

PLANNING COMMITTEE AGENDA

Tuesday, 15 September 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 Zoom 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 Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

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

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

In response to the Coronavirus the Council has implemented procedures for public question time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for public question time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

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 for public question time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

For the Planning Committee only, 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.

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

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/Zoom 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

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 meetings of the Planning Committee held on 18th August 2020 and 1st September 2020 (copies to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

To consider the following planning applications and to agree whether the more minor 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**

5a	Application No. 20 00105 VAR - Highfields Farm, Highfields Lane, KELVEDON	6 - 20
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5b	Application No. 20 00685 FUL - Village Hall, Braintree Road, WETHERSFIELD	21 - 39
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PART B**Minor Planning Applications**

5c	Application No. 20 00228 HH - 60 Temple Lane, SILVER END	40 - 47
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5d	Application No. 20 00525 HH - 97 Highfields Road, WITHAM	48 - 54
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5e	Application No. 20 00840 HH - 20 Brain Valley Avenue, BLACK NOTLEY	55 - 62
5f	Application No. 20 01017 HH - 14 Rowan Way, WITHAM	63 - 70

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

PRIVATE SESSION

Page

7 Urgent Business - Private Session

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

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00105/VAR
DATE VALID: 16.01.20

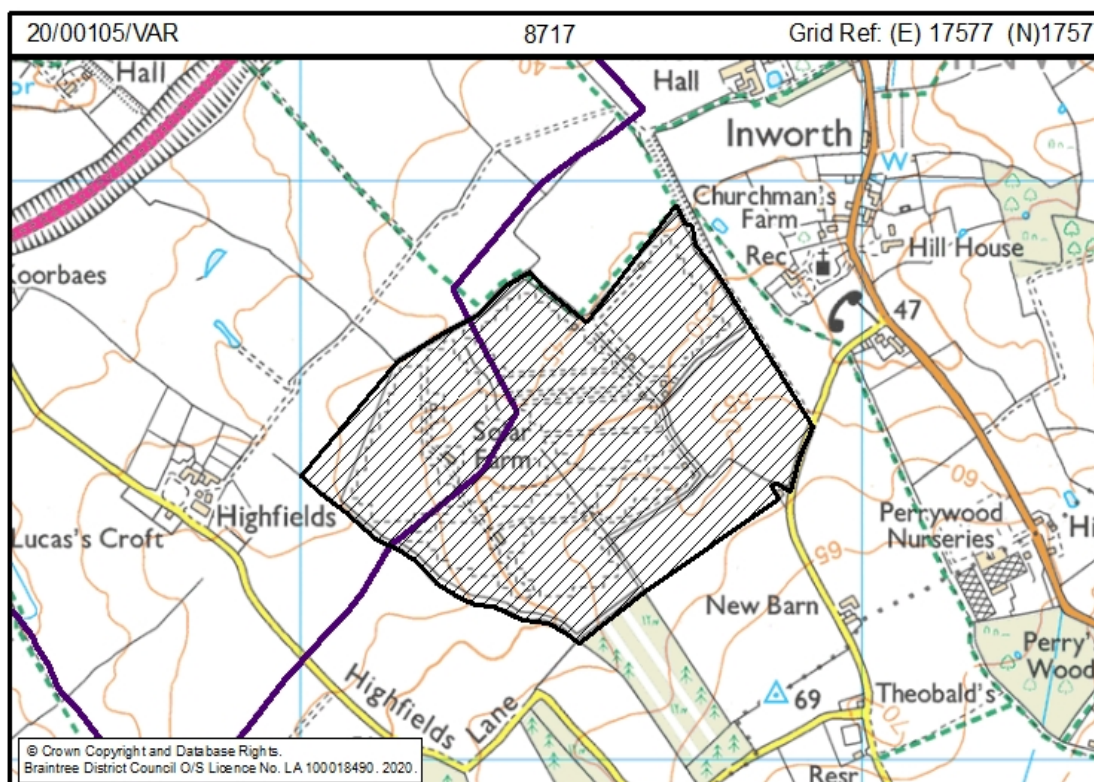
APPLICANT: Highfields Solar Limited
C/o Agent, The Shard, 32 London Bridge Street, London, SE1 9SG

AGENT: Mr James Jenkison
Foresight Group, The Shard, 32 London Bridge Street, London, SE1 9SG

DESCRIPTION: Variation of Conditions 18 (25 year Time Limit) and 19 (Decommissioning of Site) of permission 12/01472/FUL granted 03.09.2013 for: Construction of a 36.54 hectare solar park, to include the installation of solar panels to generate electricity, with transformer housings, security fencing and cameras, landscaping and other associated works. Variation of conditions would allow for: - Extension of time period from 25 years to 40 years.

LOCATION: Photovoltaic Installation, Highfields Farm, Highfields Lane, Kelvedon, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q47J6VBFK EA00>

SITE HISTORY

12/00006/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Opinion Request - Proposed solar park		27.09.12
12/01472/FUL	Construction of a 36.54 hectare solar park, to include the installation of solar panels to generate electricity, with transformer housings, security fencing and cameras, landscaping and other associated works	Granted	03.09.13
13/00220/DAC	Application for approval of details reserved by condition nos.4, 5, 6, 11, 12, 13, 15, 16 and 17 of approved application 12/01472/FUL	Granted	13.02.14
13/00151/FUL	Proposed barn conversion to provide a self-contained residential dwelling	Granted with S106 Agreement	09.04.13

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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
RLP76	Renewable Energy
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
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SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP50	Built and Historic Environment
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP71	Landscape Character and Features
LPP74	Climate Change

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 at the request of the Chair and Vice Chair of the Planning Committee. The application is also considered to be of significant public interest.

SITE DESCRIPTION

The application site is located approximately 1km to the South East of the A112. It is accessed off a narrow lane off the B1023 Kelvedon to Tiptree Road. Footpath 16 runs in part along the northern boundary and there are others within the vicinity. The site straddles the boundary of Colchester Borough Council and Braintree District Council, with the larger part of the site being located within Colchester, and is outside of any defined settlement.

The site is of an irregular shape originally comprising 5 former agricultural fields. The solar farm is operational, with the 'First Export Date' being 27th March 2015. Landscape planting has also been implemented, with minor exceptions that are due to be completed in 2020.

The solar farm has been constructed generally in accordance with the approved planning permissions (Colchester Borough Council Application Reference 121949 and Braintree District Council Application Reference 12/01472/FUL) and the conditions attached to them. The solar arrays are set in regimented rows across 3 fields with the length of each row varying according to geographical characteristics, resulting in a number of undeveloped areas (some with singular mature trees) within the compound. The solar arrays comprise of single leg tables supporting solar panels at a maximum height of approximately 2.2m.

Interspersed throughout the site amongst or beside the solar arrays are 10 inverter and transformer buildings approximately 10m in length, 2.5m in width and 2.6m in height connected by an internal track network. There are also substation buildings and a control cabin of similar utility design at the south corner of Solar Field A. The solar farm is enclosed by a perimeter fence and new and established hedgerow planting, and several mature trees surrounding and traversing the site. CCTV cameras mounted on poles 2 or 2.5m in height are positioned at intervals near the perimeter fence. Underground cabling connects the solar panels to the electrical equipment (inverters, transformers and substations) for the production and export of

electricity from the site to the National Grid. The development has not resulted in any major re-contouring of the land.

PROPOSAL

This application is to vary Conditions 18 (25 year Time Limit) and 19 (Decommissioning of Site) attached to planning permission 12/01472/FUL, granted on 3rd March 2013 for the Construction of a 36.54 hectare solar park, to include the installation of solar panels to generate electricity, with transformer housings, security fencing and cameras, landscaping and other associated works. The variation of the conditions would allow for an extension of time period from 25 to 40 years.

Conditions 18 and 19 currently state the following:

Condition 18

The planning permission is for a period from the date of this permission until the date occurring 25 years after the date of grid connection for the development. Written confirmation of the date of connection of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.

Reason

To ensure that the landscape impact of the development exists only for the lifetime of the development.

Condition 19

When the land ceases to be used as a solar farm or at the end of the period of 25 years from the date of grid connection, whichever is the earlier, the use hereby permitted shall cease and all materials, equipment and buildings brought onto the land in connection with the use, shall be removed and the land restored in accordance with a Decommissioning Method Statement, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permitted use ceasing. The site shall be decommissioned in accordance with the approved Statement.

Reason

In the interests of the amenity of the area.

It is requested that that the conditions are amended as follows:

Condition 18

"The planning permission is for a period occurring 40 years after the date of grid connection (28/03/2054) for the development".

Condition 19

"When the land ceases to be used for a solar farm or at the end of the period of 40 years from the date of grid connection, whichever is the earlier, the use hereby permitted shall cease and all materials, equipment and buildings brought on to the land in connection with the use, shall be removed and the

land restored in accordance with a Decommissioning Method Statement, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permitted use ceasing. The site shall be decommissioned in accordance with the approved Statement”.

The application is accompanied by a suite of documents including a Planning/Design and Access Statement, Landscape Plan, and Landscape Management Plan.

According to the Planning/Design and Access statement, the solar panels have a 25 year linear power warranty meaning that by Year 25 they would be expected to produce 79.7% of originally installed capacity and using a similar degradation rate this would result in panel performance of 69.2% by Year 40. Increasing the operational time limit of the solar farm would enable the solar panels to continue to be utilised on the site for a longer period of time without any harmful effects on the surrounding environment and would reduce their lifecycle carbon footprint. The solar farm does not require imported fuels, resources and inputs to produce electricity, and does not result in discharges to air and water for the electricity production process.

The solar farm utilises low-level structures that can be effectively screened from surrounding land and enables the land on which it is situated (both beneath and surrounding the panel structures) to remain as wildflower meadow in order to support biodiversity. The additional landscaping and wildlife enhancements proposed would have a positive effect, with wildlife benefiting from the shelter the panels afford and the reduced disturbance and activity within the site compared to agricultural activity.

Extending the operational lifetime of the solar farm beyond 2050 will make a positive contribution to reducing greenhouse gas emissions by at least 80% by 2050 against a 1990 base and ensure that Britain can meet the targets set in the 2008 Climate Change Act (which was strengthened with a 2019 amendment to make Britain a net zero carbon emitter by 2050) and make a positive contribution to meeting The Paris Agreement commitment to keep temperatures permanently below 1.5°C above pre-industrial levels.

Additional Landscaping

An additional 300 metres of hedgerow planting is proposed to effectively connect the newly planted hedgerows with each other and the established hedgerows in order to create an inter-linked network. H1 will be extended to link with H2 and existing H1 hedge planting will be strengthened with an additional row of 175-240cm hawthorn whips to create a more substantial hedgerow which would more effectively screen views from the east. Gaps within the internal hedgerow network will also be planted to create a dense network of inter-connected hedgerows providing shelter, forage and habitat linkages.

The new hedgerow planting has established well and set roots. Plant heights vary across the hedgerows, and a good level of bushiness has now been

achieved to a height of 1.5 metres in most instances. It will take an additional 2-3 growing seasons to fully achieve bushy hedgerows to a height of 2.4 metres (the minimum height stipulation for the hedgerows) and additional tree planting is proposed along hedgerow H1 to provide a more robust screen in views from the east, which includes the public footpath (No.17) as it travels north from Windmill Hill. A 6-metre length of hedgerow H1 does not appear to have been planted and the additional hedgerow and planting will include this length and will extend around the south fence line for 12 metres to screen the security fence from views from Windmill Hill and public footpath No.17. Importantly, the landform ensures that views from the public footpath here comprise the solar farm set low on the skyline, with panels viewed lower than the top of the fence, and hedgerow H1 already moderately screens views of the solar farm when plants are in leaf. The boundary fence is the tallest structure in views and should be significantly screened by 2021, according to the Statement.

Colchester Borough Council Planning Committee have approved the application in their jurisdiction on 14th April 2020, subject to two additional conditions, as follows:

Noise

Within six months of the date of this decision, further noise attenuation measures in relation to the inverters on site shall be provided in writing to the Local Planning Authority. The development shall thereafter be carried out using these approved details.

Reason: In the interests of minimising the long term noise impacts upon the neighbouring residents.

Deliveries

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08:00 – 18:00

Saturdays: 09:00 – 17:00

Sundays and Public Holidays: None

Reason: To ensure that the long term development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

CONSULTATIONS

Natural England

No comment.

ECC Historic Environment

No objection - although there will be some harm to the setting of All Saints Church, identified in the 2012 application, the variations will not significantly increase this harm.

ECC SuDs

No objection.

Essex Ramblers

Comment that Messing-cum-Inworth Parish Council should be consulted.

PARISH COUNCIL

Kelvedon Parish Council

Supports this application, particularly the strengthening of the hedges around the site to enhance screening.

Messing-cum-Inworth Parish Council

The Parish Council has been consulted. According to the Officer's report at Colchester Borough Council regarding 200094, the Parish Council has not objected.

REPRESENTATIONS

The resident of the Old Rectory, Inworth objects to the proposal on the grounds that the lifespan of the panels does not appear to have changed since the original planning application. If a longer duration was required, it should have been stated, however, it is appreciated that a change of management has occurred since the first application was submitted. In addition, it was stated that by years 5-10 the solar panels would be effectively screened. This has not occurred.

REPORT

PRINCIPLE OF DEVELOPMENT

Climate Change

The Paris Agreement (The 21st Conference of the Parties to the UNFCCC) has made a commitment to holding the increase in global average temperature to well below 2°C above pre-industrial levels. The Climate Change Act 2008 has also set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 against a 1990 base. In order to accomplish these targets, there will be a need for renewable energy from

solar farms such as that at Highfields Farm beyond 2040 to maintain greenhouse gas and CO2 emissions below the targets on a permanent basis and ensure a low carbon economy and healthy living environment for all of our communities.

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).

In terms of Climate Change, Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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 Development Plan

Currently the Council's statutory Development Plan consists of the adopted Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). The application site is located outside of a designated development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply.

Policy RLP76 of the Adopted Local Plans supports proposals for renewable energy schemes, subject to there being no demonstrable harm to landscape, nature conservation or historic features within the vicinity of the site.

Policy CS5 of the Adopted Core Strategy seeks to control development in the countryside in order to protect and enhance landscape character, biodiversity, geodiversity and amenity of the countryside.

Policy CS8 of the Adopted Core Strategy states that all new development will take account of climate change and ensure the protection and enhancement of the natural environment. Development must have regard to the character of the landscape and its sensitivity to change.

Policy CS9 of the Adopted Core Strategy supports renewable energy proposals where impacts on amenity, wildlife, heritage assets and landscape are acceptable.

Extending the operational lifetime of the existing solar farm beyond 2050 would make a positive contribution to reducing greenhouse gas emissions to help ensure that the UK can meet the targets set in the 2008 Climate Change Act (which was strengthened with a 2019 amendment to make Britain a net zero carbon emitter by 2050) and make a positive contribution to meeting The Paris Agreement commitment. The proposed development is therefore deemed acceptable in principle, subject to compliance with other relevant policy criteria.

SITE ASSESSMENT

Paragraph 154 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF Planning Practice Guidance (PPG) underlines the Government's intention to increase the amount of energy from renewable and low carbon technologies in order to help make sure that the UK has a secure energy supply, reduces its greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. It goes on to state that renewable energy developments should be acceptable for their proposed location. It acknowledges that the deployment of large-scale solar farms could have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

This proposal to vary conditions 18 and 19 would not involve any further development of the site as all structures are already in situ. The extended use of the solar panels already approved and installed is logical and positively impacts upon their carbon footprint.

Visual/Landscape Impact

Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the landscape character assessment. Policy RLP80 of the Adopted Local Plan states that development that would not be successfully integrated into the local landscape will not be permitted.

Policy RLP81 of the Adopted Local Plan and LPP71 of the Draft Local Plan seek to encourage the delivery of new green infrastructure and for landowners to retain, maintain and plan, in appropriate locations, locally native trees.

Natural England has not objected to this proposal, however, the applicant has recognised that the landscaping on the site has not been completed and has been less than successful in part, as raised by the Objector. In this regard, a revised landscaping scheme is proposed to address this issue. Subject to this, the visual appearance and impact of the proposal is therefore considered acceptable.

The likely implications of the appearance of solar farm and its landscape impact were assessed and deemed acceptable when planning permission was granted in 2012. The solar farm has now been in situ for five years and has been fully operational in that time. This proposal seeks to extend the life of the farm beyond that originally proposed and would not involve any further construction or installation of panels. It is therefore concluded that, subject to the additional landscaping proposed, the visual and landscape impact are acceptable.

Impact on Neighbouring Residential Amenity

Policy CS9 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan seeks to ensure a high standard of design in all new development in the District, to ensure amongst other things, that development will integrate well into the local context and that there is no unacceptable impact on neighbouring residential amenity. This criteria is taken forward in Policy LPP50 of the Draft Local Plan.

There are a number of residential properties within the vicinity of the site, however the majority are located outside of this District. An objection has been received, as set out above, which relates to the landscaping of the site. In the absence of any other representations relating to amenity issues, it is

concluded that the impact has been visual, rather than harmful to the amenity of any individual property.

Heritage Impact

Policy RLP100 of the Adopted Local Plan and LPP60 of the Draft Local Plan seek to ensure, amongst other things, that the settings of listed buildings are not harmed as a result of any proposed development.

As referred to above the Historic Buildings Consultant considers that the harm identified in the 2012 remains unchanged, however they raise no objection to the proposal.

Although this proposal would not result in a greater level of harm than originally identified within the 2012 application, as the proposal would result in an extension of time period from 25 to 40 years, the proposal would consequently extend the level of harm for a greater period of time upon the nearby listed building (All Saints Church). However, and as required by the NPPF, it is considered that the public benefits of the proposal would outweigh the 'less than substantial harm' identified to the setting of All Saints Church identified. The proposal is therefore considered to be satisfactory in this regard.

Other Matters

In respect of the additional two conditions attached to the decision of Colchester Borough Council's Planning Committee as referred to above, it is not considered appropriate to duplicate these conditions as Braintree District Council has received no representations in relation to these issues. As these conditions are considered to be unnecessary, the conditions would not meet the tests out in the PPG.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission are determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The solar farm is reasonably close to the listed All Saints Church therefore an important material consideration in this case is whether Paragraph 11 d) i) of the NPPF is engaged. The Church is a protected asset therefore the identified 'less than substantial harm' must be weighed against the likely benefits of the proposal to determine if a recommendation to approve is acceptable (known as a Foot Note 6 objection). In this case it is considered that the provision of renewable energy in terms of the social, environmental and economic benefits

should carry equal and significant weight in terms of the aims of the NPPF and the policies in the Development Plan and when measured against the identified 'less than substantial harm' identified to the setting of All Saints Church, this harm is deemed acceptable.

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; a social objective (to support strong, vibrant and healthy communities, by fostering a well-designed and safe built environment; 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). In this case, it is clear that the proposal constitutes sustainable development as it has already contributed to fulfilling the economic, social and environmental benefits expected to result from moving to a low carbon society.

The solar farm has clearly had a visual impact on the landscape and it is recognised that the landscaping originally proposed has not as yet fully mitigated this. However, it is considered that this impact will diminish as the existing and proposed further landscaping matures. Accordingly it is considered that the impacts of the proposal can be adequately mitigated.

When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded 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 this variation application subject to conditions.

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

Site Plan

Planning Statement

Landscaping

MANAGEMENT PLAN

Plan Ref: PLANTING AND LANDSCAPE

Version: 2020 HIGHFIELDS 01

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

Reason

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

- 2 The development of the site shall be in accordance with the details submitted as part of planning permission reference 12/01472/FUL, as amended.

Reason

For the avoidance of doubt as to the scope of this permission and in the interests of proper planning and in accordance with the amendments submitted during the processing of planning application reference 12/01472/FUL.

- 3 The Inverter Cabin shall have been constructed in accordance with the details submitted pursuant to 'discharge of conditions' application reference 13/00220/DAC granted on 13th February 1014.

Reason

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

- 4 The Security Cameras shall have been erected in accordance with the details submitted pursuant to 'discharge of conditions' application reference 13/00220/DAC granted on 13th February 1014.

Reason

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

- 5 The security fencing shall have been erected in accordance with the details submitted pursuant to 'discharge of conditions' application reference 13/00220/DAC granted on 13th February 1014.

Reason

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

- 6 The solar panels shall be designed and constructed so as to be non-reflective.

Reason

To minimise the impact from reflected light.

- 7 The landscaping of the site shall be in accordance with the landscaping details agreed pursuant to 'discharge of conditions' application reference 13/00220/DAC granted on 13th February 2014, together with the details set out in the abovementioned Planning Statement dated March 2020 and

Reason

To ensure that there is a suitable landscape proposal implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within the surrounding context in the interest of visual amenity.

- 8 The programme of habitat enhancement and subsequent management proposed by the Ecological Management Plan submitted with application reference 12/01407/FUL shall be adhered to.

Reason

To continue to enhance the ecological value of the site.

- 9 The planning permission is for a period occurring 40 years after the date of grid connection (28/03/2054) for the development.

Reason

To ensure that the landscape impact of the development exists only for the lifetime of the development.

- 10 When the land ceases to be used for a solar farm or at the end of the period of 40 years from the date of grid connection, whichever is the earlier, the use hereby permitted shall cease and all materials, equipment and buildings brought on to the land in connection with the use, shall be removed and the land restored in accordance with a Decommissioning Method Statement, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the permitted use ceasing. The site shall be decommissioned in accordance with the approved Statement.

Reason

In the interests of the amenity of the area.

- 11 If the solar farm hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the panels and any other ancillary equipment, shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 12 months of the date of its agreement by the Local Planning Authority.

Reason

To ensure that the landscape impact of the development exists only for the lifetime of the development.

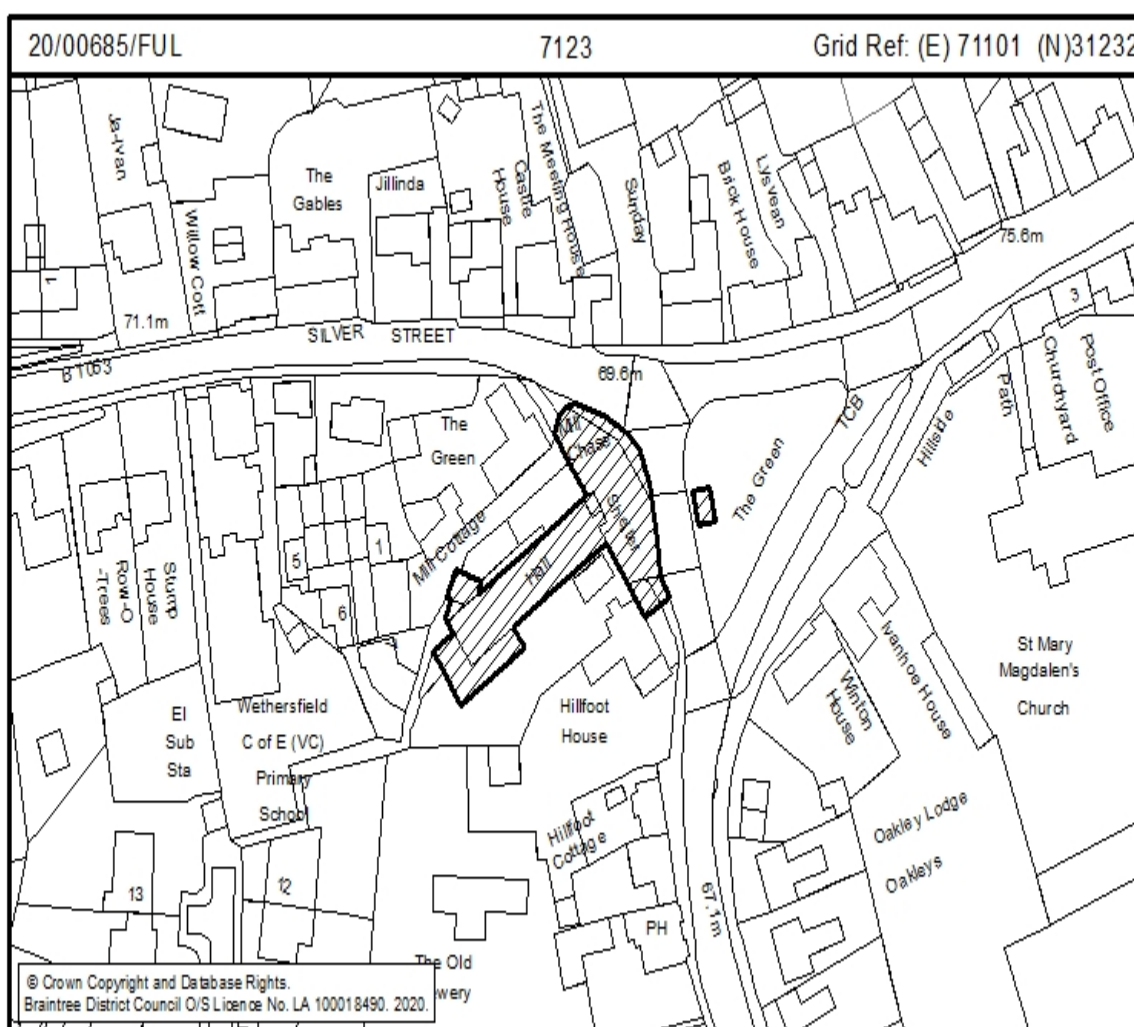
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00685/FUL DATE: 23.04.20
 VALID:
 APPLICANT: CROWS C/o Cliff Stevens
 Little Barham, Silver St, Wethersfield, CM7 4BP, Essex
 DESCRIPTION: Single storey front extension to village hall to create village shop and improvements to former highway forecourt area.
 Erection of new bus shelter -Revised scheme
 LOCATION: Village Hall, Braintree Road, Wethersfield, Essex, CM7 4BU

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=Q98XQQBFLYF00>

SITE HISTORY

17/00489/FUL	Demolition of asbestos roof and replacement with membrane roof with velux or similar roof lights in same plane as existing	Granted	30.05.17
75/00217/FUL	Erection of bus shelter and rebuilding of the main entrance to the Village Hall	Granted	09.05.75
19/02103/FUL	Single storey front extension to village hall to create village shop and improvements to former highway forecourt area. Erection of new bus shelter.	Withdrawn	06.02.20

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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
RLP11	Changes of Use Affecting Residential Areas
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP127	Additional Village Shopping
RLP128	Maintenance of Rural Services and Facilities
RLP151	Protection of Community Services

Braintree District Local Development Framework Core Strategy 2011

CS6	Retailing and Town Centre Regeneration
CS9	Built and Historic Environment
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries

LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP65	Local Community Services and Facilities

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 at the request of the Chair and Vice Chair of the Planning Committee.

SITE DESCRIPTION

The application site is located in the defined development boundary within the historic core of Wethersfield village, adjacent to the village green, to the west of Braintree Road. There is an informal car park to the front of the site which also provides access to Old Mill Chase. The site is situated within the designated Conservation Area and adjoins a Grade II listed building to the north. There is a Public Right of Way approximately 7 metres to the north of the site along Old Mill Chase which runs in a south westerly direction to the rear of the village hall to the Wethersfield Primary School.

PROPOSAL

This is a revised application following a previous application (Application Reference 19/02103/FUL) for a similar form of development which was withdrawn following concerns raised by Officers and the Historic Buildings Consultant regarding the design of the proposal and the detrimental impact on the Conservation Area.

This revised application proposes a single storey extension to the front of the village hall to provide a local community run shop. The village hall itself will remain unchanged and will continue to operate as such. It is proposed to replace the current bus shelter which is currently integrated into the west side of the entrance to the village hall. A new/replacement bus shelter is proposed as part of the proposal on the opposite side of Braintree Road on land which currently forms part of the village green.

The proposed extension would incorporate a new elevation, lobby and stairwell on the east side of the entrance to the village hall and internal works to construct a new passageway at lower ground floor level serving an accessible toilet and storage area for the new shop. This will provide an accessible access for disabled persons to the community run social club known as the 'Wethersfield Club' which is accessed off Old Mill Chase.

The submitted Block Plan proposes the provision of a single accessible parking space/blue badge space for disabled persons and cycle parking provision at the frontage of the proposed extension.

CONSULTATIONS

Highway Authority

Prior to the formal response being received, an informal response was received stating that the Highway Authority raised no objection to the principle of the development. They stated that the applicant had originally tried to formalise and provide additional car parking however this gave rise to several concerns regarding impact on visibility at the junction of Braintree Road with the High Street and the ability of a bus to pull into the existing junction serving the village hall. The Highway Authority consider that the area at the front of the village hall should operate as it does currently as a shared space, with the additional of cycle parking, replacement/provision of affected bus stop facilities and marking out of a disabled parking bay. The Highway Authority note that the planning application does rely on an application for the removal of highway rights from the proposed area of the shop that forms part of the existing highway.

Essex County Council, as the relevant Highway Authority have subsequently advised within their formal consultation response that they would not wish to raise an objection to this application given the existing permitted use of the site. The proposal entails the removal of the existing shelter, so in order to be acceptable to the highway authority, a new shelter would need to be provided. The proposal is also not compromising the fundamental purpose of the immediate area as a facility for the community. Therefore, from a highways and transportation perspective the Highway Authority have advised that the impact of the proposal is acceptable subject to a number of requirements.

1. *Prior to commencement of the development no works shall commence on site until such time as a Stopping Up Order to remove all highway rights in the highway land fronting the hall as shown on Drawing No. WVH2567 (00) 002 Revision C, has been granted.*

Reason: To protect the public's right and ease of passage over the Highway in the interest of highway safety to ensure accordance with safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

Note: The imposition of the above condition does not in any way infer that the Local Highway Authority will support a formal application for a Stopping Up Order to remove highway rights. Furthermore, statutory undertakers have a right to object to the granting of a Stopping Order, which may prevent this development from progressing in its current format.

2. *No occupation of the development shall take place until the following have been provided or completed:*

- a. *Upgrade of the Notley bound bus stop to include new wooden shelter, new flag and paper timetable information entirely at the Developer's expense.*
- b. *Relocation and upgrade of the Blake End bound bus stop to include a replacement flag and paper timetable entirely at the Developer's expense.*
- c. *Cycle parking facilities as shown on the approved plan (Drawing No. WVH2567 (00) 002 Revision C) to be installed and retained at all times*
- d. *The disabled vehicular parking bay adjacent the hall has been hard surfaced, sealed and marked out. The parking bay shall be retained in this form at all times.*

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM8, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

A number of informatives have also been recommended.

ECC Historic Buildings Consultant

No objection to the revised scheme subject to conditions.

BDC Ecology Officer

No objection. Informatives advised relating to external lighting, biodiversity enhancement and precautionary measures for bats.

PARISH / TOWN COUNCIL

Wethersfield Parish Council

Support. In summary the following comments were made:

The hall has been a focus of continuous community activity at the centre of the village for almost a century and it seems an appropriate location to reinforce its longstanding community role with a shop set up, run by and for the benefit of the local community. The services provided would be of immense value to local residents, particularly those unable to travel to and from a shop elsewhere, and will avoid the need for residents to travel by car to purchase day to day items thereby improving the sustainability of village life. Beyond that, the use will promote stronger community cohesion through the setting up and running of the shop as well as extending the range of

community uses in the hall and its long term viability. Moreover, the shop will serve as a daily meeting place and help overcome potential isolation of many residents...In terms of the physical impact of the proposed shop, the Parish Council does not object to the removal of the existing bus shelter and porch and its replacement with a more transparent structure which respects the characteristics of the conservation area. The revised proposals to the front of the village hall are a more traditional approach than the earlier proposal and better reflects the characteristics of the conservation area in which the village hall is a focal point. Moreover, the simpler design and reduced roof line results in a less dominant building at the front of the village hall. The Parish Council would suggest that this might be reinforced through consideration be given to the removal of masonry paint at first floor to expose the original red brick to match the rest of the building and respond to other buildings around the green so as to further enhance the appearance of the diverse buildings around the green. Parish Council acknowledges and understands the concerns of some local residents living close to the hall that the shop would generate parking and traffic problems. The accommodation works proposed at the front of the proposed shop are intended to mitigate these concerns and the proposals appear to bring improved organisation in movement, surfacing and parking to this currently unsightly open area. The Parish Council thinks it is important that residents concerns are fully addressed and look to the highway authorities to assess the adequacy of the proposed arrangements taking into account the relatively low level of activity that a small community shop might generate during the normal working day and the presence of parking opportunities for walking to the shop from within the village or for passing motorists to park around the green. The Club Shop currently operates under the village hall with access via Mill Chase from the front of the hall. This has given an opportunity to experience the impact of a small community shop and this seems to have demonstrated that the impact will be negligible.'

A further representation was received by the Parish Council requesting that a detailed block plan is submitted showing the proposed parking and access arrangements be provided. Officers were satisfied following the representation from the Highway Authority that the submitted block plan was sufficient for consideration of the planning application.

REPRESENTATIONS

A site notice was displayed at the front of the site for a 21 day period and immediate neighbours were notified by letter. 19 objections, 22 support and 4 general comments were received. In summary the following comments were made:

Highway / Parking Issues:

- There is no parking or traffic layout scheme submitted.
- Scheme should not result in loss of spaces.
- Insufficient car parking or turn around space.
- Speed of traffic makes this corner dangerous.
- The junction is busy there is considerable risk from pedestrians crossing the road.

- The area at front of village hall as always been used for parking.
- It would be an improvement to have clearly designated parking bays.
- It is good to see a bike rack for secure parking.
- A pedestrian crossing is needed.
- The bus shelter is much better and nearer the busier stop.
- Cars already park inconsiderably in the space.
- Concern regarding parking and access arrangement. More detailed layout plan required.
- Could loading/waiting spaces be subject to off street parking regulations.
- The area at front of village hall is not a car park but a through fare to provide access to Old Mill Chase.
- Additional traffic caused by shop will present a risk to pedestrians.

Design/Layout Issues:

- The proposal will enhance the front of the village hall.
- I like design of the proposed shop
- Shop will enhance the look of the area
- The current bus stop is an eyesore.
- Much better design.

Other Issues:

- A village shop has opened in the social club in the same location. There is now no need to build a shop.
- Pop up shop was never intended to replace shop it was only to help people during Covid 19.
- Shop will be funded from grants and so not a burden on local purse.
- A permanent shop would be a great asset and facility for Wethersfield.
- No business plans had been submitted with the application.
- Unsuitable location for shop.
- Concern regarding viability of the shop.
- With elderly population in Wethersfield and village shop would be beneficial.
- Temporary shop is handy but being at back of hall and downstairs is not ideal. The proposed shop is far more accessible for people with mobility issues.
- Village needs a permanent shop again to reduce need to travel by car to other shops.
- Village shop is hub of community and should have a visible and prominent position in the village.
- Village lacks a focal point, renovation of village front will provide this.
- Shop front is needed to ensure longevity of provision and support a presence in the village and attractive passing trade.
- There is no need for a permanent shop as existing pop up shop is well served.
- The opening hours proposed are unnecessarily long to serve village needs.
- Concern about impact on foundations of neighbouring listed property.

A petition with 91 signatures has been received. The covering letter with the petition raises concern regarding the safety of the proposal. It states, *'this location is the most dangerous that could have been chosen in the whole of Wethersfield. It is where three roads come together, there is a lot of speeding and from certain angles vision is obstructed. Crossing the road at this point is dangerous particularly at rush hours'*. The letter raises concern regarding the proposed opening hours of the shops coinciding with rush hour and the school run. It further stated, *'the area in front of the proposed shop is a thoroughfare into Old Mill Chase and must be accessible at all times for residents of Old Mill Chase ambulance, fire engine, delivery vans, oil delivery etc. As it is it can cause problems, but with a shop it will encourage people to drive up to it in their cars and cause absolute mayhem'*. The letter concludes by explaining that the temporary shop is open from 10am and 12 noon and people walk there. There is no rush hour danger and it is long enough for people to do their shopping. People would like this shop to be a permanent arrangement.

REPORT

Principle of Development

The site is located within the defined development boundary for Wethersfield and therefore in accordance with RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, in principle there is no objection to development providing it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement.

The NPPF refers to supporting a prosperous rural economy and states that decisions should enable, *'the retention and development of accessible local services and community facilities, such as local shops...'*

It is further stated in Paragraph 91 of the NPPF that planning decisions should *'aim to achieve healthy, inclusive and safe places which, c) enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs for example through provision of local shop...'*

Paragraph 92 of the NPPF states, *'to provide the social, recreational and cultural facilities and services the community needs, planning decisions should a) plan positively for the provision and use of shared spaces and community facilities (such as local shops)'*.

Policies RLP128 and RLP151 of the Adopted Local Plan refer to the provision of rural services and facilities. Policy RLP128 states, *'within the rural areas, support will be given to the continuance of services and facilities, in order to maintain community life'*.

The Draft Local Plan states in the preamble to Policy LPP65 (Paragraph 7.53) that, *'the Local Planning Authority seeks to protect the existing community facilities and will aim to ensure that new facilities... these facilities include shops. Together, they provide facilities to meet local needs, create sustainable communities and reduce the need to travel'*. Policy LPP65 states,

'the provision of new or enhanced community facilities will be supported wherever possible'.

The submitted Design and Access Statement refers to the community consultation process, public meetings and door step survey that have been carried out by the applicants to establish the need/demand for a community shop prior to the submission of this application. It states the survey found that, *'57% will use the shop 2-3 times per week; 75% want to buy local produce; 92% want access to postal services; 84% say a shop is essential to our community; 91% want to see the shop as part of the village hall; 81% of the surveys returned are from Wethersfield Village residents'.*

The submitted application form indicates that the proposed shop will be open 7 days a week from 7:30am to 19:00pm Monday to Saturday and 08:30am to 12:00 Sunday and Bank Holidays.

Officers understand that a 'pop up' shop (open between 10am and 12) has been set up in the village hall to provide support during the Covid pandemic. Whilst it is noted that objectors have therefore questioned the need for the submitted proposal for a permanent shop, it is understood that this is only a temporary arrangement. Presumably, once the village hall/social club is able to reopen the previous clubs and uses will resume which may make it more difficult for a 'pop up shop' to operate. Indeed, if the 'pop up' shop (A1 use) was to become a permanent arrangement this may in itself require planning permission. It is noted that some representations have suggested the 'pop up' shop whilst providing an invaluable service during the Covid pandemic requires access via stairs which is not suitable for those with disabilities and therefore may not be a suitable location for a permanent shop. Notwithstanding the above, the application submission as proposed must be considered on its own merits as this is the proposal that has been submitted to the Local Planning Authority for determination.

The principle of development is considered acceptable subject to accordance with the criteria of the above policies and all other relevant material planning considerations.

Design and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an 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 application proposes to remove the existing front extension of the village hall (which currently forms the bus shelter and was added in 1972) on the west side of the entrance and replace it with a 2.5 metre extension protruding from the front façade of the village hall. The proposed extension will span the width of the building frontage of the hall.

As stated in the Design and Access Statement at Paragraph 4.2, *'The fundamental form of the design is intended to harmonise with the existing buildings and is expressed as a projecting bay, based on the precedent of the retail frontage formerly seen on Mill Chase House'*.

The frontage has the appearance of a traditional shop with vertically proportioned panes and the glass area framed by white painted timber pilasters at both ends and a traditional fascia above. It is noted that no detail has been submitted for signage for the shop. This would be subject to separate application for advertisement consent.

The roof proposed is flat with a corniced parapet and shallow pitched bonnet roof above the parapet. The materials proposed reflect the local distinctiveness and draws upon cues from the existing village hall building with red brick side walls and a slate tiled roof. The height to the parapet is 2.7 metres.

Internally, the proposed extension would accommodate the new shop on the east side with a small store room to the rear. On the west side a lift and stairs will be provided into the basement and access to the community social club. The existing village hall entrance will be retained and will be accessed through a deep storm porch created by the new extension with separate access provided into the shop and lift area. The Design and Access Statement states, *'The shop is designed on a single floor level so as to afford DDA access to all areas. In order to achieve this the floor level in the former storeroom will be lowered into the shallow undercroft in the basement. The entry door will be step-free for ease of entry, and the weathering will be achieved by use of a shallow profile weather seal that wheelchairs can negotiate.'*

Conservation Area and Impact on Listed Building

Policy RLP95 of the Adopted Local Plan states that the Council will preserve and encourage the enhancement of the character and appearance of the designated Conservation Area. This is reiterated in LPP56 of the Draft Local Plan.

A Heritage Statement has been submitted with the application. It states in paragraph 6.8, *'In the 1970s permission was granted to add the extended porch and bus shelter to the front of the village hall and neither of these additions have added to the visual appeal of the main façade, and are*

considered to be insensitive both in terms of shape and form. Both are built from traditional materials, but the asymmetry and the unbalanced façade prevail as the most dominant features, to the detriment of the overall appearance’.

The existing front elevation of the village hall is not considered to make a positive contribution to the character of the area and does not enhance the Conservation Area. It is considered that the proposal would improve the public realm, enhance the visual appearance of the site and surrounding area and create an enhanced sense of place. The Historic Buildings Consultant has raised no objection to the proposal.

The proposal therefore accords with Policies RLP90 and RLP95 of the Adopted Local Plan and Policies LPP55 and LPP56 of the Draft Local Plan.

Impact on Neighbour Amenity

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

The existing village hall is attached to the nearest neighbouring residential property (Mill Chase House) to the north. There is an existing extension (protruding approximately 1.5 metres) with a lean to roof over part of the frontage to the village hall which currently provides a covered bus shelter. It is proposed to remove this and replace it with an extension that would protrude approximately 2.5 metres from the front elevation of the village hall, therefore only a slight increase in depth from what is existing. Officer’s note that whilst the bay window for Mill Chase House may receive less light due to the proposed extension to the front of the village shop this is not considered to be detrimental given the existing extension which it will replace. There are no windows proposed on the side elevations of the extension. It is not considered that the proposal would give rise to a detrimental loss of privacy, loss of light, overshadowing to Mill Chase House.

Concern has been raised regarding the impact of building works on the structure of adjoining Mill Chase House which is a Grade II listed property. The Party Wall Act is a separate matter which does not form a consideration in the assessment of the planning application.

Due to the proximity and relationship with the neighbouring property a condition is proposed to be imposed restricting hours of work during construction in the interests of neighbouring amenity.

The existing village hall use already generates activity in the vicinity with pedestrians/vehicles accessing the village hall and associated clubs/activities provided within the hall. Whilst the submitted proposal may generate an increase in activity, with users accessing the shop, this is not considered to be detrimental or harmful to the neighbouring properties. It is anticipated due to

the limited parking available that users of the shop will walk or cycle as opposed to using their cars although some vehicular movement is inevitable.

Highway Considerations

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residential residual cumulative impacts on the road network would be severe.

Policy RLP56 of the Adopted Local Plan, Policy CS7 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan seek to ensure sufficient vehicle/cycle parking is provided within new developments.

The Highway Authority have raised no objection to the proposal and indicated that the existing shared space arrangement to the front of the village hall should remain with the addition of cycle parking, replacement/provision of affected bus stop facilities and marking out of a disabled bay. The submitted block plan (WVH2567 (00) 002 Rev C) indicates the provision of an accessible parking bay for disabled persons to the south of the proposed shop with 3 cycle racks adjacent. A bus shelter is proposed on the village green adjacent to the village hall where currently there is only a bus stop, bench, concrete standing, bin and lamp. The submitted plans propose a shelter over the existing bench and concrete with a height of 2.6 metres and a width of 2.2 metres with a public noticeboard inside. The Historic Buildings Consultant has indicated that the new bus shelter is an appropriate response to the character of the Conservation Area.

The submitted plans propose a row of steel bollards at the frontage of the shop to provide pedestrian refuge and to protect the front façade of the shop.

The Highway Authority have raised that the submitted planning application relies on the removal of highway rights from the area of the proposed shop that forms part of the existing highway. The applicant is aware of this and the submitted Design and Access Statement states, *'These proposals require the acquisition by the Parish Council of a small strip of highway land (approximately 1.2m deep by the width of the village hall), and to extinguish public rights of way on the same area of land on the grounds that it is not required for highways use, and that it is required to implement a planning consent. This will be achieved via a 'stopping up' Order Section 247 of the Town and Country Planning Act 1990. Such application will be made after the grant of planning consent'*.

The proposal therefore accords with Policy RLP56 of the Adopted Local Plan, Policy CS7 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan.

Lighting

Policy RLP65 of the Draft Local Plan seeks to ensure that proposals for external lighting minimise spillage and glow. It is proposed that the front façade of the proposed shop and the new bus shelter will be equipped with solar lighting. An appropriate lighting condition is proposed requiring details to be submitted prior to installation.

PLANNING BALANCE AND CONCLUSION

The proposal for a local community shop in the core of Wethersfield village which will be open 7 days a week, would support the rural economy and provide a local, sustainable, accessible service and facility for local residents. The proposed shop would provide 'top up shopping' therefore reducing the need to travel (predominately by car) to surrounding towns and villages to access shops. The design and layout of the proposal would replace an existing insensitive extension and would subsequently improve the public realm and create a sense of place. It would not be harmful to the character of the Conservation Area. The concerns raised by local residents regarding increased congestion and parking and associated safety concerns are noted. However, whilst vehicle movements are inevitable it is anticipated that due to the limited car parking available local residents may choose to walk/cycle to access the shop. Notwithstanding, the Highway Authority have raised no objection to the proposal and conditions are recommended to ensure the provision of an improved bus stop with a shelter.

When considering the planning balance and having regard to the identified benefits and harms, and having regard to the requirements of the NPPF as a whole, Officers have concluded 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 this application subject to conditions.

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	
Existing Site Plan	Plan Ref: WVH2567 (00) 001 Version: B
Proposed Site Plan	Plan Ref: WVH2567 (00) 002 Version: C
Ground Floor Plan	Plan Ref: WVH2567 (10) 001 Version: A
Basement Floor Plan	Plan Ref: WVH2567 (10) 002 Version A
Existing and Proposed Elevations	Plan Ref: WVH2567 (40) 001 Version B

Section	Plan Ref: WVH2567 (40) 002 Version B
Section	Plan Ref: WVH2567 (40) 003 Version B
Existing and Proposed Elevations	Plan Ref: WVH2567 (40) 004 Version B
Other	Plan Ref: WVH2567 (40) 005 Version A

Condition 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.

Condition 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.

Condition 3

No above ground development shall commence unless additional drawings that show details of proposed new windows, doors, facia and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

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

Condition 4

No above ground development shall commence unless a schedule of the specifications, types and colour of the materials to be used in the external finishes of the structure and the block paving have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

Condition 5

Details of any proposed external lighting to the site shall be submitted to, and approved in writing by, the local planning authority prior to installation. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

Condition 6

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.

Condition 7

The premises shall not be open for business outside the following hours:-

Monday to Friday 07:30am hours - 19:00pm hours
Saturdays 07:30am hours - 19:00pm hours
Sundays 08:30am hours - 12:00 hours
Public and Bank Holidays 08:30am hours - 12:00 hours

Reason

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

Condition 8

Prior to commencement of the development no works shall commence on site until such time as a Stopping Up Order to remove all highway rights in the highway land fronting the hall as shown on Drawing No. WVH2567 (00) 002 Revision C, has been granted.

Reason

To protect the public's right and ease of passage over the Highway in the interest of highway safety.

Condition 9

No occupation of the development shall take place until the following have been provided or completed:

- a. Upgrade of the Notley bound bus stop to include new wooden shelter, new flag and paper timetable information entirely at the Developer's expense.
- b. Relocation and upgrade of the Blake End bound bus stop to include a replacement flag and paper timetable entirely at the Developer's expense.
- c. Cycle parking facilities as shown on the approved plan (Drawing No. WVH2567 (00) 002 Revision C) to be installed and retained at all times

d. The disabled vehicular parking bay adjacent the hall has been hard surfaced, sealed and marked out. The parking bay shall be retained in this form at all times.

Reason

To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

INFORMATION TO APPLICANT

Informative 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.

Informative 2

The proposed use shall not be commenced and subject land shall not be enclosed from the Highway until such time as an order has been confirmed extinguishing all highway rights therefrom to protect the public's right and ease of passage over the Highway. The applicant should establish title to the land

Informative 3

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.

Informative 4

Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

Informative 5

The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public right of way no 53 (Wethersfield) that runs through the site shall be maintained free and unobstructed at all times, (including appropriate surfacing to be approved at reserved matters) to ensure the continued safe passage of the public on the definitive right of way

Informative 6

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Informative 7

It is recommended that if external lighting is to be installed as part of these proposals, it should be directed away from trees and installed as downward facing only to avoid possible disturbance to bats. Further guidance is provided by the Institute of Lighting Professionals Guidance Note 8 Bats and artificial lighting (September 2018, and highlights that the following measures should be implemented for lighting design:

- Light levels should be as low as possible as required to fulfil the lighting need.

- Warm White Lights should be used preferably at 2700k 3000k

- Light columns should be as short as possible as light at a low level reduces the ecological impact.

- However, if taller columns (>8m) are required, the use of cowls, hoods, reflector skirts or shields should be used to prevent horizontal spill.

- Lux levels and horizontal lighting should be directed away from boundary edges and kept as low as possible. This should preferably demonstrate that the boundary features are not exposed to lighting levels of approximately 1 lux. This is necessary to ensure that light sensitive bat species, will not be affected by the development.

Informative 8

As no biodiversity enhancement measures are identified in the documents submitted, we recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. Given the scope of this application, we recommend this includes the installation of bird boxes on the existing building suitable for a range of nesting birds for example house sparrows and/or swifts. For information on how to choose nest box locations and how they can be used to attract different nesting bird species please visit the RSPB Website

Informative 9

Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the unlikely event that this occurs, all works must stop immediately and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant. If a

Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.

Informative10

In respect of Condition 8, the applicant is advised that the imposition of this condition does not in any way infer that the Local Highway Authority will support a formal application for a Stopping Up Order to remove highway rights. Furthermore, statutory undertakers have a right to object to the granting of a Stopping Order, which may prevent this development from progressing in its current format.

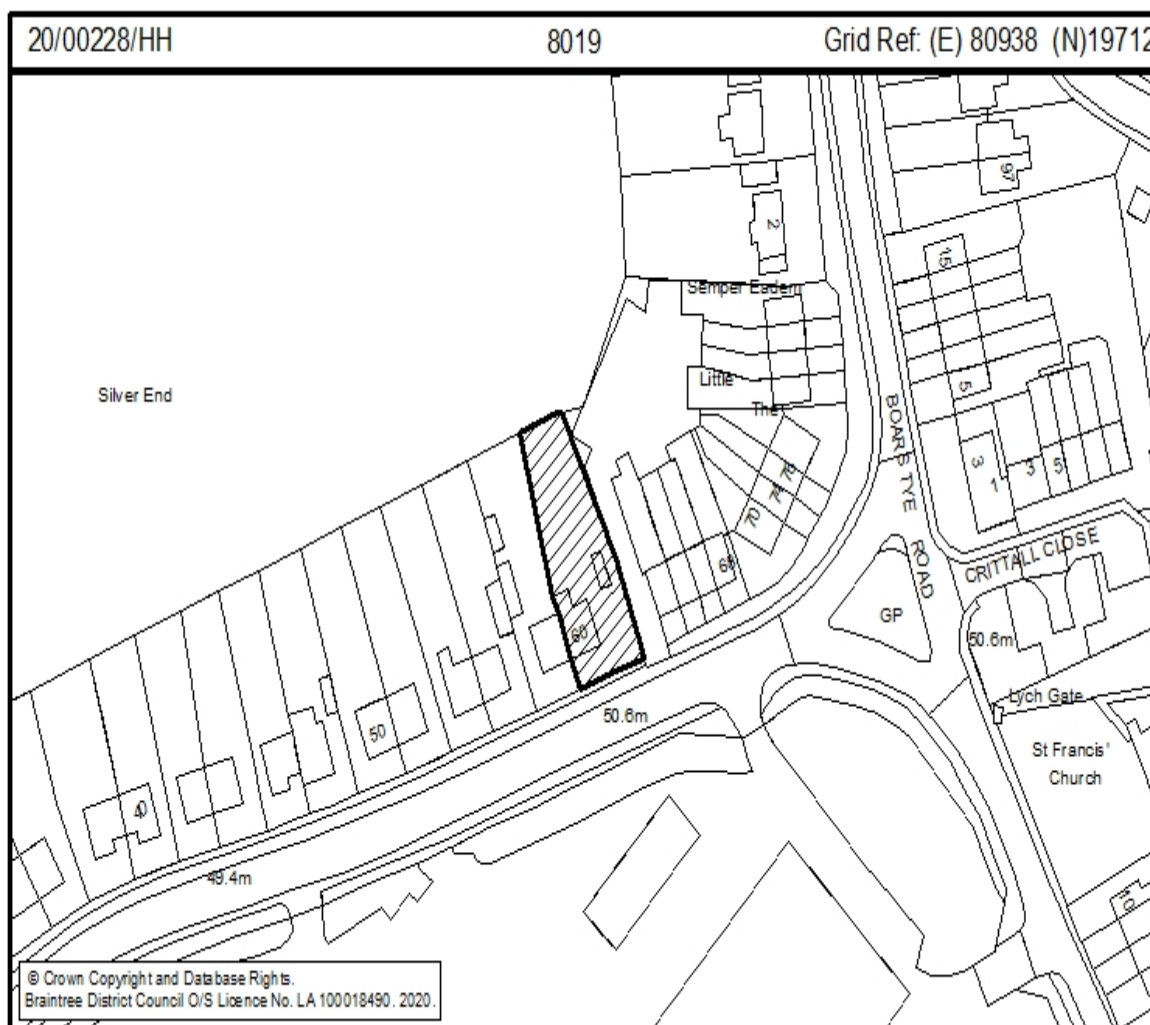
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/00228/HH
DATE VALID: 06.03.20
APPLICANT: Mr Cheek
60 Temple Lane, Silver End, Essex, CM8 3RP
AGENT: Blue Manor Windows
Mr Paul Webb, 4 Chilford Court, Rayne Road, Braintree,
Essex, CM7 2QS
DESCRIPTION: Replacement of front Crittall windows with Heritage White
aluminium windows.
LOCATION: 60 Temple Lane, Silver End, Essex, CM8 3RP

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=Q5AGUTBF0EC00>

SITE HISTORY

01/01664/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Pollard two willow trees	Granted	16.11.01
02/00905/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Reduce/reshape 1 cedar	Granted	11.06.02
88/01920/P	Demolition Of Kitchen And Erection Of Kitchen, Dining Area & Lobby Extension	Granted	29.11.88
88/01921/P	Demolition Of Kitchen And Erection Of Kitchen, Dining Area & Lobby Extension	Granted	29.11.88
96/01108/TPO	Notice of intent to carry out work to trees protected by the Conservation Area - top 2 willows	Granted	31.10.96
14/01053/LBC	Repainting the exterior of the property - APPLICATION NOT PROCEEDED WITH	Application Returned	
19/01997/FUL	Retention of Change of use A4 (Public House) to A3 (Restaurant)	Application Returned	
20/00075/FUL	Retrospective Change of Use from a Public House (A4) to a Restaurant (A3)	Refused	02.09.20
91/00078/PFWS	Construction of vehicular accesses and hardstandings	Deemed Permitted	10.05.91
12/01031/FUL	Replacement of existing front door	Granted	21.11.12

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

Other Material Considerations

Silver End Conservation Area Guide 1999

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 Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

No.60 Temple Lane is a semi-detached property located within the village boundary of Silver End. The property is located within the Silver End Conservation Area and is situated within the area which is subject to an Article 4 Direction. Amongst other matters, the Article 4 Direction requires that planning permission is required for the replacement of windows.

PROPOSAL

The application seeks planning permission for the replacement of seven windows on the front elevation of the property, along with the installation of a new front door to the side of the dwellinghouse.

CONSULTATIONS

Historic Building Consultant

The Historic Buildings Consultant has provided two responses to this application, the first of which was an objection. This objection was due to the proposed windows not replicating the proportions or appearance of the original units. Following further discussions and amendments to include glazing bars, the latest response from the Historic Buildings Consultant is set out below:

This application is for the proposed replacement of Crittall windows on the front elevation with Smart Heritage Aluminium windows.

The proposed replacement units, shown on the revised drawings, feature surface mounted glazing bars which do not replicate the appearance or manufacturing methods used on the original windows first installed at the property. These will, I feel, be inauthentic and not reflective of the original appearance and design intent for Silver End. In order to not cause any harm to the Conservation Area and enhance its significance, the introduction of replica units which are single paned, feature glazing bars and match those originally installed, will always be promoted. The proposed dimensions of the frame and width of the double-glazing for this submission mimics approved applications within the Conservation Area and for this reason alone, are not a cause for concern, although a slimmer glazing profile is advised.

This application will cause less than substantial harm to the significance of a designated heritage asset, Silver End Conservation Area, and should be considered against section 196 of the NPPF. The proposals also fail to enhance or preserve the character of the area, contrary to section 200 of the NPPF and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

However, there is precedent for the replacement of existing windows within Silver End with double-glazed aluminium units that feature surface mounted glazing bars, the benefits of which are they that reinstate the appearance of those used on the initial building phase to Silver End. These aesthetic benefits should be weighed accordingly by the local authority against the harm caused by the introduction of inauthentic, imitation windows and the temporary loss of homogenous appearance to the Conservation Area.

PARISH / TOWN COUNCIL

Silver End Parish Council

Silver End Parish Council have stated that they object to the application as the proposals are in contravention of the current published Conservation Guidelines.

REPRESENTATIONS

Adjoining neighbouring properties were consulted and a site notice was displayed outside No.60 Temple Lane for a period of 21 days. No neighbour representations have been received.

REPORT

Both the NPPF and the NPPG require all new forms of development to be well designed. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan reiterate this, allowing 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.

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 LPP50 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 addition to this, Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detailing on significant buildings within the conservation area are retained both physically and in their significance.

No.60 Temple Lane is located within the Conservation Area of Silver End where an Article 4 Direction is in place. Silver End was designed as a “garden village” with different areas designed by various architects. The original layout and much of the landscaping survives, however, many of the buildings are in poor condition cosmetically. The houses in this part of the village were designed by G.E. Clarke. They are arranged in semi-detached pairs, and are constructed in a yellow gault brick.

This application seeks to replace the non-contemporary 1960s windows with aluminium double glazed units which would reflect, as closely as possible, the original Georgian pattern. Whilst the Historic Buildings Consultant raises objections to the replacement windows, affording the proposal ‘less than substantial harm’ as defined in Paragraph 196 of the NPPF, it is considered that the surface mounted glazing bars proposed would reinstate the appearance of the original windows when the village was first built and provide a more authentic appearance than replacing the windows on a like-for-like basis.

In purely applying Paragraph 196 of the NPPF, harm to the significance of the heritage asset (Silver End Conservation Area) should be weighed against public benefits. It is considered that the proposal would have little public benefit. The proposal would generate jobs at the installation stage although this is considered to have significantly limited benefit due to the small scale nature of the work involvement. As such it is considered that the proposal would be contrary to Paragraph 196 of the NPPF and weighs against the proposal in the overall planning balance.

However, the use of double-glazed aluminium framed windows in Silver End has been established with many previous approvals within the Conservation Area in recent years. It has also been acknowledged by the Historic Building Consultant that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal seeks to replicate the Georgian style windows that were originally installed at the property is considered to be in keeping with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity across the street, it is considered that as future properties on this street and in the wider Conservation Area look to replace their windows, this style would be most appropriate. This would bring back uniformity and ensure that the terrace and wider Conservation Area would be of an appearance that is more in keeping with the original design concept of Silver End. The response of the Historic Building Consultant also concludes that the current proposals *'aesthetic benefits should be weighed accordingly by the local authority against the harm'*. It is therefore acknowledged by the Historic Building Consultant that what is being proposed, represents the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide was published in 1999. In the current context every application should be considered on a case by case basis.

Therefore, on balance, whilst it is acknowledged that there may be 'less than substantial harm' to the Silver End Conservation Area, it is considered that harm would be minimised in the current application. The Georgian style windows are of a style that reflect, as closely as possible, the windows that were originally part of the properties in this street and therefore would be in keeping with original the designs. As such the proposal is considered acceptable in this instance.

CONCLUSION

It is concluded that the proposals, on balance, are acceptable from a design, appearance and heritage perspective. It is considered that the proposals would minimise harm to the Silver End Conservation Area and the proposed Georgian style windows would be more in keeping with windows which were originally found at properties in this street.

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
Window details

Plan Ref: received: 10.02.2020
Plan Ref: received: 06.08.2020

Window details	Plan Ref: received: 06.08.2020
Window details	Plan Ref: received: 06.08.2020
Window details	Plan Ref: received: 06.08.2020
Window details	Plan Ref: received: 06.08.2020
Window details	Plan Ref: received: 06.08.2020

- 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 the use of appropriate detailing within the Conservation Area.

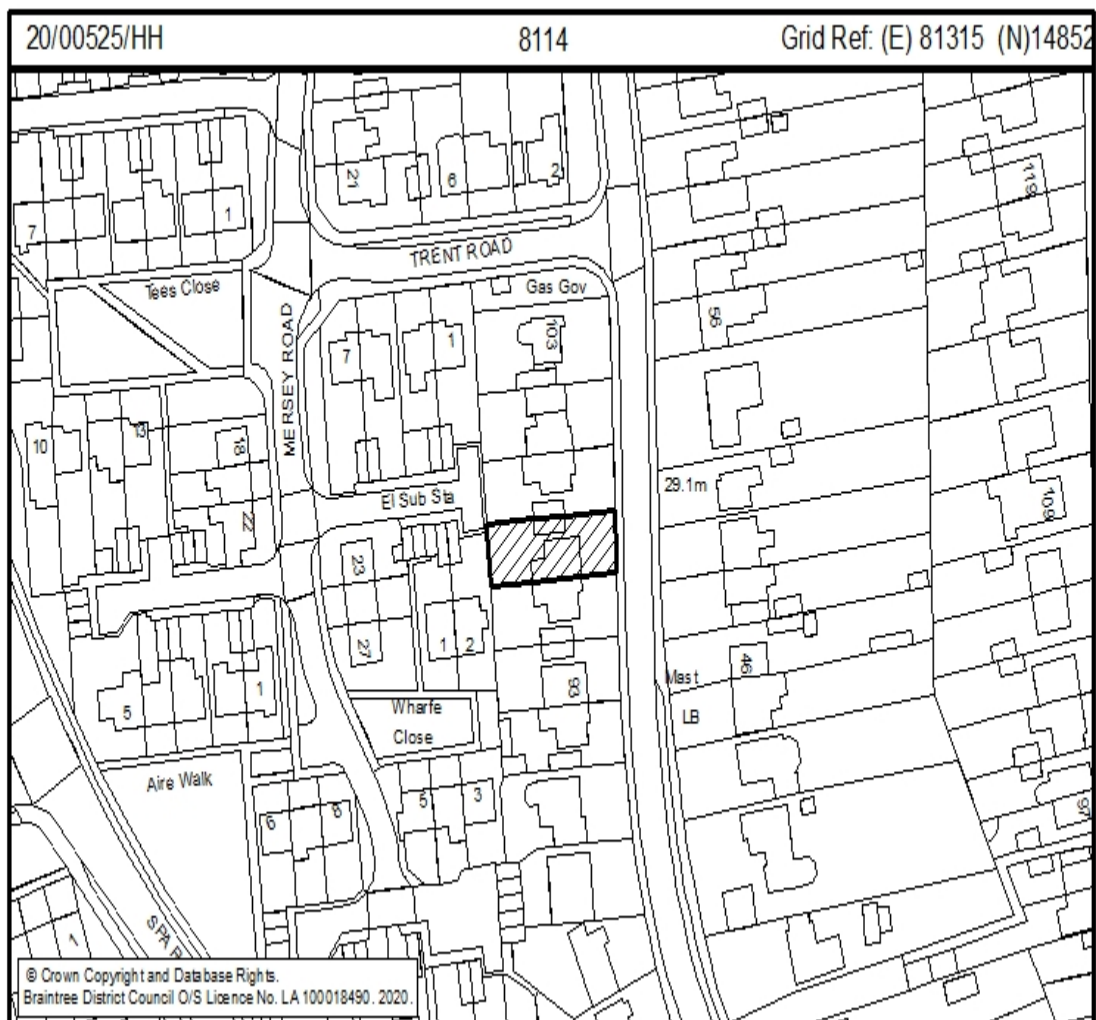
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00525/HH
DATE VALID: 19.03.20
APPLICANT: Kathleen Tearle
97 Highfields Road, Witham, Essex, CM8 1LW
AGENT: David Fenton
49 First Avenue, Chelmsford, CM1 1RX
DESCRIPTION: One and a half storey side and single-storey rear extensions
LOCATION: 97 Highfields Road, Witham, Essex, CM8 1LW

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext. 2521
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7FV9EBF0J900>

SITE HISTORY

None

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

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 Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a semi-detached dwelling on Highfields Road, within the Witham Town Development boundary. The property has a separate garage attached to the neighbouring garage at No.99 Highfields Road.

PROPOSAL

This application seeks planning permission for a wrap around one and a half storey side extension, which extends past the existing rear elevation adjoining a proposed single-storey rear extension. The side extension would measure 8.2 metres deep and 3.5 metres wide, adjoining the rear extension which would extend a further 3.1 metres from the proposed side extension and rear face of the host dwelling for the width of the plot. The ground floor element would feature a lean-to style roof along the width of the extension, and the proposed side extension would feature a pitched roof. The existing conservatory and garage would be demolished to make way for the new extension.

The proposals would be finished with facing brickwork, with tiles to match the existing dwelling.

Revisions were sought throughout the lifetime of the application to reduce the bulk and height of the proposed side extension, and set the front elevation further back from the front elevation of the host dwelling.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Witham Town Council

Object, stating that the proposal is overdevelopment, would have an adverse impact on neighbouring amenity, lack of subservience to the host dwelling and loss of parking.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is located within the Town Development boundary of Witham where 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 extensions would create further living accommodation along with an additional bedroom at ground floor, and further bedroom within the roof space of the proposed side extension. The side extension would be of a similar design to the host dwelling but the roofline would be significantly lower than that of the main property, making it subservient in form. The original submission sought a full two-storey side extension, but the design was amended in line with Officer advice, to appear more appropriate and in keeping with the surrounding street scene.

The resulting design provides an extension which appears almost single-storey in nature with the habitable accommodation contained within the roof-space of the extension only. This allows the existing gap between the application property and the neighbour at No.99 Highfields Road to be maintained at first floor level and prevents a terracing effect being created. This ensures that views are appreciated between the dwellings enabling a sense of spaciousness in the street scene to be retained.

The proposals are to be constructed of materials to match the host dwelling and the development 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. The proposal is therefore 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.

Although the proposal would be built along the boundary with the neighbouring property at No.95 Highfields Road, this would replace an existing conservatory of the same depth. The proposal would also result in further built form along the boundary with No.99 Highfields Road, however the proposal would only result in an addition 1.1 metres of built form to the rear of the neighbouring garage.

Due to the siting of the proposed extension, it is not considered that there would be any adverse impact on neighbouring amenity. There would be no loss of light, outlook or visual intrusion experienced and therefore the proposals are compliant with the abovementioned policies.

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. Following a site visit, Officers are satisfied that two parking spaces to the front of the property would be retained. The proposal is therefore considered acceptable with regards to parking and highway considerations.

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 Plan	
Proposed Floor Plan	Plan Ref: KT/1
Proposed Elevations	Plan Ref: KT/2
Proposed Block Plan	Plan Ref: KT/BP/1

- 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.

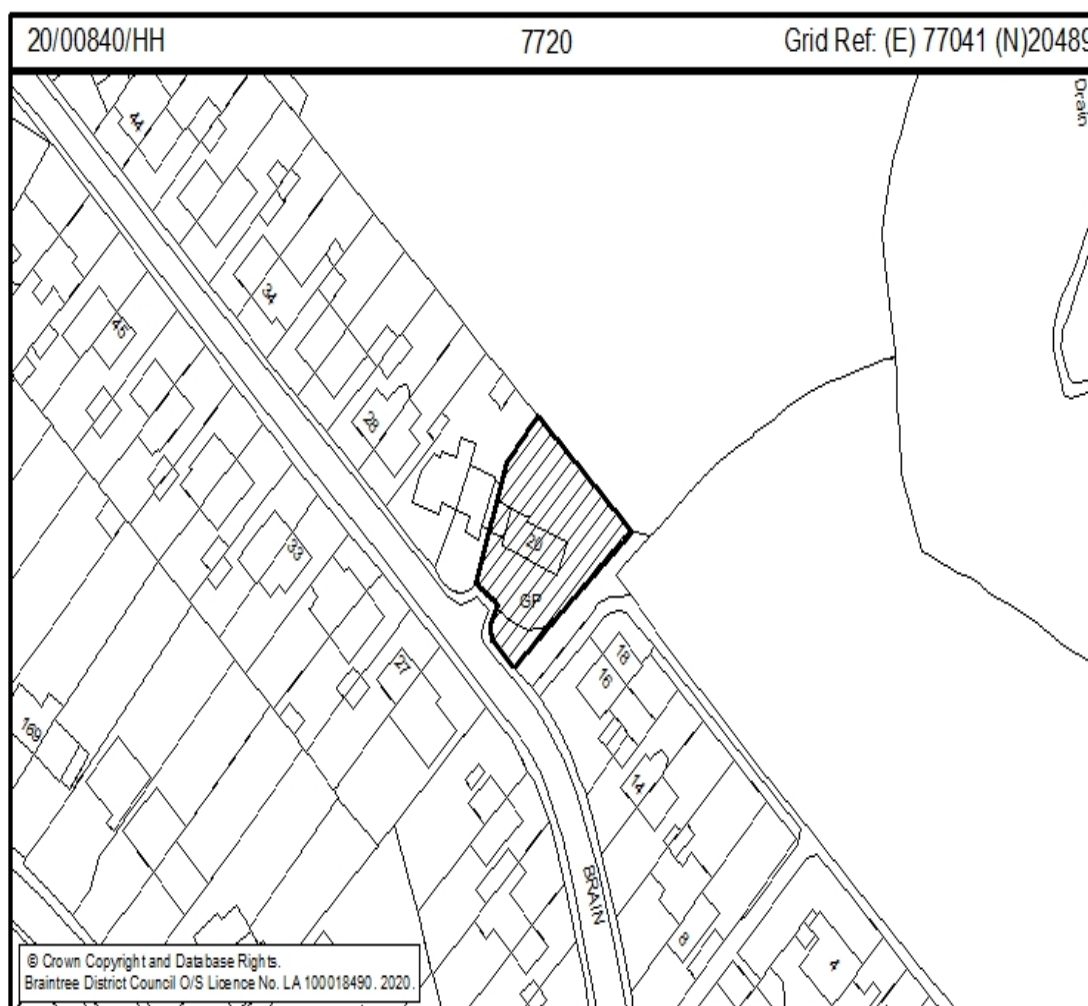
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00840/HH
DATE VALID: 28.05.20
APPLICANT: Mr John Farrow
20, Brain Valley Avenue, Black Notley, CM77 8LS
AGENT: Edward Parsley Associates Ltd
Mr Dave Farrow, West End Barn, The Street, Rayne,
Braintree, CM77 6RY
DESCRIPTION: Two-storey front, side and rear extensions, together with
internal alterations
LOCATION: 20 Brain Valley Avenue, Black Notley, Essex, CM77 8LS

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext. 2521
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QB14V9BFMGJ00>

SITE HISTORY

74/00887/P	Enclosed porch to dwelling.	Granted	06.12.74
19/02036/HH	Proposed two storey front, side and rear extension and associated internal alterations	Refused	02.01.20

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

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 Black Notley Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a detached two-storey dwelling on Brain Valley Avenue, within the Black Notley Village Envelope. The property is set within a generous plot, set back from the road, following the building line of No.22 and No.24 Brain Valley Avenue to the northeast. The dwelling is set at an angle to the road, at a raised elevation from properties to the south east which are set perpendicular to the road with their front elevations facing the application site. The subject site is not located within a Conservation Area and is not subject to any statutory listing.

The property previously featured a single-storey element to the north eastern elevation along with a garage, however these have recently been demolished. The application site was subject to a previous refusal for two-storey side, front and rear extensions (Application Reference 19/02036/HH).

PROPOSAL

This application seeks planning permission for a two-storey side extension which extends past the existing rear elevation, along with a part single-storey, part two-storey front extension to the dwelling. The side extension would measure 4.9 metres wide and 8.35 metres deep at ground floor level, and extending at a width of 4.45 metres at first floor level at the same depth. The ground floor element would feature a lean-to style roof along the depth of the extension.

The existing front porch has been demolished and a part two-storey, part single-storey front extension is also proposed as part of this application. The proposed front extension would extend 7.75 metres in width at a depth of 1.8 metres, with a canopy extending to the left of the proposed hallway at the same depth.

The proposals, along with the host dwelling, would be finished in a painted render, with a red brick plinth. The roof form of the side extension would reflect the roof form of the host dwelling from the front elevation with a pitched roof, joining with a gable end to the rear elevation.

Revisions were sought throughout the lifetime of the application to set the proposed side extension down from the ridge line of the host dwelling, and set the front elevation further back from the front elevation of the host dwelling.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Black Notley Parish Council

Object, stating that the proposal is overbearing, not in keeping with the street scene, and does not blend well with the existing dwelling. The Parish Council also raised concerns over parking facilities, including the provision of a garage.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is located within the Village Envelope of Black Notley where 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 application site was subject to a previous refusal (Application Reference 19/02036/HH) for a similar scheme, for the following reason:

'The proposed extensions, by virtue of their cumulative depth, height, width and massing would represent an overdevelopment of the application site. It

would be dominant in scale, to the detriment of the character and appearance of the host dwelling, the streetscene, the character of the surrounding area and the neighbouring residential amenity of No.22 Brain Valley Avenue through an unacceptable loss of light and sense of enclosure. The proposal would therefore be contrary to the National Planning Policy Framework, Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP1, LPP38, LPP50 and LPP55 of the Draft Local Plan'.

The submitted and subsequently revised scheme has set out to overcome the previous reasons for refusal. The bulk of the proposed extensions has been reduced, along with changes to the proposed roof forms to be more sympathetic in design to the original dwelling. The proposed changes enable the extensions to be read as subordinate to the original property. Although the extensions are large in scale, and at the maximum extent to which this property could be extended, the revised design is sympathetic and lessens the visual impact of the proposals.

At the front, the extensions are modest additions which project 1.8 metres from the main front elevation of the property. The roof form has been modulated to add interest and the proposal adds depth and interest to an otherwise flat façade. The set-back and orientation of the dwelling allows this addition to the frontage whilst not being overbearing and the uniqueness of the property itself means that it is not at out of keeping with the character or appearance of the streetscene.

To the side and rear, the two-storey extension has been set back from the front elevation and down from the ridge line of the existing property. This reduces its impact and allows it to be read as a subservient addition to the dwelling. The plot is sufficient in size to allow the extended dwelling to be proportionate in scale and a sufficient gap is maintained to the north to ensure a terracing effect would not result.

The proposal is therefore 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.

The previous refusal outlined the impact on the neighbouring property of No.22 Brain Valley Avenue to the north east. The revised proposals have set the first floor side element further away from the boundary, along with reducing the bulk of the front elevations. The neighbouring property at No.22 has a stair/landing window and high-level ground floor windows facing the application site on its flank elevation. These are not principle windows of habitable rooms and therefore any impact on them would not be detrimental to the extent that it would warrant the refusal of planning permission. To the

rear the proposed two-storey side extension would project less deep than the rear line of this neighbouring property. There would therefore be no impact on outlook or light received to this dwelling.

To the south, No.16 and No.18 Brain Valley Avenue are sufficiently removed from the positioning of the extensions and no harm would result. The proposals are compliant with the abovementioned policies.

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 proposals illustrate three parking spaces to the front of the dwelling, in accordance with the Council's Adopted Parking Standards. The proposal is therefore considered acceptable with regards to highway considerations.

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 Plan	Plan Ref: 11379 01A
Proposed Floor Plan	Plan Ref: 11379 04B
Proposed Elevations	Plan Ref: 11379 05B

- 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.

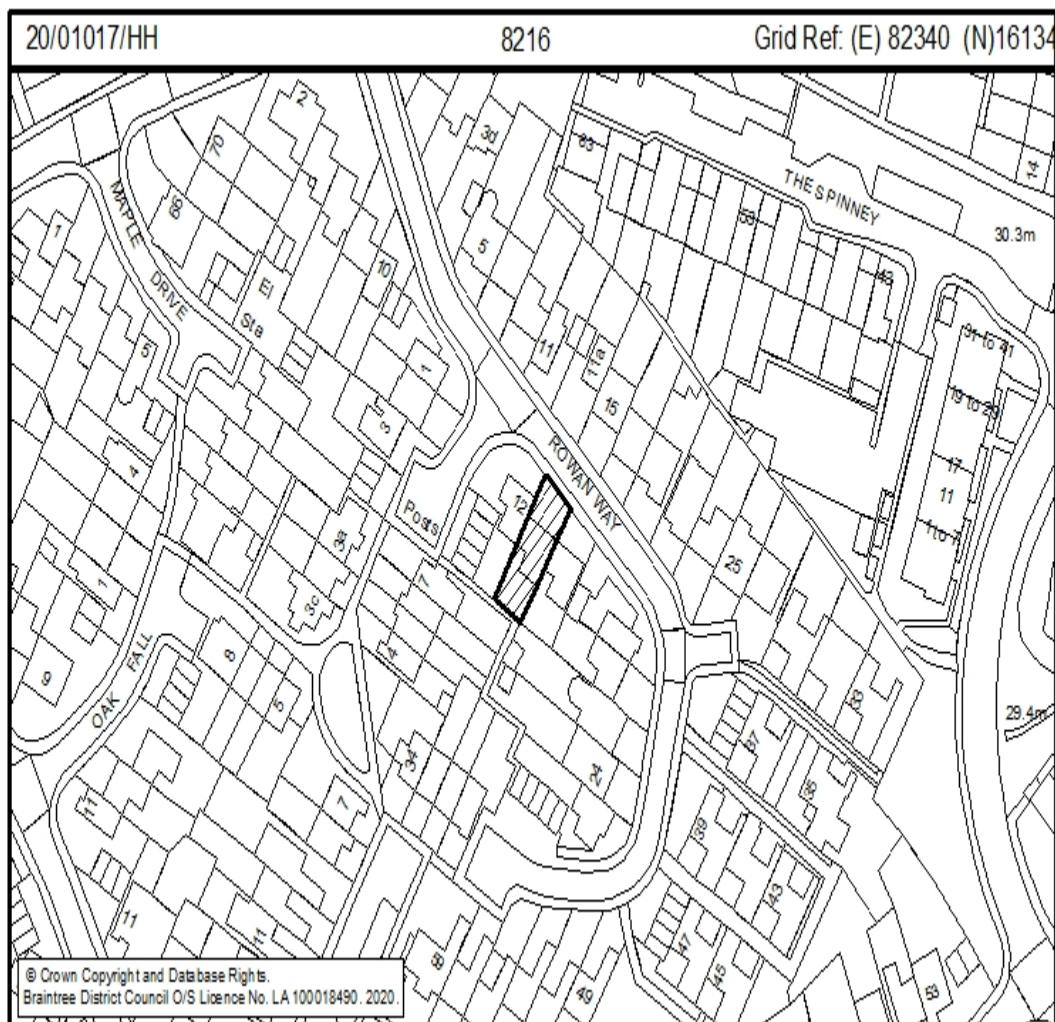
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01017/HH
DATE VALID: 29.06.20
APPLICANT: Mr Lee Virgin
14 Rowan Way, Witham, CM8 2LJ
DESCRIPTION: Single storey rear extension and single storey front extension
LOCATION: 14 Rowan Way, Witham, Essex, CM8 2LJ

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext. 2521
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QCLB2IBFMZQ00>

SITE HISTORY

76/00079/P	Erection of two storey side extension to dwelling.	Granted	11.03.79
97/01138/FUL	Erection of rear conservatory	Granted	29.09.97
76/00079	Proposed two storey extension.	Granted	11.03.76
08/02047/FUL	Erection of two storey extension	Refused	16.12.08
20/01383/HH	Single-storey front extension	Pending Consideration	
90/00813/PFWS	Erection Of A Single Storey Front Extension	Granted	14.06.90
74/00653/P	Proposed porch.	Granted	27.09.74
05/00615/FUL	Proposed extension to provide third bedroom, shower room and dining room	Granted	27.05.05
06/00270/FUL	Erection of extension to provide third bedroom, shower room and dining room - Revised application following approval 05/00615/FUL	Granted	30.03.06

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 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.

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

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

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 Witham Town Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site comprises a mid-terraced dwellinghouse on the southern side of Rowan Way, located within the Town Development Boundary of Witham. The property forms the central dwelling within a short row of three terraced properties, with an alleyway to the rear serving the back gardens of the houses. The property has been previously extended with a two-storey rear extension and has converted an original integral garage to habitable space.

PROPOSAL

This application seeks planning permission for a single-storey rear extension and single-storey front extension to the dwelling. The rear extension would measure 2.475 metres deep and 2.765 metres wide and would infill the gap between the existing two-storey rear extension and the boundary with the neighbouring property at No.12 Rowan Way to the west. The proposed roof form would mimic a mansard style, with a change in pitch along the depth.

The proposed front extension would extend 4.95 metres in width at a depth of 1.35 metres, with a canopy extending along the remaining frontage of the property. The proposals, along with the host dwelling, would be externally finished with painted render.

The original proposal sought permission for a two-storey front extension, with a gable roof form. The case officer subsequently sought revisions to remove this first floor front element.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Witham Town Council

Object due to overdevelopment and poor design contrary to RLP17.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is located within the Town Development Boundary of Witham where 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 revised front extension has been reduced to a single-storey with a mono-pitch roof. The scale of which would be subservient to, and in keeping with, the character of the host dwelling. Its proportions respond to the simplicity of the original dwelling and uses external materials to match. Although the existing dwelling forms part of a terrace, the end dwelling at No.12 Rowan Way projects its building line further forward and turns the corner with a frontage which faces a different orientation to the application site. Thus the

dwelling within the terrace are not uniform in style. Furthermore there are a variety of front additions within the surrounding street scene, including at No.12 and therefore the proposal is considered compliant with the abovementioned policies.

The proposed rear extension would infill an area between a current two-storey projection and the boundary with the neighbour at No.12. This would result in a modest infill and although the amenity space available to the dwelling would be reduced in size, following the Officer's site visit it is considered that the size and proportion of garden remaining would be appropriate and would meet the needs of the dwellinghouse.

Views of the proposed rear extension would be experienced by the neighbour at No.12, but would otherwise be substantially hidden and would not be seen from the public domain. The overall proposal is therefore considered to be in accordance 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.

The proposed rear extension would extend 2.475 metres along the boundary with the neighbouring property at No.12 Rowan Way, and would project less deep than the existing rear extension. There would therefore be no impact on the adjacent dwelling at No.8 Rowan Way. Furthermore to the front, the extension and canopy would sit to the side of the projecting building line of No.12 and adjacent to the garage of No.8 therefore resulting in no harm through loss of light or visual intrusion.

The nearest window to the proposed rear extension would be that on the ground floor south facing elevation of No.12, being patio doors which serve habitable living space of this dwelling. The proposal would marginally project within a notional 45 degree angle taken from the centre of this window. However due to the southerly orientation of the dwellings and the position of the existing rear projection, it is considered that there would be no noticeable loss of light to this window that would warrant the refusal of planning permission.

Therefore due to the modest depth and height, and the siting of both the proposed rear and front extensions, it is not considered that there would be any detrimental impact on neighbouring residential amenity, and therefore the proposals are compliant with the abovementioned policies.

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 current parking provision to the property would be unaffected by the proposals, as sufficient space would remain to enable two cars to be parked on the driveway at the front of the property. The proposal is therefore considered acceptable with regards to highway considerations.

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 Plan	
Existing and Proposed Floor Plans Rev 01	Plan Ref: 270/01
Existing and Proposed Floor Plans Rev 01	Plan Ref: 270/02
Existing and Proposed Elevations Rev 01	Plan Ref: 270/03
Existing and Proposed Elevations Rev 01	Plan Ref: 270/04
Block Plan	Plan Ref: 270/05 Rev 01
Roof Plan	Plan Ref: 270/06 Rev 01

- 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.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER