

PLANNING COMMITTEE AGENDA

Tuesday, 07 November 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
www.braintree.gov.uk

Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

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 24th October 2017 (copy to follow).

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 00018 FUL - Broomhills Industrial Estate, BRAINTREE | 5 - 39 |
| 5b | Application No. 17 01385 FUL - Great Priory Farm, Braintree Road, PANFIELD | 40 - 48 |
| 5c | Application No. 17 01386 LBC - Great Priory Farm, Braintree Road, PANFIELD | 49 - 52 |

PART B

Minor Planning Applications:-

- | | | |
|-----------|------------------------------------------------------------------|----------------|
| 5d | Application No. 17 01191 FUL - 19 Watermill Road, FEERING | 53 - 62 |
|-----------|------------------------------------------------------------------|----------------|

5e	Application No. 17 01349 FUL - Van Forecourt, land adjacent to 1 Easton Road, WITHAM	63 - 71
5f	Application No. 17 01534 FUL - 12 The Croft, EARLS COLNE	72 - 76

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

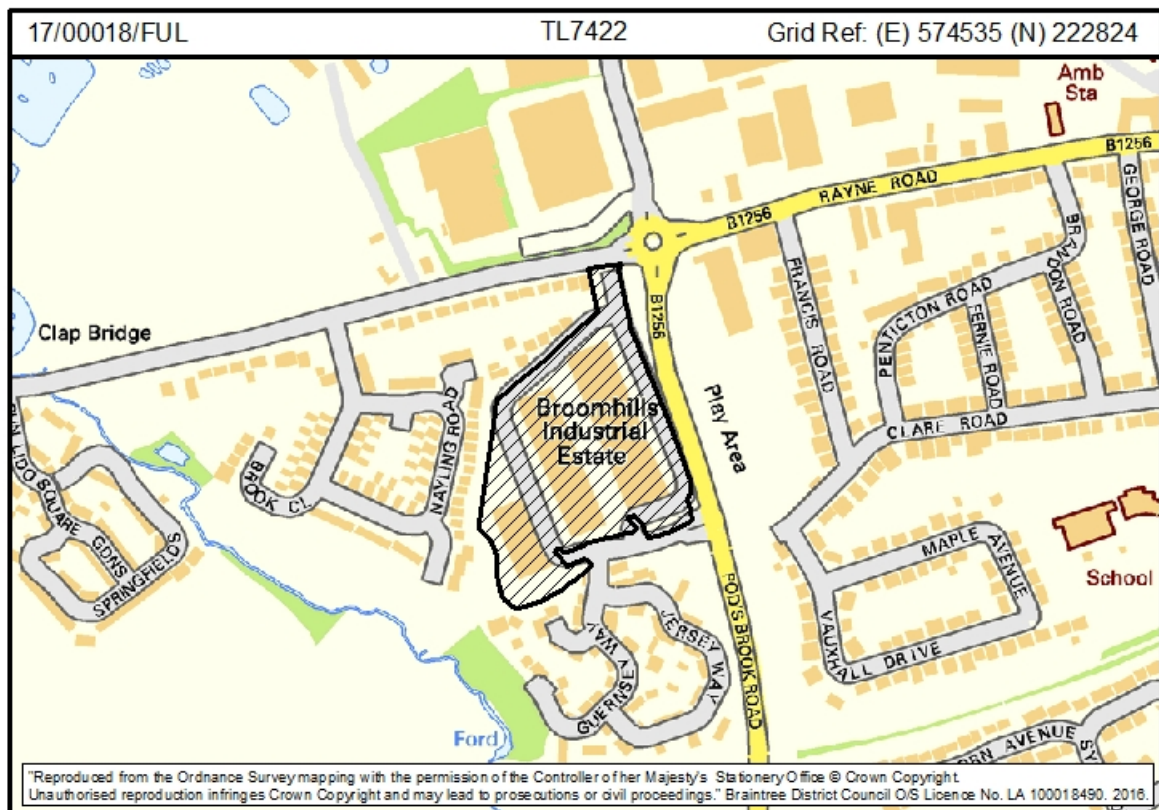
8 Urgent Business - Private Session

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.

PART A

APPLICATION NO: 17/00018/FUL
 DATE: 10.01.17
 VALID:
 APPLICANT: Plutus Estates (Braintree) Limited
 C/o Agent
 AGENT: Icen Projects
 Miss Katie Inglis, Flitcroft House, 114 to 116 Charing Cross Road, London, WC2H 0JR
 DESCRIPTION: Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.
 LOCATION: Broomhills Industrial Estate, Braintree, Essex

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



SITE HISTORY

03/01053/FUL	Proposed external improvements	Granted	11.08.03
14/00023/REF	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private	Appeal Dismissed	26.06.15
17/00053/NONDET	Demolition of all existing buildings on site and the erection of 107 residential dwellings comprising 67 houses, four maisonettes and 36 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.		
11/60219/PAM	Regeneration of the site through the development of a new foodstore, together with the re-provision of a number of separate units to accommodate the existing B Uses on the site.		27.10.11
11/00009/SCR	Environmental Impact Assessment - Screening Opinion		07.12.11
12/01000/FUL	Demolition of existing industrial terrace buildings and redevelopment of site for a new Sainsbury's Superstore (Use Class A1), with ancillary customer restaurant and automatic teller machines, goods online service, surface level	Refused then dismissed on appeal	27.11.13

17/00782/PDEM	car parking area, refurbishment/redevelopment of retained industrial building (Use Class B1, B2 & B8) with ancillary trade counters and associated works and change of use from highway land to private Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 35-38 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00783/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 19-34 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/00784/PDEM	Application for Prior Notification of Proposed Demolition - Demolition of Building containing Units 1-18 and associated hardstanding within the Broomhills Industrial Estate	Permission not Required	30.05.17
17/01402/FUL	Erection of 161 residential dwellings comprising 77 houses and 84 flats with associated informal open space, landscaping, apartment amenity space, car parking and other infrastructure.	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP28	Employment Land Provision
RLP33	Employment Policy Areas
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP49	Pedestrian Networks

RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP64	Educational Establishments
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

LPP81 External Lighting
LPP82 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

BDC Affordable Housing Supplementary Planning Document
Essex Design Guide
BDC Open Spaces Supplementary Planning Document
BDC Open Spaces Action Plan
ECC Parking Standards – Design and Good practice

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as the development is considered to be significant and represents a departure from the development plan.

It should be noted that the application has been appealed against non-determination and thus the Local Planning Authority can no longer determine the application.

SITE DESCRIPTION

The application site is the Broomhills Industrial estate, located to the western side of the settlement of Braintree and to the western side of Pod's Brook Road. The site is now disused for employment purposes and has been vacant for some time. The site is bound to the north, south and west by existing residential development. There is an existing vehicular access off Pod's Brook Road which serves the application site and the residential development of Guernsey way, Jersey Way and Fresian Close.

The site is predominately hard surfaced and contains a series of disused commercial buildings, which consume a large proportion of the site. The topography of the site is such that it falls away from east to west and also from north to south; such the site is at a lower level in comparison to Pod's Brook Road, but the depth of this varies along the frontage of the site. In relation to surrounding development the site is at a lower level than Graynes Close to the north, but at a much higher level than the development on Nayling Road. Beyond the site to the south the land rises up to the closest residential properties and then falls away.

The site is subject to a Tree Preservation Order (TPO) which protects specifically four groups of trees and 2 single trees. The four groups consist of the trees along the rear/western boundary and three groups along the front/eastern boundary. The two single trees are a Norway Maple to the rear of no.2 Guernsey Way to the south of the site and an Ash adjacent to no. 293 Rayne Road to the north of the site.

There is a footbridge (public right of way) which provides pedestrian access across Pod's Brook Road to Clare Road. Access to this footbridge is possible just south of the application site. Pedestrian access is also possible to the Flitch Way which is approximately 200m south of the application site.

Most recently the site has been subject to an application (made by Sainsbury's) for the demolition of existing industrial terrace buildings and redevelopment of site for a new Superstore. This application was refused and subsequently dismissed on appeal.

PROPOSAL

The application seeks full planning permission for the demolition of all existing buildings on site and the erection of 107 residential dwellings, comprising 67no. houses, 4no. maisonettes and 36no. flats with associated informal open space, landscaping, apartment amenity space and car parking.

The existing access off Pods Brook Road would be utilised to serve the proposed development.

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

- Design and Access Statement
- Land Contamination Assessment
- Gas Report
- Lighting Assessment
- Noise Impact Assessment
- Planning Statement
- Transport Assessment
- Statement of Community Involvement
- Tree Survey
- Ecology Report
- Utilities Appraisal
- Open Space Report
- Flood Risk Assessment

CONSULTATIONS

Essex County Council Education – No objections subject to financial contributions towards the provision of primary school places to mitigate against the impact of development on primary school capacity.

NHS – The proposed development is likely to have an impact on the services of 4 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. Request a financial contribution of £40,526 in order to mitigate the impacts of the development.

BDC Operations – This application contains a provision for play off-site which will result in financial investment and development of the existing BDC play area at Clare Road. This is supported.

Essex County Council Lead Local Flood Authority – No objections subject to conditions

BDC Environmental Health – No objections subject to conditions

BDC Landscape Services – Tree species choice is generally good, however some trees not appropriate within such close proximity to boundaries. A buffer strip of planting or open space on the eastern boundary would help to soften the impact of the main road on the development.

There is very little open space on site. The site plan shows two or three small strips of land alongside properties and on area with a balancing pond and substation. The number of units on site appears disproportionate to the amount of public open space.

The development would require the removal of preserved trees, including a particularly prominent ash with high amenity value that fronts Rayne Road. No consideration has been given to this tree or the character it brings to the locality. It is situated on a piece of green space that could make an attractive pedestrian entrance in to the site. There is a group of Norway maple trees along the west border of the site that would be exceedingly close to new housing, causing problems with shading from day one and putting pressure on them to be trimmed or removed. The relationship between this group of trees and the proposed houses does not appear to have been considered in the design stage, nor is any indication of shading arcs given in the Tree Constraints Plan. The geology here is predominantly London Clay with superficial deposits of sand and gravel, meaning that there is potential for seasonal movement due to clay shrinkage. The foundations of any buildings in such close proximity to semi-mature trees would need to be substantial, and any additions to the buildings in future years such as conservatories or porches would need to be similarly robust to reduce the chances of subsidence.

There is also a significant drop in levels to the south west which is not shown in the site sections. The trees here serve a useful screening purpose, as without a large barrier the houses on Nayling Road would be heavily overlooked, with no privacy in gardens or rear windows. This compounds the need for sensitive design in this area, ensuring the trees have space to mature.

Concerns raised in respect of the impact of the development on protected species.

Essex County Council Highways – No objections subject to conditions.

Essex Police – No objections

BDC Housing Development – Requires 30% affordable housing (32 dwellings). The application indicates that all 107 units are to be market housing. The application is contrary to policy CS2 of the Core Strategy.

Essex County Council Minerals and Waste – No comments to make

REPRESENTATIONS

2 letters of support, 7 letters of objections and 4 letters making comments have been received in response to the public consultation. Listed below is a summary of the main material planning comments:

Letters of support:

- The site has been derelict for a number of years
- The proposal for retail use failed
- The site is on a prominent corner and its appearance lets the area down
- Developer should be commended for the level of information provided and the public consultation prior to the submission of the application
- The site is brownfield and will have costs associated with this
- The developer has agreed to provide screening/boundary treatments to the properties in Nayling Road
- Planning permission should be forthcoming

Letters of objection:

- Does not meet cycle parking requirements
- Traffic lights are needed at the junction with Pods Brook Road and a 40mph limit put in place
- The road is dangerous for additional traffic
- Stability issues for properties on Graynes Close if hedging is removed
- Sunlight affected
- Impact on privacy
- Removing mature trees is negative for the environment
- Impacts on birds
- Removal of existing buildings potentially hazardous for existing residents
- Removal of TPO trees should not be allowed
- Not in keeping with the area
- Elevation D-D incorrectly shows the slope of the land which is misleading

Letters of comments (neither objecting nor in support):

- The road layout needs to be improved
- Springwood Industrial Estate roundabout is a problem
- Improved doctors surgeries are required
- Concerns for overlooking
- Happy with the layout

- We understand the hedgerow is to be retained and will be maintained by future occupiers
- Development will be an improvement to the current site
- Do not want to see the TPO trees removed
- Concerns for loss of light to properties in Graynes Close
- Buildings so close to our boundary will be intrusive (Graynes Close)
- What effect will the building work have on the stability of our garden. A steep bank supports this
- The flats fronting Rayne Road are out of keeping
- Concerned the school cannot cope with additional demand
- Noise and disturbance from construction works

REPORT

Principle of Development

5 Year Housing Land Supply

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Its view as at the time of writing is, therefore, that its forecast supply for the period 2017 - 2022 is 4.32 years. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'*.

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

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street

Coggeshall dated 12 July 2017, and Land at Finchingfield Road, Steeple Bumpstead dated 6th September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 June 2017) is considered to be 4.32 years based on the Liverpool approach, it is 3.44 years based on the Sedgefield approach.

The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed application.

The Application Site

The application is located within the Town Development Boundary of Braintree and is allocated for employment use. Local Plan Policy RLP33 states that only B1 (Business); B2 (General Industry) and B8 (Storage and Distribution) uses will be permitted. This allocation is not however proposed to be taken forward into the new Local Plan and the site has a draft allocation for residential development which was approved by the Local Plan Sub-Committee on 9th May 2016 and has since been subject to public consultation. The application to re-develop the site in a residential capacity is therefore a departure from the adopted development plan although it would be in accordance with the draft allocation in the emerging Local Plan.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on 5th June 2017 for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate on 9th October 2017 for examination in public in late 2017/early 2018.

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

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

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

The NPPF provides clear guidance (para 22) that *‘where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their*

merits having regard to market signals and the relative need for different land uses to support sustainable local communities’. The application site is located within the Town Development Boundary of Braintree, the District’s main town which sits at the top of the identified settlement hierarchy and is considered a sustainable location for new residential development.

In addition, the site consists of previously developed or ‘brownfield land’. The NPPF (para 17) places significant weight on the effective use of land by re-using previously developed (brownfield) land. The proposed development would result in the effective re-use of a large area of brownfield land and this is an important factor which weighs in favour of granting planning permission for the scheme.

Taking in to account that the site is located within the Town Development Boundary of Braintree on brownfield land; the Council is currently unable to demonstrate a 5 year housing land supply and the proposed development would deliver a large number of houses to help meet this existing shortfall and the site is proposed for allocation for residential development in the emerging draft Local Plan; the general principle of the re-development of the site for a residential use is considered acceptable and is supported, subject to further detailed material considerations which are set out below.

Sustainable Development

The application is supported (within the planning statement) by an assessment of sustainability.

The NPPF makes it clear that applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic:

- An economic role – 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 and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be considered in isolation, because they are mutually dependant. These are considered in more detail below.

Paragraph 9 of the NPPF states that the pursuit of “sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life”.

Economic Role

An assessment of the potential economic impacts of the development has been presented in the applicant’s planning statement. This highlights a number of positive benefits including the following:

Contribution to local economy - 107 residential units could generate an annual expenditure of £1,946,758 which would support the local economy. Additional residents would increase demand for local services and businesses in the town centre and wider district.

Additional income to the Council from New Homes Bonus & Council Tax - The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes in their local area. The bonus is currently paid annually over the course of six years and is based on the amount of additional council tax revenue raised for new-build homes.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. New Homes Bonus payments are listed as one form of ‘local financial consideration’. Officers do not consider that the payment of New Homes Bonus is a material consideration as the payment is not necessary to make the proposed development acceptable in planning terms. Reference to this payment is therefore for information only and Members should not consider this as being a material consideration when determining this application.

S106 contributions – these will be accrued by the local authority for the benefit of the residents.

The provision of a car club and free three-year membership for residents on site - provides economic benefits to individuals and households, including savings on car insurance, petrol and membership.

It is not disputed that the proposal would deliver some economic benefits. New jobs would be created at the construction stage (although this would not be a long term benefit) and new residents are likely to support existing businesses, and improvements to local services and facilities.

Social Role

The social benefits of the proposal the applicant highlights are as follows:

Provision of Market Housing - Boosting the supply of land for housing. The development proposals will contribute to the 5 year supply of Braintree.

Choice of homes - The proposed development of 107 net additional dwellings will provide a balanced mix of dwellings providing a choice of type and size.

Public Open Space Provision - The development proposals provide a contribution towards the Clare Road play area, outdoor sport and allotments.

Removal of vacant brownfield land – more attractive streetscape and passive surveillance.

Reduction in traffic movements in comparison to the industrial use of the site.

The car club - provides social benefits as it allows new residents of the development to access cars on site, the rest of Essex and the UK, and to not necessarily own their own car.

It is acknowledged that the proposal would fulfil a social role to some extent by contributing to the vitality of the town. It would deliver a mix of market housing and financial contributions would be secured in respect of public open space, education and healthcare. Notwithstanding this the proposal does not (as discussed in more detail below) secure any affordable housing such the proposal does not entirely meet the required needs of present and future generations. In addition, as will be discussed in detail below, Officers do not consider that the proposal secures a high quality built environment.

Environmental Role

The environmental benefits of the proposal the applicant highlights are as follows:

Use of brownfield land – Minimised the loss of greenfield land.

Loss of industrial use and the potential conflict with neighbouring residential development.

The surface water drainage design will attenuate water run-off at a 50% betterment than currently provided by the industrial uses on the site.

Proximity to sustainable modes of transport.

Retention of high quality trees and additional landscaping.

The car club CarPlus states that one Car Club space can remove 20 vehicles from the road and will allow residents who only require occasional use of a vehicle to make the choice not to own a vehicle themselves.

It is acknowledged that the development would secure an environmental benefit in the re-use of brownfield land, however as will be discussed below Officers do not consider that the proposed development secures a good standard of built development nor does it protect the natural environment given the proposal includes the loss of TPO trees.

The design and access statement alludes to a renewable strategy whereby it is *'the applicant's intention to deliver energy efficient dwellings, based on minimising heat losses and making use of current technologies throughout'*. It is suggested that this will minimise carbon emissions, however it is not clear exactly how this will be achieved. The renewable strategy seems to ensure compliance with current buildings regulations which would be necessary in any event.

The social and environmental roles of sustainable development are discussed further below.

Design, Appearance and Layout

The application site is a previously developed site which has an industrial/commercial history and sits within the town boundary. The existing landscape and townscape value of the site is therefore negligible and the residential re-development of the site represents an important opportunity to significantly improve the current situation.

Policy RLP90 of the adopted Local Plan requires a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires *'the highest possible standards of design and layout in all new development'*. At the national level, the NPPF is also clear in its assertion (para 56) that *'good design is a key aspect of sustainable development'* and that (para 58) developments should *'function well and add to the overall character of the area...establish a strong sense of place...are visually attractive as a result of good architecture and appropriate landscaping'*.

Planning Practice Guidance (PPG) acknowledges that the *'NPPF recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design'*. The PPG goes on to advise that *'achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations'*.

The PPG advises that *'Local planning authorities are required to take design into consideration and should refuse permission for development of poor design'*.

Policy RLP3 of the Local Plan Review states that residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP9 of the Local Plan Review requires new residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 seeks to control residential density and advises that density should be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping.

The application proposes the redevelopment of this former industrial estate with 107 residential units. The site is bounded by existing residential development on its northern, southern and western boundaries. It is also located within the town development boundary with reasonable pedestrian and cycle access to day to day facilities and is well placed to accommodate residential development. Notwithstanding this the site is heavily constrained, which has consequences for how the site is developed/laid out and the number of units it can accommodate satisfactorily.

The site is bound to its eastern side by Pods Brook Road, which is a main highway in to and out of Braintree Town Centre and the Springwood Industrial Estate. It is a significantly busy highway and the site will experience this at its greatest at its eastern edge. Given the topography of the land, the south eastern corner of the site is almost level with the highway, however the further north within the site you go the more elevated Pods Brook Road is in comparison. There is a planted buffer area between the edge of the site and the highway towards the northern end of the site which provides some separation and screening. It is noted however that it is proposed that Pods Brook Road will be widened in association with/to accommodate additional vehicle movements resulting from the proposed development of a Core Strategy allocated site at Panfield Lane (ref: 15/01319/OUT) and thus this buffer area would be lost as a result. As such the proposed development would be sited hard against a dual carriageway.

At the pre application stage the applicant was advised that the eastern side of the site and in particular the south eastern corner has the potential to accommodate flatted development. It is encouraging that flats are being proposed at the south eastern corner which provides a distinct focal point and addresses this corner well. Of concern with the layout subject to this application, is how the remaining development along the eastern edge addresses Pods Brook Road. Although a further flat block is proposed mid-way along the eastern edge there are also houses which have side elevations and garden areas that abut the eastern boundary. This does not relate positively to the street and is considered a poor announcement of the town, failing to take the opportunity to enhance this part of the site, which will be readily visible. Also of concern is how the flats relate to the 2 storey dwellings immediately adjacent. The juxtaposition of the flat blocks of greater height and the 2 storey houses, given the compaction of the development, fail to relate to one another successfully.

The applicant suggests that the flats are provided with private amenity space to satisfy the requirements of the Essex Design Guide. The amenity space is provided to the southern side of the block and immediately abuts the site boundary. Although outdoor space is beneficial to residential amenity, Officers consider that the space provided is not private, given that it would be readily overlooked from the public realm. Furthermore the quality of this space is questionable given its location which would experience significant road noise. Officers are mindful of the constraints that the previously developed nature of the site can present in the circumstances a compromise on the

normal application of amenity space standards might be acceptable, however in this case; no informal open space is provided within the wider site which could be utilised by occupiers of the flats and thus Officer's see no reason why amenity space should not therefore be provided in line with Essex Design Guide advice.

The flat block at 52-67 (at the centre of the eastern boundary) appears squeezed in to the site behind the street layout, making a poor contribution to the arrangement of dwellings and the overall sense of place. The public realm around this block is poor with parking spaces on all sides and brick walls behind these to secure rear garden areas. This area would feel extremely enclosed with little relief from the road and car parking. In addition this block of flats creates poor amenity and a lack of privacy for the houses it is located within close proximity to, as its siting would not achieve the 35m separation as advised by the Essex Design Guide, where flats have habitable rooms on upper floors that deny privacy.

The proposed amenity space for these flats, although of benefit to some degree, is located behind car parking spaces and given its separation from the units is unlikely to be well used. The drawings show tree planting however the grass verges are unlikely to be large enough to ensure longevity of the trees and the positioning of some of the trees would likely conflict with the use of car parking spaces.

To the north of the site a TPO Ash tree is to be removed in order to accommodate a flat block (plots 24-29), in a location alongside existing houses fronting Rayne Road. The removal of this tree is highly detrimental to the established character of Rayne Road and no consideration has been given to designing the site with a view to retaining this important tree. It is considered that the tree marks a transition point between the more urban town centre to the east and the less intensely developed Rayne Road to the west. The trees proposed as replacements are within too close a proximity to achieve full crown spread and do not justify or mitigate the removal of the TPO tree. The proposal falls contrary to policy RLP81 of the Local Plan Review and CS8 of the Core Strategy in this regard.

The flat block (plots 24-29) is sited immediately adjacent to no. 293 Rayne Road which is a detached bungalow. The flat block is of three storey height and of a completely different scale and form to the modest sized bungalow it would neighbour. This flat block fails to relate to the character of the street scene of which it would form part and visually over powers the adjoining bungalow. In addition Street Scene Elevation D-D shows the land levels rising from the flat block west along Rayne Road. The flat block is actually sited at the highest point beyond which the land falls away west along Rayne Road. This street scene is therefore misleading and the flat block would actually be more imposing than shown, given its elevated position.

Part of the northern boundary of the site immediately abuts the residential properties in Graynes Close, a backland development of detached dwellings built in the last 10 years. These properties are sited at a much elevated

position in relation to the levels of the application site. The proposed dwellings at plots 16-21 have been positioned at 90° to the properties in Graynes Close and as such, given the difference in levels, the rear gardens of the proposed properties would be entirely overlooked and this could not be sufficiently mitigated with planting and would significantly compromise the amenity of future occupiers.

To the western boundary, the site is constrained by way of differences in levels with Nayling Road and the existing trees, some of which are protected by way of a TPO. The applicant was advised at pre application stage that Officers were particularly concerned with regards to how the development would relate to existing properties and the implications of large and protected trees being contained within private rear gardens. The levels differences between the site and Nayling Road is such that the ground floor rooms of the houses on the application site would be approximately at the same level as the first floor windows of the properties in Nayling Road. As such the development has the potential to cause serious overlooking. Whilst the 25m back to back distance advocated by the Essex Design Guide is generally met (not in all cases), Officers are not convinced that given the circumstances, this will be sufficient to ensure that privacy is not compromised and this standard does not take account of differing site levels. Plots 1-7 have a group TPO spread across their rear gardens. These trees, which are mature will significantly impact upon the light experienced within the garden and rear windows. These trees would be put under unnecessary pressure to be reduced or removed and the group value diminished as a result. These trees provide character and most importantly screening between the existing neighbouring dwellings and the site. It is Officer's opinion that they should be retained as a single group and maintained as such, not divided in to separate garden areas whereby their future retention is less certain and their group value diminished.

The above highlights specific aspects of the layout which demonstrate the shortcomings of the scheme in terms of the quality of the environment enjoyed by prospective occupants and the detriment to neighbours' amenity. Overall Officer's consider that the scheme is trying to accommodate too many units and this compromises the quality of the environment being created. The development is sited in an intense arrangement given properties are sited within such close proximity to each other across the site, only alleviated where there are corners. This results in an almost continuous development which gives rise to an overwhelming sense of enclosure, exacerbated by the very small front garden areas and presentation of each dwelling almost abutting the highway boundary, 1.8m high brick walls to exposed gardens and shared surfaces, combining to make an excessively tight enclosure. The density of the development means that there is little space for meaningful soft landscaping to relieve the sense of enclosure and there are no pavements to increase street width. The few small areas of amenity landscaped space add little to the quality of the development and only exacerbate the over developed nature of the proposal. When considering the scale of development the PPG advises that *'Decisions on building size and mass, and the scale of open spaces around and between them, will influence the character, functioning*

and efficiency of an area. In general terms too much building mass compared with open space may feel overly cramped and oppressive'. Officers are of the opinion that there is very little relief from built development and the layout does not secure an appropriate balance of built development and open space such that neither a successful sense of place nor a high quality layout is achieved.

The PPG advises that *'development should seek to promote character in townscape and landscape by responding to and reinforcing distinctive patterns of development'* and that *'local building forms and details contribute to the distinctive qualities of a place. These can be successfully interpreted in new development without necessarily restricting the scope of the designer. Standard solutions rarely create a distinctive identity or make best use of a particular site'*. The residential developments surrounding the site have been built out at different times and their design and layout is reflective of this. Notwithstanding this they present a much more successful suburban character with a more balanced mixture of built development and open space. The proposed development does not achieve this nor does it respond to the local characteristics.

As well as amenity green spaces the Council's Open Space SPD sets out that informal open space will be required on every development of over 50 units. Informal open space comprises space used for play and recreation and can include village greens. It also includes landscaped parks and gardens which can include paved and planted areas, footpaths and cycle ways, trees, flower beds paths, lawns and seating areas. Informal open space can also include smaller landscaped areas in and around housing area which although not actively used for recreation do contribute to the public realm and setting the development. The proposal is devoid of any informal open space which impacts on the quality of the environment being created and is contrary to the SPD.

The application proposes the following mix of market housing:

- 26 x one bed (apartments)
- 36 x two bed
- 10 x three bed
- 35 x four bed

It is noted that house types A (2 bed), B (3 bed) and C (3 bed) which comprises 26 units; all contain a study or additional kitchen at first floor, which is of a size that could be used as a 3rd or 4th bedroom. House type B (3 bed) is almost identical to house type D which is a four bedroomed property. Officers find it unlikely that the units would be sold or used as described but instead as properties with more bedrooms than indicated and it would not be possible to condition the use of a room as it would not be enforceable. This would mean that the development contains no 2 bed houses and an increase in 3 and 4 bedroom properties. The properties described as two bedroomed do not have garden areas of a size appropriate for a 3+ bedroom dwelling. This is further representative that the number of units and the size of those units cannot adequately be accommodated on site without compromising on amenity.

Furthermore financial contributions (discussed below) would be calculated on the basis of the housing mix proposed, which may not be representative of the actual development that would be carried out.

Officers consider a more realistic housing mix to be as follows:

- 26 x one bed (apartments)
- 20 x two bed (apartments)
- 16 x three bed
- 45 x four bed

With regards to the architectural design of the properties it is considered that the scheme lacks variation and is as a result monotonous and repetitive. This is exacerbated by the sense of enclosure and narrow street width.

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP3 of the Local Plan Review advises that residential development will only be permitted where it satisfies amenity criteria. Policy RLP90 of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The impacts of the development upon existing residential properties and future occupiers of the development have been addressed above. To reiterate Officer's do not consider that the layout secures a good standard of amenity for existing or future occupiers.

To conclude it is considered that the development is overly dense and the quality of the environment and public realm suffers as a consequence. The proposed layout does not respond positively to the guidance of the NPPF or meet local planning policies in respect of design, layout or residential amenity. Officers appreciate the position in respect of the 5 year housing land supply, however this should not justify accepting schemes of exceptionally poor design and layout which compromise design standards and residential amenity. If approved the failures of this scheme and the impact this would have on the environment would be experienced in perpetuity. In Officers opinion the proposal fails to secure the environmental or social role of sustainable development and this weighs heavily against the application.

Car Parking

The Council's adopted car parking standards require all one bedroomed properties to be served with one off street car parking space and all properties with 2 or more bedrooms to be served with 2 off street car parking spaces to dimensions of 2.9m x. 5.5m. If garages are to be used to contribute to the allocated car parking these must have internal dimensions of 3m x 7m. Visitor car parking must be provided at 0.25 spaces per dwelling.

Across the development all houses have one garage space and one space on a driveway. The same approach is taken at every property. The flats are provided with car parking either undercroft or on surface. Given the density of the layout visitor car parking is in the main, placed in bays parallel to the

highway. Whilst the scheme complies with the adopted car parking standards in terms of the numbers of spaces to be provided, Officers consider inherent problems with the same approach being taken at each dwelling, especially by way of the integral garages. Garages which do not meet with the size requirement of the parking standards (3m x 7m) are seldom used for car parking, given they do not offer the most convenient option and there is generally pressure on these to be used for storage (given small garden areas) or converted to additional accommodation. In this the result would be the displacement of vehicles on to the highway, which is only a shared surface and thus of limited width. There are no pavements or front gardens deep enough to accommodate alternatively parked cars and this will inevitably lead to a poor environment and significant impact on manoeuvrability within the highway. The already overpowering sense of enclosure would be exacerbated by cars parked on the street. The Car Parking Standards as set out within SPD Parking Standards – Design and Good Practice specifically advises against shared surfaces, unless in very low density developments, given that they can lead to indiscriminate parking, and narrowing of the road which hampers access by service and emergency vehicles.

The Parking Standards also advise that *'quality urban design dictates that care should be taken that on plot parking does not result in streets dominated by parking spaces in front of dwelling or by building facades with large expanses of garage doors'*. The approach taken with regards to car parking for the houses will mean that the streets are dominated by cars parking in front of the properties and this will occur across the development not just in isolated areas. The density of the development and the siting of the properties almost immediately abutting the highway will exacerbate the impact of this.

Furthermore the visitor car parking appears to have been included as an afterthought and not as an integral part of the layout, given it is proposed predominantly in bays parallel to the highway; such it appears overly dominant within the street.

As mentioned above the scheme largely complies with the required car parking numbers, however there are 26no. undersized garages (House types A, B and C). As such there are 26no. dwellings with insufficient car parking and the proposal conflicts with adopted policy in this regard.

The planning statement alludes to a proposed car club; however no details of how this is proposed to work are given. Furthermore there is no space for car club parking shown on the proposed layout, if it is to be the case that pool cars will be located on site. In theory car clubs can be beneficial and policy CS7 of the Core Strategy encourages them, however no assessment is provided as to whether the applicant has considered the use of a car club in this location or tested the market in this area, nor is the applicant suggesting that a car club would mean on site car parking should be reduced to below the adopted standard. Without this assessment Officers are concerned with whether it would work in practice to the desired effect and therefore no weight can be given to the proposal.

Trees

The NPPF requires the planning system to contribute to and enhance the natural and local environment. Policy RLP81 encourages landowners to retain, maintain and plant native trees, hedges and woodlands.

The application proposes the removal of 15 trees, 8 of which are preserved by way of a TPO (ref: 08/2016/TPO). The planning statement suggests that these preserved trees are to be replaced by trees of a 'higher quality'. The loss of some of the trees within the group TPOs is not considered objectionable provided the removal does not compromise the value of the group and additional planting could mitigate against this sufficiently. One of the preserved trees to be removed is a single Ash tree located adjacent to no. 293 Rayne Road. This tree is of significant amenity value and its removal to be replaced by built development gives no regard to the preservation order or the amenity value/character the tree brings to the locality. The loss of this tree is considered to harm the amenity of the locality and it would not be mitigated by way of new planting. The application also proposes the loss of the single preserved Norway Maple to the south of the site, in order to accommodate attenuation. This tree provides significant amenity value to the locality and its loss would not be mitigated by new planting. The loss of the TPOs is contrary to policies RLP81 of the Local Plan Review and CS8 of the Core Strategy and weighs heavily against the proposed development.

With regards to proposed planting throughout the site the Council's landscapes officer considers the tree choice generally acceptable, although there are some trees which are not acceptable within such close proximities to boundaries. Landscaping and tree species could be controlled by condition should the Local Planning Authority be minded to approve the application.

The Council's Landscape Officer advises that there is a group of Norway maple trees along the western boundary of the site that would be very close to new housing, causing problems with shading and putting pressure on them to be trimmed or removed. The applicant was made aware of Officer's concerns with regards to the existing trees along the western boundary and their relationship with proposed housing at the pre application stage, however little consideration has been given to this in the proposed layout and no indication of potential overshadowing is given within the tree constraints plan. It is considered that the positioning of the dwellings in relation to the western boundary and existing tree planting (some of which forms a group TPO) results in a poor layout which implicates both the trees and the residential amenity of future occupiers. Although the protected status of some of the trees means that the Council would be able to control works to them, this is not considered reasonable to allow a layout that has such unsatisfactory relationships inbuilt. Such poor relationships could lead to pressure to fell or to heavily reduce the trees, thereby threatening their long term well-being. In addition the loss of the planting along this boundary would give rise to adverse impacts on the residential amenity of existing properties in Nayling Road given the differences in land levels. This compounds the need for sensitive design in this area and this is not achieved in the layout proposed.

The proposal fails to accord with policy RLP81 of the Local Plan Review.

Ecology

The NPPF requires planning to conserve and enhance biodiversity. Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species.

The Council's landscapes team consider that the preliminary Ecological Report and the Bat Survey Report provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups. It is noted that the bat survey was submitted in support of a more recent planning application at the site (17/01402/FUL), which is currently being considered, however it is also relevant to this application. Comments made by the Council's Ecology Officer in respect of application 17/01402/FUL have also been considered in the assessment of this application as they apply equally to each application.

The site benefits from prior approval (utilising permitted development rights) to demolish the existing buildings on site. The Council cannot as part of these types of applications control matters pertaining to protected species. Irrespective of the planning process there is an obligation to comply with relevant law regarding protected species, including obtaining and complying with the terms and conditions of any licenses required. The prior approval relates only to the buildings and thus it is prudent to consider ecological matters across the remaining areas of the site.

The layout of a site and how it is designed should be informed by (but not limited to) its characteristics and constraints. In this case the bat survey has been undertaken after the site has been designed and therefore the results of the bat survey and information/evidence pertaining to how bats are foraging and utilising the site have not been considered in the design of the scheme and the scheme doesn't respond to this. The Council's Ecology Officer raises concern with regards to the lack of green infrastructure and open space within the site and the little consideration that has been given to enhancement of the site for biodiversity, in particular the lack of protection of commuting/foraging routes for bats. The development proposals do not incorporate the findings of the bat survey, for example looking at how the current hedgerows and trees are used for commuting and foraging and how they can potentially connect adjacent habitats. The development proposes many of the trees and hedges being placed in residential gardens which puts this habitat at risk and may fragment the site. Noctule bats have been recorded as foraging on site but they are known to roost in woodland, so connectivity is especially required to the adjacent wooded area to the west and the river corridor.

The provision of bird and bat boxes which where appropriate should be integrated into the building design and included on trees throughout the site.

The provision of bird and bat boxes could be sought by condition, however the lack of consideration for biodiversity would require fundamental changes to the design and layout, going beyond that which could be secured by condition. As enlarged upon throughout this report, the design and layout of the site is considered flawed in many aspects. The lack of consideration for the protection and enhancement of existing biodiversity within the site only highlights and compounds the poor design further.

The bat survey report identifies a single mature common ash (*Fraxinus excelsior*) on the northern boundary of the site as having potential roosting features (low-moderate value), but that no direct impacts are anticipated. This tree is however proposed to be removed in order to facilitate the development and therefore presence or absence surveys need to be undertaken in order to determine any necessary mitigation.

It is recommended by the Council's Ecologist that a condition be attached to any grant of consent requiring details of a lighting design strategy for light sensitive biodiversity. This is considered reasonable.

Highway Issues

The NPPF advocates sustainable transport. In determining planning applications the following should be considered:

- Whether opportunities for sustainable transport modes have been considered
- Safe and suitable access to the site
- Improvements to the transport network

The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy RLP53 of the Local Plan Review advises that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where i) direct public transport services exist or there is the potential for the development to be well served by public transport ii) the layout of development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site. Policy RLP54 of the Local Plan Review requires all major development proposals to be accompanied by a Transport Assessment. Policy CS7 of the Core Strategy seeks to improve accessibility to reduce congestion and encourages sustainable travel.

The application is supported by a Transport Assessment. This details that the site will be accessed by vehicular traffic via the existing access points; however the junctions will be improved to suit residential development.

The Transport Assessment concludes that there is no need to provide any highway improvement to mitigate the transport effects of the proposed development, as it would have no detrimental effect on the operational capacity of the highway network or on highway safety. The assessment details that trip generation data demonstrates that the proposed demolition of all existing industrial and trade retail buildings and the construction of 107 new homes would result in a reduction in peak hour vehicle trips and a reduction in daily vehicle trips. The change in travel patterns would result in a minor increase in peak hour travel by all sustainable modes.

Notwithstanding this the assessment acknowledges that the development proposed at Panfield Lane will likely be required to fund improvements to the Rayne Road roundabout. The applicant is willing to fund improvements to the Guernsey Way/Pod Brook Road junction if the Highways Authority considers this necessary. The lack of 30mph signs and the presence of redundant lengths of footway have already been identified.

The application also proposes a Transport Implementation Strategy which comprises Residential Travel Information Packs and a Construction Logistics Plan which will promote sustainable modes of transport. The proposed car club has been addressed above.

The Highways Authority have been consulted on the application and raise no objections to the proposal but recommend conditions to be attached to any grant of consent. These conditions include the provision of a construction management plan and a series of highway works to be undertaken which consist of:

- a) Improvements to the two site accesses as shown in principle on the planning application drawings
- b) Dedication as highway of land which forms part of the proposal site immediately adjacent Rayne Road to help facilitate any future improvement of the Rayne Road/Springwood Drive/Pod's Brook Road roundabout
- c) Upgrade of bus stops
- d) Conversion of the pedestrian island to a traffic island at the Guernsey Way/Pod's Brook Road junction and removal of sections of footway to the north and south of the junction
- e) Tactile paving at the dropped kerb crossing point between the northern and southern footway in Guernsey Way to the east of the main proposal site access road
- f) Tactile paving at all cycle/pedestrian crossing points at the Rayne Road/Springwood Drive/Pod's Brook Road roundabout
- g) Residential Travel Information Packs

Officers consider the recommended conditions appropriate and necessary and could be attached to a planning permission if the Local Planning Authority was minded to approve the application.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment which demonstrates that the proposed development would be safe from flooding and that it would not increase flood risk elsewhere. Although further infiltration testing will be required it is proposed that the drainage strategy include 40% of the impermeable area being discharged to soakaways and the remaining 60% utilising an attenuation based system with runoff routed in to a pond and oversized pipes. Discharge will be limited to 50% of the existing run off rates, with attenuation provided up to and including the 1 in 100 year event and a 40% allowance for climate change.

The applicants are of the opinion that the drainage strategy would be feasible and would ensure that surface water runoff rates for the proposed development would be reduced when compared to the existing rates for the operational lifetime of the development.

Essex County Council as Lead Local Flood Authority has been consulted on the application and raise no objections, subject to conditions being placed on any grant of consent.

The proposal is considered to accord with the NPPF (para. 99 -103) and CS8 of the Core Strategy in so far as it relates to the matters of flooding and surface water drainage.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located in the urban area of Braintree where the provision of 30% affordable housing is required. For a scheme of 107 units, 32 are required to be affordable. If the Local Planning Authority was minded to approve the application, affordable housing would be secured within a S106 agreement.

During the pre-application process the applicant was made aware of the Council's expectations in regards to affordable housing and a preferred mix, considered appropriate to meet housing need was indicated. The mix preferred based on the current scheme is as follows:

- 6 x 1 Bed 2 person flats
- 10 x 2 bed 4 person flats (including one ground floor flat to be compliant with Part M Cat 3 of Building Regulations)
- 10 x 2 bed 4 person houses
- 4 x 3 bed 6 person houses
- 1 x 4 bed 7 person house
- 1 x 3 bed 5 per wheelchair bungalow (compliant with Part M Cat 3 of Building Regulations)

The application form details that all the units are proposed as market housing and thus no affordable housing is proposed. The planning statement makes no reference to policy CS2 of the Core Strategy. Reference is made to the Affordable Housing Supplementary Planning Document (2006) however this only states its requirements not how the development accords with it. The planning statement does include 'Sustainable Development Criteria in the NPPF'. This alluded to a viability assessment being prepared to determine how much affordable housing is to be proposed.

The applicant, during the course of the application, has submitted a viability assessment in respect of affordable housing, which concludes that the scheme would not be viable should it include affordable housing. In fact the viability assessment provided by the applicant includes no allowance for affordable housing and still returns a significant loss. As such the scheme is shown to make negative profit even with 100% market housing.

Officers have had the submitted viability assessment tested by an independent consultant. Unfortunately before Officers had the opportunity to consider the advice of the consultant and look to discuss this with the applicant's agent, an appeal against non-determination was made. Officers have however continued to investigate the issue of affordable housing viability.

Having considered/tested the viability assessment submitted, the advice of the Council's consultant is that the scheme, without affordable housing, would make a loss and therefore the scheme as proposed (with 100% market housing) is not viable. Based on these conclusions it would not be justified to withhold planning permission for not providing affordable housing and a conflict with policy CS2 of the Core Strategy. Nevertheless the Local Planning Authority is not persuaded that the scheme represents the only way in which the site could be developed and this is emphasised by the NPPG which focuses on the viability of sites rather than schemes. This is considered to represent a further shortcoming of the scheme.

In light of the conclusions on affordable housing viability, Officers propose that any S106 agreement contains a review mechanism which at a certain point would trigger a review of sales values across the site benchmarked against the sales values assumed within the viability assessment. The Council would receive a proportion of any uplift to deliver off site affordable housing. The applicant has confirmed that they are agreeable to a review mechanism for affordable housing within any S106.

Notwithstanding this, given that no S106 has been negotiated to date, this would form a justifiable reason to refuse the application.

Section 106

Healthcare

NHS England advise that the proposed development would be likely to have an impact on the services of 4 GP Practices operating in the vicinity of the site

which do not have capacity for the additional growth resulting from the development. The development would therefore give rise to a need for improvements to capacity; by way of the Phase 2 fit out at St Lawrence surgeries new location, a proportion of the cost of which would need to be met by the developer. A financial contribution of £40,526 is therefore required and should be paid prior to the commencement of development.

The planning statement suggests the applicant would be willing to make a financial contribution in respect of healthcare.

Education

The County Council has stated that there is sufficient existing capacity for Early Years and Childcare and Secondary School provision but that a financial contribution is required towards additional Primary School place provision.

The development sits within the priority admissions area of St Michaels CE Primary School. This school is full to capacity and according to Essex County Council's 'Commissioning School Places in Essex' it will require 16 additional spaces by the academic year 2020. Although no feasibility study has been undertaken it is considered that the school has accommodation that could benefit from a project to increase net capacity. A contribution of £270,218 is requested. This contribution is based on the formula outlined in the Essex County Council Developers Guide to Infrastructure Contributions which sets sums based on the number and type of homes built. The contribution will therefore be fairly and reasonably related in scale and kind to the development and thus Community Infrastructure Levy (CIL) (regulation 122) compliant. Five obligations naming the project alluded to above have not been entered in to at this time and therefore any Section 106 agreement would be CIL (regulation 123) compliant.

The planning statement suggests that the applicant would be willing to make a financial contribution in respect of primary education.

Open Space

Policy CS10 requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would usually be expected to make provision for equipped children's play areas and informal and casual open space on site with a financial contribution towards the provision of off-site outdoor sports facilities and allotments.

The application is supported by an 'Overview of Existing Open Space and Play Facilities' which assess play space within immediate proximity to the site (Clare Road and Acorn Avenue) and makes suggestions for improvements.

During the pre-application stage Officers were accepting to a financial contribution towards the existing children's play area opposite the site on Clare Road rather than an area of equipped play being provided on site. Given the NPPF's emphasis on the effective re use of brownfield sites, this is considered appropriate in this instance. Officers have no objections to a financial contribution being also put towards Acorn Avenue. Financial contribution towards equipped play and outdoor sport would be secured through a S106 agreement should the Local Planning Authority be minded to approve the application and the planning statement suggests the applicant would be willing to secure this.

Contributions are currently worked out based on the figures below.

Financial Contributions from Residential Development towards Provision by Size of Dwelling

Type of open space	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Outdoor sport provision	£492.90	£720.51	£985.96	£1,137.65
Provision for children and young people	£331.11	£483.92	£662.21	£764.09
Allotments	£15.64	£22.87	£31.29	£36.10
Contribution per dwelling	£839.65	£1227.30	£1679.46	£1937.84

A contribution of £150,632.70 would be sought in respect of public open space. The applicant is also willing to provide a contribution in respect of maintenance.

Officer's note that the financial contributions sought in respect of open space and educations have been calculated based on the number of units/unit mix proposed. As mentioned above having considered the floor plans, Officers are of the opinion that what is actually proposed is a greater number of 3 and 4 bedroom houses. As a consequence the figures given above would increase.

In respect of informal open space, as detailed above Officers do not consider that this has been provided.

Other Matters

Air Quality

The NPPF requires the planning system to *'prevent both new and existing developments from contributing to or being put at unacceptable risk or being adversely affected by unacceptable levels of air pollution'*.

The application is supported by an Air Quality Assessment. This report discusses the potential impacts associated with the proposed development on

local air quality and concludes that during the construction phase some impacts on air quality are likely to occur, mainly through dust emissions, however suitable mitigation measures, which can be controlled by condition can mitigate against this. An assessment has also been undertaken to determine the impact of the traffic generated by the proposed development on local air quality and the predicted increase in contaminants is considered to be negligible.

The air quality report also identifies that at 12 modelled 'worse case locations' concentration of key pollutants would be negligible. The assessment does not specifically consider exposure of residents in the flats/dwellings proposed along Pods Brook Road and the Council's Environmental Health Team consider that this should be given consideration. They advise however that given levels observed at other locations within the site, it is unlikely that future residents would be adversely affected by levels of air pollution. It is considered therefore that this matter could adequately be dealt with by condition on any grant of consent.

Noise Impact

The NPPF specifically states in respect to noise matters that *planning policies and decisions should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason

The noise impact assessment considers whether existing noise levels at the site pose a constraint to the proposed residential use.

The internal target noise levels that have been adopted for the residential development are those outlined in BS8233:2014; at night this should be no more than 30 dB and during the daytime no more than 35db. The internal maximum night-time noise level target from the World Health Organisation guidelines is 45 dB. The surveys undertaken at the site have established that during the days residents would be subject to noise up to 64db and between 57-59db at night. This is considerably above the recommended noise levels. As such mitigation measures are required to ensure residential amenity is not compromised. The report proposes higher specification glazing to habitable windows, acoustically treated ventilation on the windows and acoustic barriers around garden areas.

The Council's Environmental Health team raise no objections, subject to a condition on any grant of consent requiring details of the proposed mitigation measures to be submitted.

Utilities

A utilities assessment has been submitted with the application. This provides information on the presence of main utilities on or within close proximity to the site. The assessment does not detail as to whether connection to these would be possible.

Gas – There are gas main services within proximity to the site that could be utilised.

Electricity – There is electricity infrastructure within the site.

Telecoms – BT services are within proximity to the site.

Water/Sewers – Public mains are located within the site and immediately adjacent. Foul sewers are located within the vicinity.

Land Contamination

The Land Contamination Assessment submitted with the application indicates that further work would be required to be undertaken to ensure the land is suitable for residential development; however there is no evidence to suggest that this could not be dealt with and thus does not preclude residential development.

The Council's Environmental Health team raise no objections to the report but recommend a series of conditions be attached to any grant of consent to ensure contamination is dealt with appropriately.

Lighting

The application is supported by a Lighting Assessment. This assessment does not propose a strategy for lighting across the development, however this could be controlled by condition should the LPA be minded to approve the application. The assessment does demonstrate that appropriately designed lighting could be introduced to the development with minimal impact within and outside the site boundary.

CONCLUSION

As set out above the development of new housing will always bring benefits but those benefits do not always outweigh all other considerations. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i)

specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted.

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

Accordingly, the LPA must therefore apply the "tilted balance" to the consideration and determine and assess whether any adverse impact of granting consent would demonstrably outweigh the benefits.

It is acknowledged that the provision of housing would bring social and economic benefits which would also contribute towards the District's 5 year housing supply and this should be given significant weight. In addition the applicant refers to a range of other benefits including the creation of construction jobs; increased demand for local services; and financial contributions to mitigate the impacts of this development. Such benefits would be consistent with the social and economic dimensions of sustainable development.

Nonetheless, Officers are of the opinion that the impact of the proposed development by way of its density, layout and design, the under provision of car parking, the under provision of private amenity space and the lack of public open space, the impact on residential amenity, the loss of Tree Preservation Order trees, the impact on ecology and that it has not been demonstrated that the site is unviable for residential development in a form that would deliver affordable housing, cumulatively outweigh the benefits of the development and as a result the proposal fails to achieve sustainable development.

In addition, a S106 Agreement has not been secured to ensure on site public open space, a review mechanism for affordable housing or financial contributions towards equipped play, outdoor sport, allotments, education (primary school places) and healthcare in order to mitigate the impacts of the development in these respects.

RECOMMENDATION

It is therefore RECOMMENDED that the Planning Committee resolve that had it been in a position to determine this application it would have refused it for the following reasons:

1 The proposal fails to achieve sustainable development for the following reasons:

- The proposal by way of the density and layout fails to achieve a high quality design which creates an attractive and comfortable place to live and visit and instead results in a poor quality environment for future occupiers
- The number of units, their arrangement/position, the lack of variation to housing design, the lack of space for landscaping, the under provision of private amenity space, lack of informal public open space, the approach to car parking and the under provision of car parking spaces makes for an ill-conceived and poorly designed scheme which has little relief from the built development and an overwhelming sense of enclosure, failing to secure a high standard of design and layout
- The layout gives no consideration to the relationship with existing neighbouring dwellings, relating poorly to them and giving rise to an unacceptable degree of harm to residential amenity.
- The proposal results in the loss of 8no. preserved trees which cannot be mitigated by new planting. In addition the future retention and group value of preserved trees is threatened and eroded by way of including them within separate rear garden areas
- The layout has not been informed by the ecological survey such that no consideration has been given to the protection or enhancement of biodiversity.
- The applicant has failed to demonstrate that the site is unviable for residential development in a form that would deliver an element of affordable housing.

Cumulatively the impacts of the development as detailed above are considered to significantly and demonstrably outweigh the benefits and the proposal fails to deliver sustainable development, in conflict with the NPPF, policies CS2, CS8, CS9, CS10 and CS11 of the Core Strategy, policies RLP3, RLP9, RLP10, RLP81, RLP90 and RLP138 of the Local Plan Review, the Essex Design Guide, SPD Open Spaces (2009) and SPD Parking Standards - Design and Good Practice (2009).

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

- A financial contribution towards primary school places
- A financial contribution towards healthcare
- A financial contribution towards outdoor sport, allotments and an equipped area of play
- A review mechanism for affordable housing
- The provision, maintenance and delivery of public open space.

These requirements would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement had not been prepared or completed. In the absence of such a planning obligation, the proposal is contrary to policies CS2, CS10 and CS11 of the adopted

Braintree District Core Strategy (2011) and policy RLP138 of the adopted Braintree Local Plan Review (2005) and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

Location Plan	Plan Ref: 22835A/01
Existing Site Plan	Plan Ref: 22835A/02
Existing Sections	Plan Ref: 22835A/03
Existing Sections	Plan Ref: 22835A/04
Proposed Site Plan	Plan Ref: 22835A/10
Tenure Plan	Plan Ref: 22835A/11
Proposed Site Plan	Plan Ref: 22835A/12
Boundary Treatment	Plan Ref: 22835A/13
Parking Strategy	Plan Ref: 22835A/14
Refuse Information	Plan Ref: 22835A/15
Levels	Plan Ref: 22835A/16
House Types	Plan Ref: 22835A/30
House Types	Plan Ref: 22835A/31
House Types	Plan Ref: 22835A/32
House Types	Plan Ref: 22835A/33
House Types	Plan Ref: 22835A/34
House Types	Plan Ref: 22835A/35
House Types	Plan Ref: 22835A/36
House Types	Plan Ref: 22835A/37
House Types	Plan Ref: 22835A/38
House Types	Plan Ref: 22835A/39
House Types	Plan Ref: 22835A/40
House Types	Plan Ref: 22835A/41
House Types	Plan Ref: 22835A/42
House Types	Plan Ref: 22835A/43
House Types	Plan Ref: 22835A/44
House Types	Plan Ref: 22835A/45
House Types	Plan Ref: 22835A/46
House Types	Plan Ref: 22835A/47
House Types	Plan Ref: 22835A/48
House Types	Plan Ref: 22835A/49
House Types	Plan Ref: 22835A/50
House Types	Plan Ref: 22835A/51
House Types	Plan Ref: 22835A/52
House Types	Plan Ref: 22835A/53
House Types	Plan Ref: 22835A/54
Carport / Cartlodge Details	Plan Ref: 22835A/55
Street elevation	Plan Ref: 22865A/60
Street elevation	Plan Ref: 22835A/61
Street elevation	Plan Ref: 22835A/62
Street elevation	Plan Ref: 22835A/63
Street elevation	Plan Ref: 22835A/64

Landscaping
Landscaping
Landscaping

Plan Ref: SHEET 1 OF 3
Plan Ref: SHEET 2 OF 3
Plan Ref: SHEET 3 OF 3

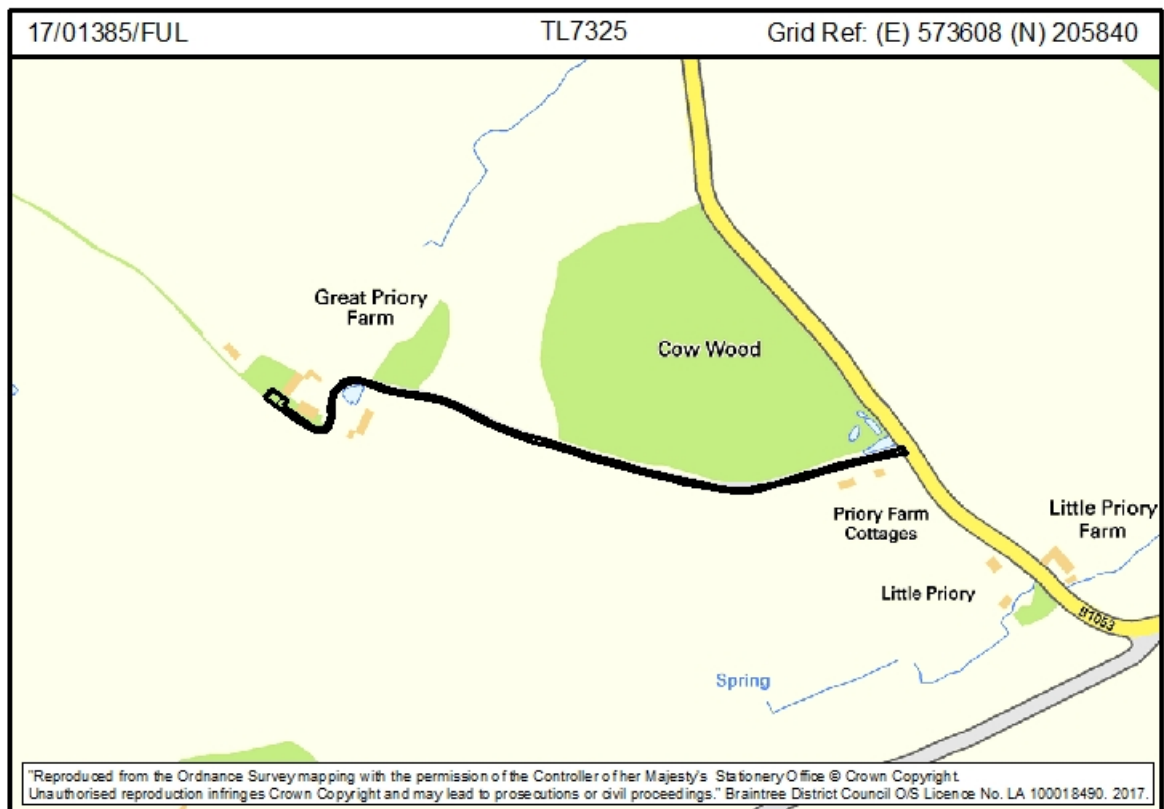
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 17/01385/FUL DATE: 17.08.17
VALID:
APPLICANT: Great Priory Farm Partnership
Great Priory Farm, Braintree Road, Panfield, Essex, CM7 5BQ
AGENT: Mr Mark Homer
Pocknell Studio, East Barn, Blackmore End, Braintree, CM7 4DR
DESCRIPTION: Conversion of redundant Nissen hut to holiday let
LOCATION: Great Priory Farm, Braintree Road, Panfield, Essex, CM7 5BQ

For more information about this Application please contact:
Mr Sam Trafford on:- 01376 551414 Ext. 2520
or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

None relevant.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP146	Tourist Accommodation

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
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
LPP8	Rural Enterprise
LLP9	Tourist Development within the Countryside
LPP42	Residential Conversion of Buildings in the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being considered at the Planning Committee, as it was determined (through consultation with the Chairman and Vice Chairman of the Planning Committee) that it could be significant in its impacts.

SITE DESCRIPTION

The application site consists of a Nissen hut, a half-cylindrical prefabricated structure clad in corrugated steel. These structures were designed by Major Peter Norman Nissen during World War I and used extensively during World War II. Post-war many of these structures were re-sited and used for agricultural purposes.

The site contains in total of 4 listed buildings; a Grade II listed Farmhouse which is the easternmost building on the site; a Grade II listed granary west of

the farmhouse; a Grade II listed barn further west; and a Grade II* listed barn being the westernmost listed building on the site. To the far west of the site is a Nissen hut, which is accessed through the same access as the rest of the site, via what is at present an unmade track which links the site to Braintree Road.

The site is located approximately 0.6 miles to the east of the closest village, Panfield, and 0.9 miles to the west of Bocking.

PROPOSAL

The applications propose to convert the Nissen hut into a holiday let unit.

CONSULTATIONS

Historic Buildings Advisor – No Objections;
Historic England – No Comments;
Braintree District Council Ecology Department – No Objections;
Essex Highways – No Comments;
Panfield Parish Council – No Objections.

REPRESENTATIONS

A site notice was displayed at the site and neighbouring properties were notified by letter. No representations were received.

REPORT

Principle of Development

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

Policy CS5 of the Core Strategy states that development outside of development boundaries will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Para.28 of the NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy RLP146 allows for hotels and B&B accommodation within village and town development boundaries, providing it would not damage the character and appearance of the locality. Within the countryside, the policy encourages

the conversion of existing buildings in preference to the construction of new buildings for tourist accommodation.

The Council has produced a Publication Draft Local Plan which was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate on 9th October 2017 for examination in public in late 2017/early 2018.

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

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

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

Policy LPP9 of the Publication Draft Local Plan allows for “new tourist accommodation and facilities, within the countryside, provided that all the following criteria are met;

- a. The demand for the development has been clearly demonstrated;
- b. Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the area and are accessible to adequate public transport, cycling and walking links;
- c. They would not materially adversely affect the character, appearance and amenity of the surrounding area, any heritage assets and their setting, and should be well screened;
- d. Appropriate, convenient and safe vehicular access can be gained to/from the public highway and appropriate parking is provided;
- e. They would not use the best and most versatile agricultural land;
- f. They will be served by adequate water, sewerage and waste storage and disposal systems;
- g. They will include a high quality landscaping scheme.

The occupation of new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation. In addition, tourist accommodation proposals will be required to include a business plan that will demonstrate the long term viability of the scheme.”

In the case of this application, it is considered that the proposal does not comply with these policy requirements. The location of the proposed holiday let doesn't relate to an existing settlement or existing facilities, as it is quite isolated in the countryside. There are no public transport links or cycling/walking links to the closest settlements, Braintree and Panfield. Although a letter was submitted with the application from Visit Essex to suggest a local need, this policy would require this exercise to be carried out in more detail. There has been no information submitted regarding the service of water, sewerage and waste storage and disposal systems, or whether this would be achievable at such a remote site without making the scheme unviable. Furthermore, the application has not been accompanied by a business plan to demonstrate the long term viability of the proposed use.

Therefore, it is clear that there is a conflict in the requirements of the policies in the Braintree District Local Plan Review and the Braintree District Publication Draft Local Plan. The newer policy document is more in line with the aims and objectives of the National Planning Policy Framework. It also requires more scrutiny of the longer term viability of such holiday proposals to guard against the need to find an alternative use for such development if the holiday let use does not remain viable.

The National Planning Policy Framework does not dictate the amount of 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 to determine. Officers consider that the emerging Local Plan provides a clear direction of travel in relation to holiday let accommodation and, this, together with the site's remote location would result in an unsustainable form of development.

In this regard, it is important to set out the three dimensions of sustainable development, and their roles, as explained in the NPPF. These are:

- an economic role – 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 and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In relation to these roles it could be argued that the proposals offer modest benefits in relation to the economic role, but clear dis-benefits in relation to the environmental role given the likely reliance on car-borne access to and from the site.

Design, Appearance and Layout & Impact on Surrounding Listed Buildings

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” 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 to this, policy RLP90 of the Braintree District Local Plan Review and Policy LPP 55 of the 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. Policy LPP 50 of the Braintree District Publication 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.

Paragraph 132 of the National Planning Policy Framework 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. 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However where the development or works would lead to “substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”. Policy RLP100 of the Braintree District Local Plan Review and policy LPP 60 of the Braintree District Publication Draft Local Plan state development which could impact upon the setting of 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 cause harm to 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, and use appropriate materials and finishes.

The resultant design of the proposed conversion would see new window openings which mirror some existing openings on the other side of the hut, and each end closed up with frosted glazing. The design would be sympathetic to the existing building, its historic surrounding and the rural character of the area.

The building is located close to several listed buildings. Whilst the structure does have a degree of social interest it is not, intrinsically, of great significance. Consequentially, the continued survival of the structure is not considered a high priority as preservation by record would suffice were the structure to be removed. At present the Nissen Hut is separated from the listed buildings by a spinney which inhibits views between the two sites and thereby limits any direct impact upon the setting of the Grade II and II* buildings. There is a clear distinction between residential and agricultural functions on site at present and any scheme should be mindful not to lose this distinction. It is considered that the proposal would effectively retain the rural character of the site and not overly domesticate the locality. The Historic Buildings Advisor is satisfied that there would be no unacceptable harm caused to the setting of any of the listed buildings, and recommends conditions requiring details of the refuse storage, the proposed hard surfacing, and details of the planting and hedge boundaries to remain/be planted on the site.

Impact on Neighbour Amenities

Given the isolated nature of the site, it is considered it would be highly unlikely there would be any impacts on neighbouring residential amenities as a result of the proposal.

Highway Issues

The existing access from Braintree Road onto the site is a good access already used to serve the nearby dwellings. Its intensity of use would not be noticeably increased as a result of the proposal.

There would be sufficient space on site for the parking of cars. Essex Highways raise no objections.

Ecology Issues

Given the nature of the building, a protected species survey was submitted with the application. The survey confirms that there are no protected species in the building, and the Council's Landscape/Ecology officer has raised no objection to the application.

CONCLUSION

The proposal represents the provision of a holiday let in a remote location through the conversion of an existing building. Whilst, in the context of the

adopted Local Plan policy, conversion is preferred to the construction of a new holiday let building, the proposals must also be considered in the context of wider policy (adopted and emerging), relating to development in the countryside, as well as taking account of the guidance in the NPPF.

The NPPF supports the provision and expansion of tourist and visitor facilities “in appropriate locations where identified needs are not met by existing facilities in rural service centres” and the emerging local plan policy sets out the criteria which enables us to test the proposals in these respects. When considered against these criteria, the proposals fail because the location of the proposed holiday let is not considered to be sustainable, there is not a clear demand demonstrated for this type of use in this location, there were no details submitted of the provision of water services, and no business plan submitted to prove the long term viability of the proposed scheme.

In the absence of clear evidence of a sustained demand for the proposed holiday let, or details of how it will be served with essential utilities, the adverse impacts of permitting a holiday let in a location with poor access to public transport and local services is considered to outweigh the limited economic benefits that this proposal would represent. Accordingly, refusal is recommended.

RECOMMENDATION

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

- 1 The proposal represents the provision of a holiday let in an unsustainable location unrelated to any settlement boundaries and remote from public transport and facilities and services. There is not a detailed demand demonstrated for this type of use in this location, there were no details submitted of the provision of water services, and no business plan submitted to prove the long term viability of the proposed scheme.

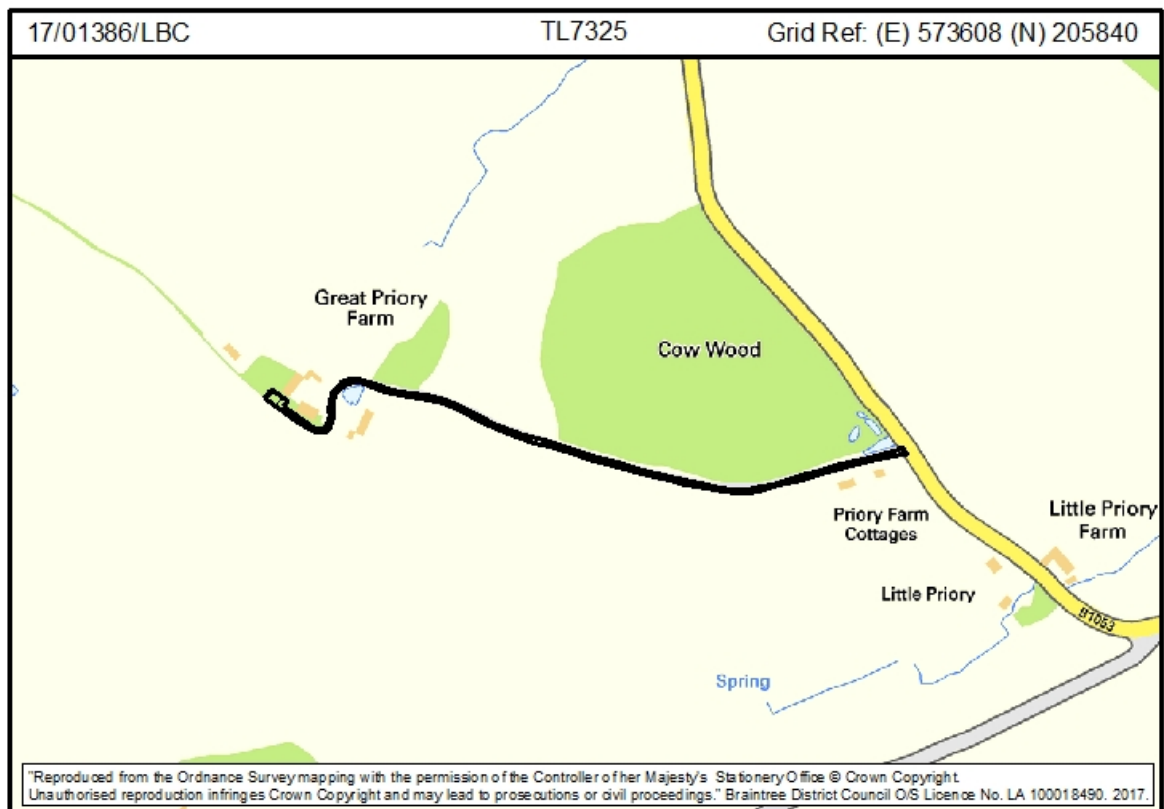
It is therefore considered that the policy is contrary to Policy LPP9 of the Braintree District Publication Draft Local Plan, and the aims and objectives of the National Planning Policy Framework.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01386/LBC DATE: 17.08.17
 VALID:
 APPLICANT: Great Priory Farm Partnership
 Great Priory Farm, Braintree Road, Panfield, Braintree,
 Essex, CM7 5BQ
 AGENT: Pocknell Studio
 Mr Mark Homer, East Barn, Blackmore End, Braintree,
 Essex, CM7 4DR
 DESCRIPTION: Conversion of redundant Nissen hut to holiday let
 LOCATION: Great Priory Farm, Braintree Road, Panfield, Essex, CM7
 5BQ

For more information about this Application please contact:
 Mr Sam Trafford on:- 01376 551414 Ext. 2520
 or by e-mail to: sam.trafford@braintree.gov.uk



SITE HISTORY

None relevant.

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

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

LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being considered at the Planning Committee, as it was determined (through consultation with the Chairman and Vice Chairman of the Planning Committee) that the related planning application could be significant in its impacts.

SITE DESCRIPTION

The application site consists of a Nissen hut, a half-cylindrical prefabricated structure clad in corrugated steel. These structures were designed by Major Peter Norman Nissen during World War I and used extensively during World War II. Post-war many of these structures were re-sited and used for agricultural purposes.

The site contains in total 4 listed buildings; a Grade II listed Farmhouse which is the easternmost building on the site; a Grade II listed granary west of the farmhouse; a Grade II listed barn further west; and a Grade II* listed barn being the westernmost listed building on the site. To the far west of the site is a Nissen hut, which is accessed through the same access as the rest of the site, via what is at present an unmade track which links the site to Braintree Road.

PROPOSAL

This application for listed building consent proposes to convert the Nissen hut into a holiday let unit. The alterations required to the building would include the installation of glazing into either end of the currently open ends of the Nissen hut, the installation of partitions inside the building, window openings on one side of the building which is currently blank, and the installation of a flue into the roof.

CONSULTATIONS

Historic Buildings Advisor – No objection to the application.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations were received.

ASSESSMENT

The application proposes minor physical alterations to the building, which would include the provision of glazed areas at each of the ends of the Nissen hut, the installation of window openings and the installation a flue.

The building itself, whilst close by to several listed buildings, is not located within their respective curtilages and therefore is not considered to be curtilage listed.

Therefore it is considered that listed building consent is not required for the proposals.

CONCLUSION

The application proposes changes to a building which is not considered to be curtilage listed. Therefore it is considered that listed building consent is not required.

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made:

The applicant should be notified that the District Council confirms that Listed Building Consent is not required for the proposed works because the building is not listed in its own right, and is not considered to be curtilage listed.

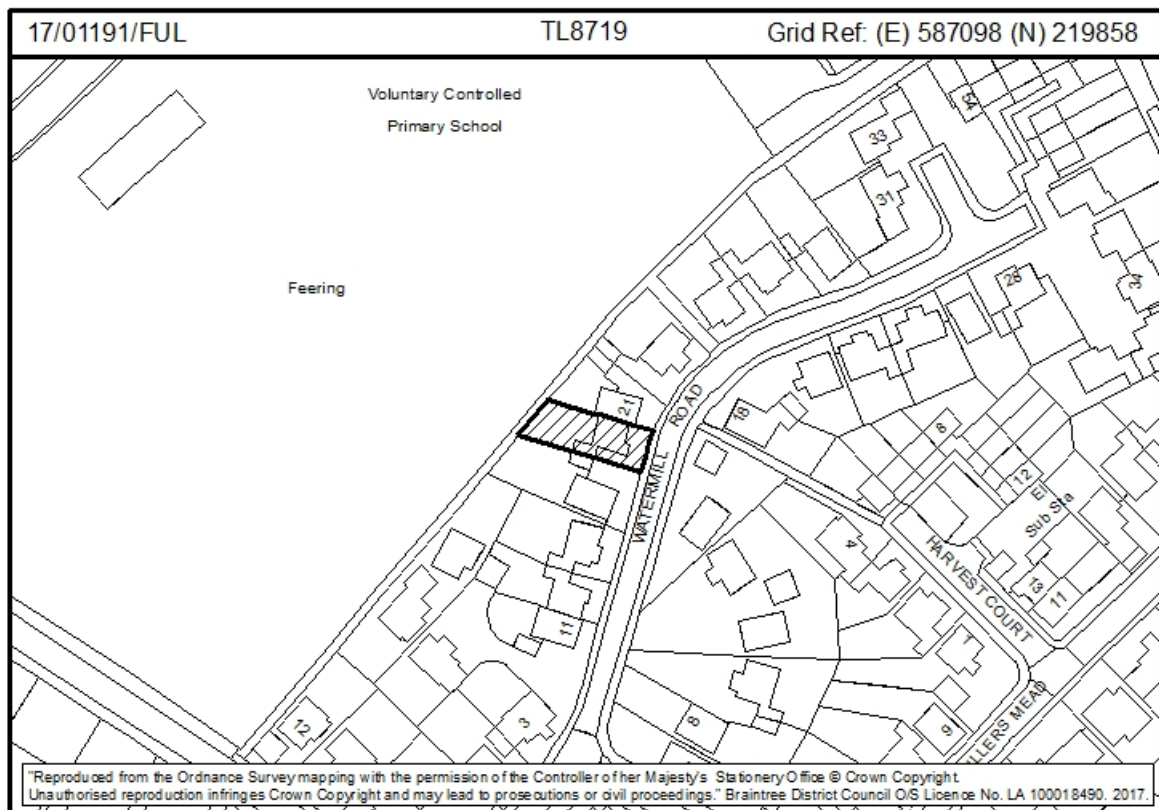
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION NO: 17/01191/FUL DATE: 31.07.17
VALID:
APPLICANT: Mr Asa Howard
19 Watmill Road, Feering, Essex, CO5 9SR
AGENT: Mr Russell Hatton
13 Greyfriars, Ware, SG12 0XW
DESCRIPTION: Erection of first floor rear extension
LOCATION: 19 Watmill Road, Feering, Essex, CO5 9SR

For more information about this Application please contact:
Mrs Sandra Green on:- 01376 551414 Ext. 2557
or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

12/00727/FUL	Erection of single storey rear extension	Granted	16.07.12
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
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

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Parish Council objecting to the application, contrary to officer recommendation.

SITE DESCRIPTION

The site is located within the Feering development boundary. It is not within a Conservation Area or subject to any listing. No.19 is a three bedroom semi-detached dwelling that has previously been altered at the rear by the addition of a single storey extension across the width of the house. At the rear, the original rear elevation of No.19 is set back from that of No.21 by approximately 1.2 metres.

There is an integral garage to the side of the house with an additional parking space within the curtilage in front of the garage. Footpath 16 runs adjacent to the rear site boundary, and a playing field is situated further to the rear, providing an open aspect to the rear of the dwellings in this part of Watermill Road.

PROPOSAL

It is proposed to erect a gable extension at the first floor, over part of the single storey rear extension. The additional floor space would provide an additional (fourth) bedroom and ensuite. Following discussion with the applicant, a revised proposal has been submitted which has moved the proposed first floor extension further from the boundary with No.21; the total floor area of the proposed revised extension would be approximately 16.6 square metres.

CONSULTATIONS

Feering Parish Council (submitted proposal) – Objection:

- Insufficient information as to 45 degree rule compliance.
- Incorrect Block Plan; existing extension has been omitted.
- Shadowing to rear garden of No.21 as the sun goes around.
- The Parish recommends a condition be placed on any decision to grant approval that no building materials may enter the property via the rear of the house on Footpath 16.
- The bedroom 3 window is small (1.5 x 0.5m) and does it meet building regulations as regard to light and ventilation?

Feering Parish Council – (revised proposal) – Objection: Continue to objection to this application as it is not compliant with the 45 degree angle as per the Essex Design guide about the rear patio door of number 21.

REPRESENTATIONS

A site notice was displayed near the front of the property and neighbour notification letters were sent out to adjacent properties. In response, four letters of representation were received in respect of the submitted proposal, and four more in respect of the revised proposal from Mr and Mrs Bain, 21 Watermill Road; Mr Holmes, 2 Watermill Road; Mrs Taylor, 20 Watermill Road; and, Mrs Dobson, 23 Watermill Road, who have objected to the application on the following grounds:

- Inaccuracies/errors on submitted drawings which do not reflect the impact of the proposal.
- Loss of light to house and garden, gardens in the area are small.
- 45 Degree Rule.
- Increase in shading in the garden and less area to sit out in the sunshine.

- Out of character with area where the properties have appreciable space between the walls and the boundaries, the extension would unbalance the appearance of the houses.
- Precedent for future applications.
- Loft conversions have been an accepted method of extending properties in the area; these create space within the property and have little to no impact on neighbouring properties; not right to have to subsidise cheaper extension at cost to the enjoyment of our property.
- Pitched roof would have more impact than a flat roof and would double the height of the build even if it is in keeping with surround properties which do not immediately abut our property.
- Impact on light to bedroom closest to the extension.
- Did not object to the single storey extension albeit a large amount of light was lost to our open plan kitchen/dining area. The proposed extension would make a significant difference to our enjoyment.
- Understand that No.19 does not have access from the rear/side of their property. How would the build be possible? Concern the small alleyway at the rear will be used leaving us within a building site for a long time.
- Would force us to remove a large mature tree from our garden in order to obtain some light which we are reluctant to do; impact on finances and wellbeing.
- Aware that view is not considered in the view of such matters but we would not be able to see our children playing in the park if the extension was built, we could only see two-thirds of the park.
- Would not object to a smaller flat roof extension.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity. There is therefore no objection in principle to an appropriately designed extension in this location.

Design, Appearance and Layout

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

Policy RLP3 Development within Town Development Boundaries and Village Envelopes states inter alia that: Within village envelopes and town development boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Proposals for development should:-

1. Seek to protect the character of the existing street scene, the setting of attractive buildings and historic interest of the locality, the landscape value of existing tree cover and generally to ensure that new development does not materially detract from the character of the settlement.

Publication Draft Policy LPP1 Development Boundaries states inter alia that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement.

Likewise RLP90 Layout and Design of Development seeks a high standard of layout and design in all developments, large and small in the district and requires that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties; Designs shall recognise and reflect local distinctiveness: these requirements, amongst others, have been carried over to Publication Draft Policy LPP55 Layout and Design of Development.

The adopted development plan requires that extensions and alterations to an existing dwelling be considered in the light of the impact on the existing property, on neighbouring properties and the locality. Extensions and alterations to properties within towns and villages are judged against the criteria set out in Policy RLP17. Namely, there should be no over-development of the plot when taking into account the footprint of the building and the relationship to the boundaries and the siting, bulk, form and materials of the extension should be compatible with the original dwelling.

Publication Draft Policy LPP38 Residential Alterations, Extensions and Outbuildings states inter alia that: Residential alterations, extensions and outbuildings will be permitted, provided they meet the following criteria;

- a. There should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The Council will have regard to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings
- b. The property design, siting, bulk, form and materials of the alteration, extension or outbuilding should be compatible with the original dwelling and character of the area
- c. Extensions and outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position
- d. There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing of light or an overbearing impact
- e. There should be no adverse material impact on the identity of the street scene and/or the appearance of the countryside

The rear view of the houses in this part of the estate is characterised by a mix of gabled and non-gabled elevations and mix of brick and render finishes. It is

considered that the proposed extension is subordinate in scale to the host in terms of footprint and the ridge is set lower than the main roof. It is also considered that the new gable arrangement is in keeping with the character of the area and it is not unusual to extend a property at the rear in this way where no gable currently exists.

The rear gardens of No.19 and the neighbouring properties are modest in size. The proposed extension will not further decrease the size of the rear garden, which at approximately 86 square metres is already below the 100 square metres required by the Essex Design Guide for houses with three or more bedrooms. This was considered to be acceptable for a three bedroom family house when planning application reference 12/00727/FUL was approved. It is not therefore considered reasonable to refuse the application in this regard.

Impact on Neighbour Amenity

It was considered that the extension as submitted was too close to the boundary with the adjoining property No.21 as it broke a notional horizontal line taken at 45 degrees from the centre of the nearest first floor neighbouring window. Following discussion with the neighbour and the applicant, measurements were taken at No.21 and revised plans have been submitted to show correctly the position of the neighbouring windows and the extension has been moved back from the common boundary. The size of the window to serve bedroom three has also been increased.

The Case Officer has also undertaken a site visit to No.21. Following which discussion was had with the applicant as to the possibility of moving the extension approximately 600mm further away from the common boundary to lessen its impact on the neighbouring property; the applicant was however not minded to make any further changes to the proposal.

It is acknowledged that the revised proposal would have an impact on the neighbouring property (No.21) in respect of daylight. However, this has to be assessed in the context of the existing pitched roof single storey extension, the flank wall of which partly visually encloses the space above the fence line immediately to the rear of No.21. The existing single storey rear extension already breaches the 45 degrees rule in respect of the patio doors of No.21. The new extension would increase the sense of enclosure however the nearest wall of the extension would not extend vertically from the single storey extension flank wall but would be set back from the boundary by approximately 1.2 metres. Due to the set back of No.19 from No.21 approximately 2.4 metres of the overall depth of 3.5 metres of the extension would protrude beyond the rear elevation of No.21. It is considered on balance that the proposed extension would not be sufficiently detrimental over and above the existing situation to warrant refusal.

Highway Issues

No changes are proposed to the existing parking and access arrangements. It is considered that there are no highways impacts associated with the proposals.

Other Issues

Representation has been made that the applicant could enlarge the property by way of a loft extension. The applicant has subsequently advised that it would not be possible to convert the property to meet building regulations due to the limited height within the existing loft; and it would result in the loss of a bedroom to accommodate a staircase. It has also been suggested by the neighbour that a flat roof extension at the first floor would not be objectionable. Circumstances where a flat-roof extension would be supported at the first floor of a property are limited, as they are very rarely in keeping with a building and are generally detrimental in appearance. Notwithstanding whether there are alternative ways in which a property could be extended an applicant may submit any application they choose to make and the Local Planning Authority is required to determine such an application on its own merits. It is not a material planning consideration in this case as to whether the property could be enlarged in a different way that would be preferred by other parties.

Concern has also been expressed that the footpath adjacent to the rear boundary would be used for access purposes. The applicant has advised that this would not be the case and there is access to the rear of the site through the garage. An informative is recommended for inclusion on the decision notice in respect of the Footpath. Concern has been raised in respect of disruption during the construction period. It is accepted that building works may cause disruption to neighbouring properties however, this is usually for a limited time only, if at all, and is not a material reason for refusing the application.

Representation has been made in respect of property values, financial considerations, and loss of view across to the playground from the neighbouring property. These are not material planning considerations for Development Management decision making and cannot therefore be taken into account.

CONCLUSION

In this case, it is considered that the revised proposal is acceptable in terms of design and highway considerations and is considered to be in keeping with the character of the area. It is acknowledged that the revised proposal would have an impact on neighbouring residential amenity, however, it is considered that it would not be sufficiently detrimental over and above the existing arrangement to warrant refusal, and the revised proposal is, on balance, considered to be acceptable.

RECOMMENDATIONS

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		
Proposed Floor Plan	Plan Ref: 17003.200	
Proposed Elevations	Plan Ref: 17003.202	Version: B
Proposed Floor Plan	Plan Ref: 17003.201	Version: A
Block Plan	Plan Ref: 17003.103	Version: A

- 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 submitted application form.

Reason

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

INFORMATION TO APPLICANT

- 1 The applicant is advised that if the construction of the development permitted affects or in any way obstructs Footpath 16, it may be necessary to divert the footpath to allow the safe passage of users and to enable the works to take place. In this event, the developer will need to make an application for a diversion of those lengths of public right of way affected under Section 257 of the Town and Country Planning Act 1990 this will take some months to process because of the extensive periods of public consultation that have to take place. Such an Order cannot be made retrospectively and must be in place before development works begin. During the period of processing, the definitive line of the path must not be permanently obstructed otherwise

this precludes the use of Planning Act powers, potentially making the diversion significantly more difficult to achieve.

The aforementioned public right of way must be kept open and available for use by members of the public at all times. If any construction works, such as the work described above or for any other construction procedures, are likely to encroach on the existing route of this footpath (including any construction apparatus overhanging the route of Footpath 16), arrangements must be made for a temporary diversion order to accommodate the route by way of an application submitting to the Highway Authority.

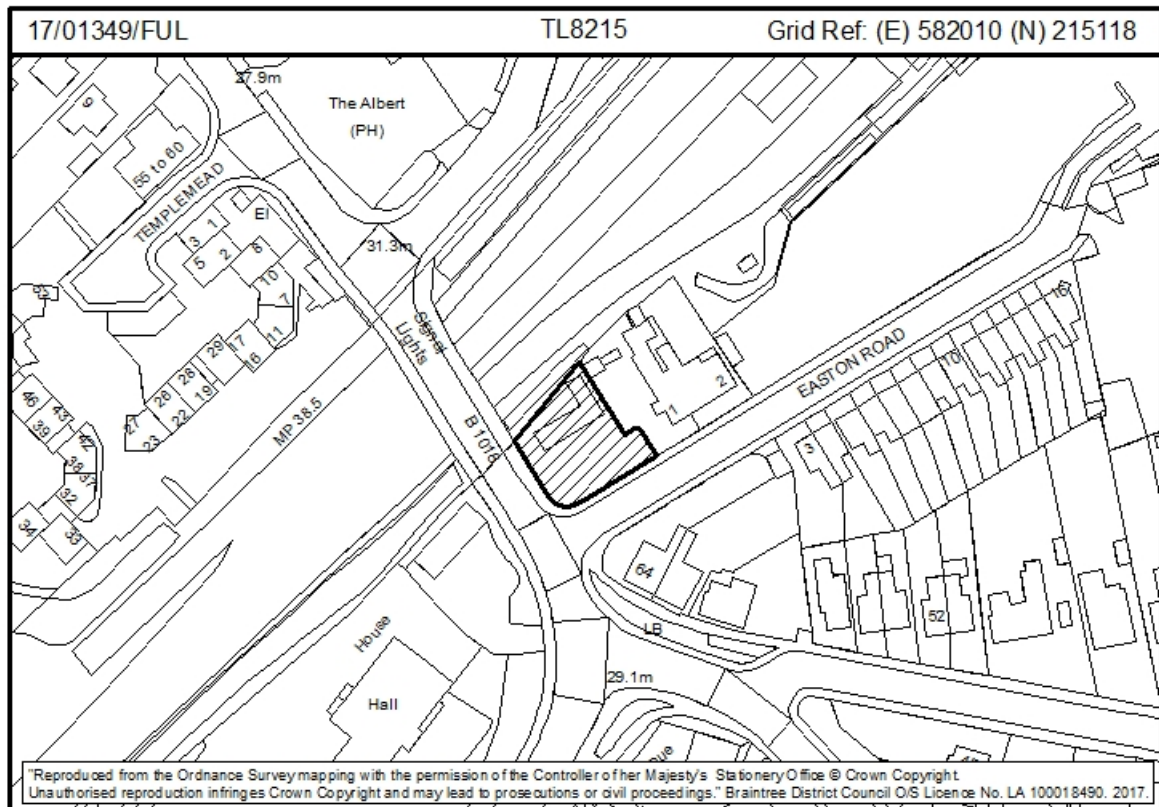
Any damage caused by construction vehicles is to be repaired to the satisfaction of the Highway Authority following construction.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/01349/FUL DATE: 01.08.17
 VALID:
 APPLICANT: Mr Jason Langley
 C/o Agent
 AGENT: Refine And Resolve Architects Ltd
 Mr Russell Barnes, The West Wing Studio, 15 Rosemary Avenue, Steyning, W.Sussex, BN443YS
 DESCRIPTION: Change of use from commercial forecourt for van repairs and sales with ancillary buildings for office space and storage to private season ticket car park.
 LOCATION: Van Forecourt, Land Adjacent 1 Easton Road, Witham, Essex, CM8 2DW

For more information about this Application please contact:
 Mrs Sandra Green on:- 01376 551414 Ext. 2557
 or by e-mail to: sandra.green@braintree.gov.uk



SITE HISTORY

11/00330/FUL	Continued use of land for sale of cars	Granted	10.05.11
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP52	Public Transport
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
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
LPP1	Development Boundaries
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee due to the Town Council objecting to the application, contrary to officer recommendation.

SITE DESCRIPTION

The site is located within the Witham Town development boundary. It is situated outside but adjacent to a Conservation Area, and it is not subject to any listing. The site occupies a corner plot at the junction of the B1018 and Easton Road. The site sits below the level of the B1018 which rises at the bridge over the main railway line which is adjacent to the northern site boundary. There are trees on the railway embankment that partially screen views into the site when travelling in a south easterly direction along the B1018 towards the town centre. The station car park is located at the other end of Easton Road and is open 24 hours a day. Residents parking restrictions apply in Easton Road from a point adjacent to the existing vehicle crossover.

The site is currently described as a van forecourt. At the time of the Case Officer's site visit there were numerous vehicles parked on the site but the overgrown nature, parking positions, and condition of some of the vehicles would suggest it is not in active use. The office building at the rear of the site was substantially damaged by fire earlier in the year. There is an existing vehicle crossover, sliding gate and railings at the front boundary. There is a close board fence at the boundary with 1 Easton Road, and a metal mesh fence to the boundary with the B1018. The surface of the site appears to be a mix of concrete and gravel areas. The overall appearance of the site as existing is untidy and it is considered to be detrimental to the character of the area.

PROPOSAL

It is proposed to change the use of the site to a car park for season ticket holders. The surface would be tarmac, and make use of existing surface water drains on the site. The proposal as submitted sought to increase the size of the vehicle crossover. Subsequent to comments from the Highways Officer a revised proposal has been submitted that retains the crossover as existing. 16 parking spaces are proposed. It is proposed that the car park be open from 4.30am to 11pm.

CONSULTATIONS

ECC Highways – From a highway and transportation perspective the impact of the proposal is acceptable subject to the gate remaining open during operational hours to minimise dwell time on the highway, given the proximity of the junction with the B1018 and the route of vehicles to the station car park.

ECC Historic Buildings Consultant – No objection from a Conservation Perspective, and would not request any conditions:

The site falls on land to the north of the Witham Newland Street Conservation Area and to the south of the Witham Chipping Hill Conservation Area. The site is not considered to make a strong contribution to the significance of these heritage assets, and the difference which the change of use from a commercial forecourt to a car park, both of which are visually characterised by the proliferation of cars, is not considered to alter the way in which the entrance into either Conservation Area is experienced.

Network Rail – No response received.

Witham Town Council – Recommends refusal on the grounds that the proposed access would pose too great a danger to drivers using both the road and the proposed car parking facilities. It is accepted by the Town Council that although there could be benefits in alleviating congestion in terms of parking, this particular proposal is considered unsustainable and too great a risk to a dangerous and highly congested junction. The Town Council wishes to be notified of any committee dates in order to make a representation.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbour notification letters were sent out to adjacent properties. In response, one letter of representation has been received from K. Atwill of 11 Guithavon Street (the owner of Station and Easton House, adjacent the site) in support of the application who comments:

- In respect of Bay 16 to raise concern as to whether the weight of a car can be supported at this point given the steep slope of the railway embankment which shows signs of land slip.
- Where the bays butt up to the fence can a barrier be laid at the end to prevent cars hitting the fence – have seen sleepers/metal barriers laid elsewhere to prevent this.

REPORT

Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development, subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity, or any heritage assets.

Core Strategy Policy CS7 seeks to improve accessibility, reduce congestion and reduce the impact of development upon climate change. Whilst the Core Strategy states that realistic and viable alternatives to the car need to be promoted for long trips and commuting, it also recognises that many rural areas of the district do not have regular public transport. Many commuters travel into Witham from the wider area to use the rail link to London and other locations along the line, which reduces the overall impact of those journeys on the environment. It is recognised that the existing station car park is under pressure from the number of commuters that seek to use it, and that on-street parking by commuters, amongst others, is an issue in the roads within walking distance of the station.

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 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”.

Proposals within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the

character, appearance and essential features of the Conservation Area (RLP95 and LPP56 refer respectively).

There is therefore no objection in principle to an appropriate proposal in this location.

Design, Appearance and Layout

Core Strategy Policy CS9 Built and Historic Environment seeks to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment. Furthermore, the adopted development plan requires that proposals for new development be in harmony with the character and appearance of the surrounding area. RLP90 seeks a high standard of layout and design in all developments, large and small in the district. These requirements have been carried over to Publication Draft Local Plan Policies SP6, LPP50, and LPP55 respectively.

The site currently has an untidy and neglected appearance, with the fire damaged buildings no longer being fit for purpose. It is considered that the proposal represents an opportunity to improve the appearance of the site by requiring new railings in place of the metal mesh fence at the boundary with the B1018; the impact of the use would also be improved by soft landscaping adjacent to this boundary. The haphazard arrangement of vehicles within the site would also be replaced by an ordered parking arrangement, with a variety of vehicles likely to have a lesser visual impact than the dozen or so white vans that have been parked there for an extended period of time. It is considered that the proposal is in keeping with the character of the area. Furthermore, no objections have been raised by the Historic Buildings Consultant and therefore the proposal is also considered to be acceptable from a heritage perspective.

Impact on Neighbour Amenity

The site is located next to the main road to/from the town centre and the mainline railway which has regular services running from 5am until late at night. Sixteen spaces are proposed in total. It is considered that the proposal will not be detrimental to neighbouring amenity. A condition is recommended in respect of hours of construction etc. to mitigate the impacts of the development during the construction period.

Highway Issues

No objection has been raised by the Highways Authority. A condition is recommended that the gates remain open during operational hours to minimise vehicles dwelling on the highway. While the concerns of Witham Town Council are noted, it is considered that the proposal is acceptable in highways terms. Moreover, in the absence of an objection from the Highways Authority, it is not considered that a reason of refusal in this regard could be substantiated.

CONCLUSION

In this case, it is considered that the revised proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity. It is considered that the proposal will improve the appearance of the site and is in keeping with the character of the area.

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	Plan Ref: 001	Version: 01 A
Proposed Block Plan	Plan Ref: 001	Version: 01 A

- 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 submitted application form.

Reason

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

- 4 Prior to first use of the development hereby approved 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, height and materials of the enclosures. The development shall only be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason

In order to secure the satisfactory development of the site and in the interests of visual amenity.

- 5 Prior to first use 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 where appropriate.

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 unless otherwise previously agreed in writing by the local planning authority.

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 unless the local planning authority gives written consent to any variation.

Reason

To enhance the appearance of the development.

- 6 The car park shall not be open for business outside the following hours:-

Monday to Friday 04:30 hours - 23:00 hours

Saturdays 04:30 hours - 23:00 hours

Sundays 04:30 hours - 23:00 hours

Public and Bank Holidays 04:30 hours - 23:00 hours

Reason

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

- 7 The gates shall remain open during the operational hours of the car park.

Reason

To minimise dwell time on the highway in the interest of highway safety.

INFORMATION TO APPLICANT

- 1 Due to the proximity of the junction with the B1018 and the route of vehicles to the station car park the dwell time of vehicles entering the proposed car park should be minimised. As such the gates should remain open during operational hours and only be closed for security purposes outside these hours.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all

other types of application will be required for each written request.
Application forms can be downloaded from the Council's web site
www.braintree.gov.uk

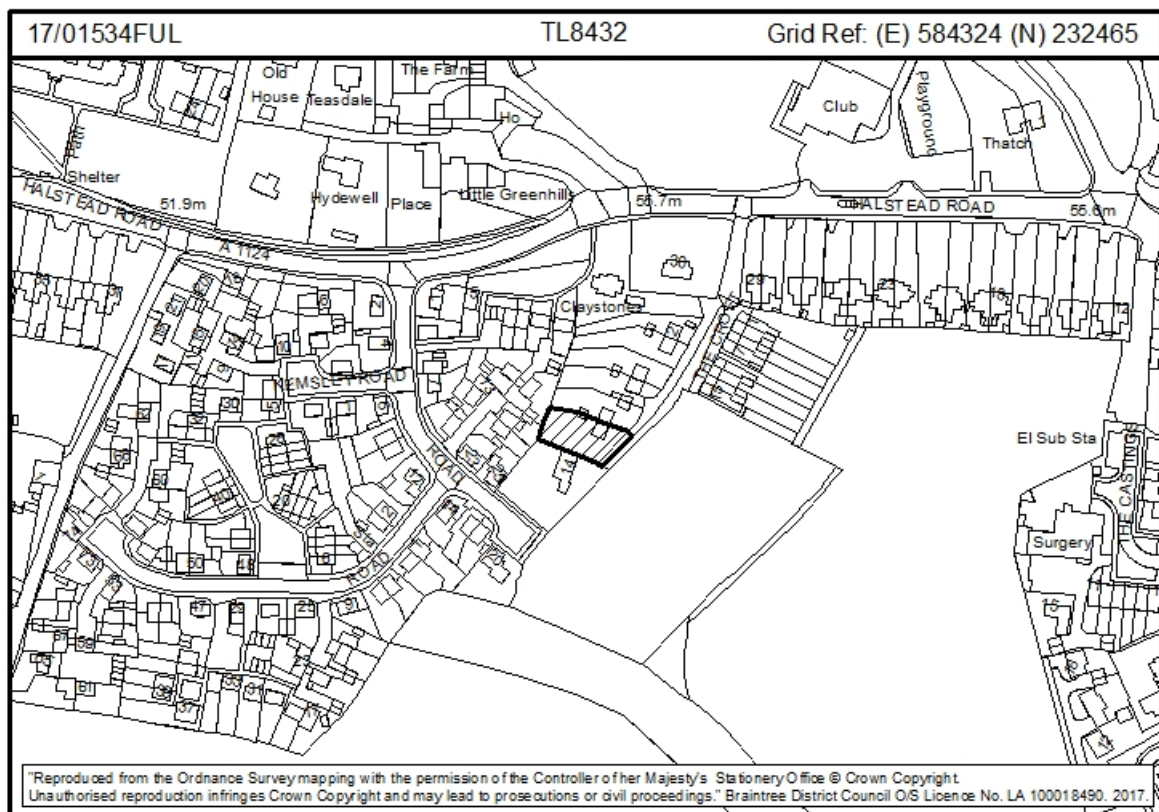
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 17/01534/FUL DATE: 18.08.17
 VALID:
 APPLICANT: Mr & Mrs Arnold
 12 The Croft, Earls Colne, Essex, CO6 2NH
 AGENT: Nigel Chapman Associates
 Mr Nigel Chapman, Kings House , Colchester Road,
 Halstead, Essex, CO9 2ET
 DESCRIPTION: Erection of single storey garden and fitness room extension
 LOCATION: 12 The Croft, Earls Colne, Essex, CO6 2NH

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

13/00522/FUL	Erection of two storey side and rear conservatory extensions with detached garage	Granted	01.07.13
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
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

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 reported to the Planning Committee because the agent is related to a member of the Council.

SITE DESCRIPTION

The site comprises a semi-detached dwelling located along an unmade road on a development made up of mostly 1950 style ex local authority style housing. The dwelling has been extended at two storey height to the side and a single storey extension to the rear.

PROPOSAL

The proposal comprises a single storey side and rear extension which would replace an existing garage which is located in the rear garden of the site.

CONSULTATIONS

None.

REPRESENTATIONS

The Parish Council objects to this application on the grounds that the proposed extension, by reason of size, would represent over development of the site and would be detrimental to the occupiers of nearby residential properties, particularly by reason of its overbearing effect.

REPORT

Principle of Development

The site is located within the village envelope of Earls Colne, therefore in accordance with Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, emerging Policies LPP38, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan 2017 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.

In this case it is considered that extensions to dwellings in this location are accepted in principle subject to compliance with the abovementioned policy 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.

After due consideration it is officer opinion that the scale, size and design of the proposed extensions would create a sprawling mass of additions to the dwelling and cumulatively result in development which would represent an increase in the size of the original dwelling by more than 100%. In terms of its visual appearance, when viewed from the South, the extension creates a sprawling mass of built form along the South western boundary of the site and coupled with the built form along the frontage results in a collective substantial alteration to the original dwelling which fails to be subordinate and this is considered contrary to those policies listed above.

Impact on Neighbour Amenity

Policies RLP17 and RLP90 of the Braintree District Local Plan Review state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

In this case, it is considered unlikely that the proposal will have an impact on neighbours in terms of overlooking nor is it likely to create any overshadowing given its single storey form. It will however, create built form along the entire remaining boundary with 14 The Croft and as a result would have an overbearing impact in terms of its built form.

Highway Issues

Whilst the proposal involves removing a garage parking provision, there is still sufficient space within the site edged red providing 2 spaces at the required standard. It is considered that there are no highway impacts that would result from the proposed development.

CONCLUSION

Officers consider that the cumulative impact of all development to this dwelling fails to be compatible with the original dwelling and results in over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries contrary to the above mentioned policies. For this reason it is considered that the proposal would also have a detrimental overbearing impact upon neighbouring residential amenity.

RECOMMENDATIONS

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

- 1 In this case, the cumulative impact of the proposed rear extension in addition to the existing two storey side and single storey rear extension is considered to represent inappropriate overdevelopment of the site and as a result would have a detrimental impact on the character and appearance of the host dwelling. Furthermore, as the proposal would introduce built form along the entire remaining boundary with 14 The Croft, it is considered that the proposal would have a detrimental overbearing impact upon neighbouring residential amenity. The proposal is therefore considered to be contrary to the NPPF, Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review and Policy LPP38 of the emerging Braintree District Publication Draft Local Plan.

TESSA LAMBERT
DEVELOPMENT MANAGER