

PLANNING COMMITTEE

AGENDA

Tuesday 23rd June 2020 at 7.15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via MS Teams and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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

Membership:-

Councillor J Abbott
Councillor K Bowers
Councillor T Cunningham
Councillor P Horner
Councillor H Johnson
Councillor D Mann
Councillor A Munday

Councillor Mrs I Parker (Vice Chairman)
Councillor F Ricci
Councillor Mrs W Scattergood (Chairman)
Councillor Mrs G Spray
Councillor N Unsworth
Councillor J Wrench

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Public Question Time Registration

In response to Coronavirus the Council has implemented new procedures for public question time.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register if they are received after this time.

Registered participants must submit their written questions/statements no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk

Participation will be via the submission of a written question or statement which will be read out by the Chairman or an Officer during the meeting. All written questions or statements should be concise and should be able to be read within the 3 minutes allotted for each question/statement. The question/statement will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted question/statement.

The order in which questions and statements will be read 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 for public question time and to amend the order in which questions/statements are presented to the Committee.

Members of the public can view the meeting via the Council's YouTube Channel - Braintree District Council Committees.

Documents: All documents for this meeting are available on the Council's website. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk or www.braintree.gov.uk/info/200141/committee_timetable_committees_and_meetings

YouTube Broadcast: Please note that this meeting will be recorded and available on the Council's YouTube Channel - Braintree District Council Committees and will be available via: <http://braintree.public-i.tv/core/portal/home>

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

For further information on how the Council processes data, please see the Council's Privacy Policy.

https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 26th May 2020.

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

Where it has been agreed that the 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

- | | | |
|----------|---|--------------|
| a | Application No. 17 02100 FUL – Soaring High Primary School, Colne Road, COGGESHALL | 6-21a |
| b | Application No. 17 02101 VAR – Soaring High Primary School, Colne Road, COGGESHALL | 22-39 |
| c | Application No. 19 02200 FUL – Warwick House, 48 Collingwood Road, WITHAM | 40-55 |
| d | Application No. 20 00388 FUL – Land adjacent to (South of) Broton Drive, HALSTEAD | 56-66 |
| e | Application No. 20 00440 VAR – Land rear of Tey Road, EARLS COLNE | 67-86 |

PART B

Minor Planning Applications

- | | | |
|----------|---|---------------|
| f | Application No. 19 02297 ADV – Land off Western Road, SILVER END | 87-101 |
|----------|---|---------------|

g	Application No. 19 02298 ADV – Land off Western Road, SILVER END	102-116
h	Application No. 20 00061 HH – 37 Coggeshall Road, EARLS COLNE	117-125
i	Application No. 20 00276 HH – 17 Chelmer Road, WITHAM	126-133

PRIVATE SESSION

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6 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.

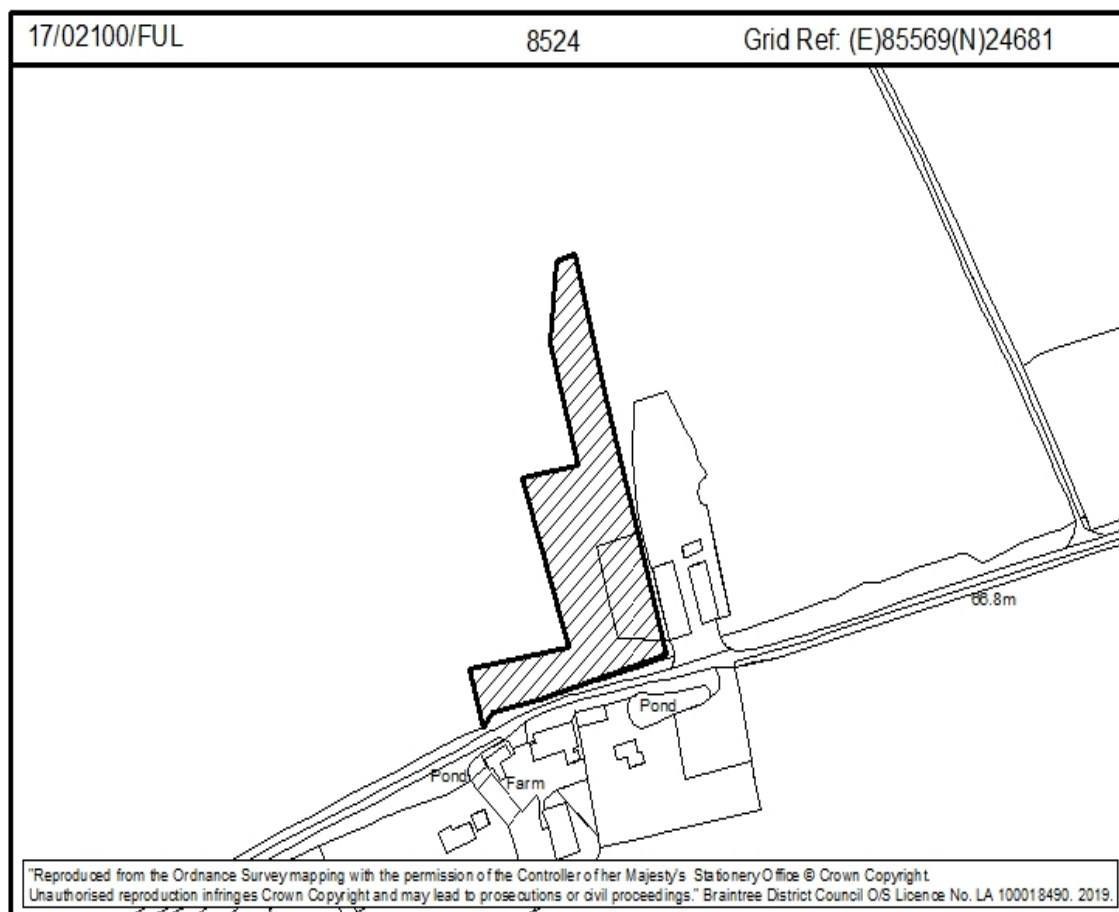
There are no items for Private Session for this meeting

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 17/02100/FUL
DATE: 27.11.17
VALID:
APPLICANT: Ms S Rowledge
Soaring High Primary School, Colne Road, Coggeshall,
Essex
AGENT: Guy French
Foxes Rural Consultants, Foxes House, Foxes Lane, Eight
Ash Green, Colchester, Essex, CO6 3PS
DESCRIPTION: Continued use of existing hardstanding to provide a car
park to serve Soaring High Montessori primary school
LOCATION: Soaring High Primary School, Colne Road, Coggeshall, Ex

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523
or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZTTVHBFFT100>

SITE HISTORY

09/01083/FUL	Change of use from B1 office to Montessori Primary School	Granted	12.11.09
09/00313/DAC	Application to discharge conditions relating to application 09/01083/FUL - Change of use from B1 office to Montessori Primary School	Granted	24.05.10
13/01272/FUL	Application for removal or variation of condition no. 5 of planning application 09/01083/FUL - Relating to operation times - up to 9.30pm Monday-Friday on 9 occasions per calendar year and 12pm - 5pm on 6 Saturdays per calendar year.	Granted	19.02.14
14/00077/DAC	Application for approval of details reserved by condition no. 3 of approved application 09/01083/FUL	Refused	23.05.14
14/01090/FUL	Change of use from agriculture to school playing field (Use Class D1) relating to Soaring High Montessori Primary	Withdrawn	14.10.14
15/01224/FUL	Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the	Granted	20.11.15

	school may operate between 12:00 and 17:00 on a Saturday		
16/00459/FUL	Change of use of land from agricultural to school playing field (Use Class D1) relating to Soaring High Montessori Primary School	Refused	06.07.16
17/02101/VAR	Application for removal of condition 3 of approved application 09/01083/FUL	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP39	Expansion of Local Firms
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP90	Layout and Design of Development
RLP150	Educational Establishments

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP64	Educational Establishments
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Supplementary Planning Guidance

Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)

Coggeshall Neighbourhood Plan

In 2015, Coggeshall Parish Council began the process of making a neighbourhood plan for the village. The draft Coggeshall Neighbourhood Plan has now reached Regulation 14 stage, having been subject to a six week public consultation between January and March 2019. The responses to the consultation will need to be collated and if appropriate the Plan modified; it is currently unclear the extent of support/objections to the draft Plan and the extent to which it will need to be modified.

The Coggeshall Neighbourhood Plan contains a timetable which indicates that the intention had been for it to be adopted by early 2020, however it has not yet been subject to the next stage of publicity (Regulation 15) before the process of independent examination can commence. The Examiner will then need to produce a report and it is likely that the Plan will then need to be revised based on the Examiner's report before a Community Referendum can be held. The Plan cannot be approved and adopted by the District Council until the Referendum has approved the Plan.

The District Council must determine, as the local planning authority, the appropriate weight that can be attributed to the emerging Plan. In accordance with the Paragraph 48 of the NPPF local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

- b) *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*
- c) *the degree of consistency of the relevant policies in the emerging plan to 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 at the time of writing this report only very limited weight can be applied to the policies contained within the draft Neighbourhood Plan.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest, and because the original planning permission for this site was granted by Members at the Planning Committee held on 3rd November 2009.

NOTATION

The application site is located outside the Coggeshall Village Envelope, as designated in the Adopted Local Plan. It is therefore deemed to be in a rural location whereby rural policies of restraint apply.

SITE DESCRIPTION

The application site is situated within an isolated rural area approximately 1.15km north of Coggeshall village. It is located on the northern side of Purley Lane which is accessed off the B1024 (Colne Road) to the west which links Coggeshall and Earls Colne. The carriageway of the road leading to the site is narrow with grass verges and hedges to each side. The busy A120 separates the site from the village.

The Planning Statement accompanying the application states that the change of use relates to 1,529sq.m of land. The site is irregularly shaped and encompasses a commercial building, hardstanding to its front and rear, a small woodland copse immediately to the west and a strip of land approximately 80m in length and 8m deep that runs parallel to the lane in a westerly direction. This strip of land contains the grass verge, a ditch, hedge and at the rear, on the edge of the field, a path has been formed using a woodchip material for surfacing. The path leads from the hardstanding/parking area behind the commercial building to a position directly opposite the entrance to the Soaring High Montessori School site on the southern side of the lane.

PROPOSAL

The application seeks retrospective planning permission for the change of use of the hardstanding surrounding the aforementioned commercial building, to allow for its continued use as a car park to serve Soaring High Montessori School. The Planning Statement submitted by the applicant states that the school has been using the hardstanding since September 2013, in lieu of that previously approved within the school's grounds which are now used as a playground.

It is noted that the red line identifying the application site includes not only the areas of hardstanding referred to in the description of development but also the commercial building that stands on the site and part of the adjoining field. It is not clear why these areas are included within the red line when the description of development does not refer to their use changing.

The planning statement accompanying the application lists a number of reasons that led to the school making these changes. In summary the main issues are:

- a. Child safety and site security – the school grounds need to be secure to ensure the safety of children. This has become an increasingly important requirement of schools who have to meet safeguarding and Health & Safety policies.
- b. A larger car parking area is required for those parents whose children are unable to use the school minibus service.
- c. If more pupils were required to use the mini bus service this would create additional parking and congestion issues in Coggeshall during pick up and drop off times.
- d. Relocating the car parking is necessary to provide a safe area within the original school grounds for outdoor play and learning.
- e. A pedestrian path has been created between the car park and the school so that parents and students do not need to walk in the road and instead only have to cross the road.

The planning statement also states that dropping off and collecting of children if it cannot be undertaken within the proposed area of the application, then the only other solution would be for children to be dropped off on the highway which would not be possible from both a highway safety and child safety perspective. The measures put in place as part of this application provides for the safe collection and drop off of children and does not provide a highway obstruction.

RELATED PLANNING HISTORY

With regard to the school site, and by way of background to its planning history, planning permission was granted by the Council's Planning Committee in November 2009 (Application Reference 09/01083/FUL refers). Officers had recommended the application for refusal but Members granted planning permission which allowed the conversion of Class B1 (offices) that had formed part of the former Purley Farm site to a Montessori Primary School.

The planning permission that was granted was conditional, and the Decision Notice that was issued listed 5 conditions. However when reviewing the planning history as part of the assessment of this application Officers have discovered that the minutes of the Planning Committee listed a sixth condition. Although it was not listed on the Decision Notice, the Minutes of the meeting state that the following condition should be included '*No more than 24 children shall be educated at the application premises unless otherwise agreed in writing by the Local Planning Authority.*' Officers are unable to determine why this condition was not included on the Decision Notice but the fact of the matter is that because it was not included on the Decision Notice it does not form part of the planning permission that has been granted.

The Decision Notice that was issued included the following conditions:

- 2 *Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used as a school for the education of people under the age of 16 and for no other purpose within Class D1.*
- 3 *Notwithstanding the Green Travel Plan submitted previously, prior to occupation of the application premises for the purposes hereby approved a Travel Plan which shall include full details of monitoring and the provision of a shuttle bus to the application site from a location to be agreed within Coggeshall shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be adhered to at all times that the school hereby approved is in operation unless otherwise approved in writing by the Local Planning Authority.*
- 4 *Prior to the first use of the application site for the purposes hereby approved, details shall be submitted to and approved by the Local Planning Authority showing the provision of sufficient car parking, bus parking, cycle parking and powered two-wheeled vehicle parking. The agreed scheme of parking accommodation shall be fully implemented prior to the first occupation of any building at the site for the school use hereby approved.*
- 5 *The school hereby approved shall not operate outside the hours of 08:00 to 18:00 on Monday to Friday, 08:00 to 12:00 on Saturdays or at any time on Sunday*

The Soaring High Montessori (Primary) School subsequently opened in 2010 and since then has made two applications to vary the conditions attached to the 2009 planning permission and which have been granted:

- 13/01272/FUL - *Application for removal or variation of condition no. 5 of planning application 09/01083/FUL - Relating to operation times - up to 9.30pm Monday-Friday on 9 occasions per calendar year and 12pm - 5pm on 6 Saturdays per calendar year; and*
- 15/01224/FUL - *Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the school may operate between 12:00 and 17:00 on a Saturday.*

In addition to these two applications, a full planning application was submitted in 2016 (Application Reference 16/00459/FUL refers) for the change of use of 0.78ha land on the northern side of the lane, opposite the school. It was proposed that the agricultural land bordered by the woodchip path to the south and the copse and hardstanding to the east was to be used as a school playing field (Use Class D1). The Local Planning Authority refused that application due to the detrimental impacts that the proposed use would have on the surroundings, local landscape and residential amenity, by way of noise, contrary to Policy CS8 of the Adopted Core Strategy, and Policies RLP62 and RLP90 of the Adopted Local Plan.

A Breach of Condition Notice (BCN) was issued on the 2nd May 2017 (Application Reference 16/00207/COU3) refers, served due to the fact that the cessation of the use of the Purley Farm barns site for car parking and the use of the hardstanding on the current application site amounted to a breach of Application Reference 09/01083/FUL's, namely conditions 3 (Travel Plan) and 4 (Car parking) respectively. The time for compliance for the BCN came into effect three months from the date of its service.

The School subsequently submitted this planning application in November 2017 for the change of use of the land and at the same time a separate planning application was also submitted for the variation of condition 3 attached to Application Reference 09/01083/FUL. The application to vary the conditions on the 2009 planning permission (Application Reference 17/02101/VAR) is reported separately, and follows this report within the agenda papers.

CONSULTATIONS

BDC Environmental Services

No objection. No adverse comments. If any additional works are carried out to improve the parking area then these should take place during reasonable hours so as not to cause disturbance to any nearby residents.

ECC Highways

No response received to consultation.

PARISH / TOWN COUNCIL

Coggeshall Parish Council

No consultation response received.

REPRESENTATIONS

A total of fifteen representations have been received, and all letters are supportive of the application. The main reasons cited in support of the application are:

- Some parents need to drive to the school to drop off/pick up their children and for them a safe car park is a necessity;
- The area within the site where the Council say the parking should take place is dangerous as there is a risk a child could be hit;
- The only other alternative would be to park on the lane;
- Parking in the lane would damage the verges as well as cause an obstruction;
- No other local school provides parking like this for parents;
- When parents parked within the school grounds there was more congestion on the lane; the new parking area has allowed the traffic to flow better in the morning and afternoon;
- The 'new' parking area uses a hardstanding that was already there and has no wider visual impact;
- The residents of neighbouring properties and the business all support the new parking arrangements; and
- Cars parked with engines running near to the school buildings will generate pollution which would be detrimental to the health of children attending the school.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. NPPF Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Furthermore, Paragraph 94 of the NPPF states that local planning authorities should take a proactive, positive and collaborative approach to ensuring that there is sufficient choice of school places available to meet the needs of existing and new communities. Local Planning Authorities are also directed to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

The Development Plan

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

The application site is located outside any designated development boundary in both the Adopted Local Plan and the Draft Local Plan and as such both Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development outside designated development boundaries will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity and amenity of the countryside.

The Montessori school is not considered to be the type of appropriate rural use that the above planning policy supports. It is noted that the 2009 application referred to local demand for Montessori education and it would appear from representations received that a significant number of pupils are still drawn from Coggeshall.

However it is also apparent from the letters supporting the application that it is also drawing pupils from further afield, including Bradwell, Braintree, Colchester, Copford, West Mersea, and Wivenhoe. The school is not a facility

that is solely meeting a local demand which would necessitate such a location in the countryside.

Policy CS7 of the Adopted Core Strategy goes on to state that the Council will work to reduce congestion and reduce the impact of development upon climate change. This will be achieved in a number of ways, including directing future development in accessible locations to reduce the need to travel.

Policy RLP150 of the Adopted Local Plan is concerned with educational establishments, but is not considered relevant to the determination of this application as it is concerned with the change of use or redevelopment of existing safeguarded educational establishments. Policy RLP39 of the Adopted Local Plan does however allow for the expansion of established local businesses on to unallocated sites, outside development boundaries, in certain circumstances. However, the policy would not support the expansion of the school site as is proposed by this application as the policy states that the site must be adjacent to a designated development boundary; further the site is not adjacent to the existing school premises as it is on the opposite side of the highway, further along the lane.

Policy RLP40 of the Adopted Local Plan allows for some minor Commercial Development in the Countryside, subject to the extension being on a small scale compatible with the surrounding area, or small-scale proposals, which would secure significant improvements to the local environment. Proposals should not be detrimental in terms of visual impact, noise, smell, or other pollution, or excessive traffic generation, health or safety or loss of nature conservation interests.

SITE ASSESSMENT

Location and Accessibility

The application site encompasses a substantial commercial building and whilst the scheme does not propose any alteration to the building, or seek to change its use, Officers are concerned that if this application were approved and the parking area to the rear of the building was permanently made available for school parking then the hardstanding would not be available to support the occupation of the building itself.

Consequently, whilst the car parking area is reasonably discrete and visually self-contained, the continued use of this area for parking by the school could increase pressure for additional areas of parking to be provided in the future to support the use of the commercial building. Furthermore, if the change of use were to be granted, then Officers are concerned that the school could seek to change the use of the commercial building to provide additional space for the school. This would be an issue, as when Members approved planning permission for the school in 2009, this was partly because it was reusing an existing building and was proposed to be within a self-contained site which would naturally limit the size of the establishment. As noted previously in this report when permission was granted it appears that Members had intended to

restrict the number of students at the school to 24. Whilst the number of students is not controlled by the planning permission it seems clear that the intention of the Planning Committee was to limit the size of the school and prevent it expanding in a manner that would be contrary to the Council's planning policies. Officers consider that this planning application is another attempt by the school to break out from the main school site, and increase the area of its activities, which as a consequence would increase its impact on the countryside.

When the application was approved by Members in 2009, it was stated that the school had 24 pupils, however, the planning statement advised that in 2017 the school had 54 pupils registered. It was also stated that the Ofsted licencing allowed the school to provide up to 70no places. The increase in the number of pupils since the permission was granted gives rise to a greater demand for the transportation of pupils and resultant impacts flowing from an increase in respective vehicle movements. It is acknowledged that the school operates a 17 seater minibus, but even taking into account that it shuttles to and from Coggeshall twice in the morning and twice in the afternoon, means that only half of the potential number of pupils that could attend the school can be transported in this way. It is noted that some parents/carers do car share but this is difficult to enforce and with students traveling from across North Essex it is often not practical. Because the site is in such a remote rural area it is not feasible, or indeed safe to walk and cycle to and from the site.

Officers consider that it is the rise in the number of pupils attending the school that is increasing pressure upon the school to expand its operations and activities beyond the original consented premises, and expand into land surrounding the site. Officers consider that this application is a further indication that the school has outgrown its premises, and should be looking for a more suitable site and location within the District. Unchecked, the school could continue to expand and creep further into the countryside, contrary to the Council's planning policies of rural restraint; and as such there is an in principle objection to the proposed change of use of the land in question to provide additional car parking to serve the school. The proposal is considered to be contrary to Policies CS5 and CS7 of the Adopted Core Strategy, Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan.

Parking and Highway Safety

The school is accessed via Purley Lane which is single carriageway width and therefore a relatively narrow lane with no footways on either side. There are no passing places along most of the length of the lane so where vehicles have to pass this requires one, or both vehicles to mount the soft verge to either side of the lane which will often result in damage to the verges.

When Members granted the school planning permission in 2009 there was clearly a concern about the provision of parking as a condition was imposed which required the applicant to submit details for parking at the site (Condition 4 of Application Reference 09/01083/FUL refers).

The Local Planning Authority approved the parking details, submitted by the school under Application Reference 09/00313/DAC. The approved details showed spaces for 6 cars, a minibus and 12 bicycles around a central circulatory area between the two school buildings. In 2009 the school stated they had 5 full time and two part time employees and that the school had 24 students. Members considered that the site and location were acceptable for the proposed use and the intensity of use at that time.

Although these parking arrangements were approved, the school subsequently chose to revise the parking arrangements without the approval of the Local Planning Authority and we are advised that from 2013 cars have not been allowed within the school grounds; and that parking has instead been provided to the rear of the commercial buildings on the northern side of the lane. As highlighted previously, a path has been created through the woodland copse and then along the northern side of the lane terminating opposite the school entrance before people need to cross the road to enter the school grounds.

The applicant has provided a parking plan which indicates the area that is used for parking to the rear of the commercial building utilises an existing hardstanding, but this is not formally marked out as a car park on the ground. The plan that has been submitted is not drawn to scale so it is not possible to calculate accurately the level of parking possible within this area. However, Officers estimate that the maximum number of vehicles parked within this long, narrow strip of land would be approximately 17 cars.

The parking area utilises an existing access onto the public highway, although the level of use is likely to represent an intensification of the access over that which usually be experienced on a small rural commercial site such as this one. The commercial buildings are however set well back from the road so drivers have reasonable visibility when they are entering/leaving the highway. The Highway Authority were consulted on the application and Officers have sought their views on numerous occasions but no response has been received so Officers have no grounds to oppose the application on grounds of highway safety.

Character and Appearance

This is a retrospective application, so the change of use has already occurred and no further changes to the existing appearance of the parking area and path leading to the school are proposed in the application.

The hardstanding at the rear of the commercial building has an irregular shape approximately 50m long which tapers down from approximately 25m wide at the rear of the buildings, to approximately 10m at the northern end of the site. The hardstanding is advised to have been in-situ prior to the school securing its use and consists of compacted gravel. Aerial photography shows a much smaller area of hardstanding at the rear of the buildings in 2013. By the time of the next aerial photograph in 2016 the area of hardstanding had been increased to its current size.

Visually Officers consider that the parking area at the rear of the building is reasonably discrete within the wider landscape when viewed from publicly accessible points, with screening being provided by the woodland copse and earth bund on the western side of the site; and a hedge to the east of the site.

Whilst there is no landscape harm identified from the current arrangements at the rear of the building it is noted that the introduction of cars and the stationing of the School mini-bus, together with related parking signage attached to the building, do contribute to a change in the character of the area, diminishing the traditional rural, agricultural character of the area and increasing the suburbanisation of the lane.

As noted previously, Officers also remain concerned that using the hardstanding around the building for parking could lead to pressure to extend the area of hardstanding further in the future to provide servicing for the commercial building and that this could have a wider landscape impact that could be detrimental to the character and appearance of the area.

Impacts upon Neighbouring Residential Amenities

The approved car parking arrangements, within the school grounds, were considered acceptable by the Local Planning Authority. The application seeks permission to continue using the hardstanding on the northern side of the lane and behind the commercial buildings. This is located well away from the residential properties that stand on either side of the school site and the buildings will provide a barrier to much of the noise associated with parking (vehicles manoeuvring, doors opening and closing).

One of the letters of representation states that this arrangement minimises the impact on those residential properties as it reduces the likelihood of cars parking in the lane, or near residential properties which would impact on those residents. Whilst there is an argument that granting permission would support the increase in pupil numbers and all the associated activity and noise that goes with that, Officers do not consider that the continued use of the hardstanding would give rise to any unreasonable impact upon residential amenity such that it would form a reason for refusal of the application.

Ecology

Whilst the application is principally concerned with retrospective permission to continue using the hardstanding for car parking, the red line application site includes a woodland copse, grass verges, ditch and hedge. The application does not propose any operational development so if the Local Planning Authority were to grant planning permission there is no reason to believe that any habitats that do exist would be affected any more than they have been since the school started using the land in this way in 2013.

Flood Risk and Drainage

The site is within Flood Zone 1 – the area with the lowest risk of flooding. No details have been provided concerning surface water drainage; however, the existing area of hardstanding consists of compacted gravel which would be relatively permeable. Given that there are also fields to three sides of the car parking area it is considered that further information is not required in respect of surface water drainage.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside a designated development boundary, within an area where countryside planning policies apply.

Paragraph 8 of the NPPF stipulates that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic, social and environmental objective.

Officers consider that the site is situated in an unsustainable location, being remote from centres of population centres whereby pupils and staff would not find walking or cycling to school to be an attractive or practical option. The site is not served by public transport services, although it is acknowledged that the Local Planning Authority has required that a Green Travel Plan is implemented; and that the school provides a minibus service that brings children to school from Coggeshall, which does reduce the number of private car movements to and from the school that would otherwise be made.

The school was originally granted planning permission based on the proposal re-using existing buildings within a self-contained site that would provide appropriate facilities for the school to operate with 24 pupils. As is evidenced by this application, and the application that the Local Planning Authority has previously refused in 2016 to provide a school playing field on the northern side of the lane, the number of pupils at the school has expanded to an extent that the school is finding that it is increasingly difficult to operate within the consented school site.

It is acknowledged that if the school were able to continue using this application site for car parking then there would be some benefits. In terms of social and economic benefits, the parking would support the continued operation of the school business, providing a wider diversity of school places and supporting the small number of jobs that the school provides.

However, Officers consider that approving the change of use and regularising the use of this area for school car parking, will simply support the existing and

future growth in the number of school pupils by enabling the school to creep in to the countryside, in clear conflict with the Council's rural policies of restraint, and those policies which seek to direct development to more sustainable locations.

Officers are also concerned that approving this application would likely to lead to further applications in the future for the school operation to expand further to accommodate number of pupils that has been permitted by Ofsted.

When considering the planning balance, and to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm identified through conflict with the Council's Development Plan. The proposed development would not constitute sustainable development and Officers recommend that planning permission is refused.

RECOMMENDATION

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

- 1 In this case the continued use of a hardstanding attached to a separate commercial building, located on the opposite side of the road to the school, is considered to be unacceptable: It would use space intended to be used by the adjacent commercial building; continue to support a greater number of private car movements than was originally envisaged when the school opened; result in school activity spreading beyond the approved school site, and potentially set a precedent for the school to expand onto further land within the open countryside.

Allowing the continued use of the hardstanding is considered to increase the likelihood that pupil numbers will further increase in what remains a remote, rural location and is contrary to the local and national planning policies which seek to protect the intrinsic character and beauty of the countryside, which also seek to locate development in sustainable locations, accessible by a range of sustainable transport modes. The proposal is therefore contrary to the NPPF, Policies CS5 and CS7 of the Adopted Core Strategy, and Policies RLP2, RLP39 and RLP90 of the Adopted Local Plan.

SUBMITTED PLANS

Location Plan	Plan Ref: PLN1113 - Location Plan
Block Plan	Plan Ref: Proposed Car Parking Arrangement
Site Plan	Plan Ref: PLN1113 - Site Plan
Other	Plan Ref: Soaring High School Site Plan Sept 2016
- Jul 2017	Version: Document 5

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

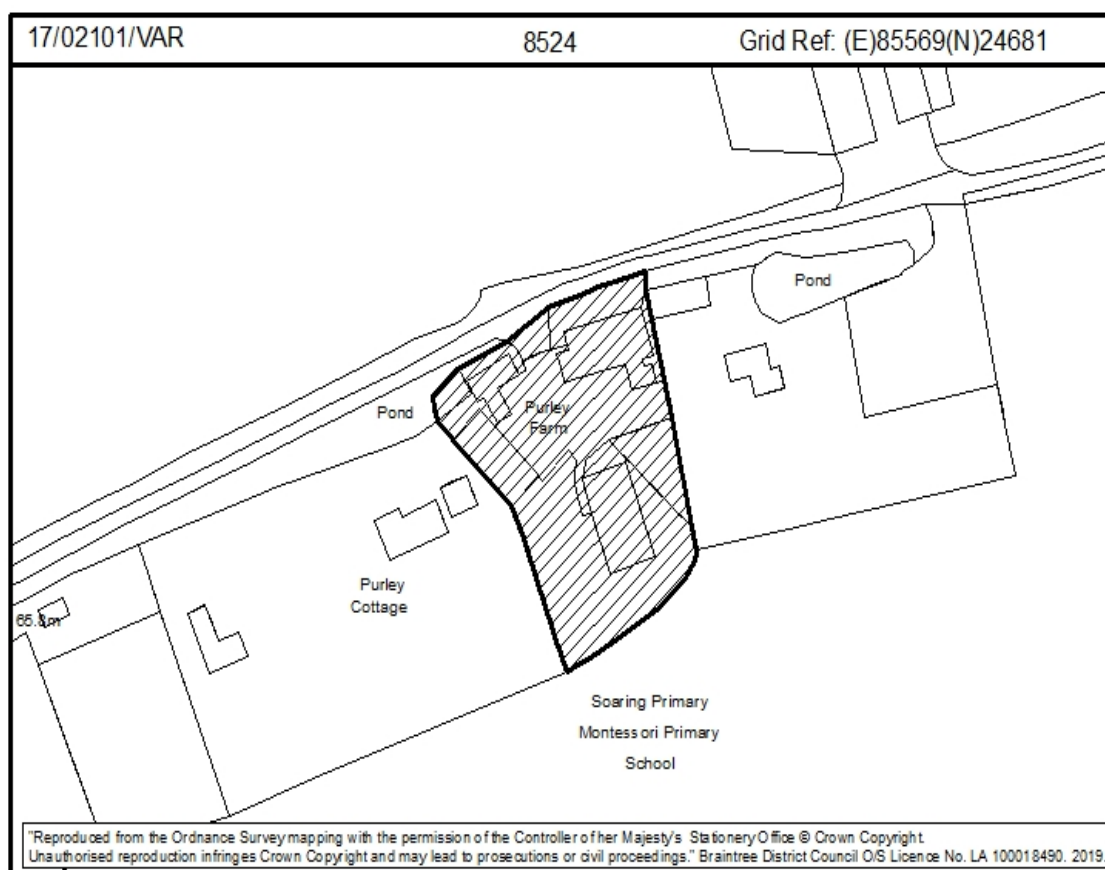
AGENDA ITEM NUMBER 5b

APPLICATION NO: 17/02101/VAR DATE: 22.11.17
VALID:
APPLICANT: Soaring High Montessori Primary School
S Rowledge, Soaring High Primary School, Colne Road,
Coggeshall, Essex, CO6 1TH
AGENT: Guy French
Guy French, Bullbanks Farm, Halstead Road, Eight Ash
Green, Colchester, Essex, CO6 3PT
DESCRIPTION: Application for variation of Condition 3 of approved
application of 09/01083/FUL - to include amending the car
parking arrangements plan appended to the Green Travel
Plan, to allow for the parking of vehicles off site
LOCATION: Soaring High Primary School, Colne Road, Coggeshall, Ex

For more information about this Application please contact:

Mr Neil Jones on:- 01376 551414 Ext. 2523

or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZTTVNBFFT300>

SITE HISTORY

09/01083/FUL	Change of use from B1 office to Montessori Primary School	Granted	12.11.09
09/00313/DAC	Application to discharge conditions relating to application 09/01083/FUL - Change of use from B1 office to Montessori Primary School	Granted	24.05.10
13/01272/FUL	Application for removal or variation of condition no. 5 of planning application 09/01083/FUL - Relating to operation times - up to 9.30pm Monday-Friday on 9 occasions per calendar year and 12pm - 5pm on 6 Saturdays per calendar year.	Granted	19.02.14
14/00077/DAC	Application for approval of details reserved by condition no. 3 of approved application 09/01083/FUL	Refused	23.05.14
14/01090/FUL	Change of use from agriculture to school playing field (Use Class D1) relating to Soaring High Montessori Primary	Withdrawn	14.10.14
15/01224/FUL	Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the	Granted	20.11.15

school may operate
between 12:00 and 17:00
on a Saturday

16/00459/FUL	Change of use of land from agricultural to school playing field (Use Class D1) relating to Soaring High Montessori Primary School	Refused	06.07.16
17/02100/FUL	Continued use of existing hardstanding to provide a car park to serve Soaring High Montessori primary school	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP39	Expansion of Local Firms
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP51	Cycle Parking
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP150	Educational Establishments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP56	Conservation Areas
LPP64	Educational Establishments
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Supplementary Planning Guidance

Parking Standards – Design and Good Practice (September 2009)

Other Guidance

Landscape Character Assessment (2006)
Braintree District Settlement Fringes – Evaluation of Landscape Analysis of Coggeshall (June 2015) & Settlement Fringe Landscape Capacity Study – Coggeshall (November 2007)

Coggeshall Neighbourhood Plan

In 2015, Coggeshall Parish Council began the process of making a neighbourhood plan for the village. The draft Coggeshall Neighbourhood Plan has now reached Regulation 14 stage, having been subject to a six week public consultation between January and March 2019. The responses to the consultation will need to be collated and if appropriate the Plan modified; it is currently unclear the extent of support/objections to the draft Plan and the extent to which it will need to be modified.

The Coggeshall Neighbourhood Plan contains a timetable which indicates that the intention had been for it to be adopted by early 2020, however it has not yet been subject to the next stage of publicity (Regulation 15) before the process of independent examination can commence. The Examiner will then need to produce a report and it is likely that the Plan will then need to be revised based on the Examiner's report before a Community Referendum can be held. The Plan cannot be approved and adopted by the District Council until the Referendum has approved the Plan.

The District Council must determine, as the local planning authority, the appropriate weight that can be attributed to the emerging Plan. In accordance with the Paragraph 48 of the NPPF local planning authorities may give weight to relevant policies in emerging plans according to:

- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

- b) *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*
- c) *the degree of consistency of the relevant policies in the emerging plan to 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 at the time of writing this report only very limited weight can be applied to the policies contained within the draft Neighbourhood Plan.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest, and because the original planning permission for this site was granted by Members at the Planning Committee held on 3rd November 2009.

NOTATION

The application site is located outside the Coggeshall Village Envelope, as designated in the Adopted Local Plan. It is therefore deemed to be in a rural location whereby rural policies of restraint apply.

SITE DESCRIPTION

The application site is situated within an isolated rural area approximately 1.15km north of Coggeshall village. It is located on the southern side of Purley Lane which is accessed off the B1024 (Colne Road) to the west which links Coggeshall and Earls Colne. The carriageway of the road leading to the site is narrow with grass verges and hedges to each side. The busy A120 separates the school site from the village.

The school site measures approximately 62m deep and 40m wide and currently comprises two main buildings, including a converted and extended barn and an outdoor playground area. To the east and west of the site there are residential properties with agricultural fields beyond those; open farmland can be found to the north and south; and to the north east there are two commercial buildings, one of which (the western one) falls within the application site for planning application reference 17/02100/FUL, for the continued use of its hardstanding for car parking to serve the Montessori Primary School.

PROPOSAL

The application seeks to vary one of the five planning conditions that was imposed when planning permission was granted in 2009 which allowed the school to open at the site (Application Reference 09/01083/FUL).

Members will note that when this application was originally submitted the application form sought permission to remove Condition No.3, which required that a Green Travel Plan was produced, approved and implemented; and to vary Condition No.4 which required approval for and implementation of car parking on the school site and the application was publicised on that basis.

Regrettably the Case Officer who was originally dealing with the application took a long leave of absence from work and whilst consultants employed by the Council picked up the majority of the Case Officers applications this application was not progressed. When Officers have reassessed the application, it is apparent from the Planning Statement that what the applicant still proposes to continue operating a revised Green Travel Plan. Rather than applying to remove Condition No.3 it is understood that the applicant actually wishes to vary Condition No.3 by operating a revised version of the Green Travel Plan. The most significant change to the revised Green Travel Plan is to amend the car parking arrangements plan appended to the Green Travel Plan, to allow for the parking of vehicles off site.

For reasons set out in the main body of the report Officers do not believe that the application actually seek to vary Condition No.4. This condition stated that: *"prior to the first use of the application site for the purposes hereby approved, details shall be submitted to and approved by the Local Planning Authority showing the provision of sufficient car parking, bus parking, cycle parking and powered two-wheeled vehicle parking. The agreed scheme of parking accommodation shall be fully implemented prior to the first occupation of any building at the site for the school use hereby approved"*. This condition was discharged on 24th May 2010 under Application Reference 09/00313/DAC and therefore the applicant had satisfied the terms of this condition. As the applicant had submitted details pursuant to this condition, and given that this condition was discharged by the Local Planning Authority, Officers do not considered that there is a requirement to vary Condition No.4.

Officers have written to the planning agent and explained why the original description of development (*'Application for removal of condition 3 and variation of condition 4 of approved application 09/01083/FUL'*) is not considered to accurately describe what the application seeks to achieve. Consequently Officers advised the agent that the application description has been amended to *'Application for variation of Condition 3 of approved application of 09/01083/FUL - to amend the car parking arrangements plan appended to the Green Travel Plan, to allow for the parking of vehicles off site'*.

This application to vary Condition No.3 is linked to Application Reference 17/02100/FUL which seeks planning permission for the continued use of an existing area of hardstanding to provide an area for parking vehicles visiting the school, on land which is on the opposite side of the road to the north east, in front of and behind an existing commercial building. This application is a retrospective application as the Planning Statement advises that the school has been using the hardstanding since September 2013, in lieu of that previously approved within the school's grounds, which is now being used as a playground.

PLANNING HISTORY

With regard to the school site, and by way of background to its planning history, planning permission was granted by the Council's Planning Committee in November 2009 (Application Reference 09/01083/FUL refers). Officers had recommended the application for refusal but Members granted planning permission which allowed the conversion of Class B1 (offices) that had formed part of the former Purley Farm site to a Montessori Primary School.

The planning permission that was granted was conditional, and the Decision Notice that was issued listed 5 conditions. However when reviewing the planning history as part of the assessment of this application, Officers have discovered that the minutes of the Planning Committee listed a sixth condition. Although it was not listed on the Decision Notice the Minutes of the meeting state that the following condition should be included '*No more than 24 children shall be educated at the application premises unless otherwise agreed in writing by the Local Planning Authority*'. Officers are unable to determine why this condition was not included on the Decision Notice but the fact of the matter is that because it was not included on the Decision Notice it does not form part of the planning permission that was granted.

The Decision Notice that was issued included the following conditions:

- 2 *Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the premises shall be used as a school for the education of people under the age of 16 and for no other purpose within Class D1.*
- 3 *Notwithstanding the Green Travel Plan submitted previously, prior to occupation of the application premises for the purposes hereby approved a Travel Plan which shall include full details of monitoring and the provision of a shuttle bus to the application site from a location to be agreed within Coggeshall shall be submitted to and approved in writing by the Local Planning Authority. The provisions of the Travel Plan shall be adhered to at all times that the school hereby approved is in operation unless otherwise approved in writing by the Local Planning Authority.*
- 4 *Prior to the first use of the application site for the purposes hereby approved, details shall be submitted to and approved by the Local*

Planning Authority showing the provision of sufficient car parking, bus parking, cycle parking and powered two-wheeled vehicle parking. The agreed scheme of parking accommodation shall be fully implemented prior to the first occupation of any building at the site for the school use hereby approved.

- 5 *The school hereby approved shall not operate outside the hours of 08:00 to 18:00 on Monday to Friday, 08:00 to 12:00 on Saturdays or at any time on Sunday*

The Soaring High Montessori (Primary) School subsequently opened in 2010 and since then has made two applications to vary the conditions attached to the 2009 planning permission and which have been granted:

- 13/01272/FUL - *Application for removal or variation of condition no. 5 of planning application 09/01083/FUL - Relating to operation times - up to 9.30pm Monday-Friday on 9 occasions per calendar year and 12pm - 5pm on 6 Saturdays per calendar year, and*
- 15/01224/FUL - *Application for variation of condition no. 5 of approved application 09/01083/FUL - Change to opening hours - on 9 days per calendar year, the school may operate between 18:00 and 21:30 on a day between Monday and Friday. On 6 days per calendar year, the school may operate between 12:00 and 17:00 on a Saturday.*

In addition to these two applications, a full planning application was submitted in 2016 (16/00459/FUL refers) for the change of use of 0.78ha land on the northern side of the lane, opposite the school. It was proposed that the agricultural land bordered by the woodchip path to the south and the copse and hardstanding to the east was to be used as a school playing field (Use Class D1). The Local Planning Authority refused that application due to the detrimental impacts that the proposed use would have on the surroundings, local landscape and residential amenity, by way of noise, contrary to Policy CS8 of the Adopted Core Strategy, and Policies RLP62 and RLP90 of the Adopted Local Plan.

Following the grant of planning permission in 2009 the school submitted a Green Travel Plan and the required details for the vehicle parking within the school grounds. The Local Planning Authority approved the details submitted by the school and discharged both conditions.

Subsequently, and without discussion or agreement of the Local Planning Authority, the school stopped allowing vehicles to park within the school grounds and introduced alternative parking on land on the opposite side of the road (the land that is the subject of Application Reference 17/02100/FUL). When the Local Planning Authority became aware of this breach of planning condition it was considered expedient to issue an Enforcement Notice and a Breach of Condition Notice (BCN) was issued on the 2 May 2017 (16/00207/COU3) refers, served due to the fact that the cessation of the use of the Purley Farm barns site for car parking and the use of the hardstanding

on the current application site amounted to a breach of 09/01083/FUL's Condition 3 (Travel Plan) and Condition 4 (Car parking) respectively. The time for compliance for the BCN came into effect three months from the date of its service.

The School subsequently sought pre-application advice. Officers advised that the revised Green Travel Plan and parking arrangements would not be supported. Despite this advice the applicant proceeded to submit this planning application to vary condition(s) in November 2017, along with a separate application for the change of use of land for car parking associated with the school.

CONSULTATIONS

BDC Environmental Health

No adverse comment to make on the application.

ECC Highways

ECC Highways originally objected to the application and stated that from a highway and transportation perspective the impact of removing Condition 3 is not acceptable to the Highway Authority. The inclusion of a Travel Plan is designed to help the highway situation and encourage more sustainable travel, as stated previously in their response to application 09/01083/FUL. The inclusion of a car parking area does not overcome these issues.

Following the assessment of the application by Officers, and given that it is clear that Condition 3 is proposed to be varied as opposed to be removed, Officers have sought a further response from ECC Highways on the proposed revised Green Travel Plan. No response from ECC Highways has been received.

PARISH / TOWN COUNCIL

Coggeshall Parish Council

No consultation response received.

REPRESENTATIONS

A total of fourteen representations have been received and all letters are supportive of the application. The main reasons cited in support of the application are:

- Some parents need to drive to the school to drop off and pick up as the minibus service only provides a service to/from the centre of the village so parking is required;
- The area within the site where the Council say the parking should take place is dangerous as there is a risk a child could be hit;

- Continued use of the school grounds for parking would mean that Highways would need to erect warning and safety signs on the lane;
- Parking in the lane would damage the verges as well as cause an obstruction;
- When parents parked within the school grounds there was more congestion on the lane; the new parking area has allowed the traffic to flow better in the morning and afternoon;
- The 'new' parking area uses a hardstanding that was already there and has no wider visual impact;
- The school minibus makes two runs in the morning and afternoon to ferry children and parents, reducing the need for private car journeys;
- The residents of neighbouring properties and the business all support the new parking arrangements;
- Safety is of paramount importance. Preventing cars parking near the buildings reduces the risk of accidents; and
- Cars parked with engines running near to the school buildings will generate pollution which would be detrimental to the health of children attending the school.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. NPPF paragraph 170 states that the planning system should contribute to and enhance the natural

and local environment by recognising the intrinsic character and beauty of the countryside.

Furthermore, Paragraph 94 of the NPPF states that local planning authorities should take a proactive, positive and collaborative approach to ensuring that there is sufficient choice of school places available to meet the needs of existing and new communities. Local Planning Authorities are also directed to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

An important factor in determining sustainable development is the extent to which it encourages or facilitates sustainable transport modes. The NPPF seeks to promote the use of sustainable transport and at Paragraph 103 states that *'the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'*.

The Development Plan

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

The application site is located outside any designated development boundary in both the Adopted Local Plan and the Draft Local Plan and as such both Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development outside designated development boundaries will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity and amenity of the countryside.

The Montessori school is not considered to be the type of appropriate rural use that the above planning policy is intended to support. It is noted that the 2009 application referred to local demand for Montessori education and it would appear from representations received that a significant number of pupils are still drawn from Coggeshall.

However it is also apparent from the letters supporting the application that it is also drawing pupils from further afield, including Bradwell, Braintree, Colchester, Copford, West Mersea, and Wivenhoe. The school is not a facility that is solely meeting a local demand which would necessitate such a location in the countryside.

Policy CS7 of the Adopted Core Strategy goes on to state that the Council will work to reduce congestion and reduce the impact of development upon climate change. This will be achieved in a number of ways, including directing future development in accessible locations to reduce the need to travel.

Policy RLP150 of the Adopted Local Plan is concerned with educational establishments, but is not considered relevant to the determination of this application as it is concerned with the change of use or redevelopment of existing safeguarded educational establishments. Policy RLP39 of the Adopted Local Plan does however allow for the expansion of established local businesses on to unallocated sites, outside development boundaries, in certain circumstances. However, the policy would not support the expansion of the school site as is proposed by this application as the policy states that the site must be adjacent to a designated development boundary; further the site is not adjacent to the existing school premises as it is on the opposite side of the highway, further along the lane.

Policy RLP55 of the Adopted Local Plan states that the District Council will require applicants for major new commercial or community developments to formulate and implement travel plans. The policy goes on to state that plans will also be required for proposals for new and expanded schools and these should facilitate the use of sustainable modes.

THE PLANNING CONDITIONS

When Members approved planning permission for the school in 2009 conditions were imposed which were considered necessary to ensure that the proposed development would be consistent with policies the Development Plan. This application originally sought to remove Condition No.3 and vary condition No.4 and the requested changes are discussed below.

Condition No.3 – Green Travel Plan

Policy RLP55 of the Adopted Local Plan states that the District Council will require applicants for major new commercial or community developments to formulate and implement travel plans. The policy specifically states that new and expanded schools will be required to implement these plans with the aim being that they will help promote the use of more sustainable modes of transport.

A Green Travel Plan was drawn up by the school and approved by the Local Planning Authority following the grant of planning permission in 2009. Although this application seeks permission to remove Condition No.3 the Planning Statement accompanying the application states that the school continues to adhere to the principles of a Green Travel Plan but that they propose that an amended Plan is adopted which reflects the increased number of pupils.

Representations made in support of the application refer to the school's 17-seat minibus now making two runs between Coggeshall and the school at

both the start and the end of the school day, however Officers note that there is no firm commitment to maintain this level of service within the submitted revised Green Travel Plan. The revised Green Travel Plan submitted with the application states *'It is the intention that 100% of Coggeshall residents are using the school minibus; the number of minibus trips adjusted accordingly'*. Whilst this information is contained within a section of the plan entitled *'Concrete Measures'* the revised plan does not give any commitment about the frequency of the minibus service. As previously noted the applicant sought pre-application advice before submitting this application. Officers reviewed the new draft Travel Plan at that time and advised that the new shorter version of the Plan would not be acceptable as a replacement document. The approved plan contained details of the minibus service and how it would operate, and Officers did not accept that this reduced commitment to providing a school minibus service was acceptable.

The approved Travel Plan also specified a higher level of monitoring by school staff of minibus use, with a daily register required to be maintained. It also stated that car sharing would initially be monitored every two weeks, and then monthly, with reports on monitoring and management actions being submitted to the Local Planning Authority every term. The revised Green Travel Plan only commits the school to provide one report after the first half term and then annually thereafter.

Condition No.3 required that the Travel Plan shall be adhered to at all times. Officers have been unable to locate any reports being submitted for review by the school. Whilst Officers accept that maintaining a daily register throughout the year was not necessary, the level of monitoring and reporting proposed in the new plan is not adequate. Officers consider that it is crucial that activity to encourage sustainable travel is focused at the start of the school year and before the start of the school year, so parents and staff adopt sustainable travel patterns straight away. Monitoring could then become less frequent through the remainder of the school year once sustainable travel patterns have been established.

The approved Green Travel Plan also included plans which showed that car parking was to be contained within the original application / school site. This information was consistent with the details that Officers approved to discharge Condition No.4 of the 2009 planning permission. It is accepted that the car parking area was restricted but this was considered suitable by Officers as it would act as a brake on future increases in activity and pupil numbers at the school as well as discouraging parents from relying on the private car as a means of transporting children to school, contrary to the aims of a Green Travel Plan.

Officers consider that Condition No.3 should not be removed and that there remains a need to produce, implement and review a Green Travel Plan. There is no objection to the principle of reviewing the approved 2009 Green Travel Plan, however Officers would not recommend approval the Green Travel Plan submitted with this application, for the reasons set out above.

Condition No.4 – Parking Arrangements

The application sought permission to vary this condition, by proposing that parking for the school be provided on land that is on the opposite side of the road to the school site – as proposed by Application Reference 17/02100/FUL. As reported separately in this Committee agenda Officers recommend that the application for the change of use of the land is refused.

However in dealing with this variation application, Officers have noted that whilst Condition No.4 required that the parking arrangements at the site were submitted in writing to the Local Planning Authority to be approved and implemented prior to the first occupation of the school, the condition did not require that the parking be maintained in the approved form.

An application to discharge Condition No.4 was submitted by the applicant in 2009. This showed all vehicle parking within the school grounds, within the red line of the 2009 planning permission. The Local Planning Authority approved the discharge of condition in October 2009 (Application Reference 09/00313/DAC). The approved parking arrangements were also contained within the Green Travel Plan. The Planning Statement accompanying this application states that initially after the school opened the approved parking arrangements were adhered to, thereby meeting the requirements of the condition.

Whilst Officers assume that when Condition No.4 was imposed the intention of the condition was for the vehicle parking to continue to be provided in the approved form, the condition does not require that the vehicle parking continue to be provided in the approved form. As a result it would not be possible for the Local Planning Authority to pursue enforcement action for a breach of Condition No.4 as the school complied with the requirements of this condition.

Officers assume that a variation of Condition No.4 was requested as the applicant sought to gain approval of the vehicle parking on land opposite the school grounds. However, as the applicant has fulfilled the requirements of Condition No.4, by gaining approval of the parking arrangements at the site and implementing those arrangements when the school first opened, it is apparent that they cannot gain approval for revised parking arrangements and implement these prior to the school opening. Because the drafting of the condition means that Condition No.4 cannot be used to control the vehicle parking arrangements at the school, Officers have advised the planning agent that the request to vary Condition No.4 should be omitted from the application description.

Impacts upon Neighbouring Residential Amenities

One of the letters of representation states that the new arrangement, with parking behind the commercial buildings opposite the site, minimises the impact on those residential properties as it reduces the likelihood of cars

parking in the lane, or near residential properties which would impact on those residents.

The car parking arrangements that were submitted by the school to discharge Condition No.4 in 2009 were considered acceptable by the Local Planning Authority. If the parking arrangements were to revert to the approved plans, with parking within the school grounds it is considered that this would not give rise to any unreasonable impact upon residential amenity.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside a designated development boundary, within an area where countryside planning policies of restraint apply.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Officers consider that the site is situated in an unsustainable location, being remote from centres of population and where the vast majority of pupils and staff are unlikely to be able to safely walk or cycle to get to the school. The Council's planning policies require all new or extended schools to have Travel Plans which promote the use of sustainable modes of transport. The need for such a plan is particularly strong here given the remote, rural location where there are limited opportunities for pupils to walk or cycle to school. Officers

consider that it is important that the Green Travel Plan continues to operate, with clear commitments provided to maintain the operation of the school minibus service, limit the amount of car parking that is provided to discourage journeys by private car, and that there are robust measures in place to encourage and monitor the use of more sustainable modes of transport.

Furthermore, if the controls provided through the original planning conditions are diluted, in this case by the variation of Condition No.3, then the sphere of the schools operation will have expanded beyond the site that was originally approved in 2009 and potentially open the way for the school to continue to expand further in the open countryside. The Council's planning policies are intended to guard against inappropriate development that would fail to protect the intrinsic character and beauty of the countryside and to direct development to more sustainable locations.

As also noted within the report for Application Reference 17/02100/FUL, if the school cannot operate within the confines of the original site then Officers consider that it has outgrown the approved site and should be looking for a more suitable site, preferably in a more accessible location.

It is acknowledged that there would be benefits from the proposal - in terms of social and economic benefits the parking would support the continued operation of the school business providing a wider diversity of school places and supporting the small number of jobs that the school provides. However, Officers also consider that approving this application would be likely to lead to further applications in the future for the school operation to expand yet further to accommodate increased numbers of pupils.

When considering the planning balance and having regard to the benefits as identified above, as well as to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm identified through conflict with the Council's Development Plan. The proposed development would not constitute sustainable development and it is recommended that planning permission is refused.

RECOMMENDATION

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

- 1 The proposal to vary Condition 3 of planning permission reference 09/01083/FUL relating to the provision of a Green Travel Plan, is not considered to be acceptable as it reduces measures and commitments in the approved Green Travel Plan which seek to limit the need for private car travel. The proposed changes, including the new vehicle parking areas, would continue to support a significant increase in the use of private cars, resulting in a scheme

which is less sustainable and contrary to Policy RLP55 of the Adopted Local Plan and Policy CS7 of the Adopted Core Strategy.

Furthermore, the continued use of a hardstanding attached to a separate commercial building, located on the opposite side of the road to the school, is considered to be unacceptable: It would use space intended to be used by the adjacent commercial building; continue to support a greater number of private car movements than was originally envisaged when the school opened; result in school activity spreading beyond the approved school site, and potentially set a precedent for the school to expand onto further land within the open countryside.

Allowing the continued use of the hardstanding is considered to increase the likelihood that pupil numbers will further increase in what remains a remote, rural location and is contrary to the local and national planning policies which seek to protect the intrinsic character and beauty of the countryside, which also seek to locate development in sustainable locations, accessible by a range of sustainable transport modes. The proposal is therefore contrary to the NPPF, Policies CS5 and CS7 of the Adopted Core Strategy, and Policies RLP2, RLP39 and RLP90 of the Adopted Local Plan.

SUBMITTED PLANS

Location Plan	Plan Ref: PLN1113 - Location Plan
Site Plan	Plan Ref: Soaring High School Site Plan
Site Plan	Plan Ref: PLN1113 - Site Plan

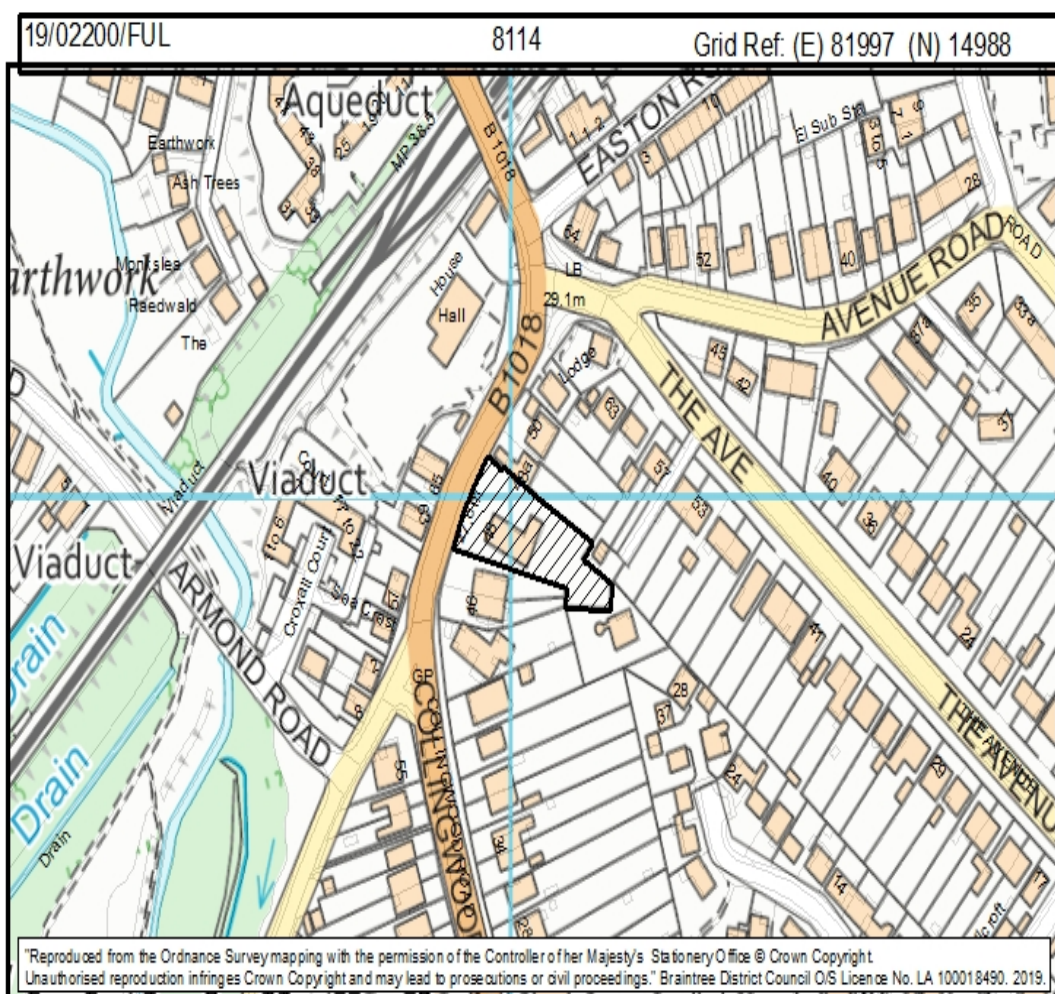
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/02200/FUL
DATE VALID: 05.12.19
APPLICANT: Mr Daniel Pearson
54 Sun Street, Waltham Abbey, EN9 1EJ
AGENT: Mr Scott Andrews
West End Barn, The Street, Rayne, Braintree, CM77 6RY,
United Kingdom
DESCRIPTION: Alterations to roof to form 1 x 1 bed flat together with the
creation of additional parking space
LOCATION: Warwick House, 48 Collingwood Road, Witham, Essex,
CM8 2DZ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q214YJBFJQB00>

SITE HISTORY

77/00858/COU	Change Of Use From Retail And Residential To Office		
77/00859/COU	Change Of Use From Ground Floor And Basement Retail Use To Offices		
77/01428/COU	Change Of Use Of Premises From Retail And Residential Purposes To Offices At Ground Floor And Basement Levels And Staff Clockroom Kitchen And Canteen On First Floor In Connection Therewith		
84/01086/S53	Application To Determine Whether Planning Permission Is Required For Change Of Use From Office With Ancillary Canteen To Office		
85/01321/COU	Change Of Use Of Garages And Formation Of Lobby For Use In Connection With Existing Computer Business		
92/00581/COU	change of use of garage and formation of entrance lobby for use in conjunction with existing computer business	Granted	07.07.92
77/00858P	Change of use from retail and residential to office.	Refused	
77/00859P	Change of use from ground floor and basement retail use to office.	Granted	
77/01428P	Change of use of premises from retail and residential purposes to offices at ground floor and basement levels and staff cloakroom, kitchen and canteen on first floor in connection therewith.	Granted	

84/01086P	Application to determine whether planning permission is required for change of use from office with ancillary canteen to office.	Permission not Required	
85/01321P	Change of use of garage and formation of lobby for use in connection with existing computer business.	Granted	
19/01118/COUPA	Prior approval for the change of use from office use (Class B1(a)) to dwellinghouses (Class C3)	Prior Approval Required and Given	08.08.19
19/01159/FUL	Alterations to fenestration, insertion of velux windows to the roof, addition of external staircase to the side and provision of lightwells to the front and side elevations.	Granted	26.09.19
20/00320/DAC	Application for approval of details reserved by condition 3 (Samples) of approved application 19/01159/FUL	Granted	04.03.20

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
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 being reported to Planning Committee in accordance with the Council's scheme of delegation as Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

Warwick House is an unlisted building, located within the Witham Town Conservation Area on the eastern side of Collingwood Road. It is a large detached, double fronted building, typical of Edwardian/early twentieth century architecture. It is referenced within the Witham Conservation Area appraisal document as making a positive contribution to the Conservation Area.

Originally a single residential dwelling, the building has more recently been used as offices and was for a short while vacant. It is currently in the process of being converted to residential following the Prior Approval for the change of use from Class B1(a) offices to 10 residential units. The building sits in generous grounds with parking at the front and side with a garden to the rear.

PROPOSAL

This application seeks permission for alterations to the roof of the existing ground floor rear projection to create an additional 1 person, 1 bedroomed flat along with alterations to provide an additional parking space within the front/side courtyard. This would see the number of residential units increased from 10 to 11 and the number of parking spaces increased from 11 to 12.

Access to the new unit would be via the northern side of the building with a private front door. At the rear, the existing ground floor hipped roof form would be extended to form a gable end which would match the existing two-storey gable currently at the rear of the building. The increase in the height of

this ground floor extension of the roof would be 0.5 metres to a total height of 7.3 metres, when measured from the highest part of the ground. The development would also involve the removal of an existing projecting enclosed staircase.

The extension would have a window in the new gable end and 4 velux roof lights in the pitched roof slopes. All materials used in construction would match the main building.

CONSULTATIONS

Historic Buildings Consultant

Raise concerns that the proposal will lead to an overdevelopment of the site, removing positive architectural details, such as the chimney, and altering the roof form in a way which does not reflect the appearance and form of the host dwelling. Although not directly visible from the street scene, the bulk of the proposed roof will be visible on the northern and southern (side) elevations, creating a much larger, bulkier appearance to these elevations. Although the removal of the existing stairwell dormer is positive and the link between the main dwelling and the section affected by this application could be improved, the proposed changes to the overall roof form and appearance of this section of the building do not outweigh this benefit. Therefore, the scheme will cause less than substantial harm to a building which contributes positively to the significance of the Conservation Area, contrary to section 196 of the NPPF.

ECC Highways

Raise no objections given the scale of the proposed development and the area to be available for parking within the site, which complies with BDC's adopted parking standards, the proposal is acceptable to the Highway Authority.

BDC Environmental Health

Raise no objections.

REPRESENTATIONS

None.

PARISH / TOWN COUNCIL

Witham Town Council

Witham Town Council recommends refusal of the application on the grounds of overmassing of the site.

REPORT

Principle of Development

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). The application site is located within a designated town development

boundary where the general principle of development is supported by Policy RLP2 of the Adopted Local Plan.

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries 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. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

Following the publication by Government of the 2019 Housing Delivery Test results on 13th February 2020, Braintree District is now required to apply a 20% buffer to its five year supply target.

The Council's latest Five year supply position 2020-2025 shows a supply of 4.52 years.

The Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position.

The Council is continuing to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers.

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

In this case, the proposal seeks to provide an additional residential unit in conjunction with the current conversion of the building into flats (previously approved under prior approval reference 19/01118/COUPA). Officers are mindful of the current status of the local plan and the presumption in favour of

development in this location. The site is in a sustainable location and is close to Witham town centre and the main line train station. As such, Officers support the creation of an additional flat in principle, subject to compliance with the relevant policy criteria in terms of design, appearance and residential amenity.

SITE ASSESSMENT

Location and Access to Services and Facilities

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel.

In this case, the application site is located within the Town Development Boundary of Witham, and is therefore located in a highly sustainable location with good access to services and facilities as well as a range of public transport. The location of the application weighs in favour of the proposal in the overall planning balance.

Design, Appearance and impact on Conservation Area

In terms of design, appearance and impact on the Conservation Area, Paragraph 124 of the NPPF states inter alia that Good design is a key aspect of sustainable development. Paragraph 127 states inter alia that planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local

features of architectural and historic importance, and ensure development affecting the public realm to be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

In terms of impact on the Conservation Area, Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan states inter alia that works will be permitted where they not detract from the character, appearance and essential features of the Conservation Area; any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings; architectural details on buildings of value are retained; and, building materials are authentic and complementary to the building's character.

Having regard to these policies and the responses from the Historic Buildings Consultant with regards to the size of the proposed extension and the removal of the chimney to make room for a new roof, Officers accept that the roof extension would have a bulkier appearance when compared to the original roof form, but that it would not be to a degree which could be considered to be overdevelopment of the building.

The design of the roof would be visually different as the existing hipped roof would be replaced with a pitched gable ended roof, but it is considered that the proposed roof form would match the existing two-storey rear gable, and as such would be a sensitive subservient addition. The removal of the existing chimney is regrettable, however, this chimney is situated to the rear of the building, at single storey height and as such does not provide a strong contribution to the overall visible architecture of the building or to the character of the surrounding Conservation Area. Indeed, given that the building is unlisted, the chimney could be removed at any time without permission.

In terms of the impact that the roof extension would have over a wider area, a photographic montage has been provided with the application which helps to show how visible the building is from within the Witham Conservation Area. These photos show, that the rear of the building is not wholly visible from any public vantage point. Only oblique views of the extension would be seen when viewed from a north westerly or south easterly direction.

As acknowledged, by the National Planning Policy Framework (NPPF), heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Given the objections raised by the Historic Buildings Consultant, whereby it is identified that the harm to the Conservation Area would be 'less than substantial', in line with the requirements of the NPPF, Officers are required to weigh this harm against the public benefits of the proposal. In considering

that identified harm, Officers note that the development relates to an unlisted building where the proposed alterations would be situated at the rear with only limited views from the wider public domain being experienced. There would be a clear public benefit in providing a well-proportioned additional residential unit in this sustainable location. The unit would have good access to public transport links, local services and would provide a good standard of residential amenity. The proposal would contribute to the Council's Housing Land Supply and would generate some economic benefits during construction and post occupation, however these are limited given the scale of development proposed. In applying appropriate weight to these matters, it is considered that the benefits would outweigh the harm to the significance of a designated heritage asset.

Amenity for Future Occupiers

In terms of outdoor amenity space, the Council has adopted the Essex Design Guide as a Supplementary Planning Document whereby it states that for two or more bedroomed flats communal residents' gardens must be provided on the basis of a minimum area of 25sq.m per flat. Although similar provision is welcomed for one-bedroomed flats it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area.

In this case, there is an existing rear garden which is in excess of 500sq.m which will serve all of the flats as a communal amenity space. This is therefore in excess of recommended standards and as such is considered to be an acceptable level of outside amenity which would meet the needs of future occupiers.

In addition to the above, and in terms of compliance with the Nationally Described Space Standards, the proposed drawings show that the internal space provided, which when measured in accordance with the methods described in the above guidance show that there would be a floor area of 47.8sqm. This is above the minimum threshold for a 1 person, 1 bedroomed flat of 37sq.m. They also show that the flat would have an internal ceiling height of 2.3 metres for 31sq.m of the total floor area. Technical guidance requires that 75% of the floor area be over 2.3 metres, as such the flat would fail to comply with this requirement. However, given that the floor area exceeds the minimum threshold in gross floor area by over 10sq.m this is not considered to be harmful, nor would it warrant refusal in its own right.

In terms of quality of accommodation, the flat complies with the requirements in terms of size as noted above, and there is a large window in the main living area giving views over the garden below. 4 velux windows would provide future natural light in the bathroom, bedroom and living areas. Officers acknowledge that the unit is compact, however, it is not considered to be substandard, nor would it be harmful to the future amenity of residential occupiers. It would provide a desirable place to live, given the attractive

surroundings, the outside amenity space, close access to nearby parks, and good transportation links.

Officers have assessed the proposal against the relevant policy criteria and consider that the creation of an additional flat would not result in an overdevelopment of the site. The proposed development is of good design and would comply with the National Described Space standards. It would also provide adequate rear garden amenity and adequate off street parking in line with the Council's Adopted standards.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of impact on neighbouring residential amenities, the alterations to the roof to provide additional accommodation would not have a detrimental impact on neighbouring dwellings either in terms of loss of light, overshadowing or loss of privacy given the distance from the boundary of the site.

Officers are therefore satisfied that the proposal complies with the abovementioned policies in terms of impact on residential neighbouring amenity.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided". A reduction in the vehicle standards may be considered if there is development within an urban area (including Town Centres) that has good links to sustainable transport.

The existing parking area provides 11 parking spaces, 1 parking space for each of the 10 flats approved in the prior approval application (Application Reference 19/01118/COUPA) and one visitor parking space. The proposals in this application seek to provide a further parking space creating a total of 12 parking spaces and 1 visitor parking space.

In terms of impact on the highway, ECC Highways do not have any objections to the proposal and do not highlight any highway safety concerns. Therefore the proposal is considered acceptable in line with the abovementioned policies.

Habitat Regulations Assessment (HRA / RAMS)

Natural England have published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence. Where an appropriate assessment concludes that a likely significant effect would occur, the Local Planning Authority is required to secure a financial contribution towards off site mitigation at the identified natura 2000 sites to mitigate the impact of the development upon these sites.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. As has been established the Council is currently unable to demonstrate a 5 year housing land supply, and as such the tilted balance test at Paragraph 11(d) is engaged.

The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

With regard to the benefits of the scheme, there are a number of factors which clearly weigh in favour of the proposed development. It is considered that the creation of an additional residential unit, would lead to limited social and economic benefits in terms of the provision of an additional residential dwelling which would contribute to the Council's housing land supply and increased economic benefits during the construction period and after the development is occupied.

In terms of the environmental objective of sustainable development set out in the NPPF, the site is located within the Town Boundary of Witham and within a highly accessible location with good links to local facilities and services.

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary where the principle of development is acceptable.

Officers are mindful of the objections raised by the Town Council and the Historic Buildings Consultant with regard to the heritage impacts of the development and the harm which has been identified as 'less than substantial harm'. In this case that harm would be to the character and appearance of the surrounding Conservation Area. As concluded above, it is considered that the benefits would outweigh the harm to the significance of a designated heritage asset.

When considering the planning balance, and having regard to the requirements of the NPPF as a whole, Officers conclude that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

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

Proposed Floor Plan	Plan Ref: 11449 L-10
Proposed Sections	Plan Ref: 11449 L-11
Location Plan	Plan Ref: 11449 L-01
Proposed Block Plan	Plan Ref: 11449 L-06
Proposed Floor Plan	Plan Ref: 11449 L-07
Proposed Elevations	Plan Ref: 11449 L-08
Proposed Elevations	Plan Ref: 11449 L-09

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved

plans and/or schedule.

Reason

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

- 4 The development hereby approved shall not be occupied until the car parking space as indicated on Drawing No. 11449 L-60 has been properly surfaced and marked out. The car parking space shall be permanently retained as such and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

In the interests of sustainable development.

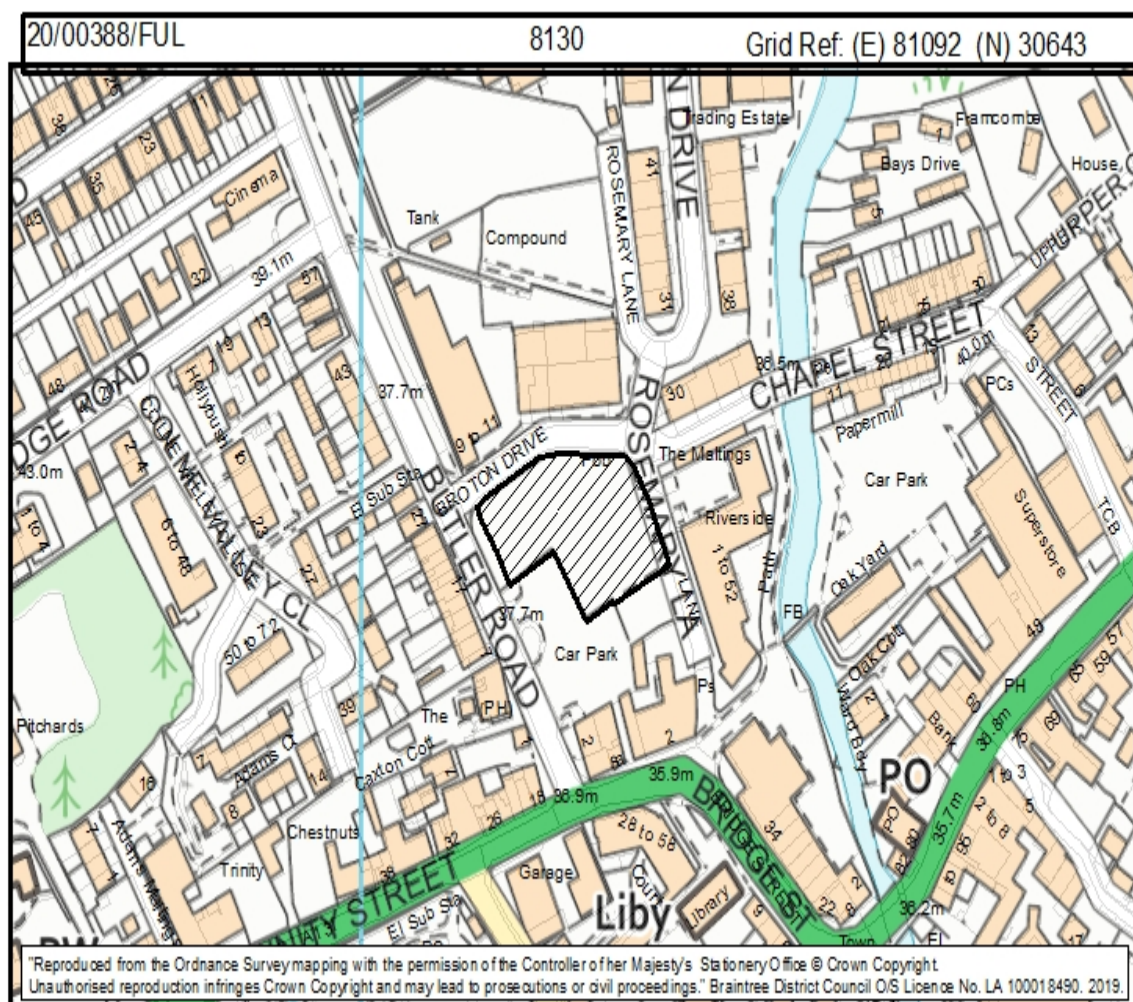
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00388/FUL DATE: 28.02.20
 VALID:
 APPLICANT: Ms Secretary
 7 Highfields, Halstead, C09 1NH
 AGENT: Mr Serjeant
 23 Bellingham Lane, Rayleigh, SS6 7ED
 DESCRIPTION: Erection of a temporary site hoarding for a period of up to 2 years
 LOCATION: Land Adjacent (South of) Broton Drive, Halstead, Essex

For more information about this Application please contact:
 Juliet Kirkaldy on:- 01376 551414 Ext. 2558
 or by e-mail to: juliet.kirkaldy@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6ERZIBFL3400>

SITE HISTORY

15/00525/FUL	Retention of outbuilding on rear boundary wall with a maximum height of 2.914m from ground level	Granted	17.07.15
02/00890/OUT	Proposed residential development	Withdrawn	01.08.03
03/01257/COU	Change of use of land from highway to private	Granted	17.11.03
04/00149/FUL	Erection of 15 one bedroomed residential units, 16 two bedroomed residential units and formation of public car park (67 spaces)	Withdrawn	22.03.04
87/2029/P	Proposed extension and provision of new car park	Granted	01.02.88
86/1435/P	Proposed new entrance and exit to car park and bus stop over	Granted	03.11.86
84/1257/P	Refurbishment of existing building for industrial storage and workshop use	Granted	04.12.84
83/00090/P	Construction of new access road to serve existing foundry and demolish existing buildings and build factory units sited adjacent to Butler Road	Granted	23.06.83
80/1478/P	Change of use of part of former foundry premises to use for auto-electrical/mechanical repairs and service, and electrical/electronic repairs/service and mechanical engineering associated therewith.	Granted	09.01.81
87/02029/P	Proposed extension and provision of new car park.	Granted	
05/01820/FUL	Erection of 14 no. residential dwellings, 6 commercial units and a public car park	Refused	12.12.05

15/00526/FUL	Erection of community centre	Granted	16.07.15
19/02202/FUL	Temporary Site Hoarding Application (3 years) for new Halstead Community Centre	Withdrawn	28.02.20

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
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CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP71	Landscape Character and Features
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the applicant is a District Councillor.

SITE DESCRIPTION

The site is situated within the Halstead development boundary. It is situated to the east of Butler Road in close proximity to Halstead town centre and to the south of Broton Drive industrial estate. The site abuts Butler Road, Broton

Drive, Rosemary Lane and Butler Road car park. The Conservation Area is situated to the east of the site. The site is currently an open parcel of land that is overgrown with vegetation. There is currently no boundary treatment. The land is noted as being contaminated and partly located within Flood Zone 2, and partly within Flood Zone 3.

The site is allocated as a 'community use' in the Draft Local Plan.

PROPOSAL

This application seeks planning permission for the temporary erection of site hoarding (2 year period) on the perimeter of the site. The hoarding proposed would be constructed from timber and would be 2.4 metres high with timber railings and plywood hoarding panel. An opening (6 metres wide) with 2.4 metre high gates is proposed to the north east of the site with access gained off Broton Drive.

CONSULTATIONS

Environment Agency

No objection

Environmental Health

No objection

Ecology

As the site is overgrown, it could be either a hibernating habitat or foraging habitat for hedgehogs. Hedgehogs are UK Priority Species under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Therefore, the LPA has a biodiversity duty to avoid decisions which contribute to the population decline of these Priority Species. A condition should be imposed that Hedgehog Friendly Fencing is implemented within the site hoardings to allow hedgehogs to egress and enter the site.

ECC Highways

At the time of writing, no response has been received from ECC Highways. A verbal update will be provided at Committee if a response has been received.

Historic Buildings Consultant

The proposal would have a slight detrimental impact to the setting of heritage assets during the period it is erected for. Low level of less than substantial harm to the significance of designated heritage assets. Proposal acceptable given its temporary nature.

PARISH / TOWN COUNCIL

Halstead Town Council raise no objection to the proposal.

REPRESENTATIONS

The Council have received 2 written representations from members of the public who live adjacent to the site. The following concerns have been raised:

- Concern that hoarding erected for a prolonged period of time would be an eyesore and attract vandalism
- Never witnessed any pedestrian or any other form of activity on the land
- Disagree that public safety is in any way jeopardised by the land's current state
- Unnecessary to erect any site hoarding without definitive plans in place for future works of community centre

REPORT

Principle of Development

The application site is situated within the defined development boundary. Policy LPP65 of the Draft Local Plan supports the provision and construction of a new community facility at the site (a) Butler Road Halstead and it is safeguarded as such on the Proposals Map of the Draft Local Plan.

Planning permission was granted in 2015 (Application Reference 15/00526/FUL) for a new community centre. Permission lapsed on 16th July 2018. There have been no further applications submitted since, and this application provides no further information regarding timescales for a future application for the new community centre.

The supporting statement submitted with this application states that, '*After consultation with the public, a planning application was submitted and approved ref 15/00525/FUL. The planning permission expired in 2018 and the client is endeavouring to sort out the complicated site remediation requirements in association with the Environment Agency before the new building plans can be resubmitted to allow the project to move forward. This requirement was conditioned under the expired approval. In the interim period site monitoring works and samples from the adjacent River are still being taken to enable a Detailed Qualitative Risk Assessment to be produced which will form the basis of the remediation package. This is all being carried out in consultation with Environment Agency input and will form the basis of a separate application to deal with this aspect of the project which was previously causing delay. As this monitoring/investigation process inevitably takes time, the Trustees are concerned to protect the site/public in the short term. This is private land which previously contained industrial buildings and there is still some evidence of building materials and uneven levels. The general public should not be using this land to take short cuts or for amenity purposes*'.

The application submitted originally proposed for the hoarding to be erected for a temporary period of 3 years. Officers sought further clarification from the applicants regarding the timescale for the remediation works. The applicant responded, *'the remediation consultants have advised that the approximate timescale for submitting a planning application to commence the remediation works and to completion of the same is likely to be in the region of 12 months. However, we would also wish to be cautious in these current times because we do not know how this process might be affected or held up by the current Coronavirus constraints and some further allowance must therefore be factored in for this'*.

In light of this, a lessened time frame for a temporary period of 2 years for the hoarding to be erected to facilitate the remediation works is considered reasonable by Officers. The applicant has agreed to amend the description of the application to, *'the erection of temporary site hoarding for a period of up to 2 years'*.

It should be noted this application relates solely to hoarding that is required to facilitate the remediation works to the site. In addition a further application would be required if any of the remediation works themselves resulted in the need for planning permission.

Design, Appearance and Layout and impact on heritage assets

Policy RLP90 of the Adopted Local Plan seeks to secure a high quality of design and layout in all new development and promote a safe and secure environment, crime reduction and prevention and encourage the related objective of enhancing personal safety. It further states that development should be in harmony with the character and appearance of the surrounding area. This is echoed in Policy LPP55 of the Draft Local Plan.

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan seeks to preserve and encourage the enhancement and character and appearance of a designated Conservation Area and their settings and views into and within the designated areas.

The submitted plan proposes 2.4 metre high timber hoarding on the periphery of the site. The plans indicate that it is to be erected inside of the post box, services cabinet and signage. The hoarding is not proposed to encroach onto the footpath. It is proposed the hoarding will be finished in a light grey gloss paint.

Although the site is not situated within the Conservation Area it is in close proximity and within the setting of Halstead Town Conservation Area. The site is also nearby to the Grade II listed Locomotive Public House.

The Council Historic Buildings Consultant advises that at present the empty site is separated from these heritage assets by the Butler Road car park and it makes a neutral contribution to the significance of the Conservation Area and

the listed building. The Historic Buildings Consultant advises that the proposal will have a slight detrimental impact on the setting of the heritage assets during the period it is erected for. The impact would be less than substantial at the lower end.

The erection of the hoarding would present an extensive and relatively unattractive barrier to general permeability, readily conspicuous within the street, the height of which would restrict visibility of the surrounding area and detract from the appearance of the street scene and be detrimental to the character and setting of the Conservation Area. However, Officers are satisfied that following the submission of further detail regarding the timescales for the proposed remediation works that the hoarding will only be in place for a temporary period of 2 years and is required for the safety of the public in the short term. Therefore, the impact on the street scene and nearby heritage assets will only be for a temporary period and whilst remediation works are taking place. A more suitable permanent boundary treatment can be agreed when/if the site comes forward for redevelopment.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that there should be no undue to unacceptable impact on the amenity of any nearby residential properties.

Although the site boundary does not adjoin residential properties there are residential properties that overlook the site. The erection of hoarding on a temporary basis would not adversely impact upon residential amenity to an extent which Officers consider a refusal of planning permission would be justified. However, the prolonged erection of a hoarding could be harmful to the visual outlook experienced by neighbouring properties and harmful to the amenity they ought to reasonably expect to enjoy. It is inevitable that whilst the hoarding is erected for a temporary period of 2 years there will be a degree of harm to the outlook from neighbouring properties, however, Officers consider that on balance the safety of the public whilst remediation works are carried out in the short term, outweighs the temporary harm caused.

A condition is proposed that if the remediation works are completed prior to the 2 year temporary period that the hoarding be removed. This is to ensure that the hoarding required to facilitate the remediation works is not erected for longer than necessary.

Highway Issues

The submitted plans indicate that a 6 metre wide opening with 2.4 metre high gates is proposed into the site on the junction between Broton Drive and Rosemary Lane.

The Highway Authority have not responded to the application at the time of writing this report. Members will be updated at the Planning Committee.

Ecology

Policy RLP84 of the Adopted Local Plan refers to the protection of protected species.

A Protected Species Survey prepared by Essex Mammals Survey (Feb 2015) has been submitted as supporting documentation with the application. It is noted that this report was prepared for the planning application granted in 2015 for the new community facility. The report concludes, *'Clearly, the site could not have been occupied by protected species up to 2000, and at present there is no suitable habitat in the vicinity from where they might colonise the site. It is therefore considered that the proposal for a Community Centre will not have a detrimental impact on protected species'*.

It should be noted that during the Officer site visit it appears that the site has become encompassed with more vegetation since 2015. An updated ecology report would be required to be submitted with a future application for redevelopment of the site.

The Council Ecologists has suggested that Hedgehog Friendly Fencing is implemented within the site hoardings to enable hedgehogs to egress and enter the site. This is proposed to be secured by a suitably worded planning condition.

PLANNING BALANCE AND CONCLUSION

The principle of erecting hoarding on a temporary 2 year basis to provide necessary enclosure of a site during remediation works is acceptable for the safety of the public. Whilst the hoarding will be detrimental to the appearance of the street scene and the setting of the adjacent Conservation Area, this is only short term and this can reasonably be controlled by condition. In this case it is considered that the harms identified would not outweigh the benefits of the proposal and therefore it is recommended that permission is granted.

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

Topographical Survey	Plan Ref: 14593/T/01-01
Site Plan	
Block Plan	Plan Ref: 2111/PL-H-02

- 1 This permission shall expire on 30th June 2022 or once remediation works have been completed whichever is the sooner, and within one month of that date, the hoarding for the purposes hereby permitted shall be removed.

Reason

This permission for a limited period is granted only in the light of circumstances appertaining in this case.

- 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 Prior to the commencement of development, detailed drawings of the hoarding with 13 x 13cm ground level access holes every 100 metres to ensure permeability and the safeguarding of hedgehogs shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site and thereafter retained until the hoarding is removed.

Reason

In the interests of protecting and enhancing biodiversity.

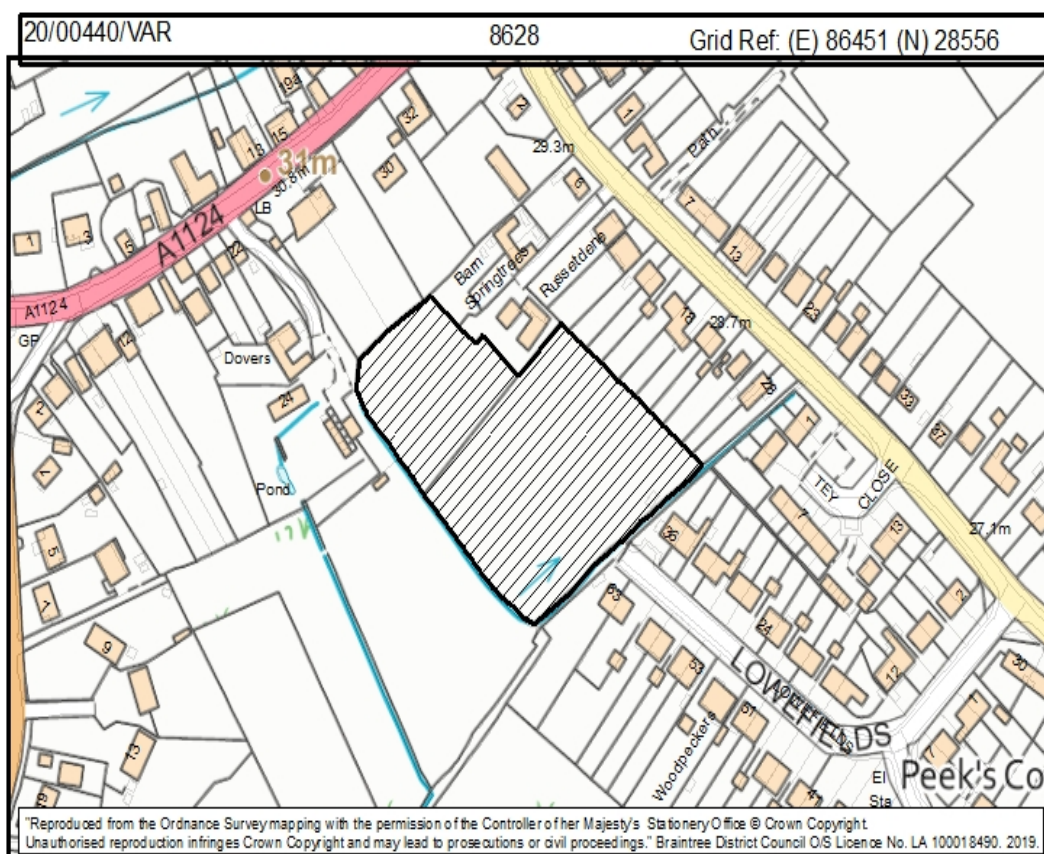
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00440/VAR
DATE VALID: 06.03.20
APPLICANT: Mr P Copsey
c/o agent
AGENT: Mrs Catherine Pollard
15 De Grey Square, De Grey Road, Colchester, CO4 5YQ
DESCRIPTION: Variation of Condition 7 'Hours of Site Operation' of permission 18/00214/OUT granted 20/05/2019 for: Erect 23 No. Detached and Semi-Detached, 1,2,3,4 and 5 Bedroom Dwellings and Associated Garages, Lay Out Parking, Amenity Areas, Public Open Space, Estate Roads, Private Drives, Drainage Infrastructure and Landscaping. Variation would allow: - Site operation to commence at 0800 Monday to Friday as oppose to 0900 Monday to Friday.
LOCATION: Land Rear Of, Tey Road, Earls Colne, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6S4JQBFL7V00>

SITE HISTORY

18/00214/OUT	Erect 23 No. Detached and Semi-Detached, 1,2,3,4 and 5 Bedroom Dwellings and Associated Garages, Lay Out Parking, Amenity Areas, Public Open Space, Estate Roads, Private Drives, Drainage Infrastructure and Landscaping	Granted with S106 Agreement	20.05.19
19/02318/DAC	Application for approval of details reserved by condition 18 of approval 18/00214/OUT	Granted	28.04.20
20/00122/DAC	Application for approval of details reserved by condition 15 & 16 of approval 18/00214/OUT	Granted	28.04.20
20/00352/REM	Application for approval of reserved matters following outline approval 18/00214/OUT granted 20.05.2019 - Approval of Reserved Matters (Access, appearance, landscaping, layout and scale) for the erection of 23No. detached and semi detached 1, 2, 3 and 5 bedroom dwellings with associated garages, parking, amenity areas, public open space, estate roads, private drive, drainage infrastructure and landscaping.	Pending Consideration	
20/00468/NMA	Non-Material Amendment to permission 18/00214/OUT granted 20.05.2019 for: Erect 23 No. Detached and Semi-Detached, 1,2,3,4 and 5 Bedroom Dwellings and Associated Garages, Lay Out Parking, Amenity	Pending Decision	

	Areas, Public Open Space, Estate Roads, Private Drives, Drainage Infrastructure and Landscaping. Amendment would allow:	
	- the relocation of garages relating to dwellings 1, 3, 6, 7, 8, 12, 15 and 22;	
	- removal of garage to dwelling 11; and	
	- additional garage to dwelling 23.	
20/00806/DAC	Application for approval of details reserved by condition 19 (b) of approved application 18/00214/OUT	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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on Section 1 Local Plan.

The Inspector has found the Section 1 Local Plan sound, subject to modifications. Two of those main modifications are the removal of two of the proposed garden communities at West of Braintree and Colchester Braintree Borders. Nevertheless he has indicated that other parts of the Plan can be found including the housing target which for Braintree equals a minimum of 716 dwellings per annum. A full list of proposed modifications will be published in due course.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas

RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
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
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure

LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest, as the hours of working condition proposed to be varied by this application, was imposed by Members at Planning Committee held on 26th February 2019.

SITE DESCRIPTION

The application site comprises a parcel of land located behind Tey Road in Earls Colne. The land is relatively open within the site but is surrounded by residential development on three sides by Upper Holt Street to the north west, Tey Road to the north east and Lowefields to the south east. To the west is a paddock. The existing vehicular access to the site comes from a private drive serving 'Springtrees' and a low key B8 (storage) complex of buildings on the northern tip of the site.

Public Right of Way 75_34 runs parallel to the southern tip of the site extending from Tey Road, through to Lowefields and eventually Coggeshall Road. On the adjacent paddock is also a row of trees subject to a Tree Protection Order.

PROPOSAL

The development granted outline planning permission on 20th May 2019 (following completion of the Section 106 Legal Agreement) was to: "*Erect 23 No. Detached and Semi-Detached, 1,2,3,4 and 5 Bedroom Dwellings and Associated Garages, Lay Out Parking, Amenity Areas, Public Open Space, Estate Roads, Private Drives, Drainage Infrastructure and Landscaping*". The planning permission was subject to a number of conditions and a Section 106 Legal Agreement.

This application seeks permission to vary Condition 7 of planning permission reference 18/00214/OUT which relates to the working hours of the site

operation during construction of the development. The proposed variation would allow site clearance and construction work to commence from 0800-1800 Monday to Friday as opposed to 0900 - 1800 Monday to Friday. No changes are proposed to working hours on Saturdays (0800 - 1300) or to Sundays, Public and Bank Holidays (no work).

CONSULTATIONS

BDC Environmental Health

No objection. The usual recommended start time would be 8am opposed to 9am as approved.

BDC Ecology Officer

No objection.

BDC Waste Services

No comments to make.

ECC Highways

No objection.

ECC SUDS

No comments to make.

ECC Archaeology

No objection.

Historic Buildings Consultant

No objection.

Natural England

No comment to make.

TOWN / PARISH COUNCIL

Earls Colne Parish Council

No objection.

REPRESENTATIONS

11 objections have been received from 10 properties including:

- No.3, No.11, No.24, No.36, No.55, and No.69a Tey Road
- No.6 Josselin Chase
- No.49, No.63, and Woodpeckers Lowefields

Setting out the following summarised concerns:

- Previously changed to 9am by Members – should not be changed back
- Developer has no knowledge or understanding of the specific attributes of the local area
- Moving the start time would increase the risk of accidents at the junction with Tey Road and Upper Holt Street as works would start at peak travel times
- Would be moving into peak times which would cause additional disruption and inconvenience to residents living on and using Tey Road
 - Construction vehicles parked waiting to go on site parked on the road would cause excessive disruption for local residents at peak periods
 - Bad enough that it is 8am at weekends
- More traffic at peak times (work and school) equals pedestrian and children safety issues with no footpath for a stretch on Tey road and inadequate pavements – no need to increase the risk by moving the time

REPORT

The Planning Practice Guidance states that in deciding an application under Section 73 of the Town and Country Planning Act 1990 (as amended), the Local Planning Authority must only consider the condition(s) that are the subject of the application – it is not a complete re-consideration of the application. It also states that the original planning permission will continue to exist whatever the outcome of the application under Section 73.

This application seeks to vary Condition 7 (Hours of working) of planning permission reference 18/00214/OUT. The requested change is that the condition is changed from:

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

*Monday to Friday **0900 hours** - 1800 hours
 Saturday 0800 hours - 1300 hours
 Sundays, Public and Bank Holidays - no work”*

To:

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

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

Background

The outline planning application (Application Reference 18/00214/OUT) was reported to Members at the Planning Committee of 26th February 2019 with a recommendation of approval, subject to a number of conditions. One of these conditions (Condition 7) covered hours of working. The wording of condition 7 as recommended by Officers to Members was as follows:

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

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

This is the standard condition wording recommended by Officers and by the Council's Environmental Health team which is applied to other similar developments across the District.

At the Planning Committee meeting held on the 26th February, it was requested by Members that the start time for hours of working condition be amended during the week to 9am, instead of 8am. The rationale was to avoid disruption at peak times to local residence as vehicles would be required to access the site via residential roads, while also possibly reducing the intensive use of the Tey Road and Upper Holt Street Junction. Members resolved to grant outline planning permission subject to the inclusion of the amended condition.

Proposed Variation

The developer in this case is seeking to change the wording of the condition back to the standard wording, so that works can take place at 8am on weekdays. It is argued in the supporting statement submitted with the application that this would allow for the construction works to be completed quicker, thus avoiding prolonged disturbance to neighbouring properties during construction. Also, with a later start time, it is likely that Construction vehicles will be waiting on nearby roads for the site to open, thus causing more disruption at peak times to local residence (school run, travelling to work etc). With an earlier start time, deliveries can be staggered, and it is reported that most vehicles would be out of the way of local roads at the peak times.

The submitted documentation also refers to the other conditions which the Council imposed to protect neighbour amenity, such as the Construction Management Plan which would need to provide details of measures to control

emissions of dust and dirt, and the loading and unloading of plant and materials. Finally, the developer argues that changing the hours of working to 8am Monday to Friday would be consistent with most other decisions made on similar applications (with similar relationships to neighbouring residential properties) across the District.

National Government Guidance

Due to the Covid-19 global pandemic, the Government have provided direction to Local Authorities to be flexible with working hours relating to construction sites. This comes in the form of the Written Ministerial Statement – Our Plan to Rebuild (11th May 2020), and also a Coronavirus Construction Update Q7A (13th May 2020).

An extract from the Ministerial Statement is as follows:

“A number of developers have already announced plans to restart work on sites. In doing so, the Government recognises that the construction industry needs to be able to adapt its normal practices. As part of this, temporary extensions to working hours may be required on some sites to facilitate safe working and allow tasks to be completed where social distancing can be challenging. Longer working hours may also be needed to facilitate social distancing in the wider community, for instance by reducing pressure on public transport. It might be necessary to start work earlier in the day or work until later in the evenings.

However, many construction sites in England are subject to controls which restrict their hours of operation. These controls include planning conditions, which might directly restrict working hours or which might restrict working hours through a construction management plan. These conditions may be necessary, for example, to make the development acceptable to local residents and businesses who might otherwise suffer from traffic, noise and other local amenity issues.

The purpose of this Written Ministerial Statement is to make clear that, with immediate effect, local planning authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19”.

The statement goes on to say that Local authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection. Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.

In the Q&A, it does however clarify that Local Planning Authorities will maintain local discretion, and where there are unreasonable impacts, they will be able to reject proposals to extend construction hours into the late night or on a Sunday.

ASSESSMENT

This application seeks to amend Condition 7 to bring it in line with the Council's standard conditions on working hours. Despite recent central Government guidance above, the developer is not seeking permission for a start time earlier than 8am, nor are they seeking a later finish than 18:00. As such, the change sought to construction hours is considered to be minor comparatively to what could be applied for as a result of the COVID-19 pandemic.

A number of concerns have been received from local residents regarding increased traffic at peak times, parked vehicles, general disturbance and pedestrian and child safety. These concerns are acknowledged and understood. It is important to remember however that the hours of working condition is not the only measure designed to mitigate any disturbance to residents during the construction process.

The site would still be bound by other conditions such as no burning or no piling, as well as the Construction Method Statement (Condition 10) which is designed to safeguard neighbouring residential amenity and mitigate the impact of the development as possible during the construction process. The Construction Method Statement will set out a number of key principles such as staging delivery times, parking, measures to control dust and dirt, as well as bespoke criteria in respect no HGV access from the South. Once submitted, the Construction Method Statement is reviewed by both Essex Highways and the Councils Environmental Health Officers to ensure that they are appropriate for the local area.

CONCLUSION

Taking into account the above, the rationale provided by the applicant and advice from the Council's Environmental Health Officer, coupled with recent Government guidance, Officers consider that the request to change the hours of construction is reasonable, and would not have a detrimental impact on neighbouring amenity or pedestrian/child safety. It is therefore recommended that the application is approved subject to securing a deed of variation to tie the previously signed S106 agreement to this decision.

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

1 Details of the:-

- (a) scale
- (b) appearance of the building(s);
- (c) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 23/04/2021.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The landscaping scheme required by Condition 1 of this permission shall provide for the retention of an existing boundary tree/hedging (except as required to provide the proposed access) and shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 3 No above ground development shall commence unless and until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

- 4 No above ground development shall commence unless and until 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 screen walls/fences. The gates/fences/walls as approved shall be provided prior to the occupation of any dwelling hereby approved and shall be permanently retained as such.

Reason

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

- 5 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

- 6 Development shall not be commenced until an investigation and risk assessment, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include the following:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological sites and ancient monuments;

(iii) A remediation strategy (if required). The approved remediation strategy must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the satisfactory drainage of surface water in the interests of sustainability. This matter must be dealt with prior to commencement of development as it will include works that need to be undertaken prior and during construction.

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

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

Reason

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

- 8 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 9 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

- 10 No development shall commence unless and until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery and demolition.
- A method statement for badger/small mammal protection during construction
- No HGV vehicles shall access the site if Tey Road is closed or partially closed to facilitate connection to the main sewer network other other infrastructure connections.
- Construction Traffic is prohibited from accessing Tey Road, Earls Colne from the South and must use the junction of Tey Road and the A1124.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 11 No development shall commence unless and until a detailed surface water drainage scheme/strategy for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year

plus 40% climate change event.

- Further investigation with regards to the potential to discharge to the adjoining ditch network.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- Where discharge is to a Surface water sewer, permission in principle should be provided from the relevant water company.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 12 No development shall commence unless and until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason

The National Planning Policy Framework states that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 13 No development shall commence unless and until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 14 No development shall commence unless and until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

- 15 The enhancement, management and monitoring measures as identified in the Ecological Enhancement report by Essex Ecology Services Limited, dated December 2019, approved under 20/00122/DAC, shall be fully complied with and implemented at each relevant stage of development.

Reason

In the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 16 The enhancement, management and monitoring measures as identified in the a landscape and ecological management plan (LEMP) by Essex Ecology Services Limited, dated September 2019, , approved under

20/00122/DAC, shall be fully complied with and implemented at each relevant stage of development.

Reason

To ensure the protection, through long term management, of ecological features and protected/priority species.

- 17 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport. These packs will include information about local services and transport alternatives for future residence of the site.

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

- 18 As appropriate, the development shall be carried out in accordance with the recommendations in the approved Archaeological Evaluation document by Cotswold Archaeology dated February 2020.

Reason

As not to possibly disturb any potential archaeological remains.

- 19 No above ground development shall commence unless and until the following (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority:

(a) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,

(b) details of any proposed external lighting to the site including a strategy to protect bats

The development shall be constructed in accordance with the approved details/specification and thereafter so retained.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

- 20 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:

-a minimum of 1 car parking space per 1 bedroom dwelling;

- a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
- a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and
- standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 21 Rear garden amenity space across the development shall be provided in accordance with the minimum standards set out in the Essex Design Guide (2005) which requires the following garden sizes for dwellinghouses:

- a minimum of 25sq.m per flat
- a minimum of 50sq.m for 1-2 bedroom dwellings
- a minimum of 100sq.m for 3+ bedroom dwellings

Reason

To ensure future occupiers of the development can enjoy sufficient levels of amenity.

- 22 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 23 dwellings, parking, landscaping and associated infrastructure and demonstrate compliance with the approved plans listed above.

Reason

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

- 23 The principal access to serve the development hereby permitted shall be constructed and available for use in accordance with the details as shown on the approved plan which is attached to and forms part of this permission prior to the first occupation of any dwelling.

Reason

To ensure roads/footways are constructed to an acceptable standard and in the interests of highway safety.

- 24 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Hallwood Associates, reference HWA10042_2.0 AP111, dated January 2018, and the Approved Tree Protection Plan reference 17.337-P-209b. No alterations or variations to the approved works or tree protection schemes shall occur. The installation of the approved protective fencing shall take place prior to commencement of development on the site.

Reason

To ensure existing trees, shrubs and hedges are retained as far as possible as they are considered essential to enhance the character of the development

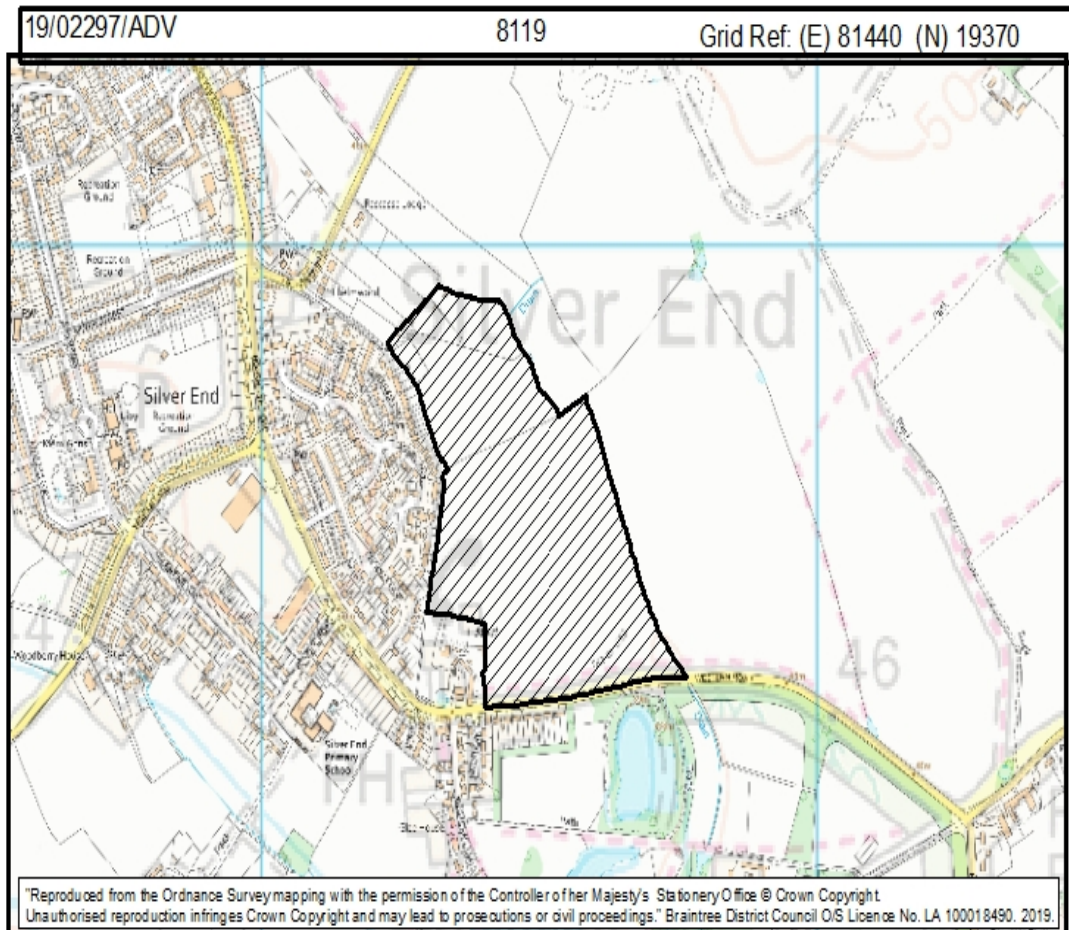
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/02297/ADV
DATE: 19.12.19
VALID:
APPLICANT:
AGENT: C/O Agent
Miss Michael Ward
Coval Hall , Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Erection of a non-illuminated advert comprising the word 'REDROW' and the Redrow Homes logo
LOCATION: Land Off, Western Road, Silver End, Essex

For more information about this Application please contact:
Mr Neil Jones on:- 01376 551414 Ext. 2523
or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2RG9KBFJYY00>

SITE HISTORY

16/00026/NONDET	Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.		21.03.17
07/01602/AGR	Erection of hay barn	Permission Required	01.10.07
08/00034/FUL	Erection of stables, barn and manege	Refused	28.02.08
08/01239/FUL	Erection of stables, barn and manege	Withdrawn	04.08.08
11/00644/FUL	Erection of stable barn and manege and change of use from agricultural land to land for keeping of horses	Granted	19.07.11
14/00930/FUL	Erection of a stable block with associated hard standing, fencing, new vehicular access off Western Road and access track	Refused	11.05.15
14/00015/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Residential development of up to 250 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	25.09.14
15/00001/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact	Screening/ Scoping Opinion Adopted	19.02.15

	Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure		
15/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	04.02.15
15/00280/OUT	Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.		20.04.16
16/00797/OUT	Outline planning permission for up to 335 residential dwellings (including up to 40% affordable housing), 1.24 acres for C2 Use, up to 150 sq.m. for A1 Use, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.	Application Returned	
18/01342/FUL	Creation of a field access from Western Road into Land North of Western Road, erection of gate posts, gate and fence.	Granted	30.11.18
18/01693/FUL	Creation of a permanent	Granted	03.12.18

	vehicular access from Western Road into Land North of Western Road, Silver End and creation of drainage features.		
18/01701/DAC	Application for approval of details reserved by condition 6 of approved application 15/00280/OUT	Pending Consideration	
18/01734/DAC	Application for approval of details reserved by condition 12 of outline planning permission 15/00280/OUT.	Granted	03.07.19
18/01737/DAC	Application for approval of details reserved by condition 9 of outline planning permission 15/00280/OUT.	Part Grant, Part Refused	19.08.19
18/01739/DAC	Application for approval of details reserved by condition 14 of approved application 15/00280/OUT	Pending Consideration	
18/01742/DAC	Application for approval of details reserved by condition 15 of approved application 15/00280/OUT	Part Grant, Part Refused	21.06.19
18/01743/DAC	Application for approval of details reserved by condition 16 of approved application 15/00280/OUT	Pending Consideration	
18/01744/DAC	Application for approval of details reserved by condition 20 of approved application 15/00280/OUT	Pending Consideration	
18/01745/DAC	Application for approval of details reserved by condition 21 of approved application 15/00280/OUT	Pending Consideration	
18/01747/DAC	Application for approval of details reserved by condition 18 of approved application 15/00280/OUT	Pending Consideration	
18/01751/REM	Application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following the grant of outline planning permission ref: 15/00280/OUT - Erection of	Granted	21.06.19

18/01932/DAC	350 dwellings (including 40% affordable housing), creation of internal roads, footpaths, open space, SuDS features, a sub station, a pumping station and groundworks. Application for approval of details reserved by condition 8 of outline planning permission 15/00280/OUT.	Pending Consideration	
19/00029/DAC	Application for approval of details reserved by condition 19 of approved application 15/00280/OUT	Pending Consideration	
19/00324/FUL	Creation of a temporary construction access and haul road from Western Road into land north of Western Road, and associated works to facilitate future residential development of land	Granted	21.06.19
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19/00940/DAC	Application for approval of details reserved by conditions 17 and 23 of approval 15/00280/OUT - Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area,	Pending Consideration	

	surface water flood mitigation and attenuation. With all matters to be reserved.		
19/01063/DAC	Application for approval of details reserved by condition 11 of approved application 15/00280/OUT - Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation.	Granted	30.12.19
19/01414/DAC	Application for approval of details reserved by conditions 3, 5, 9, 10 and 12 of approval 18/01751/REM	Pending Consideration	
19/02206/NMA	Non-Material Amendment to permission 18/01751/REM granted 21.06.2019 for: Application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following the grant of outline planning permission ref: 15/00280/OUT - Erection of 350 dwellings (including 40% affordable housing), creation of internal roads, footpaths, open space, SuDS features, a sub station, a pumping station and groundworks. Amendment would allow: Substitution of house types.	Refused	31.12.19
19/02298/ADV	Retention of eight banner advertisements	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP107	Outdoor Advertisements

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
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

Other Material Considerations

External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application has been 'Called In' for determination by Councillor Abbott. Silver End Parish Council also object to the application, contrary to Officer recommendation.

SITE DESCRIPTION

The application relates to land forming the frontage of a larger residential development site of 350 dwellings that has been granted planning permission and is currently under construction. The site is located on the north-side of Western Road towards the south-eastern side of the village of Silver End.

A number of adverts are present along the site's frontage. There are two V-shaped stack board signs, each with two flags, which were granted advertisement consent under application reference 19/00518/ADV. In addition, there are currently 14 banner flags and one internally illuminated sign, with the illuminated sign forming the basis of this application and the banner flags being subject to a separate concurrent application under application reference 19/02298/ADV.

In close proximity to the adverts is a 1.8 metre high hurdle fence. This fence was secured and installed in order to provide a linear feature for foraging and commuting bats until the new hedgerow is established.

In terms of the site's surroundings, Bowers Hall, a Grade II Listed Building, is located to the west, beyond which is further residential development separating the site from the Silver End Conservation Area. To the south of the site there is a ribbon of development with 16 existing houses. Immediately to the east of the houses is a parcel of land which has been granted outline planning permission for the erection of up to 45 dwellings (Application Reference 18/00442/OUT), and beyond that to the east is a fishing lake surrounded by woodland, and a belt of trees and hedging along Western Road. Further to the south-east lies Rivenhall Place, a Grade II* Listed Building.

PROPOSAL

This application originally sought permission to display / retain an internally illuminated sign, which comprised the word 'REDROW' and the Redrow Homes logo. The sign has been erected on land fronting onto Western Road, on the eastern side of the vehicular access to the housing development. The advert is 9 metres wide and 1.545 metres in height. It is a freestanding sign mounted 0.5 metres above ground level on a metal frame.

This is a retrospective application as the advert had been installed at the site by the time the application was submitted.

Since the application was submitted, the applicant has been advised that Officers would not support an illuminated sign in this location. The applicant has therefore agreed to amend the application and advertising consent is now requested for the retention of a non-illuminated sign. It is proposed that the sign that has been erected at the site will be retained in its current form but with the internal illumination turned off.

CONSULTATIONS

ECC Highways

No objections to the application, given the location and level of intensity of illumination.

Historic Buildings Consultant

The proposed illuminated advert would result in less than substantial harm to the setting of Bowers Hall, a Grade II Listed Building with associated curtilage listed outbuildings, and the Silver End Conservation Area.

Silver End Parish Council

Objects to the application for the following reasons:

- Disruption to the open countryside by virtue of light pollution.
- Potential for distraction to highway users.
- Potential loss of amenity to residential properties opposite.

Ecology

Objects to the application for an illuminated sign for the following reasons:

- Proposal precedes the approval of the lighting scheme on the wider site, which does not cover the illuminated sign.
- There would be a negligible impact on non-light sensitive species (i.e. Pipistrelle bats).
- Chestnut hurdle fence was installed as a mitigation approach to ensure light sensitive bats (i.e. Barbastelle bats) would still have a linear feature for foraging and commuting purposes.
- Contradictory to include lighting within an area intended to be an environmentally sensitive zone for bat species.
- Proposed lighting would be extremely bright at 600 lux, with Cool White lighting (6500k), both of which are inappropriate specifications to the location, on the basis that it may result in light sensitive species actively avoiding it.
- Bright lighting that emits ultraviolet, or that has blue spectral content, have a high attraction effect on insects, which may lead to a reduction in prey available for some light sensitive bat species.
- Proposed timing of lighting is inappropriate, as bright light will still be emitted when bats are most active, at dusk and dawn.

REPRESENTATIONS

One letter of objection has been received from Cllr. Abbott which is summarised as follows:

- Adverse impact on the bat corridor by virtue of proposed illumination and the cumulative impact of existing and proposed adverts.
- Insufficient information provided to fully consider the impact of the proposed lighting on the bat corridor, the highway, and the trees opposite the site.
- The colour temperature of the illuminated advert is very high and inappropriate in proximity to bat habitats.

- The advert is very close proximity to the new hedging and hurdle fence within the bat corridor.
- Adverse impact on bat habitat opposite the site.

REPORT

Principle of Development

The advertisement that is the subject of this application is of a size and type that requires express consent from the Local Planning Authority.

The display of advertisements is subject to a separate consent process within the planning system to development. This process is set out principally within the Town and Country Planning (Control of Advertisements) Regulations 2007. In accordance with the aforementioned regulations, when determining applications for express advertisement consent, the Local Planning Authority may only consider the issues of amenity and public safety. Amenity, in this context, refers to the affect upon the visual and aural amenity within the immediate vicinity of the proposed advertisement. Whilst public safety refers to the effect on traffic or transport on land, over water, or in the air.

Furthermore, the NPPF (Paragraph 132) elaborates that the quality and character of places can suffer when advertisements are poorly sited and designed, and that there is a need to take into account cumulative impacts.

The Advertisement Regulations requires that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the Development Plan, in so far as they are material, and any other relevant factors.

Policy RLP107 of the Adopted Local Plan permits the display of outdoor advertisements, providing any such advertisement is displayed in close proximity to the activities being advertised and is acceptable with regards to visual amenity and public safety. The policy also emphasises that particular consideration must be given to the luminance, design and siting of advertisements in sensitive locations including urban fringes, the countryside and residential areas. Furthermore, it is set out that advertisements should be visually subordinate, with any proliferation of advertisements to be opposed.

Amenity

In terms of impact upon amenity, Regulation 3(2)(a) of the Control of Advertisements Regulations 2007 stipulates that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

As noted above when making this assessment Local Planning Authorities should give consideration to the relevant policies of the Development Plan, so far as they are material to the matter of amenity. Subsequently, Policies RLP90 and RLP107 of the Adopted Local Plan, Policy CS9 of the Adopted

Core Strategy collectively seek to secure a high-standard of design, with reference to adverts, heritage impacts, and sympathy to local character. Policy CS9 of the Adopted Core Strategy and Policies RLP95 and RLP100 seek to protect designated Conservation Areas and listed buildings from harm caused by inappropriate development. This protection extends to the setting in which these designated heritage assets are experienced.

Notably, the site is located outside of the Silver End Conservation Area and therefore Policies RLP108 and RLP109 of the Adopted Local Plan, in addition to Policy LPP59 of the Draft Local Plan, do not apply. This is because these policies are to be applied to advertisements within Conservation Areas whereas in this case the site is physically separated from the Silver End Conservation Area. Nonetheless, regard is still given to the impact of the proposal upon of heritage assets, thus discharging the Council's statutory duties under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application seeks approval for the retention of a non-illuminated sign which spells out 'REDROW' in individual letters that are preceded by the Developer's logo. The sign is 9 metres in width, with a height of 1.545 metres, and is freestanding on a metal frame 0.5 metres above ground level. The sign is located at the front of a larger site that is being developed for housing. The sign announces the name of the developer and is therefore related to the activity it is advertising.

Policy RLP107 of the Adopted Local Plan states that particular importance must be paid to the design and siting of advertisements in sensitive locations such as urban fringes, countryside or residential areas. Notwithstanding the residential development going on behind the sign, the Western Road frontage is considered to be reasonably sensitive, being located on the edge of the village. Whilst there is considerable development underway and consented nearby the area still has semi-rural features with mature trees and vegetation on the southern side of Western Road and open countryside further to the east. Although the housing development that is underway will form the backdrop to the advertisement, the site's Western Road frontage is intended to retain a semi-rural character, with a generous landscape buffer and new hedgerow and trees already planted. This includes a 1.8 metre high hurdle fence which provides a linear feature for foraging and commuting bats, until the new hedgerow is established, within a wildlife corridor. For these reasons an illuminated sign was considered by Officers to be inappropriate and harmful to visual amenity.

Without internal illumination, the sign itself – the 'REDROW' letters and company logo – is considered to be of a reasonable scale and appearance. The advert is intended to be seen and announce the name of the housing developer who is selling homes on the site. Whilst the sign is quite prominent it is not considered to be harmful to visual amenity or detract from the appearance of the area, such that the application should be refused.

As already noted, the sign is not located within the Silver End Conservation Area, which lies approximately 500 metres to the west along Western Road. The sign is separated by approximately 200 metres from the grounds of Bowers Hall which contains a Grade II Listed Building.

Notwithstanding this physical separation, the Council's Historic Buildings Consultant has objected to the application, citing that the proposal would result in less than substantial harm to the setting of the Designated Heritage Assets identified. However, given the advert's temporary nature, the degree of separation and lack of inter-visibility from the Silver End Conservation Area and Bowers Hall, and the housing development that is under construction on the site, Officers have concluded that the proposal would not result in harm to the setting or character of those Designated Heritage Assets that they consider would warrant refusal of this application.

With regards to residential amenity, the comments of the Parish Council are noted but their comments were submitted when the proposal was for an illuminated sign. Given that the sign will not be illuminated and given the degree of separation between the advert and the nearest dwellings it is not considered that the advert would have any significant harmful impacts upon the visual amenity of occupants.

In summary, taking into account the context of the site and the scale and appearance of the sign it is considered that the sign is acceptable with regards to amenity.

Public Safety

The Control of Advertisements Regulations 2007 and the NPPF outline that, when assessing an application for advertisement consent, consideration must be given to the public safety of highway users. In doing so, the provisions of the Development Plan need to be taken into account, insofar as they are material. Policy RLP107 of the Adopted Local Plan states that issues of public safety, including traffic safety will be accorded a high priority in decision making, with particular importance to be paid to the luminance, design and siting of outdoor advertisements.

The 'REDROW' sign is visible to highway users of Western Road. However, this in itself does not result in the adverts being unacceptable in terms of highway safety, as all advertisements are intended to attract attention. Nonetheless, the advert is set back from the highway edge without obstructing visibility splays, or hindering vehicle movements.

Essex County Council Highways have been consulted on the application and they have confirmed they have no objections on highway safety grounds and on this basis the sign is considered to be acceptable with regards to public safety.

Other Matters

Objections have been raised with respect to the sign's proposed luminance levels and the adverse impact that this would have on the wildlife corridor. In particular, there is concern that light sensitive commuting and foraging bats may actively avoid the area, contrary to its purpose to serve as an environmental sensitive zone for bats. These concerns were shared by the Council's Ecology Consultant, who recommended that the application for an illuminated sign should be refused.

As set out previously in this report, Officers considered the illumination of the sign to be unacceptable on amenity grounds and the applicant has subsequently amended the application so that it is now proposed that the sign will not be illuminated. The Council's Ecology Consultant has confirmed that if the sign is not illuminated then they have no objection from an Ecology perspective.

Members may wish to note for future reference that, as has been set out above, Local Planning Authorities are only able to consider Amenity and Public Safety when determining applications for advertising consent, and as a result even if it was concluded that a proposed advert would be harmful to a protected species, or ecology more widely, it would not be possible to refuse an application for this reason.

CONCLUSION

To conclude having regard to the Advertisements Regulations 2007, the NPPF, the relevant policies of the Council's Development Plan, and all other material considerations, Officers have concluded that the proposed advertisements are acceptable with regards to amenity and public safety. It is therefore recommended that advertisement consent be granted allowing the retention of the sign, without the internal illumination being used. A condition is recommended to make it clear that the approved is not to be illuminated.

If the application is approved the Council's Enforcement Officers will be instructed to monitor the site to ensure that the illumination is turned off.

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
Signage Details

Plan Ref: 8551-43-02-100
Plan Ref: DOC-8551-9000-IL

- 1 The advertisement hereby granted shall be removed on or before the 25/06/2025.

Reason

The advertisement is granted permission for a temporary period, whilst the residential development is being built out, and should be removed at the end of this period in the interests of visual amenity.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above, with the exception of all references to illumination.

Reason

For the avoidance of doubt and in the interests of good planning and to safeguard the amenities of the locality and the appearance of the area.

- 3 There shall be no illumination of the signs whatsoever.

Reason

To safeguard the amenities of the locality and the appearance of the area.

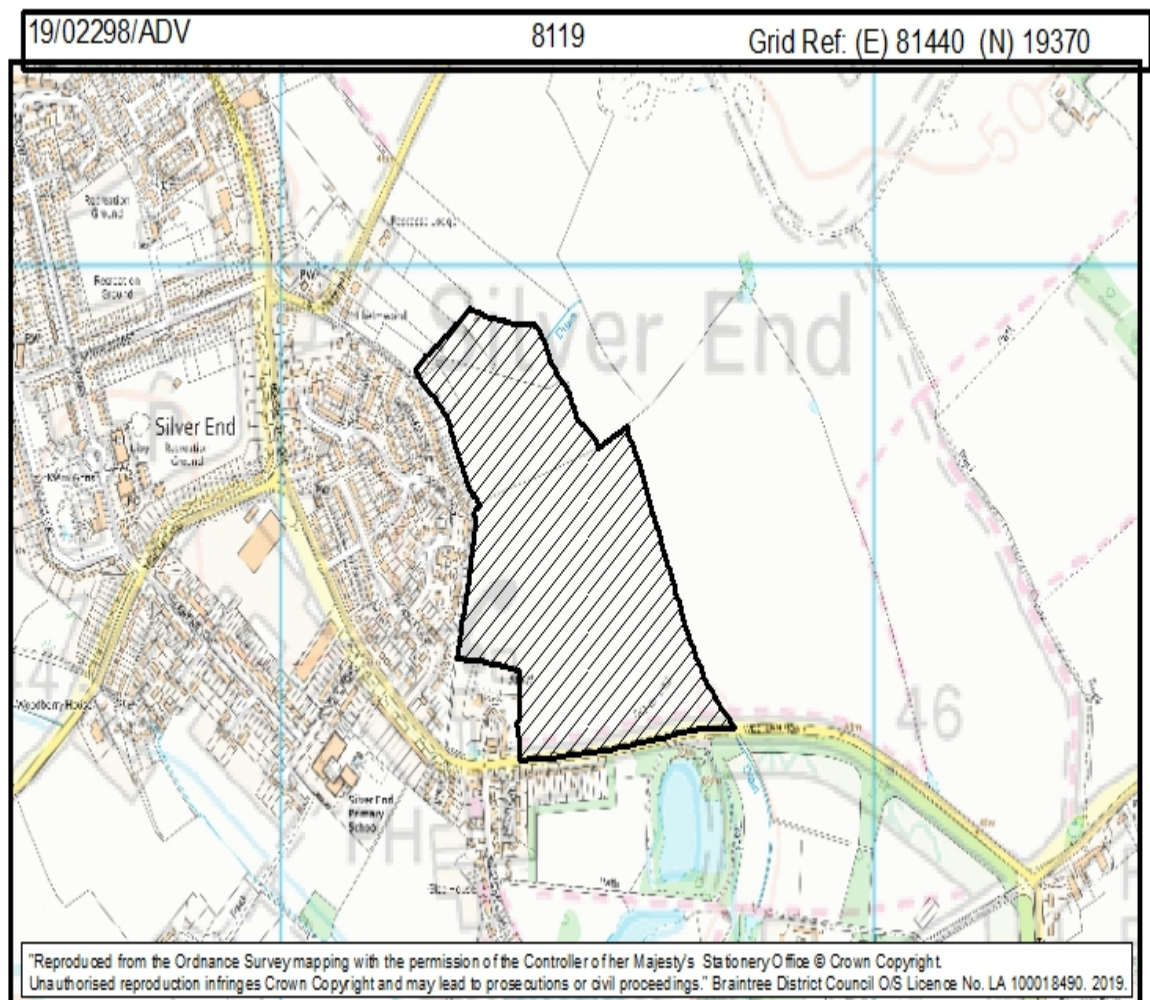
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/02298/ADV
 DATE: 19.12.19
 VALID:
 APPLICANT: C/O Agent
 C/O Agent
 AGENT: Miss Michael Ward
 Coval Hall , Rainsford Road, Chelmsford, CM1 2QF
 DESCRIPTION: Retention of eight banner advertisements
 LOCATION: Land Off, Western Road, Silver End, Essex

For more information about this Application please contact:
 Mr Neil Jones on:- 01376 551414 Ext. 2523
 or by e-mail to: neil.jones@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2RGA7BFJZ000>

SITE HISTORY

16/00026/NONDET	Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation. With all matters to be reserved.		21.03.17
07/01602/AGR	Erection of hay barn	Permission Required	01.10.07
08/00034/FUL	Erection of stables, barn and manege	Refused	28.02.08
08/01239/FUL	Erection of stables, barn and manege	Withdrawn	04.08.08
11/00644/FUL	Erection of stable barn and manege and change of use from agricultural land to land for keeping of horses	Granted	19.07.11
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15/00001/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Screening/ Scoping Opinion Adopted	19.02.15

15/00002/SCR	2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development of up to 350 dwellings and associated community infrastructure	Screening/ Scoping Opinion Adopted	04.02.15
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18/01693/FUL	Creation of a permanent vehicular access from	Granted	03.12.18

18/01701/DAC	Western Road into Land North of Western Road, Silver End and creation of drainage features. Application for approval of details reserved by condition 6 of approved application 15/00280/OUT	Pending Consideration	
18/01734/DAC	Application for approval of details reserved by condition 12 of outline planning permission 15/00280/OUT.	Granted	03.07.19
18/01737/DAC	Application for approval of details reserved by condition 9 of outline planning permission 15/00280/OUT.	Part Grant, Part Refused	19.08.19
18/01739/DAC	Application for approval of details reserved by condition 14 of approved application 15/00280/OUT	Pending Consideration	
18/01742/DAC	Application for approval of details reserved by condition 15 of approved application 15/00280/OUT	Part Grant, Part Refused	21.06.19
18/01743/DAC	Application for approval of details reserved by condition 16 of approved application 15/00280/OUT	Pending Consideration	
18/01744/DAC	Application for approval of details reserved by condition 20 of approved application 15/00280/OUT	Pending Consideration	
18/01745/DAC	Application for approval of details reserved by condition 21 of approved application 15/00280/OUT	Pending Consideration	
18/01747/DAC	Application for approval of details reserved by condition 18 of approved application 15/00280/OUT	Pending Consideration	
18/01751/REM	Application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following the grant of outline planning permission ref: 15/00280/OUT - Erection of 350 dwellings (including	Granted	21.06.19

18/01932/DAC	40% affordable housing), creation of internal roads, footpaths, open space, SuDS features, a sub station, a pumping station and groundworks. Application for approval of details reserved by condition 8 of outline planning permission 15/00280/OUT.	Pending Consideration	
19/00029/DAC	Application for approval of details reserved by condition 19 of approved application 15/00280/OUT	Pending Consideration	
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19/00566/DAC	Application for approval of details reserved by condition 10 of approval 15/00280/OUT - The development proposed is up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation.	Granted	01.10.19
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	mitigation and attenuation. With all matters to be reserved.		
19/01063/DAC	Application for approval of details reserved by condition 11 of approved application 15/00280/OUT - Outline planning permission for up to 350 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation.	Granted	30.12.19
19/01414/DAC	Application for approval of details reserved by conditions 3, 5, 9, 10 and 12 of approval 18/01751/REM	Pending Consideration	
19/02206/NMA	Non-Material Amendment to permission 18/01751/REM granted 21.06.2019 for: Application for approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following the grant of outline planning permission ref: 15/00280/OUT - Erection of 350 dwellings (including 40% affordable housing), creation of internal roads, footpaths, open space, SuDS features, a sub station, a pumping station and groundworks. Amendment would allow: Substitution of house types.	Refused	31.12.19
19/02297/ADV	Erection of a non-illuminated advert comprising the word 'REDROW' and the Redrow Homes logo	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development

RLP95 Preservation and Enhancement of Conservation Areas

RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development

SP6 Place Shaping Principles

LPP50 Built and Historic Environment

LPP55 Layout and Design of Development

LPP56 Conservation Areas

LPP60 Heritage Assets and their Settings

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application has been 'Called In' for determination by Councillor Abbott. Silver End Parish Council also object to the application, contrary to Officer recommendation.

SITE DESCRIPTION

The application relates to land forming the frontage of a larger residential development site of 350 dwellings that has been granted planning permission and is currently under construction. The site is located on the north-side of Western Road towards the south-east of the village of Silver End.

A number of adverts are present along the site's frontage. There are two V-shaped stack board signs, each with two flags, which were granted advertisement consent under application reference 19/00518/ADV. In addition, there are 14 flags and one internally illuminated sign that have been

displayed at the site which do not have Advertising consent. A reduced number of flags are proposed to be retained as part of this application and the illuminated sign is the subject of a separate application seeking advertising consent under application reference 19/02297/ADV.

In close proximity to the adverts is a 1.8 metre high chestnut hurdle fence. This fence was secured by planning condition and has been installed in order to provide a linear feature for foraging and commuting bats until the new hedgerow is established.

In terms of the site's surroundings, Bowers Hall, a Grade II Listed Building, is located to the west, beyond which is further residential development separating the site from the Silver End Conservation Area. To the south of the site there is a ribbon of development with 16 existing houses. Immediately to the east of the houses is a parcel of land which has been granted outline planning permission for the erection of up to 45 dwellings (Application Reference 18/00442/OUT), and beyond that to the east is a fishing lake surrounded by woodland, and a belt of trees and hedging along Western Road. Further to the south-east lies Rivenhall Place, a Grade II* Listed Building.

PROPOSAL

This application originally sought permission for the erection of 14 banner adverts. This is in fact a retrospective application as the banner adverts had been installed at the site by the time the application was submitted.

Since the application was submitted, the applicant has been requested by Officers, to reduce the number of flags sought for retention from 14 to eight. The applicant has agreed to this amendment and the description of development has been amended accordingly.

Each banner advert measures 5 metres in height, with the banners measuring 0.6 metres by 2 metres. The flags have been erected across approximately 215 metres of the site's frontage.

CONSULTATIONS

ECC Highways

No objection to the application, given the position of the proposed adverts.

Historic Buildings Consultant

The proposed advert would result in less than substantial harm to the setting of Bowers Halls, a Grade II Listed Building with associated curtilage listed outbuildings, and the Silver End Conservation Area. Recommend that four flags would be more appropriate for the site.

Ecology Consultant

No objection is raised as, in agreement with the findings of the submitted Ecological Appraisal, it is considered the advertisements are extremely unlikely to impact upon foraging and commuting bat species.

It is however highlighted that the advertisements must not interfere with the chestnut hurdle fence, which was installed to maintain the linear feature for bat foraging and commuting species until the new hedgerow is established.

PARISH / TOWN COUNCIL

Silver End Parish Council

Objects to the application. No reasons are given to explain the objection. The Parish Council has queried whether this is a retrospective application and whether the 14 proposed flags were in addition to the 20 that had been erected at the site.

REPRESENTATIONS

One letter of objection has been received from one of the District Councillors for the ward, Cllr. Abbott, which is summarised as follows:

- Adverse impact on the bat corridor as a result of the cumulative impact of existing and proposed adverts.
- Insufficient information provided to fully consider the impact of the proposed adverts on the bat corridor, the highway, and the trees opposite the site.
- The adverts are very close in proximity to the new hedging and hurdle fence within the bat corridor.
- Adverse impact on bat habitat opposite the site.

REPORT

Principle of Development

The advertisements proposed are of a size and type that requires express consent from the Council.

The display of advertisements is subject to a separate consent process within the planning system to development. This process is set out principally within the Town and Country Planning (Control of Advertisements) Regulations 2007. In accordance with the aforementioned regulations, when determining applications for express advertisement consent, the Local Planning Authority may only consider the issues of amenity and public safety. Amenity, in this context, refers to the affect upon the visual and aural amenity within the immediate vicinity of the proposed advertisement. Whilst public safety refers to the effect on traffic or transport on land, over water, or in the air.

Furthermore, the NPPF (Paragraph 132) elaborates that the quality and character of places can suffer when advertisements are poorly sited and designed, and that there is a need to take into account cumulative impacts.

The Advertisement Regulations requires that Local Planning Authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the Development Plan, in so far as they are material, and any other relevant factors.

Policy RLP107 of the Adopted Local Plan permits the display of outdoor advertisements, providing any such advertisement is displayed in close proximity to the activities being advertised and is acceptable with regards to visual amenity and public safety. The policy also emphasises that particular consideration must be given to the luminance, design and siting of advertisements in sensitive locations including urban fringes, the countryside and residential areas. Furthermore, it is set out that advertisements should be visually subordinate, with any proliferation of advertisements to be opposed.

Amenity

In terms of impact upon amenity, Regulation 3(2)(a) of the Control of Advertisements Regulations 2007 stipulates that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

As noted above when making this assessment Local Planning Authorities should give consideration to the relevant policies of the Development Plan, so far as they are material to the matter of amenity. Subsequently, Policies RLP90 and RLP107 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, collectively seek to secure a high-standard of design, with reference to adverts, heritage impacts, and sympathy to local character. Policy CS9 of the Adopted Core Strategy and Policies RLP95 and RLP100 of the Adopted Local Plan seek to protect designated Conservation Areas and listed buildings from harm caused by inappropriate development. This protection extends to the setting in which these designated heritage assets are experienced.

The application seeks approval for the retention of eight banners, each measuring 5 metres in height, with the banners measuring 0.6 metres by 2 metres. These flags are distributed across 215 metres of the site's Western Road frontage. In total the Western Road frontage spans approximately 360 metres.

As already noted, the flags are not located within the Silver End Conservation Area, which lies approximately 500 metres to the west along Western Road. A much smaller buffer exists between the proposed westernmost banner and the Grade II Listed Building at Bowers Hall, including its associated curtilage listed outbuildings.

The Council's Historic Buildings Consultant objected to the application, citing that the proposal would undermine the significance of the assets and result in less than substantial harm to the setting of the Conservation Area and listed buildings at Bower Hall. The Historic Buildings Consultant recommended an overall reduction in the number of flags to a total of four.

Aside from heritage considerations, other elements of the local character include the semi-rural character of this edge of village site. To the west of the site there is a real sense of entering the village where a more defined residential character exists. Whilst this residential character is being extended to the east, by virtue of the development of housing on the northern side of Western Road, the site's frontage retains some rural characteristics, with a generous buffer existing between the new homes and the highway. This includes a 1.8 metre high chestnut hurdle fence which provides a linear feature for foraging and commuting bats until the new hedgerow, which has been planted by the applicant, becomes established.

Officers consider the retention of 14 banner adverts would be excessive when viewed cumulatively with other consented advertisements, having particular regard to the harm to the setting of the listed building at Bower Hall. However, given the scale of the advertisements; their temporary nature; distribution; and the degree of separation and lack of inter-visibility from the Silver End Conservation Area and Bowers Hall, Officers have concluded that the retention of eight banners would be acceptable in terms of visual amenity and would not result in harm to the setting or character of those Designated Heritage Assets that would warrant refusal of the application.

The applicant has submitted a revised plan identifying the eight banners that are to be retained and has agreed that if Advertising Consent is granted they will need to remove six additional banners.

Public Safety

The Control of Advertisements Regulations 2007 and the NPPF outline that, when assessing an application for advertisement consent, consideration must be given to the public safety of highway users. In doing so, the provisions of the Development Plan need to be taken into account, insofar as they are material. Policy RLP107 of the Adopted Local Plan states that issues of public safety, including traffic safety will be accorded a high priority in decision making, with particular importance to be paid to the luminance, design and siting of outdoor advertisements.

The proposed flags would be visible to highway users of Western Road. However, this in itself does not result in the adverts being unacceptable in terms of highway safety, as all advertisements are intended to attract attention. Nonetheless, the flags do not obstruct visibility splays, or hinder vehicle movements.

Essex County Council Highways have been consulted on the application and they have confirmed they have no objections on highway safety grounds.

In summary the flags are considered to be acceptable with regards to public safety.

Other Matters

Cllr. Abbott has raised concerns about the adverse impact that he considers the banners will have on bats that travel along the site boundary with Western Road.

Notwithstanding the fact that the Advertisements Regulations state that Local Planning Authorities can only consider amenity and public safety when determining applications for Advertisement Consent, the applicant submitted an ecological appraisal with the application. The report concludes that there would be no resulting adverse impacts upon bats. The Council's Ecology Consultant has reviewed the application and whilst they note the omission of some important information in the consultants assessment, they do agree that the signage is extremely unlikely to impact foraging and commuting bat species, as the signage does not interfere with the chestnut hurdle fence, which was installed to maintain the linear feature for bat foraging and commuting species until the new hedgerow is established.

It is therefore concluded that the proposal would be acceptable with regards to its ecological impact.

Notwithstanding this assessment, Officers identified a previous appeal decision against the London Borough of Hillingdon from 2017 where the Inspector dismissed the Council's ecology objections to an advert stating *"the effect on wildlife is not a legitimate consideration under the Regulations and national policy"*.

Officers have also obtained a legal opinion as to whether it would be lawful to take ecology impacts into account when deciding applications for advertisement consent, given the Council's duty under s.40 of the Natural Environment and Rural Communities Act 2006 (NERC) to *"have regard, so far as is consistent with the proposed exercise of [its] functions, to the purpose of conserving biodiversity"*.

The Council's legal opinion is clear. Because NERC states that the Council has a duty *"so far as is consistent with the proper exercise of [its] functions"*, because Reg. 3 of the Advertisements Regulations 2007 explicitly stating that Local Planning Authorities can only exercise its powers under the Regulations in the interests of amenity and public safety, taking into account the provisions of the Development Plan, so far as they are material, and any other relevant factors. Likewise, the enabling power for the Advertisement Regulations 2007 found under s. 220 of the Town and County Planning Act 1990, states that adverts can only be restricted and regulated in the expedient interests of amenity and public safety.

The opinion also reiterates that the relevant regulations provide an overarching statutory purpose for the exercise of powers under the Advertisements Regulations 2007, they are to be exercised *“in the interests of amenity and public safety”*. The ability to take into account *“any other relevant factors”* under Reg. 3(1)(b) is clarified under Reg. 3(2) to be those factors *“relevant”* to amenity and public safety.

It is therefore clear that even if concerns persist that the retention of the advertisements would be harmful to bats, contrary to the advice of the Council’s Ecology Consultant, the Local Planning Authority cannot consider ecological issues in determining an application for advertising consent.

CONCLUSION

To conclude having regard to the Advertisements Regulations 2007, the NPPF, the relevant policies of the Council’s Development Plan, and all other material considerations, Officers have concluded that the proposed advertisements are acceptable with regards to amenity and public safety. It is therefore recommended that advertisement consent be granted allowing the retention of eight banners.

If the application is approved the Council’s Enforcement Officers will be instructed to monitor the site to ensure that the 6 flags that are not approved, are removed.

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: 8551-43-01-100	Version: B
Signage Details	Plan Ref: DRW-8551-43-DB	

1 The advertisement hereby granted shall be removed on or before the 25/06/2025.

Reason

The advertisement is granted permission for a temporary period, whilst the residential development is being built out, and should be removed at the end of this period in the interests of visual amenity.

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 There shall be no illumination of the signs whatsoever.

Reason

To safeguard the amenities of the locality and the appearance of the area.

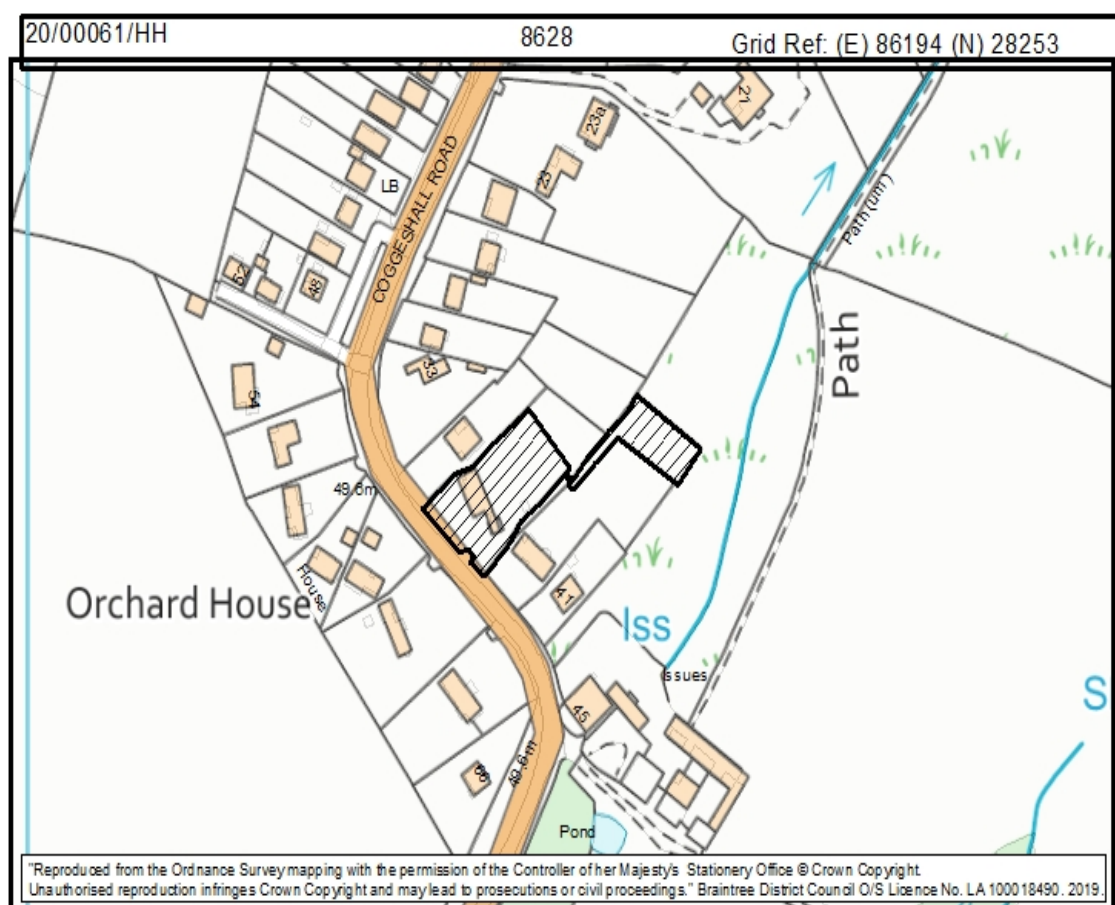
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 20/00061/HH
DATE: 13.01.20
VALID:
APPLICANT: Mr Gary Neill
37 Coggeshall Road, Earls Colne, CO6 2JR
AGENT: Mr Richard Paynter
Majesty House, Avenue West, Skyline A120, Braintree,
CM77 7AA
DESCRIPTION: Demolition of an existing car port, garage and link building
and the erection of a new two storey extension and
detached car port.
LOCATION: 37 Coggeshall Road, Earls Colne, Essex, CO6 2JR

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q3XNLLBFKAM00>

SITE HISTORY

76/00160/	Vehicular Access		27.04.76
93/00125/FUL	Erection of single storey rear extension to form granny annexe	Granted	11.03.93
97/01071/FUL	Erection of conservatory	Granted	01.10.97
99/00633/FUL	Erection of carport	Withdrawn	12.08.99
13/01357/FUL	Erection of single storey side extension	Granted	16.01.14
19/00316/HH	Demolition of an existing car port, garage and link building and the erection of a new two storey extension and detached car port.	Refused	18.04.19
19/01441/HH	Demolition of an existing car port, garage and link building and the erection of a new two storey extension and detached car port.	Application Returned	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on Section 1 Local Plan.

The Inspector has found the Section 1 Local Plan sound, subject to modifications. Two of those main modifications are the removal of two of the proposed garden communities at West of Braintree and Colchester Braintree Borders. Nevertheless he has indicated that other parts of the Plan can be found including the housing target which for Braintree equals a minimum of 716 dwellings per annum. A full list of proposed modifications will be published in due course.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as Earls Colne Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a detached dwelling located within the Earls Colne Village Envelope. The dwelling is located on the north eastern side of Coggeshall Road, where the street scene comprises a variety of types and styles of dwellings. The property itself occupies a large plot and is set back from the highway. The dwelling is substantial in size and takes up the full width of the site. There is an existing garage attached to the main dwelling, and an open fronted lean-to cover attached to the garage. An existing ground floor annexe is attached to the garage to the rear of the property.

The subject site is not situated within a Conservation Area and the application dwelling is not subject to any statutory listing.

PROPOSAL

This application seeks permission for the demolition of an existing carport, garage and link building and the erection of a new two-storey extension and detached carport. The proposed extension would provide an enlarged annexe at ground floor level, and a new bedroom at first floor level which would be linked to the existing dwelling via a new door at first floor level.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

The Parish objects to the application on the following grounds:

- The extension is overdevelopment of the site.
- The positioning of the carport to the front of the property.
- The impact on the street scene.
- Would absolutely not want to see the extension used for private hire or as a holiday let.

REPRESENTATIONS

No neighbour representations have been received.

REPORT

Principle of Development

The proposal is for the demolition of an existing carport, garage and link building and the erection of a new two-storey extension and detached carport. The extension would provide an enlarged annex and additional bedroom for the main dwellinghouse. The application site is located within the Earls Colne village envelope whereby the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

Proposals for self-contained annexes, or the conversion of outbuildings, to existing dwellings, to meet the needs of dependent relatives, will be permitted subject to an identified need and the imposition of a condition or obligation to ensure that it will remain solely as ancillary accommodation, to be occupied in association with the main dwelling. The Council will have regard to the cumulative impact of extensions on the original character of the property and its surroundings. The development is therefore acceptable in principle in accordance with the above noted policies.

Design and Appearance

Paragraph 124 of the NPPF states inter alia that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no

unacceptable material impact on the identity of the street scene, scale and character of the area.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the 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 CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for the demolition of an existing carport, garage and link building and the erection of a new two-storey extension and detached carport.

The extension would be attached to the host with a link which would be set back and down from both elements. The main body of the extension would be of a similar design to the host dwelling but the roof line would be significantly lower than that of the main property, making it subservient in form. Pitched roof dormer windows would be inserted into the front elevation of the extension to match the host dwelling. The link extension would also have a small, well-proportioned, dormer window inserted into the front and rear elevations. This link would measure 2.8 metres in width and 4.8 metres in depth and the main body of the extension would measure 9.5 metres in width and 6 metres in depth. The external faces of the extension would be appropriately constructed from materials to match the host dwelling.

A similar proposal was previously refused under application reference 19/00316/HH due to the design and appearance in relation to the host dwelling and the street scene, and that the proposed extension constituted overdevelopment. The design of the proposal has now been amended in line with Officer advice to complement the host dwelling and to appear more appropriate and in keeping with the surrounding street scene. The introduction of a link and the reduction of the ridge line and overall roof form has also made the scale and massing of the proposal appropriate.

The open fronted carport would be constructed to the south of the site. This would be a modest structure measuring 2.1 metres in height at the eaves, 4.5 metres in height at the ridge, 5.6 metres in width and 5 metres in depth. The design of the carport is simple and functional, it would be sensitively located behind existing vegetation and would not be an untypical form in the street scene where other garages and carports can found.

The proposal is considered to be acceptable in terms of its design and appearance in relation to the character of the host dwelling and the wider street scene. Therefore the proposal is compliant with the abovementioned policies.

Annexe Accommodation

There is no clear definition of an annexe in planning terms. Case law indicates that for an annexe to be considered as such, and not a separate residential unit, there must be a clear physical and functional relationship with the main dwelling on site. An annexe should be sited physically close to the main dwelling, and be ancillary in scale and form to the host dwelling. There would be an expectation that there is an element of care required for the occupants and if an annexe were sited some distance away, it would be difficult to reasonably operate that physical relationship in association with the main dwelling.

In terms of the functional relationship, the assessment is two-fold. Any application for an annexe should be accompanied with a statement confirming that the occupants of the annexe are dependent relatives and will need a degree of care to be provided by the occupants of the host dwelling. In this case, it has been confirmed that the applicant's daughter would be residing in the annexe. While this is not a dependant relative as such, 1.8 million households in the UK now span two or more adult generations and it is not considered that the annexe should be refused on this basis alone, subject to a clear function relationship being maintained.

Secondly, the facilities to be provided within the annexe should not be excessive and the living accommodation should represent the minimum necessary requirements with an expectation of reliance on the host dwelling and its occupants. There is no reason why an annexe cannot be fully self-contained, however those facilities and scale of accommodation proposed in terms of floor space should be commensurate to the 'ancillary' use of an annexe. When assessing the functional element, regard will also need to be had to the scale of the annexe accommodation in relation to the host dwelling itself with a view that an annexe should be ancillary in provision of facilities and overall size in terms of scale, bulk, height and floor space.

The existing garage would be demolished to create a new annexe. The annexe has been designed with an obvious physical relationship to the host dwelling and a functional dependant relationship between the two. To access the annexe, the occupants would need to use the existing front door to the main dwelling or an existing side access door. Access between the host property and the annexe by way of connecting doors at both ground and first floor secures that functional relationship. Furthermore amenity space and areas for parking would be shared. This is sufficient to ensure a co-dependant relationship between the areas of the dwellings and this would be further secured by way of the imposition of an appropriate condition linking them.

Impact on Neighbouring Residential Amenities

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of

neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

Although the extension would be built close to the neighbouring boundary, the configuration of No.37 and No.39 means that the dwellings face away from each other. Therefore it is not considered that the proposal would have a detrimental impact upon neighbouring amenity in terms of overlooking, overbearing, overshadowing or loss of light.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

Although the proposed carport would not meet the Essex Parking Standards dimensions for two cars, there is plenty of off-street parking elsewhere on the site and therefore it is considered to be acceptable.

CONCLUSION

The proposed development is a substantial addition to the property, however the application site is sufficiently large to accommodate it and no overdevelopment of the site would occur. The extension, annexe and carport are all considered to be subservient to the host dwelling and in keeping with its character and appearance. The annexe would maintain a functional and physical relationship with the host dwelling and a condition would be added to the decision notice to prevent the annexe from being separated, leased or sold from the host dwelling. The proposal would not have a detrimental impact upon neighbouring residential amenity and is compliant from a highways perspective. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Proposed Ground Floor Plan	Plan Ref: BA/P18-570_200 Rev.K
Proposed 1st Floor Plan	Plan Ref: BA/P18-570_201 Rev.K
Proposed Roof Plan	Plan Ref: BA/P18-570_202 Rev.D
Proposed Elevations	Plan Ref: BA/P18-570_300 Rev.J
Proposed Elevations	Plan Ref: BA/P18-570_301 Rev.G
Proposed Sections	Plan Ref: BA/P18-570_302 Rev.K
Carport / Cartlodge Details	Plan Ref: BA/P18-570_205 Rev.D

Block Plan
Location Plan

Plan Ref: BA/P18-570_002 Rev.A
Plan Ref: BA/P18-570_001 Rev.B

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

Reason

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

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

Reason

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

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

Reason

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

- 4 The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 37 Coggeshall Road. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority.

Reason

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

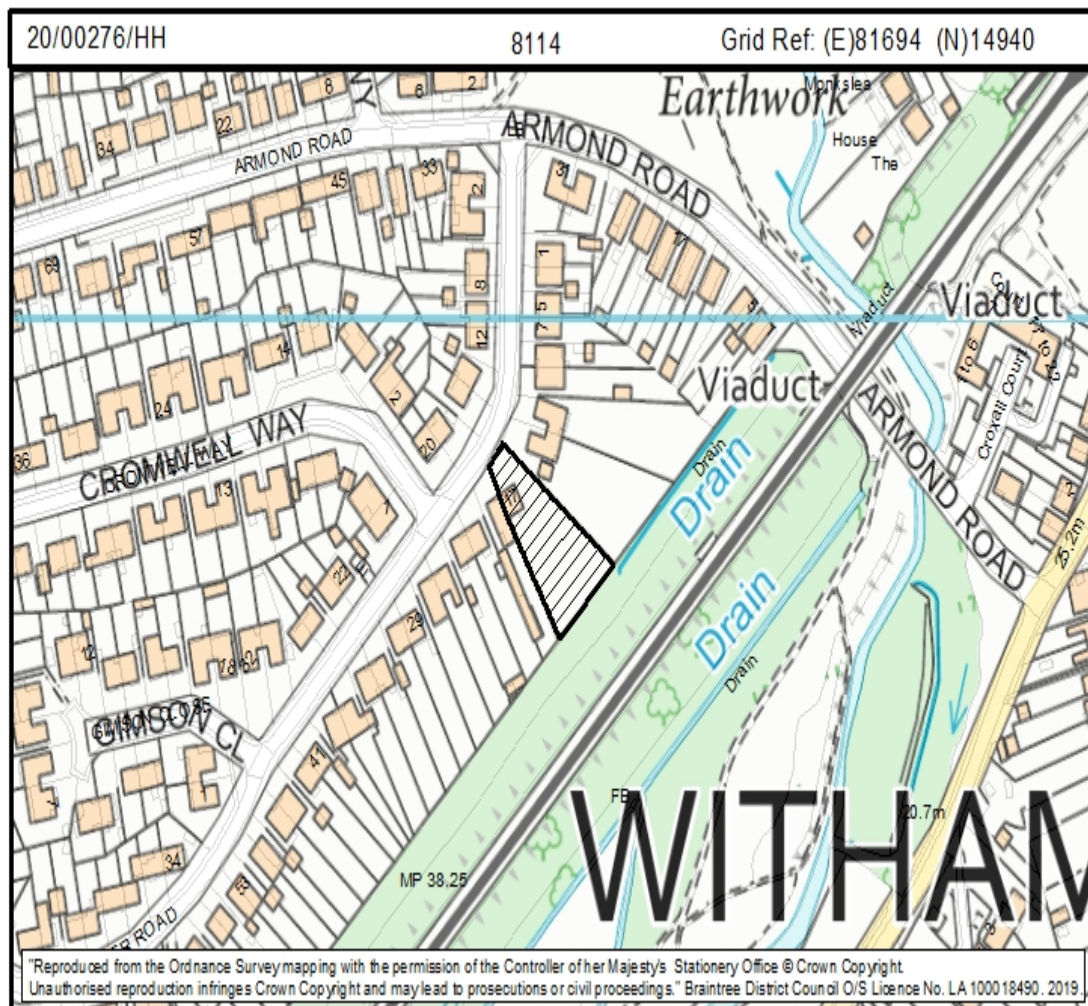
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5i

APPLICATION NO:	20/00276/HH	DATE VALID:	14.02.20
APPLICANT:	Mr Q Pyman 94 Molrams Lane, Chelmsford, Essex CM2 7AL		
AGENT:	Nicki Chew Lytchett House, 13 Freeland Park, Wareham Road, Poole, BH16 6FA		
DESCRIPTION:	Single-storey rear extension		
LOCATION:	17 Chelmer Road, Witham, Essex, CM8 2EY		

For more information about this Application please contact:
Mrs Liz Williamson on:- 01376 551414 Ext. 2506
or by e-mail to: liz.williamson@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5P31DBFKUB00>

SITE HISTORY

20/00035/HHPA	Erection of single storey rear extension. Extension will extend beyond rear wall of the original house by 6.0m, with a maximum height of 2.9m and 2.85m to the eaves of the extension.	Planning Permission Required	04.02.20
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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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The examination into the Section 1 Local Plan continued in January 2020. Hearing sessions have now been completed, and the North Essex Authorities have now received an initial letter from the Inspector outlining his findings on the Section 1 Local Plan.

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan. The Inspector does agree with the housing target for Braintree, which equals a minimum of 716 dwellings per year.

In accordance with paragraph 48 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related to:

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site comprises a semi-detached bungalow located on the south eastern side of Chelmer Road, within the town development boundary of Witham. The dwelling is situated within a generous wedge-shaped plot, with car parking to the front and side of the property.

The adjoining property to the south west being No.19 Chelmer Road has an existing single-storey rear extension with projects along the boundary of the dwellings. No.15 Chelmer Road is situated to the north east and has a single storey detached garage adjacent to the application site.

The application site is not located within a Conservation Area and the property is not subject to any statutory listing.

PROPOSAL

The proposal seeks planning permission to erect a single-storey extension to the rear of the dwellinghouse. The extension would span the width of the property and would measure 6m in depth, 7m in width and 2.8m in height.

Two new windows would be inserted into the east elevation of the dwelling house which would face north east towards No.15 Chelmer Road. On the rear elevation of the proposed extension bi-folding doors are proposed which would open onto the rear amenity area. Some internal works would take place and a re-configuration of the layout would be undertaken, with the main alteration being the relocation of the existing bathroom from the east elevation to the west elevation.

The extension would have a flat roof and would be constructed from facing materials to match the host property.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Witham Town Council have objected to the application as submitted, for the following reasons:

- The additional window is in the line of sight of a bedroom to 15 Chelmer Road

- There is no provision for noise limits and restrictions
- The extension is not subordinate to the main house
- Insufficient parking

REPRESENTATIONS

An objection has been received from 19 Chelmer Road for the following reasons:

- Relocation of the existing bathroom to the party wall
- Unreasonable working hours
- Bonfires being lit
- Smoke alarms going off
- Concerns about drainage

An objection has been received from 15 Chelmer Road for the following reasons:

- Relocation of bathroom onto a party wall

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Witham whereby the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

Design and Appearance

Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposed extension would be single-storey with a flat roof and would be located to the rear of the dwelling. It is acknowledged that the proposal is a large addition to the host dwelling however its overall depth at 6m would not exceed the depth of the existing extension at No.19 Chelmer Road. The

dwelling also benefits from a generous amenity area to the side and rear, and the overall scale of the property would not be an excessive overdevelopment of the plot. The proposal is therefore considered to be a suitable addition in terms of scale, for the size of the existing dwelling. Furthermore, properties within the immediate vicinity of the host dwelling have previously been granted permission for similar design and scales of rear extensions. The neighbouring property (No.19 Chelmer Road) was granted permission for an extension which is of a similar depth as that proposed by way of this application. Similarly, an extension of a comparable depth and scale has been previously granted permission at No.27 Chelmer Road.

The proposed extension would comprise of a flat roof, which is in keeping with the existing neighbouring extension and all materials would match the host dwelling. The extension could not be seen from the public domain being contained entirely to the rear of the existing dwelling house. The proposed extension is therefore considered to be in keeping with the character of the host dwelling and the wider street scene, and therefore is compliant with the abovementioned policies.

Impact on Neighbour Amenity

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

Due to the position of the existing neighbouring extension at No.19 Chelmer Road and the substantial separation distance between the application property and No.15 Chelmer Road, there would be no loss of light to neighbouring habitable windows, overshadowing of amenity spaces or increased sense of enclosure experienced to these immediate dwellings.

The neighbouring property at No.15 Chelmer Road has a habitable bedroom window located on their flank elevation facing the application site. Concerns have been raised that the insertion of new windows on the application dwelling would result in loss of privacy to this window. However there would be an approximate separation distance of 8m between the windows. Furthermore, being both located at ground floor level the windows would face out onto the existing boundary fence which can be increased in height to 2m without the need for further planning permission. The applicant has indicated that this will be carried out and this would effectively restrict any mutual overlooking experienced.

Concerns have been raised by the neighbouring occupiers regarding the internal alterations which involve the relocation of the existing bathroom to a wall which forms the party wall between the two dwellings. Such an alteration could be carried out within the need for planning permission and any increased noise penetration could be effectively controlled by way of appropriate sound insulation. In this case this is not a material planning consideration and would be covered by way of Building Regulations. Advice

has been given to the occupant of No.19 Chelmer Road, to seek guidance from the Building Control Team regarding sound proofing the wall.

Concern has also been raised by neighbouring properties regarding unreasonable working hours whilst the site has been cleared and bonfires. Again these are not material planning considerations and the imposition of conditions to address these issues on householder applications would not meet the test of a planning condition. Should such issues arise this would be a matter for Environmental Health.

While the concerns of Witham Town Council and the residents of the neighbouring properties are acknowledged, Officers consider that the plans submitted by the applicant address the concerns raised, the proposal would comply with the abovementioned policies and there would be no loss of light, loss of privacy and no increase in overshadowing.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The host property currently has parking to the front of the dwelling. The proposal would result in two additional bedrooms and therefore concerns were raised regarding adequate parking for the property. The applicant has submitted revised plans during the course of the application which show that an existing fence to the front of the property would be removed and a new parking area would be created for up-to 4 vehicles. The parking area would provide adequate off road parking for the property and would meet the adopted parking standards. Therefore, the submission of the revised plans has addressed concerns raised and Officers are satisfied that the proposal is compliant with the abovementioned policy.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: 19-0820 D01A
Proposed Elevations and Floor Plans	Plan Ref: 19-0820 D03
Section	Plan Ref: 19-0820 D04
Section	Plan Ref: 19-0820 D05

- 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 Your attention is drawn to the provisions of the Party Wall etc Act 1996, which relates to work on existing walls shared with another property or excavation near another building. An explanatory booklet is available on the Planning Portal website at <https://www.gov.uk/party-wall-etc-act-1996-guidance> or can be inspected at the Council offices during normal office hours.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER