amenity, conflicting with the NPPF, policies CS5, CS8 and CS9 of the Core Strategy and policies RLP2, RLP9, RLP10, RLP80 and RLP90 of the Local Plan Review.

Policy DM2 of the Highway Authority Development Management Policies specifically prohibits the intensification of use of an existing access on a Strategic Route/Main Distributor. The application fails to demonstrate to the satisfaction of the Highway Authority that the intensification in the use of the access would be acceptable to highway efficiency, capacity and safety.

The proposal also fails to demonstrate a sufficient surface water drainage strategy contrary to the NPPF, policy CS8 of the Core Strategy and policies RLP69 and RLP71 of the Local Plan Review.

In this case it is considered that the adverse impacts significantly and demonstrably outweigh the benefits and accordingly the proposal fails to achieve sustainable development and planning permission should be refused.

In addition a S106 Agreement has not been secured to ensure the provision of on-site affordable housing or financial contributions towards public open space, early years and childcare, primary school provision in order to mitigate the impacts of the development in these respects.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application REFUSED for the following reasons:-

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal introduces 40no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Facilities and amenities are beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car.

In addition the disconnected and divorced nature of the site from the settlement results in an enclave of housing which would be an unnatural enlargement of the village and at a scale distinctly at odds with the immediate locality, of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore the proposal by way of the design and layout results in a development which is suburban in character, unrelated to its context and failing to integrate in to the countryside location in which it would be situated and failing to secure a high standard of design or good level of amenity for future occupiers.

Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, policy CS5, CS7, CS8 and CS9 of the Core Strategy and policies RLP2, RLP9, RLP10, RLP53 RLP80 and RLP90 of the Local Plan Review.

- 2 The A1017 (Hedingham Road) is a main distributor, the function of which is to carry traffic safely and efficiently between major centres within the county. Policy DM2 of the Highway Authority's Development Management Policies specifically prohibits the intensification of use of an existing access.

The proposed development will intensify the use of an access on a main distributor and fails to sufficiently demonstrate that this will not be detrimental to the highway efficiency of movement, capacity and safety. The proposal conflicts with the NPPF and policy DM2 of the Highway Authority's Development Management Policies (2011).

- 3 Planning policy as set out in the National Planning Policy Framework, Policies RLP69 and RLP71 of the Braintree District Local Plan Review

and Policy CS8 of the Core Strategy seek to ensure that sustainable drainage systems for the management of surface water run-off are put in place and that development will not increase flood risk on site or elsewhere.

The proposed development may present risks of flooding on and off site if surface water run-off is not effectively managed. In this case insufficient information has been submitted to address the issue of surface water run-off and flood risk in order to demonstrate that the proposed development will not give rise to an increased flood risk on site or beyond the site. The proposal therefore fails to accord with the policies referred to above.

4 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- A financial contribution towards public open space
- On site affordable housing
- A Financial contribution towards Early Years and Childcare
- A financial contribution towards Primary School Provision

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to policies CS10 and CS11 of the Core Strategy (2011), policy RLP138 of the Local Plan Review (2005) and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

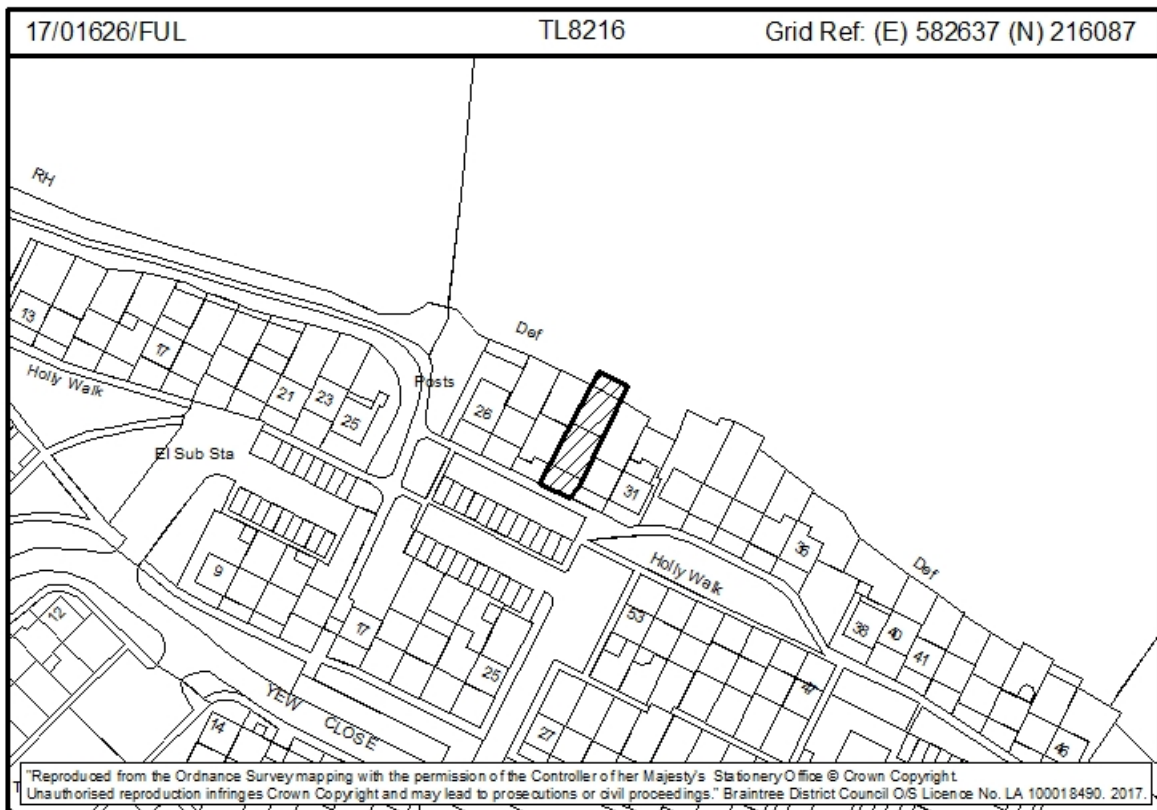
Highway Plan	Plan Ref: 16/10/15
Site Plan	Plan Ref: 16/10/04
Location Plan	Plan Ref: 16/10/01 A
Street elevation	Plan Ref: 16/10/05
Proposed Plans	Plan Ref: 16/10/06
Proposed Plans	Plan Ref: 16/10/07
Proposed Plans	Plan Ref: 16/10/08
Proposed Plans	Plan Ref: 16/10/09
Proposed Plans	Plan Ref: 16/10/10
Proposed Plans	Plan Ref: 16/10/11
Proposed Plans	Plan Ref: 16/10/12
Proposed Plans	Plan Ref: 16/10/13
Site Plan	Plan Ref: 16/10/14
Existing Sections	Plan Ref: 16/10/16

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 17/01626/FUL DATE 19.09.17
 NO: VALID:
 APPLICANT: Mr Barratt
 29 Holly Walk, Witham, Essex, CM8 2PN
 DESCRIPTION: Change of use of land to extend the boundaries of the
 garden by removing the existing rear wall and extending the
 fencing to encompass the new area.
 LOCATION: 29 Holly Walk, Witham, Essex, CM8 2PN

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



SITE HISTORY

90/00291/PFWS	Erection Of Single Storey Rear Extension	Granted	19.03.90
90/00292/PFWS	Erection Of Two Storey Extension	Refused	18.04.90

POLICY CONSIDERATIONS

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

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

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP25	Garden Extensions within Built-Up Areas
RLP26	Garden Extensions into the Countryside
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Garden Extensions
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as Witham Town Council raise objections to the proposal which is contrary to officers recommendation.

SITE DESCRIPTION

The site comprises a mid-terraced dwelling located within a 1960's style local authority style housing estate. Many of the dwellings are in private ownership, however, a large proportion are still owned and maintained by Greenfields Housing Association. The dwelling has been extended to the rear at single storey height and there is a small outbuilding within the garden. The remaining garden measures 8 metres in depth and beyond this is a border of scrub land which is largely in the ownership of Greenfields Housing Association. This land forms a buffer between the housing development and what was, an agricultural field, behind. It should be noted that the rear garden boundaries along this part of Holly Walk do not follow a defined line and some of these gardens have been extended without planning permission.

In terms of the wider context, a new housing development is currently being constructed along Forest Road. This development, to be known locally as Rivenhall Park, comprises up to 373 residential units and abuts the boundary

of the application site and the shrub land buffer mentioned above. During the course of clearing the site for the Rivenhall Park development, all shrubbery has been cleared along this part of the development site, and as a result the buffer has been reduced and the visibility of the older housing development, including Holly Walk is more visible.

PROPOSAL

The applicant seeks planning permission for the change of use of a section of land to the rear of their garden, which measures 4.5 metres in depth by 7.2 metres in width. This piece of land once formed part of a strip of shrub land located along the rear gardens of Holly Walk and was within the ownership of Greenfields Housing Association.

CONSULTATIONS

Witham Town Council

Witham Town Council recommends refusal of the application on the grounds that an extension of the garden would be out of line with the existing neighbouring fence lines and would pose a detriment to a strategically retained strip of land providing a buffer between the current dwellings and the new Forest Road estate.

Braintree District Council Landscape Services

The boundary on the adjacent property to 29 (30) has a large mature shrubby pine (evergreen tree) overhanging on the edge of the garden which will soften the impact of a small section of close board fencing at 29. There should also be sufficient margin on the edge of the Rivenhall Park development to allow for some further screening. Consequently, the visible impact of the proposal will be minimal when viewed from the Rivenhall Park side.

REPRESENTATIONS

None

REPORT

Principle of Development

In identifying the relevant policies with the Braintree District Local Plan Review, the site straddles the settlement boundary, whereby the dwelling and its garden sit inside the settlement boundary. The parcel of land relevant to the proposed change of use, sits outside of any defined settlement boundary. Therefore the relevant policies in this case would be Policy RLP 25 (garden extensions within built up areas) and Policy RLP 26 (Garden Extensions into the Countryside).

These policies state that extension of private gardens will be considered in relation to their likely impact on the surrounding area, ensuring that there would be no impact in terms of loss of areas of wildlife value or loss of shrub, tree planting, or flower beds, unless satisfactory arrangements for their reinstatement are agreed. In countryside locations, garden extensions would only be permitted if there would be no significant increase in residential impact, no material adverse effect on the surrounding countryside, loss of existing trees, shrubs or hedgerows, nor, would there be a material adverse effect on the amenities of neighbouring properties.

Where proposals for the extension of private gardens are considered acceptable in principle, in order to secure privacy and attain a good standard of visual amenity for the countryside, the planting and retention thereafter of native species trees and hedging will be required. Any walls, fences or other forms of boundary treatment will need to be in keeping with the character of the area.

Policy LPP 43 of the Emerging Braintree District Publication Draft Local Plan States that extension to a garden within a defined settlement boundary or the countryside will only be permitted where all the following criteria are met;

- a. The size of the garden extension is proportionate with the size of the dwelling
- b. There is no material adverse impact on the character and appearance of the surrounding countryside or street scene or any heritage asset and their setting
- c. It would have no adverse impact on the amenity of neighbouring properties
- d. It does not enclose areas intended for amenity open space including, but not limited to those identified on the Proposals Map for visually important open space, allotments, informal or formal recreation
- e. There would be no loss of protected natural features, or areas of high wildlife value

In this case it officers consider that the change of use of this piece of land would be acceptable in principle, subject to compliance with the above mentioned policy criteria.

Design, Appearance and Layout

In this case the main issues appear to be the impact that the change of use would have in terms of the loss of part of the landscape buffer which exists along the boundary of the site and its visual impact across wider views.

In terms of visual impact, the landscape buffer currently comprises an un-kept area of tall grass and hawthorn and bramble bushes. A photograph taken from the Rivenhall Park development clearly shows that the planting is of low quality cannot be considered to be a valuable landscape buffer which would provide a substantial level of screening. In clearing the site, the developer of Rivenhall Park has removed what boundary planting there was within their

ownership and therefore, officers consider that the impact on the current level landscaping would be negligible.

Therefore, officers conclude that the removal of the landscape buffer to facilitate the change of use to extend the garden depth by 4.5 metres would not be significant enough to warrant its refusal given the quality of the existing landscape buffer and the loss of wider countryside views into the site as a result of the implementation of the Rivenhall Park development.

In terms of visibility, it should be noted that the applicant has provided information in relation to the type of boundary treatment they wish to use, which comprises a 1.8 metre high close boarded fence. Members should be made aware that the erection of a fence, wall or other means of enclosure can be constructed up to 2 metres high in this location without the requirement for planning permission.

Therefore whilst the use of a fence along this boundary would be visible, it can be erected without planning permission and therefore is outside of the control of Development Management.

Part of the planning permission for Rivenhall Park, included a condition which requires the submission of a landscaping scheme prior to the occupation of the dwellings. The landscaping scheme should be submitted in accordance with the general principles established in the Outline Landscape proposals (as shown on drawing PR043/01). This would give the local planning authority the opportunity to address the lack of planting along this boundary and ensure that what remains of the current landscape buffer is reinforced.

Impact on Neighbour Amenity and Noise

In terms of impact on neighbouring amenity, officers consider that the proposed change of use would not remove any useable space, set aside for the public, nor would the use as a garden impact on any of the neighbouring dwellings. The proposal is therefore consideration compliant with the abovementioned policies.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan

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

Reason

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

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

Reason

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

TESSA LAMBERT
DEVELOPMENT MANAGER