

PLANNING COMMITTEE AGENDA

Tuesday, 28 August 2018 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 Lady Newton
Councillor Mrs L Bowers-Flint	Councillor Mrs I Parker
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood
Councillor H Johnson	Councillor P Schwier
Councillor S Kirby	Councillor Mrs G Spray
Councillor D Mann	

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
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 clear working days before the day of 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.

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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

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 31st July 2018 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5a | Application No. 17 01081 FUL - Land adjacent to Oxford House, Upper Holt Street, EARLS COLNE | 5 - 20 |
| 5b | Application No. 18 00690 OUT - Land South of Brook Street, COLNE ENGAINE | 21 - 35 |
| 5c | Application No. 18 01162 FUL - Land adjacent to 27-29 Sloe Hill, HALSTEAD | 36 - 47 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|---|----------------|
| 5d | Application No. 18 00872 FUL - Garden House, Church Hill, WHITE NOTLEY | 48 - 58 |
|-----------|---|----------------|

5e	Application No. 18 01024 FUL - 54 Mountbatten Road, BRAINTREE	59 - 65
5f	Application No. 18 01175 FUL - 15 Shalford Road, RAYNE	66 - 74

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

Page

8 Urgent Business - Private Session

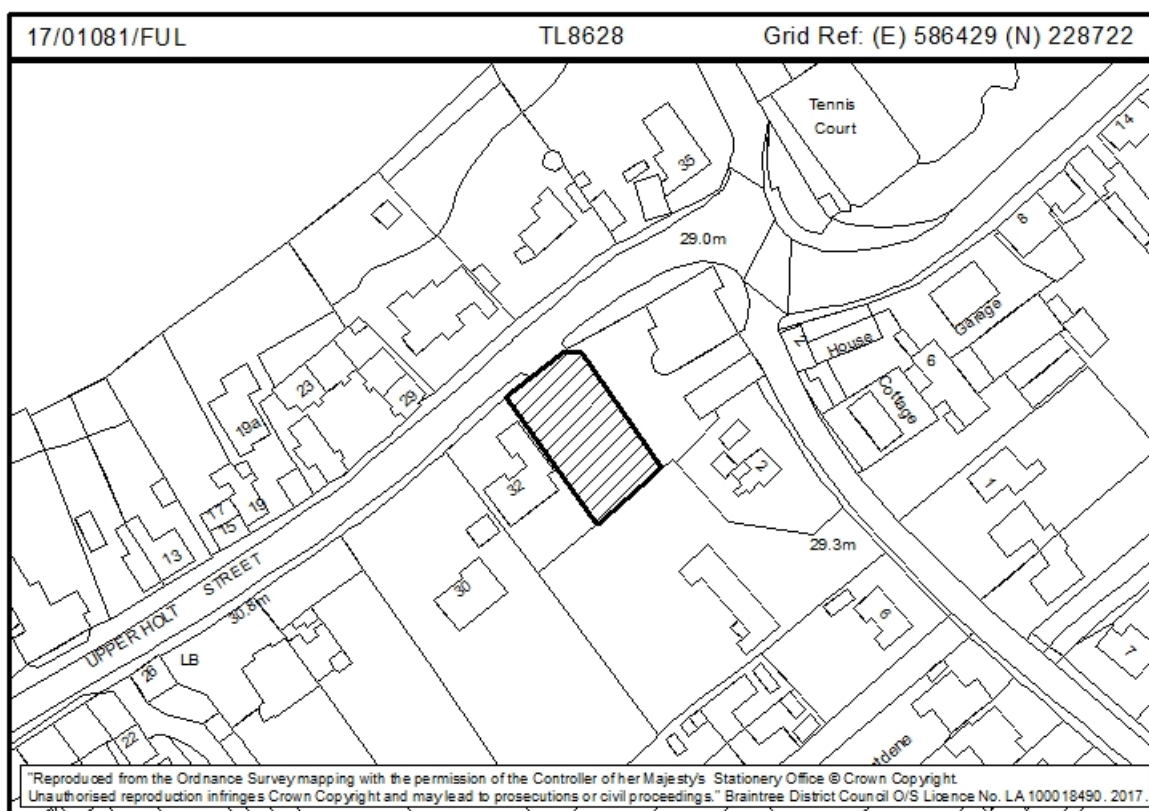
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 17/01081/FUL
DATE: 31.07.17
VALID:
APPLICANT: Mr Pascoe
Oxford House, Upper Holt Street, Earls Colne, Essex, CO6 2PG
AGENT: Cox Design And Planning
Mr Charlie Barber, 12 Atlas Works, Earls Colne, Essex, CO62TE
DESCRIPTION: Erection of 2 no. dwellings
LOCATION: Land Adjacent Oxford House, Upper Holt Street, Earls Colne, Essex, CO6 2PG

For more information about this Application please contact:
Mr Andrew Martin on:- 01376 551414 Ext.
or by e-mail to: andrew.martin@braintree.gov.uk



SITE HISTORY

00/01171/FUL	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
00/01172/LBC	Extension to lean-to roof to form canopy over extractor fans and meter housing and installation of louvred vents	Granted	31.10.00
01/00859/FUL	Proposed alterations to conservatory	Granted	12.07.01
01/00860/LBC	Proposed alterations to conservatory	Granted	16.07.01
84/00473/P	Alterations to bar area and re-siting of cellar and toilets.	Granted	31.07.84
88/00113/E	Hanging Sign		
88/01673/P	Erection Of Conservatory	Granted	02.11.88
88/01674/P	Erection Of Conservatory	Granted	02.11.88
88/02453/P	Display Of Illuminated Illustrated Hanging Sign	Granted	31.01.89
89/00686/P	Surfacing Of Car Park And Display Of Three Sign Boards	Granted	31.05.89
89/01191/P	Display Of Non Illuminated Signs	Granted	24.08.89
90/00654/PFHS	Demolish Outbuildings And Erection Of Two Storey Side Extension	Refused	29.05.90
91/00305/PFHS	Demolition Of Outbuilding And Erection Of Outbuilding For Use As Guest Bedroom Units And Stores	Granted	06.06.91
91/00306/PFHS	Demolition Of Outbuilding And Erection Of Outbuilding For Use As Guest Bedroom Units And Stores	Granted	06.06.91
99/01641/LBC	External and internal alterations	Granted	03.02.00
06/01292/LBC	Installation of ceilings, new staircase to first floor.	Granted	22.08.06
09/00650/FUL	Alterations to bar/cellar Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self contained flat)	Withdrawn	21.07.09
09/00651/LBC	Internal Alterations	Granted	17.07.09
09/01195/FUL	Change of use from A3/A4 to residential (Conversion of	Granted	10.11.09

09/01207/LBC	ground floor bar/restaurant to a three bedroom self contained flat) Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant to a three bedroom self contained flat)	Granted	10.11.09
14/00587/FUL	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works)	Granted	06.02.15
14/00588/LBC	Change of use from A3/A4 to residential (Conversion of ground floor bar/restaurant into two self-contained flats and associated works) and erection of a detached two storey dwelling and associated works)	Granted	03.02.15
16/01083/DAC	Application for approval of details reserved by condition nos. 1-20 of approved application 14/00587/FUL	Granted	22.08.16
16/01463/DAC	Application for approval of details reserved by condition nos. 1-5 of approved application 14/00588/LBC	Part Grant, Part Refused	01.12.16
17/00261/DAC	Application for approval of details reserved by condition no. 4 of approved application 14/00588/LBC	Granted	23.03.17
17/00758/FUL	Conversion of existing barn to 1no. one bedroom single storey dwelling	Withdrawn	11.07.18

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

In accordance with paragraph 48 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 48 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
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement
Village Design Statement
Open Space SPD

INTRODUCTION

This application is brought before the Planning Committee as Earls Colne Parish Council has objected to the proposal, contrary to officer recommendation.

SITE DESCRIPTION AND CONTEXT

The application site is adjacent to Oxford House, the former Carved Angel public house, which is a Grade II Listed Building in Upper Holt Street. It once formed part of the car park to this building but is no longer in use. It is within the Village Envelope of Earls Colne and within a designated Conservation Area.

Planning permission and listed building consent were granted in 2014 for the residential conversion of the ground floor (the first-floor was already in residential use), under application reference 14/00587/FUL and 14/00588/LBC. These permissions include the provision of a single detached dwelling in the same location as the current proposal. Whilst the 2014 applications have been implemented, insofar as the conversion is concerned, the dwelling has not been constructed. The new dwelling could therefore still be implemented.

PROPOSAL

This application seeks permission for the erection of two, three bedroom, semi-detached dwellings on the same site as the previously approved single dwelling.

The design of the front elevation proposed is similar to that which has already been approved. It is of a traditional style, taking the form of a handed pair, with bay windows at ground-floor and externally expressed chimneys to the gable-ends.

To the rear of the main body of the dwellings two projections are proposed. These projections have been amended during the course of the application and are now reduced in both height and depth.

Other changes made since the initial submission primarily relate to the architectural detailing and material finishes which have been enhanced on all elevations. Notably, the side and rear elevations are no longer blank expanses of fenestration, with simple windows and bi-fold doors, rather they incorporate more material differentiation and details of interest to break up the elongated form.

Overall the proposed dwellings would measure approximately 7.2 metres in height, 11 metres in width and 14.3 metres in depth. The materials proposed are brick and render with a slate roof.

It is also noted that the proposed dwellings have been set back further from the highway to accommodate off-street parking provision to the front of the site. A further access from the highway is also being sought, towards the west side of the site, to serve the shared driveway proposed. The driveway would have the capacity to provide four off-street spaces with two for each property.

CONSULTATIONS

Essex County Council Highways Authority – from a highway and transportation perspective the impact of the proposal is acceptable, subject to conditions.

Historic Buildings Consultant – initially objected to the proposal in relation to the design and not the principle. Following amendments to the design of the proposal this objection has been withdrawn, subject to conditions.

Earls Colne Parish Council – notes the revised/additional plans but wishes to reiterate previous objection comments made on 17 August 2017, as follows:

- Design of the two dwellings would not fit in with current street scene

- Previous application for a single dwelling allowed for a turning circle for vehicles. Two dwellings create additional vehicles with a need to enter or leave by reversing from or onto the public highway, which would be extremely hazardous at this particular location.

Ramblers Association – comment received in relation to the impact of the proposal on public footpath 50, which runs to the rear of Oxford House, as it is unclear on the plans if this will be interfered with.

Braintree Drainage – based on the information supplied and records held by this authority, this department is unaware of any surface water issues affecting this site.

REPRESENTATIONS

One letter of support received from the neighbour at No. 32 Upper Holt Street. The content of the comments relate to access rights for maintenance of their property.

Private access rights are a civil matter and are not a material planning consideration.

REPORT

Principle of Development

Central to the Government's planning policies and objectives within the National Planning Policy Framework is a presumption in favour of sustainable development. This means that proposals which accord with the local planning authority's Development Plan should be approved without delay.

Policy RLP3 of the adopted Local Plan states development within existing Town Development Boundaries and Village Envelopes will be permitted, subject to satisfying various criteria including amenity, design, highways, heritage and environmental considerations.

The site is within the established Village Envelope and Conservation Area for Earls Colne. There is also an existing planning permission on the site for the erection of a single dwelling, which must also form a material consideration in the determination of this application.

The principle of development is therefore considered to be acceptable.

Design and Appearance / Heritage

The National Planning Policy Framework (NPPF) sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, as it creates better places in which to live and work, whilst helping to make development acceptable to communities.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF explains that local authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy CS9 of the Core Strategy and Policy RLP90 of the adopted Local Plan reflect the NPPF by seeking the highest possible standards of design and layout in all new development. Amongst other matters they also require development to respond to local context, especially where it affects the setting of historic or important buildings, conservation areas and areas of the highest archaeological sensitivity.

Policy RLP95 of the adopted Local Plan seeks to preserve and enhance the character and appearance of designated Conservation Areas and their settings, including the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of the designated areas. Applications which fail to preserve or enhance the Conservation Area will be refused.

Policy RLP100 states that development involving internal or external alterations, extensions and partial demolitions to a listed building or structure (including any structures defined as having equivalent status due to being situated within its curtilage), and changes of use will only be permitted if the proposed works or uses;

- (i) do not harm the setting, character, structural stability and fabric of the building (or structure); and
- (ii) do not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The aforementioned policy objectives are also present in emerging Policies SP6, LPP50, LPP55, LPP56 and LPP60 of the draft Local Plan.

The Earls Colne Village Design Statement identifies the application site as being within the historic core of Earls Colne, where it is recommended that new buildings should be consistent in style with surrounding buildings and should reflect the local architectural heritage. It is also recommended that the Lower and Upper Holt Street area should be retained as primarily residential in nature.

Oxford House is a timber framed building, of fourteenth century construction, which the historic building record submitted suggests was associated with the

manor centred on the Priory (formerly located directly north of the site). It is a Grade II Listed Building for its architectural and historic significance.

The site is also in a prominent location, due to its proximity to the junction between Upper Holt Street and Tey Road, as well as the slight curvature of Upper Holt Street emphasising its presence. Oxford House is therefore a prominent and significant building, making a positive contribution to the character and appearance of the Earls Colne and White Colne Conservation Area.

The site is currently an open area to the rear of Oxford House, which previously formed the associated car park for the building, when it was in use as a public house.

In principle the subdivision of the proposed built form into two semi-detached dwellings is not objectionable. This is because the proposed dwellings would not significantly differ in footprint to the previously approved single dwelling. Notably, the proposed dwellings would, when compared to the dwelling already approved, represent a 26% increase in ground-floor space and a 35% increase in gross floor space. This increase in floor space is largely due to an increase in first-floor space and a more regular width from the front to the back of the proposed dwellings.

Concerns had previously been raised in relation to the original design of the proposed dwellings. The concerns primarily related to the rear projections and their unsympathetic relationship to the main body of the dwellings, their surroundings and the identified heritage assets. Since then revised drawings have been submitted in which the overall massing and scale of the rear projection has been reduced.

Notably, the rear projection has been reduced by 11% in depth and 13% in height, resulting in a more subordinate form. It is also noted that the revised proposal would represent a reduction in maximum depth when compared to the previously approved dwelling.

Moreover, the revised proposal has made changes to the elevation design, as a means of overcoming initial concerns relating to the unbroken elongated elevations and the over-proliferation of fenestration.

For instance, soldier course lintels, brick plinths, in addition to timber-framing to the first-floor section of the rear elevation, have all been incorporated to create an additional degree of material differentiation. Furthermore, a new bay window has been added to the west-side elevation, whilst the first-floor windows have been emphasised by gable roof forms.

These amendments, when viewed collectively, reduce the visual impact and massing of the dwellings, while also providing architectural details of interest which break up the appearance of the built form.

Therefore, whilst the proposed dwellings would be larger in massing than the previously approved dwelling, on balance, it is considered that the extent of the change in size and design would not result in material harm when compared to what has already been approved and can be implemented on the site.

Consequently, the setting of the listed building would not be harmed by the proposed development and it is also considered the proposal would preserve the character and appearance of the Conservation Area.

Impact on Neighbour Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the adopted Local Plan and Policy LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

In this instance the proposal would maintain an acceptable relationship with all neighbouring properties. This is because the placement of windows with the side elevations have not materially changed from the previously approved dwelling. Further, the placement of the dwelling in relation to neighbours, is not considered to result in any undue harm to residential amenity.

Consideration must also be given to the relevant standards in terms of amenity space. The Council has adopted the Essex Design Guide (EDG) which recommends minimum garden sizes of 100 square metres for a three-bedroom or more dwelling. The site plan submitted indicates that the dwelling on the west-side of the site would have a rear amenity space of 82 square metres, whereas, the dwelling on the east-side of the site would have a rear amenity space of 80 square metres.

Despite the proposal falling below the minimum standard, set by the EDG, there are no nationally recommended minimum standards for external amenity space. Subsequently, given the scale of the development and the degree of the shortfall, both dwellings would benefit from a good standard of useable space without prejudice or overlooking. To ensure that this level of amenity would not be compromised in future a condition has been attached to remove relevant permitted development rights.

Therefore, on balance, the level of amenity space proposed is not considered to be so harmful as to warrant a refusal.

The internal amenity proposed for each dwelling is compliant with the nationally described space standards.

Highway Issues

Policy RLP56 of the adopted Local Plan requires that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

As such, for the two dwellings proposed, four off-street parking spaces are required, all of which need to comply with the aforementioned space dimensions. The proposed site plan indicates that this level of parking would be accommodated on the hardstanding to the front of the proposed dwellings.

The proposed site plan also indicates that there would be two vehicular accesses to the site. The access closest to the western boundary of the site is a re-used access which was approved under the previous application. The new access would be towards the eastern boundary of the site and would have a very similar relationship to the highway as the re-used access.

Essex County Council Highways have been consulted on the application and have returned no objection. Notwithstanding, conditions have been recommended and attached, in the interest of maintaining highway safety.

Comments have also been received from the highway authority and the Ramblers Association with regards to the impact of the proposal on public footpath 50. This is because the footpath runs to the rear of Oxford House and is in close proximity to the north-east corner of the application site.

Officers have reviewed the safeguarding and have concluded that, whilst the footpath would be close to the site boundary, there would be no obstruction of footpath 50. However, for the avoidance of doubt, as the concern relates to land-ownership, an informative has been attached advising that the footpath should be kept clear of obstruction.

PLANNING BALANCE

In the context of a shortfall in the 5 year housing land supply, paragraph 11 of the NPPF requires the LPA to assess whether there are specific policies of the NPPF (footnote 6) that indicate that development should be restricted. No such policies are considered to apply to the development the subject of this application. In such circumstances, paragraph 11 of the NPPF requires the LPA to apply the 'tilted balance', by assessing whether any adverse impact of granting permission would be significantly and demonstrably outweigh the policies in the NPPF taken as a whole.

As set out in Paragraph 8 of the NPPF, sustainable development has three dimensions; an economic objective (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support

growth, innovation and improved productivity); a social objective (supporting strong, vibrant and healthy communities, by providing the supply of housing required and by fostering a well-designed and safe built environment, with accessible services and open spaces); and an environmental objective (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation as they are mutually dependent.

In terms of benefits, the proposal would provide an acceptable development in accordance with social objectives, whilst also providing an economic benefit during construction. With regards to the housing supply shortfall, whilst the provision of two dwellings would be limited, it will nevertheless make a contribution.

Taking into account the above, conducting the planning balance in the context of Paragraph 8 and 11 of the NPPF, it is considered that while there would be a shortfall in rear amenity space, this harm would not be significant and demonstrably outweigh the economic and social benefits in the tilted balance. It is therefore considered the development is acceptable.

CONCLUSION

In conclusion, the proposal would provide a residential development without material harm to the character or appearance of the surrounding area, the amenity of neighbouring residents or highway safety.

Therefore, it is considered to be an acceptable form of development within an existing defined settlement.

The application is therefore recommended for approval.

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

Floor Plan	Plan Ref: 299HGR_101_001_01	Version: A
Proposed Elevations	Plan Ref: 299HGR_101_001_02	Version: B
Site Plan	Plan Ref: 286OH-101-001-03	Version: A
Location Plan	Plan Ref: 299HGR_101_002	

- 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

To ensure that the development does not prejudice the appearance of the Conservation Area.

- 3 Above ground construction of any building shall not be commenced until additional drawings that show details of proposed new windows, doors, cills, lintels and surrounds to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the approved details.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 4 Above ground construction of any buildings shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 5 Prior to their installation details of all gates/fences/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, heights and materials of the screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of the building hereby approved and shall be permanently retained as such.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 6 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local

planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the building or upon the completion of the development whichever is the earlier.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

To enhance the appearance of the development and in the interests of amenity and privacy.

- 7 Prior to occupation of the development, the access onto Upper Holt Street at its centre line shall be provided with a 2.4 metre parallel band visibility splay across the whole of the sites frontage, (land edges red and blue), as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

- 8 No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking shall be retained in this form at all times and is not to be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the Council's adopted Parking Standards.

- 10 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 Classes A, B, C, D and 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.

- 11 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

INFORMATION TO APPLICANT

- 1 This permission shall not be deemed to confer any right to obstruct the public footpath crossing/abutting the site, which shall be kept open and unobstructed at all times unless legally stopped up or diverted.

- 2 There shall be no discharge of surface water on to the highway.

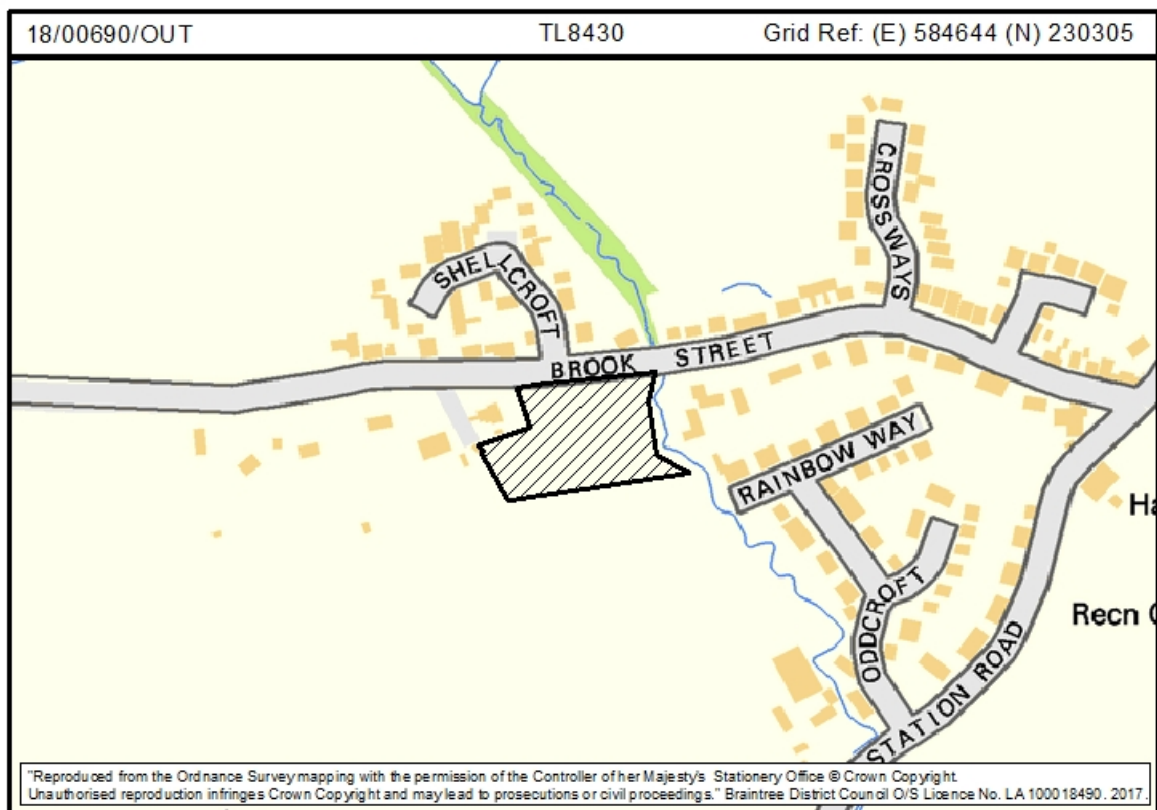
All works within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

CHRIS PAGGI - INTERIM DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00690/OUT DATE: 16.04.18
 VALID:
 APPLICANT: Granville Developments
 Mr & Mrs G & D Courtauld, C/o Agent
 AGENT: Edward Gittins & Associates
 Mr Edward Gittins, The Counting House, High Street,
 Cavendish, Sudbury, CO10 8AZ, Suffolk
 DESCRIPTION: Outline Application with all matters reserved for up to 7 No.
 Dwellings
 LOCATION: Land South Of, Brook Street, Colne Engaine, Essex, CO9
 2JB

For more information about this Application please contact:
 Mathew Wilde on:- 01376 551414 Ext. 2512
 or by e-mail to: mathew.wilde@braintree.gov.uk



SITE HISTORY

No planning application history.

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is

its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

In accordance with paragraph 48 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 48 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
RLP10	Residential Density
RLP56	Vehicle Parking

RLP69	Sustainable Urban Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

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
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP81	External Lighting

Other Material Considerations

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement
Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

The site comprises a parcel of land located in between two sets of built form located from Brook Street in Colne Engaine. The site forms part of a wider field utilised for equestrian purposes. The land topography slopes upwards from Brook Street towards the rear of the site and from East to West. A sewer

and easement run through the site on the western edge. A hedge also fronts part of the site with Brook Street. PROW 73 & 35 also runs parallel to either side of the site.

A field access currently exists however a new access would be created from Brook Street to facilitate the development.

NOTATION

In terms of wider context, the site is currently located outside of the village envelope. However, as part of the emerging Local Plan, the village envelope would be enlarged to include the northernmost part of the site (adjacent to Brook Street) within the village envelope. The proposed development site area in this case would be located partially within and partially outside of the proposed amended development boundary. As the emerging Local Plan is yet to be formally adopted, the application in any case would still represent a departure from the adopted Local Plan.

PROPOSAL

The application seeks outline planning permission (with all matters reserved) for the erection of 7 dwellings. Two Indicative layout and elevation plans have been submitted to supplement the application although these are not submitted for approval. One indicative layout illustrates that 7 large dwellings with garages could fit onto the site with a landscape buffer at the rear. The other indicative layout would remove the garages but have a lesser landscape buffer. In any case, to develop the site for 7 dwellings, there would need to be development in depth. The indicative layout also shows that to achieve 7 dwellings, the sewer easement would need to be located in private gardens.

CONSULTATIONS

Braintree Police Station

Welcome engagement with applicant to achieve secure by design and Approved Document "Q".

Essex Fire

No objection – access would be suitable.

Essex Highways

No objections subject to conditions if approved.

Braintree District Council Emergency Planning

No objection.

Braintree District Council Environmental Health

No objection subject to conditions if the application is recommended for approval.

Braintree District Council Landscape Services

Raises some concerns with the application:

- Change in character – dwellings hard up against the road side rather than being set back which is characteristic of this part of area
- Landscape buffer good- but need access and could have management issues – could also cause overshadowing
- PROW needs to be segregated off separately
- An Arboricultural report would be needed as one has not been submitted with any Reserved Matters Application.

Open Spaces Society

Recommend a wide avenue is provided for PROW and that some areas of open space should be made publically assessable.

Colne Engine Parish Council

Do not object to the application – but would prefer to see mix of smaller houses

REPRESENTATIONS

23 representations of objection have been received from 19 properties including:

- Hill House, Church Street
- 2, 4 Rainbow Way
- 25, 30, 38, 40a, 43, 48, 50 Brook Street
- 2, 6, 15, 16, 20, 24 Shellcroft Close
- 4, 5 Church View

The representations set out the following summarised concerns:

- Out of village envelope – could set prescient
- Large dwellings proposed not what village needs
- Not adequate infrastructure in village, with some services etc struggling to cope with existing demand (roads, public transport, health, schools and other community facilities)
- Lack of parking - Brook Street used for overflow parking – lead to more accidents and affect emergency vehicles accessing the road
- Traffic increase
- Other development permitted elsewhere – village not suitable
- Adverse effects on wildlife & noise pollution

- Small frontage development could be ok in area
- Flooding issues – creation of more impermeable area would increase surface water run-off
- Construction of dwellings cause significant disturbance
- Development would overlook Rainbow way and Oddcroft – impact on privacy

14 Farm Green Road wrote in support of the application:

- Village is popular so needs extra houses
- Can only rent at this time

REPORT

Principle of Development

The Application Site and Emerging Local Plan History

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

The site is located outside of Colne Engaine's village envelope and as such is on land designated as 'Countryside' in the Local Plan Review (2005) and the Core Strategy. Policy RLP2 of the adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the adopted Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks to erect 7 dwelling units on land outside of a village envelope which would be a departure from the adopted Development Plan. However, the emerging Publication Draft Local Plan proposes some of this land (with road frontage) to be included within the village envelope. This is shown by a red line on the submitted indicative site plan.

The site in its entirety (as currently proposed) was first put forward at the site allocation stage reference *COLE 186*. The site was considered two times by Planning Policy Officers, first at the 25th of May 2016 Local Plan Sub-Committee where it was stated that:

“COLE 186 is located on land at Brook Street between numbers 25 and 39 and has previously been assessed under the reference COL1. The site is greenfield and has no natural boundary to the south of the site. From Brook Field the site is arguably particularly prominent and the development of the site could be seen negatively impact upon the visual characteristic of the site and of this part of Colne Engaine. The site would lead to a coalescence

of the built clusters to the south of Brook Street. The site is not recommended for allocation.”

In the later Local Plan Sub-Committee of 5th October 2016 the site was discussed again:

“The Parish Council has not shown any support of COLE186 or COLE187 through the consultation process and no other comments of support were made. Though further supporting information has been submitted by the agent it is suggested that this is not substantive. The development of COLE 186 would be viewed to be a large scale infill and though this would have a potentially negligible impact upon the wider countryside the change in the characteristic of the village could be detrimental to the vicinity”

The site in its entirety was not therefore allocated for development. However, there was appetite by the Parish Council to review the village boundary for land to the west of the development:

“Whilst it is not considered that Colne Engaine is a suitable site for major development, due to the Parish Council and public’s support for a development boundary review of the village along Brooks Street it is considered that a minor amendment could be permissible to include the cluster of properties to the west of the village and incorporate them...”

Reviewing all the sites that were submitted for development through the call for sites process, none were allocated for development, This was due to Colne Engaine’s classification as an ‘other village’ in the Adopted Local Plan which is the lowest status of village in respect to services etc and harms that would arise from any larger development. It is considered that there has not been a material change to the character of this site or that of the immediate area since the above considerations were set out at the sub-committee meeting. While a planning application has now been submitted for the development, it is considered some weight should be afforded to comments previously made about the possible acceptability of developing this site.

Site Location

The site in this case would not be ‘isolated’ from the village of Colne Engine. It is therefore considered paragraph 79 of the NPPF is not triggered in this case. However the Spatial Strategy outlined in the Braintree District Core Strategy sets out in Paragraph 4.15 that new development should preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment and; to concentrate the majority of new development and services in the main towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages (Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End).

The Braintree District Core Strategy identifies Colne Engaine as an 'other village', sitting at the bottom of the hierarchy below Key Service Villages and Main Towns. 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.

Colne Engaine is also identified as a Third Tier Settlement in the Braintree District Draft Publication Local Plan. A Third Tier Settlement is defined as follows:

"5.10 -- All other villages which have a development boundary are considered third tier villages. 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."

The site is located approx. 2 miles away from the Key Service Village of Earls Colne where a good range of day-to-day facilities can be provided. The village is served by one bus service but is not frequent. Other services in the village are limited.

Taking into account the above, it is considered the site does not have good access to services and facilities required for day-to-day living. It is therefore considered that the future occupiers of the proposed dwelling would be reliant on a private vehicle to gain access to shops, facilities and services.

5 Year Land Supply

Further, the Council cannot demonstrate a deliverable 5 year supply of land for housing. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating that, under paragraph 11, 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 with the NPPF stating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Character, Design, Appearance, Landscaping & Layout

The NPPF also states that new development should seek to improve streetscapes and buildings to create attractive and comfortable place by using design which reflects local character and history, and reflect the identity of local surroundings and materials, thereby resulting in a form of development which is visually attractive as a result of good architecture and appropriate landscaping. In addition, the NPPF states that planning applications should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 27).

In addition to this, Policy RLP90 of the adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The character and settlement pattern of Colne Engaine is very varied with most development concentrated around Brook Street or Church Street. There are pockets of more modern cul-de-sac development located around the village. The northern side of Brook Street near the site is more urbanised, with dwellings closer to the road and also a cul-de-sac development. However, the south side of Brook Street retains much more of its historic linear settlement pattern with dwellings set back generous distances from the road to give a more spacious character to this side of the village. While a cul-de-sac does back onto the properties on Brook Street closer to the centre, this is not seen in association in the street scene and is separate when reviewing the overall pattern of development as it has a separate access from Station Road and is completely different in terms of character.

In terms of the particulars of this site, the land topography slopes upwards from Brook Street towards the rear of the site and from East to West. The site is therefore prominent in the street scene and currently provides a natural separation between existing built form, marking the transition out of the village towards the open countryside. Therefore, to reflect local distinctiveness, any

development should respond to its context by matching the open, spacious character of the south side of Brook Street while retaining the linear pattern of development.

The current application is an outline application with all matters reserved. The application has however been supported with two indicative site plans to demonstrate how seven dwellings could be accommodated on the site. A Landscape and Visual Impact Assessment was also submitted in support of the application.

Both indicative layouts demonstrate that to accommodate 7 detached dwellings, development in depth would be necessary. The initial submitted indicative layout showed that to accommodate 7 dwellings with a minimum of 8m landscape buffer, the frontage development would be required to be located hard up against Brook Street and therefore occupy a highly prominent position, much further forward by comparison to other neighbouring dwellings 23 & 25 Brook Street and 39 Brook Street. Taking into account the identified land topography, spacious character and linear pattern of development identified above, it is considered that development as initially shown would be completely at odds with the character of the area and fail to reflect local distinctiveness.

The revised indicative layout attempts to address the above issue by stepping properties further back from Brook Street, but at the expense of the landscape buffer at the rear of the site, which would be narrowed to approx. 3m in depth. Properties that are developed in depth would also be closer to the edge of the red line site.

The submitted Landscape and Visual impact assessment (LVIA) provides a very thorough analysis of the context of the site in wider views. It demonstrates that the site to be developed is not that widely visible from further afield in the village (other than the street frontage and PROW's). While officers do not necessarily disagree with this assessment, the site would be highly visible from Brook Street but also by both PROW's that go either side of the site and this is shown in the LVIA. As stated above, the land forms a function of providing that transition towards the open countryside. Developing the site in depth would completely change its character and would be detrimental to the overall settlement pattern of the village as described above.

The proposed landscape screening at the rear of the site is welcomed, but would mainly be addressing wider views of the site from other areas which the LVIA has already established is not that prominent. The visibility of the site from PROW's would however largely remain, especially on the revised indicative layout which proposes a much smaller landscape buffer that would cause more harm by virtue urbanising an otherwise large open space that typifies the character of the area. Taking all of the above into account, it is considered the conclusions reached by Policy Officers at the Local Plan Sub-Committee would still be relevant; that the site in its entirety would not be suitable for the scale of residential development sought.

Notwithstanding the above, the onus of maintaining a large vegetation buffer at the side/rear of the site would be significant if left to any new home owner. If this area was to be controlled via a management company, there would be no apparent public access into this area (without going through private gardens). This would be a serious issue regarding maintenance of the area in the longer term as to get chippers or tree surgery equipment through. As such, even if the significant landscape buffer was to remain, or be increased, the management issue also would remain.

While the layout is purely indicative at this stage, Officers can highlight some other deficiencies with the proposed layouts. Firstly, both indicative plans would require a large sewer easement to be located in the private gardens of two properties; of which would be located in extremely close proximity to indicative plot 1. This is considered to be poor design as this constraint has been identified at an early stage. It would likely also place an onerous management responsibility for these properties to maintain their sections of the sewer.

In addition, it is considered both indicative layouts fail to create a satisfactory sense of place and would have dwellings at a higher level (at the rear) given clear opportunities to overlook into the rear gardens of plots which front the road, while the street scene would be dominated by the rear garden boundaries of these plots. While the development may be able to achieve the necessary garden sizes (parking is not as clear), taking into account the above it is considered the development of the site would result in a poor quality layout and provide a poor quality of amenity for future occupiers.

Notwithstanding character issues, the above issues help demonstrate that achieving 7 dwellings on the site would be difficult to achieve satisfactorily; and with two different indicative layouts the same issues remain. As such, while the layouts are indicative, it is considered sufficient evidence has not been provided to demonstrate that the development of the site for 7 dwellings could be achieved without significant harm to the character of the area and pattern of development or providing a poor sense of place and layout for future occupiers. The way of trying to mitigate this through landscape planning does also incur management issues of the planting itself.

In terms of the design of indicative house types, these would not be objectionable as they would contain appropriate detailing and proportions. However, the garages initially shown on the indicative site plan proposed would have appeared urban and would not complement the development or wider character of the area in any way. These would have been removed by virtue of the revised indicative plan; although the other issues still remain.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

As stated above, the siting and size of the dwellings is only indicative at this stage and detailed elevations, layout, appearance and scale are not required to be submitted for approval. Therefore it is very difficult to assess the impact on neighbouring amenities at the present time. This will be a matter for consideration Reserved Matters stage. Taking account of the site's location, it is considered that the development could go ahead without detriment to neighbouring properties if proposed sensitively.

Highway Issues

Access is a reserved matter for later approval. However, at this outline stage, the Local Planning Authority needs to be satisfied that safe vehicle and pedestrian access can be achieved to the site. As a matter of fact, the development can only be accessed via the existing access from London Road which also serves commercial properties, Feering Lodge and the existing dwelling at the site. The Access is not proposed to be altered as part of this development.

The Highways Officer has raised no objections to the utilisation of the existing access for the proposed development. As such, it is considered that the development would be able to achieve safe access to the site. Nevertheless, this application needs to submit further details of the access at reserved matters stage to reaffirm that all particulars are in order. No further comments were received in respect of a private access indicated on the revised layout for plot 1.

Flooding

Concerns have been raised about flooding at the site. However, the site is located in flood zone 1 where there is the least possibility of flooding. In addition, the development would only moderately increase the amount of hardstanding already in existence at the site. As such, it is considered that flooding or surface water run-off issues would not be detrimental in this case.

Public Rights of Way

Comments made by the Open Spaces Society ask for the widening of the PROW's which exist on either side of the site. The PROW's in this case would however be outside of the development site. It is considered any condition requiring the improvement of the PROW would not be able to be reasonably secured through planning gain in this case due to the small scale of the development (less than 10 dwellings). As such, while the request is noted, the Local Planning Authority would not be able to take this request forward.

PLANNING BALANCE & CONCLUSION

In the context of a shortfall in the 5 year housing land supply, paragraph 11 of the NPPF requires the LPA to assess whether there are specific policies of the NPPF (footnote 6) that indicate that development should be restricted. No

such policies are considered to apply to the development the subject of this application. In such circumstances; paragraph 11 of the NPPF requires the LPA apply the "tilted balance" by assessing whether any adverse impact of granting permission would be significantly and demonstrably outweigh the policies in the NPPF taken as a whole.

As set out in Paragraph 8 of the NPPF, sustainable development has an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; a social objective, to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and an environmental objective, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Colne Engaine itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings it would not deliver any benefits in terms of affordable housing or the improvement of public open spaces (as a result of a Court of Appeal decision in May 2016). In terms of the three dimensions of sustainable development, the provision of 7 dwellings would be relevant to the economic and social objectives although these benefits would be limited due to the scale of the development. The scale of the development for 7 No. dwellings would only contribute in a limited-moderate capacity towards the District's 5 year housing supply.

In terms of environmental considerations, the proposal would introduce 7 dwellings in a location with poor accessibility both in terms of public transport and access to day to day services and facilities. As such, future residents would heavily rely on the private car to access these services and facilities elsewhere. Furthermore, sufficient evidence has not been provided to demonstrate that the site could accommodate 7 dwellings without detrimental harm to the character of the area or be in keeping with the established settlement pattern. The development would therefore fail to respond to local distinctiveness. The indicative layouts as shown would also cause issues including a poor sense of place, overlooking and inclusion of constraints including mains sewer easement in private gardens which could not easily be overcome with the development of the site for 7 dwellings. Any garages as initially proposed would also introduce an overly urban feature to the detriment of the more rural character of the village.

Therefore, when conducting the planning balance in the context of Paragraph 7 and 49 of the NPPF, it is considered that the scale of harms identified above would significantly and demonstrably outweigh the limited-moderate economic and social benefits in the tilted balance. The principle of development in this case is therefore considered not to be acceptable.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 In this case, the development would fail to respond to local distinctiveness as site would be unable to accommodate 7 dwellings without detriment to the character of the area and settlement pattern of Colne Engaine. In addition, as illustrated by indicative site plans, the development of the site for 7 dwellings would incur issues including creating a poor sense of place, overlooking of private amenity area for future occupiers and requiring the inclusion of constraints including mains sewer easement to be located in private gardens. It is therefore considered that the harms of the development of the site for 7 dwellings would significantly and demonstrably outweigh the benefits. The proposal would therefore be contrary to the provisions of the National Planning Policy Framework, Policies RLP3, RLP56 and RLP90 of the Braintree District Local Plan Review (2005) and Policies CS5, CS7 and CS9 of the Braintree District Core Strategy (2011) and Policies SP1, SP3, SP6, LPP1 LPP37, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan (2017).

SUBMITTED PLANS

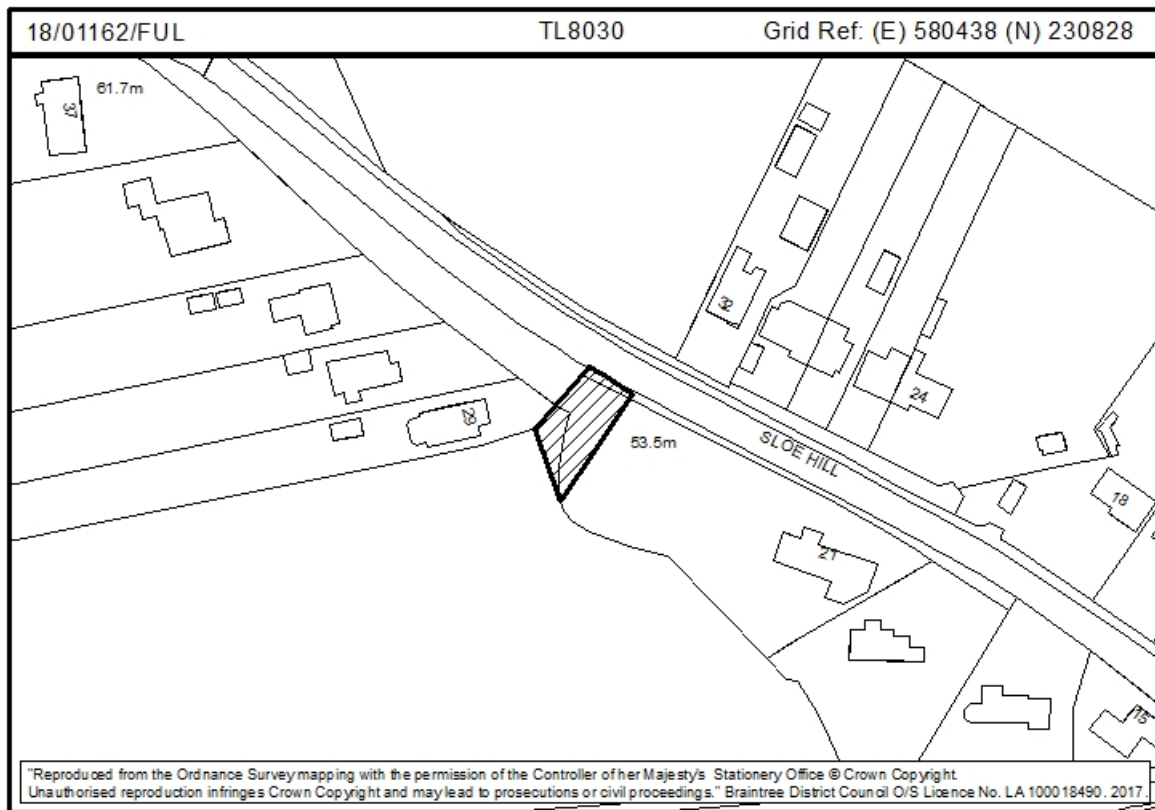
Elevations	Plan Ref: 3318:001
Location Plan	Plan Ref: 3318:002
Proposed Plans	Plan Ref: 3318:005
Proposed Plans	Plan Ref: 3318:006
Proposed Plans	Plan Ref: 3318:007
Garage Details	Plan Ref: 3318:008

CHRIS PAGGI
INTERIM DEVELOPMENT MANAGER

PART A

APPLICATION 18/01162/FUL DATE 26.06.18
 NO: VALID:
 APPLICANT: D.C.P Developments Ltd
 Mr Ian Paveley, Bran End Fields, Stebbing, Great Dunmow,
 Essex
 AGENT: Burywood Property Consultants
 14 Highclere Road, Great Notley, Essex, CM77 7WX
 DESCRIPTION: Erection of one detached two storey dwelling with parking
 spaces and turning space.
 LOCATION: Land Adj 27/29 Sloe Hill, Halstead, Essex, CO9 1JT

For more information about this Application please contact:
 Melanie Corbishley on:- 01376 551414 Ext. 2527
 or by e-mail to: melanie.corbishley@braintree.gov.uk



SITE HISTORY

16/00606/FUL	Erection of one dwelling with access	Granted	25.05.16
17/01287/FUL	Erection of 3no. detached dwellings with garages and accesses to Sloe Hill	Granted	31.08.17
01/00007/REF	Erection of a single dwelling house	Appeal Dismissed	05.06.01
00/01437/OUT	Erection of a single dwelling house	Refused then dismissed on appeal	24.10.00
92/00209/P	Erection of dwellinghouse	Refused	14.04.92
92/00209/POHS	Erection of dwellinghouse	Refused	14.04.92
15/01476/FUL	Erection of two dwellings.	Granted with S106 Agreement	09.03.16
16/00606/FUL	Erection of one dwelling with access	Granted	25.05.16
17/01062/FUL	Erection of 3 no. dwellings with access	Granted	21.07.17
17/01287/FUL	Erection of 3no. detached dwellings with garages and accesses to Sloe Hill	Granted	31.08.17
17/01864/DAC	Application for approval of details reserved by condition nos. 3, 7 and 9 of approved application 17/01287/FUL	Granted	14.11.17
18/00489/FUL	Erection of 1 no. two bedroom two storey house with parking spaces	Withdrawn	29.05.18

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

In accordance with paragraph 48 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 48 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
RLP90	Layout and Design of Development
RLP56	Vehicle Parking

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45° Rule & Overlooking
- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, because an objection has been raised by the Town Council, contrary to Officer recommendation.

SITE DESCRIPTION

- The site is located to the southern side of Sloe Hill, adjacent to No.29.
- The site lies just outside the town boundary for Halstead
- A pair of locally listed properties lie opposite the site
- The land slopes up Sloe Hill to the west, as such there is a difference of levels within the site
- The street presents a relatively eclectic collection of properties, predominantly detached and within generous sized plots.
- The western and southern boundary of the site is bound with nature tree planting.
- To the south east of the site is a parcel of land that has been granted planning permission for three houses (17/01287/FUL) and work on this development has commencement

PROPOSAL

This application is seeking full planning permission for the erection of a single detached dwelling. Vehicular access would be off Sloe Hill. The submitted plans indicate that a turning area for vehicles would be provided to the front of the site.

CONSULTATIONS

ECC Highways- From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the scale of the proposed development and the area to be available for parking and turning within the site, which complies with Braintree District Council's adopted parking standards for the proposed dwelling, subject to conditions regarding the creation of the access, turning and parking arrangements shown on the submitted plans and provision of a residential travel pack.

BDC Landscape- No comments received.

Halstead Town Council- Objection on grounds of over development of the site and proposed building not in keeping with the area. It was also proposed that if Planning was granted then a condition should be made that the parking space cannot be built upon at a later date.

REPRESENTATIONS

5 representations received making the following comments:

- Different design of the dwelling would make it stand out, especially as it is elevated.
- It will visually jar and the appearance of the existing street scene and detract from the appearance of No.30 Sloe Hill.
- Create imbalance in the street
- Overcrowding/overdevelopment of the site
- Concern about loss of trees from the site
- Loss of privacy to No.29 Sloe Hill
- Potential damage to No.29 due to soil movement
- Electrical boxes will be visible from the street and are an eyesore

REPORT

5 Year Housing Supply

The Council cannot demonstrate a deliverable 5 year supply of land for housing. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating that, under paragraph 11, 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 with the NPPF stating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

Neither paragraph 11 or 73 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, paragraph 11 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.

Principle of 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 overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These objectives are environmental, social and economic.

The development will bring both social and economic benefits, albeit relative to the scale of the development. The development will provide one residential unit towards housing supply and bring limited benefits during the construction stage.

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. The site is located within 15m of the town boundary for Halstead and is within reasonable walking distance to the services and facilities provided within Halstead. Given the location of the site, it is considered that the site is not isolated and would not conflict with the aims of Policy CS7 and this weighs in favour the proposal in the overall planning balance.

Design, Appearance and Layout

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Local Plan Review and Policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

Concerns have been raised regarding the design of the property and that it is not in keeping with the three new dwellings and those existing dwellings in the street.

The proposed dwelling has a smaller footprint than the dwellings approved on the adjacent site, however it does replicate some of the design features of these new dwellings such as the two storey front gable feature, the hipped roof and part render and part brick façade.

The existing street contains a mix of properties and styles and on balance it is considered that the new dwelling would not cause harm to the existing street scene.

A neighbouring resident has raised concern with regards to locally listed properties located opposite the site. It is considered that the proposed property has been designed carefully taking direction from new and existing properties on Sloe Hill and thus will not detrimentally affect these buildings.

As with the applications on the adjacent site, a condition can be attached to any grant of consent which requires all external materials to be agreed with the Local Planning Authority. In addition it is recommended that a condition be placed on any grant of consent which removes permitted development rights for Part 1 Class A, B and C development as to ensure that any enlargement of the property is in keeping with the design approach taken and the appearance of the wider street scene.

The application is not supported by a detailed landscaping plan; however there is the opportunity for both soft and hard landscaping to be incorporated, especially at the front of the site such to enhance the appearance of the development. A landscaping scheme can be secured by a condition attached to any grant of consent.

It is considered reasonable to require the submitted Arboricultural Impact Assessment to be adhered to by condition.

The dwelling is shown to have private amenity space of approximately 82sqm, which is slightly below the requirement of 100sqm required by the Essex Design Guide (EDG). Whilst the garden area is slightly below the figure required by the EDG, it is considered that as the application is acceptable in all other respects it would be unreasonable to refuse planning permission on this issue alone.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

Concerns have been raised by the neighbouring property, No.29 Sloe Hill that the proposal would lead to a loss of their privacy.

No.29 Sloe Hill is orientated away from the application site and lies at a 45 degree angle in relation to the road. The western elevation of the new property contains a small ground floor window that serves a w/c. The property does contain rear facing bedroom windows, however due to the orientation of No.29, it is considered that they will not offer views across this property and it is therefore considered that the proposal would not have a detrimental impact upon neighbouring residential amenity in terms of overlooking. It is further concluded that the proposal would not have a detrimental impact on terms of shadowing and loss of light.

Highway Issues

The application proposes that the dwelling will be served by new vehicular accesses off Sloe Hill. The Highways Authority raise no objections to the application. Conditions can be attached to any grant of consent to ensure parking, access and turning areas are in place prior to the occupation of the dwelling and are thereafter be retained for this purpose.

The adopted car parking standards require properties with two or more bed rooms to be served by a minimum of two off street car parking spaces to dimensions to 2.9m x 5.5m. However the spaces are provided within an undercroft and therefore it is considered that the larger garage space requirements should be applied. These are 3m by 7m. The proposed spaces are 3m wide and whilst they have a depth less than 7m (5.5m), it is considered that the parking and turning arrangement for the dwelling is appropriate.

The site plan shows that this level of provision can adequately be provided on site.

CONCLUSION

As such, taking into account the material considerations discussed in the Report when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the development in this case would not be outweighed by the adverse impacts in the tilted balance. Therefore, when conducting the planning balance in the context of Paragraph 8, 11 and 73 of the NPPF, it is considered that the development in this case is acceptable.

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
Site Plan
Ground Floor Plan
First Floor Plan
Proposed Elevations
Arboricultural Report

- 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

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 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 to C 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 amenity.

- 4 Construction of the building shall not be commenced until samples of the materials to be used in the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 5 No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:

- A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
- Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

Reason

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

- 6 Prior to first occupation of the development hereby permitted a scheme for landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate (but not be limited to) the following

- a detailed planting specification, including plant/tree types and sizes and areas for seeding/turfing
- details of all hard surfacing including the colour and type of material for all hard surface areas
- details of all boundary treatments

All areas of hard standing shall be constructed using porous materials laid on a permeable base. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Reason

To enhance the appearance of the development in the interests of visual amenity.

- 7 The proposed development shall not be occupied until such time as the car parking, vehicle turning and access arrangements has been constructed, hard surfaced and sealed, as shown on drawing 'Site Layout'. The access, vehicle parking and associated turning areas shall be retained in this form at all times.

Reason

To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 9 The development hereby approved shall be carried out in accordance with

the submitted Arboricultural Impact Assessment prepared by Hallwood Assoc dated 21.3.2018.

Reason

In the interests of the health and longevity of the trees within the site, which provide significant amenity to the street scene.

CHRIS PAGGI
INTERIM DEVELOPMENT MANAGER

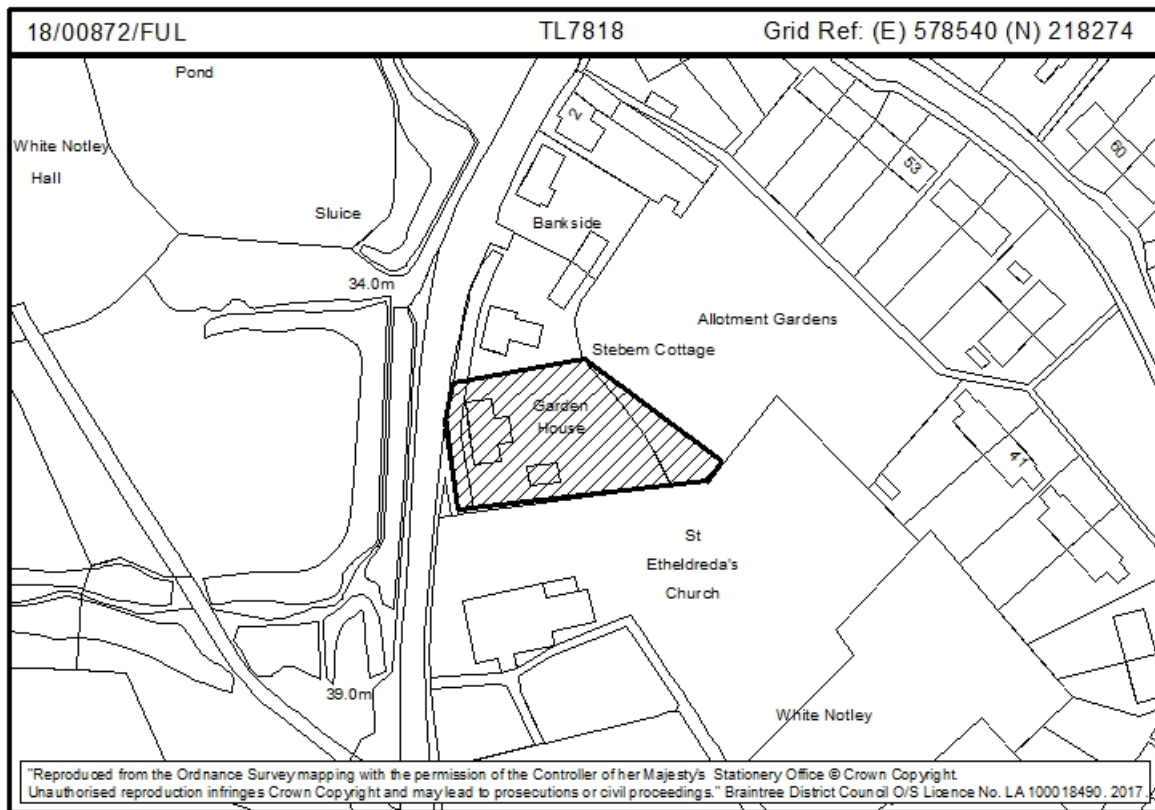
PART B

APPLICATION NO: 18/00872/FUL DATE: 14.05.18
 VALID:
 APPLICANT: Mr & Mrs Bentley
 Garden House, Church Hill, White Notley, Essex, CM8 1RY
 AGENT: Gdmrplanning
 Mr Gareth Elvidge, 110 Beechfield, Newton Aycliffe, DL5 7AZ
 DESCRIPTION: Replacement of existing garage and shed with an oak framed garage/ancillary accommodation outbuilding.
 LOCATION: Garden House, Church Hill, White Notley, Essex, CM8 1RY

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

86/00650/P	Demolition of existing lean-to structure and erection of new enlarged lean-to addition to form shower room/rear entrance lobby.	Granted	17.06.86
99/01257/FUL	Erection of single storey rear extension	Granted	22.09.99
99/01258/LBC	Erection of single storey rear extension	Granted	22.09.99

POLICY CONSIDERATIONS

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

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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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

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
SP2	Spatial Strategy for North Essex
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation as the Parish Council wish to support the application contrary to officer's recommendation.

SITE DESCRIPTION

Garden House is a detached Grade II Listed Building within the White Notley Village Development Boundary and is also within the Conservation Area. The property is a small timber framed and plastered cottage of sixteenth or seventeenth century construction. The site is located adjacent to the Parish Church of St. Etheldreda, a building of exceptional significance which is of thirteenth century origin. Its high significance is reflected in the fact that it is

listed grade II. Both buildings make a significant contribution to the character and appearance of the White Notley Conservation Area.

The core of the building is orientated North-South and sits in an elevated position along the street. To the South is a detached garage building which currently measures 6.9 metres by 5.1 metres in floor area and is 2.66 metres in height. There is off street parking for approximately 4 cars. The property enjoys large rear garden amenity which borders the St. Etheldreda Church with allotments behind.

PROPOSAL

The proposal comprises the removal of the existing garage structure and its replacement with an oak framed ancillary accommodation outbuilding which is to be used primarily to serve as annexe accommodation for a dependant relative of the applicant.

The annexe would form an 'L' shaped building and would measure 9.4 metres in width by 10.6 metres in depth and would measure 4 metres in height. Part of the structure will form a garage. The applicant has provided illustrative detail of the finish of the building which would comprise an oak framed structure which will be timber cladding and have a tiled roof.

CONSULTATIONS

Essex County Council Historic Buildings Consultant

The Historic Buildings Consultant objects to the proposal as they consider that the new building would be considerably larger in scale, and domestic in appearance, which would only serve to exacerbate this in the way in which the building would be perceived. The host dwelling is relatively small in its scale, an experience which is reinforced by the low eaves line and one and half storey massing of the building. The relationship between listed building and ancillary structure would therefore not retain the historic and current primacy of the listed building on the site, but would rather create an environment in which there are two competing built forms. It is considered that the proposed annex building would be an imposing development, which would cramp the environment in which the listed building is experienced, and that it would be a visually and physical intrusive and distracting addition. Therefore, it is not considered to preserve the setting of the listed building nor the contribution which this setting makes, to the significance of the listed building.

In addition, the visually and physically permeable boundary between the church and the application site, there would be a strong degree of inter visibility between the church and the proposed building. It is considered to be an unwelcome intrusion into the setting of the Church of St. Etheldreda, as it would be an unsympathetic addition directly adjacent to the boundary of its associated churchyard. The proposed outbuilding is therefore similarly not considered to preserve the significance of the listed church.

REPRESENTATIONS

Parish Council

The Parish Council state that they have no objections to the proposal.

Representations

Mr Antony Stark of Fambridge Hall, Station Road, White Notley - After discussion with the Vicar and other Parochial Church Council members, I wish to report as Churchwarden and PCC member of St Etheldreda's White Notley that we are supportive of Mr and Mrs Bentley's application. The proposed building will have very minor impact on the church, as it is some distance from the church building, and is on the opposite side from the church entrances, so it will not be noticed. The design is considerably more attractive than the existing garage and shed. We understand the ancillary dwelling is intended as an old person's annexe for Mrs Bentley's elderly mother who currently lives alone, and the planned dwelling will enable them to ensure she is safe and well looked after.

Paul Watkin of Swallows, Western Lane, Silver End (Vicar of St. Etheldreda Church) - For the record I wholly support, endorse, and encourage this proposal as it will provide a much more pleasing view in relation to the church building, compared to the existing structure. In addition, it would provide some much needed accommodation for an elderly lady. I would therefore strongly encourage the planning department to accept this proposal in its entirety.

Applicant Supporting Case

The purpose of the proposed building is to provide a "granny annexe" for Mrs Bentley's mother who is 90 years old, and who currently lives alone in a house near Chelmsford. The annexe will provide her with safe accommodation close to her family. The one bedroom single storey dwelling will, along with an adjoining single garage, sit on virtually the same footprint as the existing double garage and shed, and will be a more attractive construction in seasoned oak - the existing garage is prefabricated concrete.

The new dwelling will be close to our border with the churchyard, but will not affect the church in any way, as the entrance and main windows to the church are on the opposite side to the proposed building. There are no other buildings outside our property which are affected in any way by the proposal.

REPORT

Principle of Development

The site lies within the defined development boundary. In this location, as set out in Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, Policies LPP 1, LPP 38, LPP 50 and LPP 55 of the emerging Braintree District Publication Draft Local Plan and Policy CS9 of the Braintree

District Core Strategy, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The dwelling is a Grade II Listed Building located within the Conservation Area and therefore Policies RLP95 and RLP100 of the Braintree District Local Plan Review and Policies LPP 56 and LPP 60 of the emerging Braintree District Publication Draft Local Plan apply. These heritage policies state that development involving internal or external alterations, extensions and partial demolitions to either a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

Therefore, when considering the proposal against these policies the principle of an outbuilding within the grounds of the heritage asset and the white notley conservation area could be acceptable subject to compliance with the above relevant criteria.

Impact upon Listed Building and Character and Appearance of the Conservation Area

Paragraph 192 of the National Planning Policy Framework (NPPF) states that "In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and: the desirability of new development making a positive contribution to local character and distinctiveness".

When considering the impact of development on a historical asset the NPPF states in paragraph 193 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

Where an application would result in less than substantial harm this should be weighed against the public benefits of the proposal as set out in NPPF paragraph 196.

Policy RLP95 of the Braintree District Local Plan Review supported by Policy CS9 of the Braintree District Core Strategy states inter alia that works will be

permitted where they do not detract from the character, appearance and essential features of the Conservation Area; any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings; architectural details on buildings of value are retained; and, building materials are authentic and complementary to the building's character.

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Braintree Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In terms of impact on the heritage asset, the Historic Buildings Consultant have advised that the proposed building will complete with the heritage asset for prominence and would be an imposing form of development which would cramp the environment in which the listed building is understood and experienced. They are also concerned with how the outbuilding would impact on the setting of St. Etheldreda Church given its positioning in relation to the boundary and the degree of permeability through the boundary treatment of the site. In addition to this, Garden House sits inside the White Notley Conservation Area, which itself is considered a designated heritage asset for the purposes of the NPPF.

Officers consider that the proposed outbuilding is of an attractive design and in the right location would be considered acceptable as ancillary accommodation given the right setting, however, in this case, it will be located within the grounds of a Grade 2 Listed Building and with strong heritage objections, officer's find that they cannot support the proposal.

Officers have identified, that whilst the principle of an outbuilding on the site is acceptable, the size, scale and position of the proposed outbuilding would cause harm to the heritage assets. This harm is considered by the Historic Buildings Consultant to be less than substantial, and therefore it should be weighed against the public benefits of the proposal.

In assessing public benefit, National Planning Practice Guidance explains the term "public benefits" as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation”*

In applying the above criteria, Officers consider that the proposal would personally benefit the applicant and his relative, but would be of very limited public benefit. The optimum viable use for the heritage asset is considered to be as a single residential dwelling in good order and therefore the erection of an ancillary outbuilding within the grounds of the heritage asset is not necessary to support its long term conservation. It is therefore considered that the proposal as a whole fails to accord with Paragraph 196 of the NPPF and the abovementioned policies.

Impact on Neighbouring Residential Amenities

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking and is considered compliant with the abovementioned policies.

Highway Considerations

No changes are proposed to the existing off street parking and access arrangements and it is therefore considered that there are no highways impacts associated with the proposal.

CONCLUSION

In conclusion, there is no objection to the demolition of the existing garage, however, the proposed replacement outbuilding by way of its size, scale, form and location would be an imposing form of development on the site which would be a visually and physical intrusive and would detract from the setting and historic significance of the Grade 2 Listed Building.

In addition, it is considered that the permeable boundary treatment between the Church of St. Etheldreda and the application site results in a strong degree of inter visibility between the church and the proposed outbuilding. The erection of the annexe building would be an unwelcome intrusion into the setting of the Church of St. Etheldreda, and as a result would be an unsympathetic addition directly adjacent to the boundary of the churchyard which would fail to preserve the significance of the listed church.

It is therefore considered that the public benefits of the proposal do not outweigh the harm caused to the heritage asset and therefore the proposal would fail to accord with the requirements of the NPPF and the abovementioned policies.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 The proposed annexe outbuilding/oak framed garage is larger in scale and more domestic in appearance than the existing garage and when seen in conjunction with the Grade 2 Listed Building, would create two competing built forms of development which is considered to have a negative impact on the current primacy of the heritage asset. It is therefore considered that the proposed outbuilding would be an imposing form of development and would be a visually and physical intrusive and would be distracting addition which would detract from the setting and historic significance of the Grade 2 Listed Building.

In addition, it is considered that the visually and physically permeable boundary between the Church of St. Etheldreda and the application site results in a strong degree of inter visibility between the church and the proposed outbuilding. The erection of the outbuilding would be an unwelcome intrusion into the setting of the Church of St. Etheldreda, as it would be an unsympathetic addition directly adjacent to the boundary of the churchyard which would fail to preserve the significance of the listed church. In addition to this, the site is inside the White Notley Conservation Area, which itself is considered a designated heritage asset for the purposes of the NPPF.

Whilst the proposal is considered to cause less than substantial harm to the significance of the Grade II Listed Building and the character and appearance of the Conservation Area, the harm which has been identified is not considered to be outweighed by any public benefits of the proposal and as a result the proposal is considered to be contrary to the NPPF, Policies CS9 of the Braintree District Core Strategy, Policies RLP17, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review, and Policies LPP38, LPP50, LPP55, LPP56 and LPP60 of the Publication Draft Local Plan.

SUBMITTED PLANS

Existing Block Plan

Location Plan

Proposed Block Plan

Tree Plan

Plan Ref: Tree protection plan

Existing Plans

Plan Ref: GH EX

Proposed Elevations

Plan Ref: GH PR

Floor Plan

Plan Ref: GH PLAN

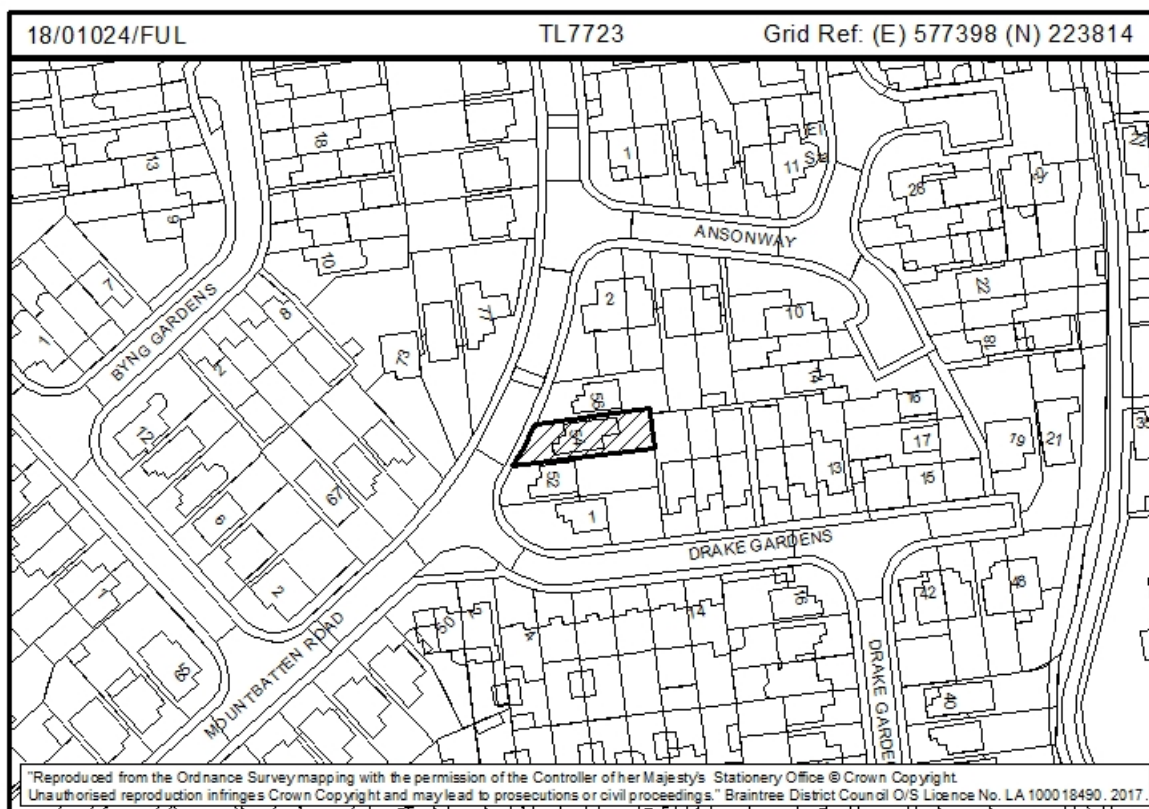
CHRIS PAGGI

INTERIM DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01024/FUL DATE: 07.06.18
 VALID:
 APPLICANT: Mr & Mrs Chris and Charlotte Hayden
 54 Mountbatten Road, Braintree, Essex, CM7 9TL
 AGENT: Paul Sheridan Design
 Mr Paul Sheridan, 6A Emson Close, Saffron Walden, CB10 1HL
 DESCRIPTION: Proposed removal of conservatory and erection of rear two storey extension comprising kitchen at ground floor level and dressing room and ensuite bathroom to first floor level.
 LOCATION: 54 Mountbatten Road, Braintree, Essex, CM7 9TL

For more information about this Application please contact:
 Ellen Cooney on:- 01376 551414 Ext. 2501
 or by e-mail to: Ellen.cooney@braintree.gov.uk



SITE HISTORY

04/01644/FUL	Erection of two storey front extension	Granted	11.10.04
08/00801/FUL	Erection of two storey front extension	Refused	02.07.08

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

In accordance with paragraph 48 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 48 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
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
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
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as the applicant is an employee at Braintree District Council.

SITE DESCRIPTION

The site comprises a detached dwelling with a rear garden and parking spaces for two cars. It is situated on a large housing estate in Braintree within the development boundary.

PROPOSAL

The proposal is for the removal of the existing conservatory and the erection of a rear two storey extension comprising a kitchen at ground floor level and dressing room and en-suite bathroom to first floor level.

CONSULTATIONS

None.

REPRESENTATIONS

No representations received.

REPORT

Principle of Development

The site lies within the defined development boundary of Braintree. In this location, as set out in Policy RLP17 of the Braintree District Local Plan Review, and Policy LPP38 of the emerging Braintree District Publication Draft Local Plan, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The proposal of a single-storey rear extension is therefore deemed to be acceptable in principle, subject to compliance with the abovementioned criteria.

Design, Appearance and Layout

In terms of design and appearance, the above policies and guidance state that there shall be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The design, siting, form and materials should be compatible with the existing dwelling and there should be no material impact on the identity of the street scene, scale and character of the area.

The proposed rear extension would sit in the footprint for the existing conservatory and would measure 3.74 meters deep and 3.24 meters wide. The roof of the extension is proposed to be a low pitch and set below the height of the main house. The lower half of the extension would be fair faced brickwork to match the existing property. The plans illustrate that the upper half of the extension would be clad in Marley Cedral weatherboarding, however, this material is not accepted as it is considered to be detrimental to the character of the property. Therefore, the proposal would be conditioned to stipulate that the entire extension should be clad in fair faced brickwork. Due to the existing extension, no garden space will be lost at the property. It would be preferable for the extension to be set in from the side elevation, however taking into account the existing extension proposed to be demolished and the design of the two storey extension, the proposal is considered to be acceptable in this case.

It is therefore considered that the proposal would be compliant with the abovementioned policies in terms of its size, design and its appearance within the street.

Impact on Neighbour Amenities

Policy RLP90 of the Braintree District Local Plan Review states that development shall not cause undue or unacceptable impacts on the amenities

of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The proposal is assessed to cause no adverse impact on the amenities of the neighbouring properties in terms of loss of privacy, outlook or light. Although the extension is large, the properties on either side of the site are staggered, this means that they will not be overlooked. There is a small window proposed in the north side elevation, however, this would be part of the existing property and is not deemed to be overlooking No.56. Due to the position of the adjacent properties there would be no impact upon the daylight they receive.

Therefore, it is considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

Policy RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the Braintree District Publication Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided".

The driveway currently accommodates two vehicles, the development will not affect this and therefore sufficient parking provision would therefore be retained at the property.

Conclusion

The proposal is considered to be in keeping with the design and character of the house and is assessed to cause no detrimental harm on neighbouring properties. The application is therefore recommended for approval.

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

General Plans & Elevations Plan Ref: PSD_MR_01 Version: C

- 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.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule.

Reason

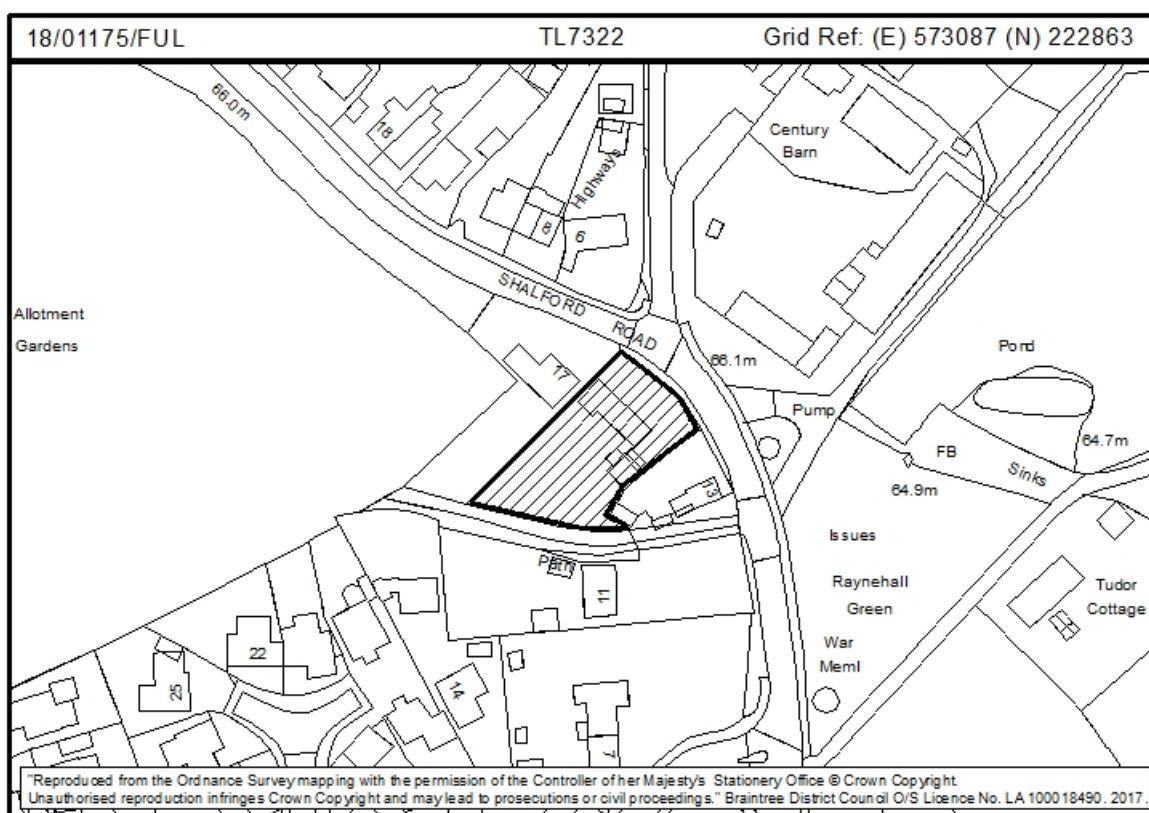
To conform with the pattern of the existing development in the locality.

CHRIS PAGGI
INTERIM DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01175/FUL DATE: 19.06.18
 VALID:
 APPLICANT: Mrs Sarah Smith
 15 Shalford Road, Rayne, Essex, CM77 6BT
 DESCRIPTION: Demolition of existing double garage and erection of a detached, self-contained annexe
 LOCATION: 15 Shalford Road, Rayne, Essex, CM77 6BT

For more information about this Application please contact:
 Ellie Scott on:- 01376 551414 Ext.
 or by e-mail to: ellie.scott@braintree.gov.uk



SITE HISTORY

17/02250/FUL	Demolition of existing double garage and erection of a detached, self-contained annexe	Withdrawn	23.04.18
78/00202/P	Revised double garage and access	Granted	16.06.78

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

The Publication Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

At a meeting of the Full Council on 23rd July the decision was taken that Braintree District Council would proceed with Option 2 for the Section 1 Local Plan. Whilst all three options will cause delay to the adoption of the Local Plan the selection of Option 2 will enable this to be minimised. Tendring District Council have also agreed to pursue option 2. Colchester Borough Council have yet to make a decision on this matter.

In accordance with paragraph 48 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 48 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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

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
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, because the application has been called in by Cllr. Banthorpe of Rayne ward, and the application is being supported by Rayne Parish Council whereas Officer recommendation is for refusal.

SITE DESCRIPTION

15 Shalford Road is a timber framed and thatched building of sixteenth or seventeenth century construction which is listed grade II for its historic and architectural significance. The site is in the village envelope of Rayne and also falls within the boundary of the Rayne Conservation Area, a designated heritage asset for purposes of the NPPF.

PROPOSAL

The proposal is for the demolition of existing garage and erection of detached, self-contained annexe.

CONSULTATIONS

Rayne Parish Council:

The Parish Council supports the sympathetic design that is in keeping with the Village Design Statement and nearby dwellings and is also in keeping with the Conservation Area.

Historic Building Consultant:

I objected to a previous application on the site, and I would repeat at this juncture my previous assessment of the background and context of the application:

The current garage is located in close proximity to the listed building, and is an overly large structure of utilitarian design. It therefore does not make a positive contribution to the setting in which the listed building is experienced, and indeed has a negative impact on the building's significance. Its removal is therefore unobjectionable.

The revised proposal is an improvement on the previous iteration, however I would still express concerns over the proposed replacement building, which I do not think is appropriate in scale or location. Specifically it would repeat the uncomfortable physical relationship between house and ancillary building, but which would increase the physical presence of the built form on this section of the site. Most significantly a garage will always read as a subordinate building, and whilst it therefore may be an unwelcome and imposing presence, it is not a competing residential element. The annex will be distinctly residential in its character, and this increases its presence and intrusion on the environment in which the listed building is experienced, particularly as in design it will read as a separate dwelling on the site, thereby reducing the primacy of the listed building on the site. I would also highlight that whilst the physical impossibility of subdividing the site means that it would not be feasible to separate the annex off as a separate dwelling, the annex includes all the features it would need to be self-sufficient and would have theoretically little reliance on the host dwelling. This in turn has contributed to the scale of the building which includes a kitchen and a small living room. If these were sequentially omitted and reduced considerably in size, a much smaller annex, set further away from the listed building, could be achieved.

I therefore still cannot support the application as it is currently proposed, which is considered to negatively intrude upon the contribution which the building's setting makes to its significance, in contravention of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore considered to result in harm as per paragraph 134 of the NPPF.

REPRESENTATIONS

A site notice was displayed opposite 15 Shalford Road for a period of 21 days. No neighbour representations have been received.

REPORT

Principle of Development

The proposal is for an annexe within the development boundary and therefore is supported in principle, in accordance with Policy RLP17 of the Braintree District Local Plan Review and Policy LPP38 of the emerging Braintree District Publication Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Design and Appearance

Both the NPPF and the NPPG require all new forms of development to be well designed with paragraph The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. Paragraph 127 of the NPPF states that new development should “function well and add to the overall quality of the area” by using design which “are sympathetic to local character and history” thereby resulting in a form of development which is “visually attractive as a result of good architecture, layout and appropriate and effective landscaping.” Policy CS9 of the Braintree District Core Strategy similarly seeks a high standard of design and layout in all new developments.

Policy RLP17 of the Braintree District Local Plan Review allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the emerging Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The proposal is for an annexe measuring approximately 5.68metres in width, 8.678metres in length and 4.49metres in overall height. Materials include roof tiles, timber cladding and brick.

A previous application at this site was submitted under application reference 17/02250/FUL which was subsequently withdrawn. As part of this application

a number of concerns were raised by the Historic Buildings Consultant including the increased physical presence of built form on this section of the site and the physical relationship between the proposed annexe and host dwelling. Whilst it was acknowledged by the Historic Building Consultant that the current garage is located in close proximity to the listed building and has a negative impact on this property from a heritage perspective, it was argued by the Historic Building Consultant that the garage will always read as subordinate to the host dwelling and would not be a competing residential element. The annexe proposed as part of this application was bigger in footprint than the garage and the proposed annexe was to be two-storey accommodation with a front porch and dormers which would have come across very residential in design and thereby reducing the primacy of the listed building on the site.

This application in comparison to 17/02250/FUL has been revised including the omission of the first floor, the dormer, the front porch and has been set slightly further back. Whilst it is considered the changes are improvement on what previously submitted, it is still considered that the size of the footprint of the annexe is too big in relation to the host dwelling. The annexe is proposed to have a footprint of approximately 49.3m². The current host dwelling currently has approximately a footprint measured from plan of 68.5m² meaning that whilst the annexe would be subordinate, it would have a footprint of over two thirds of the host dwelling which is considered rather large in scale in the context of this Listed Building. For comparison the current garage at the property has a footprint of approximately 32m². Furthermore, the Historic Building Consultant also considers that the proposed annexe would repeat the uncomfortable physical relationship currently at the property between the host dwelling and garage. Whilst it is acknowledged that the garage does have a negative impact on the Listed Building, as explained as part of application 17/02250/FUL, the garage does read as a subordinate building currently. An annexe in a similar location on a larger scale in comparison to the garage would further negatively intrude upon the significance of the listed building.

As per paragraph 196 of the NPPF, harm to the significance of the heritage asset should be weighed against public benefits. It is considered that the proposal would have little public benefit. The development would generate jobs at the construction stage although this is considered to have significantly limited benefit due to the small scale of the development. It is acknowledged that there are personal circumstances as to why the annexe is required, however personal circumstances hold little material weight when considering the planning merits of a proposal. As such it is considered that the proposed annexe is contrary to Paragraph 196 of the NPPF.

Thus in summary, from a design and heritage perspective, it is considered that the scale of the annexe is too big and the location of the annexe would compete with the Listed Building and reduce the significance of the Listed Building and its setting.

Neighbour Amenity

It is not considered that the proposed annexe would be detrimental to neighbour amenity in terms of loss of light, privacy or in terms of being overbearing.

Highway Considerations

This proposal would result in a loss garage. It is considered however, that despite the loss of the garage, there would still be sufficient parking for two car parking spaces as required by Essex Parking Standards.

Conclusion

Whilst the proposed annexe is considered to represent an improvement on the previous proposal submitted under application reference 17/02550/FUL, it is still considered that the annexe is of a scale that is too large and is too close in proximity to the Listed Building. It is acknowledged that there are personal circumstances as to why this annexe is required. However, it is considered that the proposals would result in harm to the Listed Building and it's setting as per paragraph 196 of the NPPF and would not be outweighed by any limited public benefit the annexe may have. Therefore the proposal for an annexe would not comply with Policy RLP100 of the Braintree District Local Plan Review and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan. Thus it is recommended that planning permission is refused.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application REFUSED for the following reasons:-

- 1 It is considered that the proposed annexe by virtue of it's scale, design and location would have a detrimental impact upon the character and appearance of the Listed Building and it's setting. As such it is considered that the proposal is in contravention of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered to result in harm as per paragraph 196 of the NPPF. As such it is also considered that the proposal would be contrary to Policies RLP17, RLP90, RLP95 and RLP 100 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy and Policies SP1, SP6, LPP1, LPP38, LPP50, LPP56 and LPP60 of the Braintree District Draft Local Plan.

SUBMITTED PLANS

Existing Plans	Plan Ref: 1
Location Plan	Plan Ref: 3
Site Plan	Plan Ref: 4
Proposed Plans	Plan Ref: 2

CHRIS PAGGI
INTERIM DEVELOPMENT MANAGER