

PLANNING COMMITTEE AGENDA

Tuesday 2nd June 2020 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

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

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Public Question Time Registration

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

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

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

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

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

The order in which questions and statements will be read is members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

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

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

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

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

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

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

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

PUBLIC SESSION	Page
1 Apologies for Absence	
2 Declarations of Interest To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
3 Minutes of the Previous Meeting To approve as a correct record the Minutes of the meeting of the Planning Committee held on 12th May 2020.	
4 Public Question Time (See paragraph above)	
5 Planning Applications To consider the following planning applications and to agree whether the more minor applications listed under Part B should be determined “en bloc” without debate. Where it has been agreed that the applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.	
PART A	
Planning Applications	
a Application No. 18 02007 FUL – Land off The Street, GOSFIELD	6-35
b Application No. 19 01744 FUL – Land opposite, Jaspers, Jaspers Green, SHALFORD	36-61
c Application No. 19 02095 VAR – The Garden Field, Land South of Western Road, SILVER END	62-76
d Application No. 19 02249 FUL – Medlars, Blake End, GREAT SALING	77-88
e Application No. 20 00281 FUL – Discovery Centre, Great Notley Garden Village, London Road, GREAT NOTLEY	89-98
f Application No. 20 00382 VAR – Block B, Braintree Enterprise Centre, 46-48 Enterprise Drive, BRAINTREE	99-115
PART B	
Minor Planning Applications	
g Application No. 19 01971 HH – 41 Francis Way, SILVER END	116-123

h	Application No. 20 00090 FUL – 9 Jackmans, SHALFORD	124-131
i	Application No. 20 00091 FUL – 11 Jackmans, SHALFORD	132-139

PRIVATE SESSION

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6 Urgent Business - Private Session

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

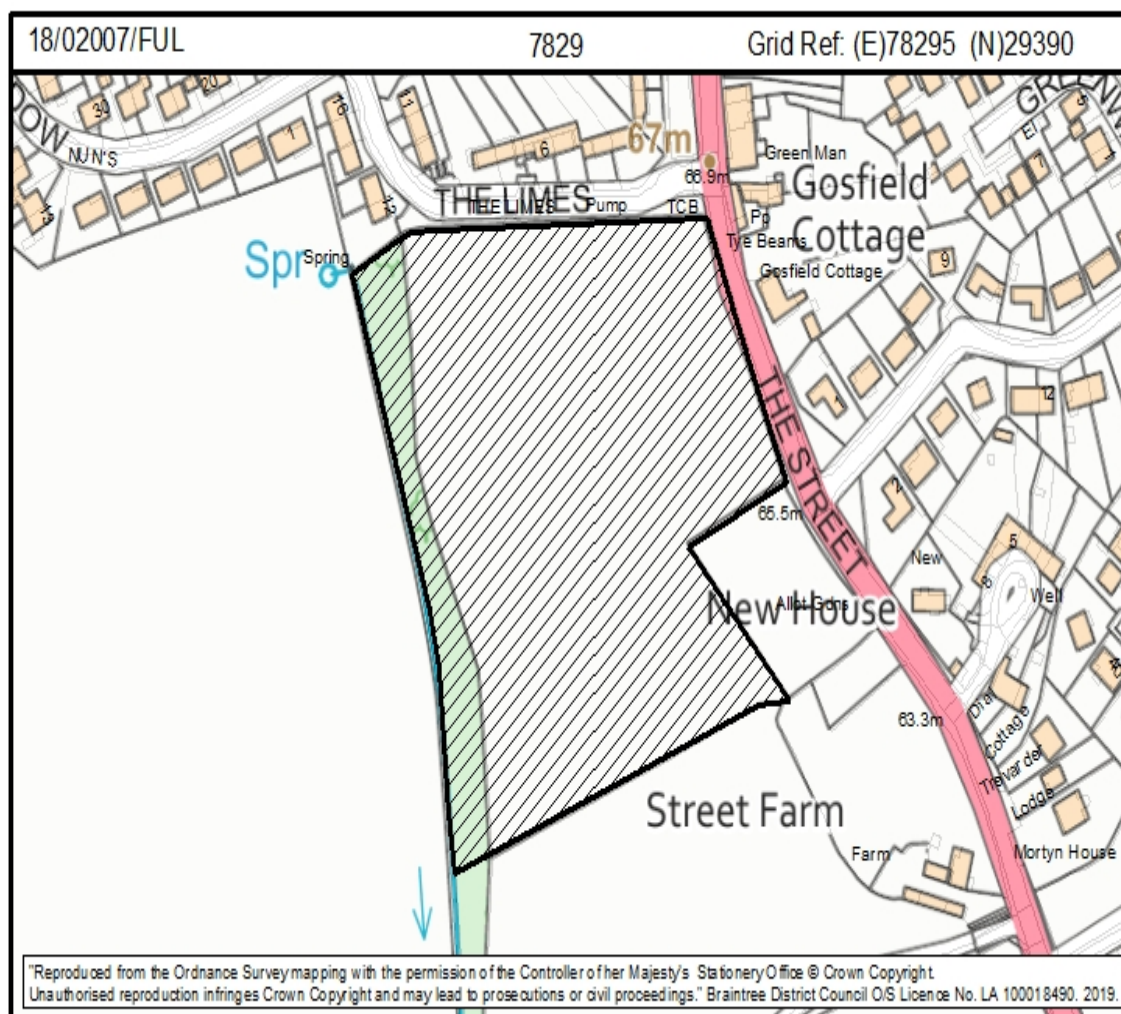
There are no items for Private Session for this meeting

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/02007/FUL DATE: 09.11.18
 VALID:
 APPLICANT: Chelsteen Homes Ltd.
 W Poulton, C/O Agent
 AGENT: Strutt & Parker
 L Dudley-Smith, Strutt & Parker, Coval Hall, Rainsford
 Road, Chelmsford, CM1 2QF
 DESCRIPTION: 17 dwellings with associated access, parking, garaging,
 landscaping and amenity space
 LOCATION: Land Off The Street, Gosfield, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHXLSSBFL5S00>

SITE HISTORY

01/00919/FUL	Erection of a 10m mock telegraph pole encompassing dual omni antenna and metro street cabin at ground level	Refused	08.08.01
88/01753/P	Erection Of Sheltered Housing (19 Bungalows Plus Warden'S Bungalow)	Refused	06.01.89
93/00742/FUL	Erection of meeting room for scout and guide group	Granted	14.10.93
99/01407/AGR	Erection of agricultural storage building	Permission not Required	15.10.99
17/00610/OUT	Outline planning application for up to 19 dwellings with associated access, parking, garaging, landscaping and amenity space	Granted with S106 Agreement	01.02.18

POLICY CONSIDERATIONS

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

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

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

The 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.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density

RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

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 the Planning Development Manager considers it to be significant.

SITE DESCRIPTION

The application site comprises an area of uncultivated land to the south of The Limes, Gosfield. The total site area is approximately 2.0 hectares. To the east and north of the site is residential development, separated from the site by the A1017 and The Limes. To the west of the site is agricultural land.

The application site itself is bounded by the road at The Limes to the north and the A1017 - The Street to the east. The site is currently private land and there are therefore no existing formal public rights of access.

The application site lies partially within Gosfield Conservation Area which covers a significant portion of the village. The site includes a remnant of a formal avenue of lime trees which framed a long distance view towards Gosfield Hall to the north-west from the village. Though this visual link has been severed by twentieth century development the avenue remains legible and is an important fragment of a wider designed historic landscape which could be better revealed. The site is considered to make a valuable contribution to how we are able to experience and interpret the significance of three interrelated heritage assets; the Grade I Gosfield Hall, the Grade II Gosfield Hall Registered Park and Garden and the Gosfield Conservation Area.

The Grade II Listed Green Man public house and Gosfield Cottage are both opposite the site to the east and north east, along the A1017.

The application site lies in the countryside, adjacent to the village boundary of Gosfield.

PROPOSAL

This application seeks full planning permission for the construction of 17no. dwellings with an associated access, parking, garaging, landscaping and amenity space.

The proposed layout has been altered significantly during the life of the application to ensure the dominant avenue of Lime trees are retained and the best layout is achieved, including several of the proposed dwellings having an outlook towards the trees. To the south of the site the dwellings have been

sited so that they overlook open space that would contain the sustainable urban drainage feature (SuDS). The number of dwellings have been reduced from 22 to 17, a block of 6 flats and parking area that was proposed to the north of the site have been removed from the scheme, along with a community woodland proposed to the south of the site.

The revised layout ensures that the small enclave of housing is cohesive in its design and that the dwellings relates both to the existing housing in The Limes but also the dwellings, and in particular the nearby listed building known as the Gosfield Cottage, along The Street. The development fans out to the south of the site to allow views of the drainage feature and trees and fields beyond.

An ecological corridor would be retained along the western side of the site.

CONSULTATIONS

Historic Buildings Consultant

Following amendments to the scheme, no objection is raised to the application.

BDC Environmental Health

No objection, conditions requested regarding hours of work, dust and mud control management scheme, no burning, no piling without the submission of a piling system report.

BDC Waste Services

Comments made regarding waste collections, private driveways and maximum carry distance for collection crews.

BDC Landscape Services

No objection, however requests the submission of a landscape management plan via a planning condition, along with other landscape related conditions.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

ECC Highways

No objection, suggests conditions regarding the submission of a Construction Management Plan, visibility splays and residential travel packs for new residents.

Essex Police

Comments made in relation to boundary treatments and the supplement of some of them with defensive planting of blackthorn or hawthorn.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The imposition of an informative is requested.

The foul drainage from this development is in the catchment of Gosfield Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows via a gravity connection, it is noted that some properties will need to connect via a pumped regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection and agree a suitable pumped rate.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

ECC Suds

No objection, conditions suggested.

BDC Housing Research and Development

The proposed affordable unit and tenure mix illustrated in the table is proposed as part of the development and is supported because it is appropriate to address evidence of housing need.

Affordable Housing Unit Mix	No.	Affordable Rented	Shared Ownership
2 Bed House – 4 person	2	2 (plots 1 & 2)	0
3 Bed House – 6 person	4	2 (plots 3 & 4)	2 (plots 16 & 17)
Total	6	4	2

NHS

No objection or financial mitigation requested.

Environment Agency

No comments received.

BDC Asset Management

No comments received.

Natural England

No comments.

PARISH/TOWN COUNCIL

Gosfield Parish Council make the following comments:

- Who will maintain the Open Spaces areas will this be managed by a management company, this should be made a condition of consent?
- Will a TPO be placed on the trees around the area?

REPRESENTATIONS

5 representations have been received, the comments of which are summarised below:

- Concerns regarding the loss of the limes trees which originally formed part of an avenue of trees that led to Gosfield Hall.
- All of the houses should be built south of the trees.
- Village already has a nature reserve.
- The road is busy enough and concerns about access from The Street.
- The school is not big enough.
- Specific concerns about trees and proposed works and the long term health of some specimens.
- Concerns about the management of the large piece of open space proposed.

REPORT

Background

Outline planning permission was granted in February 2018 for up to 19 dwellings with associated access, parking, garaging, landscaping and amenity space, under application reference 17/00610/OUT. The site area of the current application is the same as the earlier application from 2017, along with the highway access point on The Street.

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated town boundary and as such is located on land identified 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 CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

The principle of developing the application site for residential purposes has been established by the grant of outline planning permission for up to 19no. dwellings in 2018 pursuant to application reference 17/00610/OUT. This outline permission creates a fall-back position for the site, however the merits of the current full application have to be considered.

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Draft Local Plan classes the village as 'third tier'.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church all within walking distance from the site.

The village is also served by a number of regular bus services that connect Gosfield with Halstead, Braintree, Witham, Cressing, Silver End, Rivenhall, Great Leighs, Chelmsford (including train station) and Broomfield Hospital.

These bus services are regular and generally provide the opportunity for residents to travel to larger centres by sustainable means. They also provide the opportunity for commuters to connect to rail services; although it is appreciated that this would not be suitable for all travellers.

Officers acknowledge that future occupiers are unlikely to seek employment within the village and undoubtedly there will be reliance on travel by car as not all needs can be met within the village. Officers consider that the use of a private car should be expected to some degree, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessarily suggest that a village does not provide the opportunity for its residents to access public transport, shop locally or utilise recreational activities within walking and/or cycling distance.

All planning policy remains the same as when the previous application was considered. As highlighted above, there is an extant outline planning permission for residential development on the site which must be given substantial weight when considering the principle of development of this site.

Design, Appearance and Layout

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

Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development.

During the life of the application Officers and the applicant have worked productively together to create layout that would sit comfortably within the street scene and within the context of the Conservation Area. To ensure this the partial avenue of Lime trees have been retained and will sit within a larger area of public open space. The retention of these trees were of paramount importance to Officers due to the positive impact they have on this part of the village and character and appearance of the Conservation Area.

The original parameter plan approved under the outline permission included a new area of woodland to the south of the site. Early on in discussions with the applicant, it was suggested that this proposed woodland area could be removed, to open up the southern part of the site to allow for built development into this area. By allowing development in this area, it enabled the northern part of the site to be protected, so that the remaining avenue of lime trees could be retained. The only incursion into the root protection area of these trees is the main access road, as the closest dwellings have been sent a sufficient distance away to ensure their longevity.

Development of the southern section of the site now includes the area originally earmarked for the woodland, however the road way now opens up and allows the dwellings in this part to overlook the new drainage basin and area of open space.

Fronting onto the protected trees the dwelling styles reflect the simplicity of the existing dwellings in The Limes. The 3 pairs of semi-detached dwellings have a modest appearance with an understated design.

The two dwellings proposed either side of the spine road, once it turns away from the trees, have been designed so that they turn the corner and have two active frontages. These two houses act as the 'gates' to the remainder of the development. Beyond this the house styles evolve and become more detailed with two storey projecting gables, small dormer windows, canopy porches and brick plinths.

It is considered that the dwellings and layout provide a scheme with architectural variation, yet overall is a cohesive scheme which has an appropriate rural character for this edge of village location.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more.

All of the proposed dwellings are provided with a sufficient amount of private garden space, and therefore accord with the minimum garden sizes from the Essex Design Guide. To ensure that these relationships between properties and the size of the garden spaces are maintained, it is recommended that a condition removing permitted development rights for extensions is attached to any grant of consent.

Within the site, the relationship between the properties is acceptable in terms of back to back distances and arrangements. The outlook and amenity afforded each new dwelling is acceptable and complies with policies outlined above.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Each property is provided with the necessary amount of car parking spaces either within garages or surface spaces and the required number of additional visitor spaces are also provided, in accordance with the Essex County Council Vehicle Parking Standards 2009.

As outlined above, the site does lie in the countryside and that this incursion onto the rural edge of Gosfield will cause a degree of harm to the character and appearance of this part of the Village, however the site already benefits from outline planning permission for a greater number units. The revised layout of the site retains the existing avenue of lime trees and all of the existing hedgerow along the northern and eastern boundaries of the site which will act as screening and will soften the edges of the development.

The southern boundary of the site is marked by a line of poplar trees which will be retained. Along the western boundary site is an area of land that is to be retained as an 'ecology corridor' and will not be included in to the rear gardens belonging to Plots 11-14 and 17. A chain link fence is proposed along the rear boundary of these plots, which would allow for views from these gardens across the agricultural fields to the west. Furthermore it is considered that the use of this type of fencing will mitigate the impact of the proposal when viewed from the west and the distant PRow.

The proposal complies with the NPPF, Policy RLP90 of the Adopted Local Plan, CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan.

Impact on Heritage Assets

Part of the site lies within the Gosfield Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policy RLP95 of the Adopted Local Plan Policy states that built or other 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 and is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings.

Policy LPP56 of the Draft Local Plan states that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affects a Conservation Area.

The Historic Building Consultant concludes, that following the significant amendments to the proposal during the life of the application, that the application would have a neutral impact on the character and appearance of the Conservation Area and that the development would result in no harm to the designated heritage asset.

The proposal therefore complies with Policy RLP95 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, the NPPF and Policy LPP56 of the Draft Local Plan.

Trees and Hedgerows

Policy RLP80 of the Adopted Local Plan states that where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy CS8 from the Adopted Core Strategy states that all development proposals will take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District.

Policy LPP71 from the Draft Local Plan states that in its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. Furthermore where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.

The application site contains the remnants of an avenue of Lime trees that parked the main entrance to Gosfield Hall. Given the historical nature of this landscape feature and the positive impact the group of trees have on the historical core of the village, this portion of the site lies in the Gosfield Conservation Area.

A key consideration as part of designing the site has been the preservation of this important landscape feature. As outlined earlier in this report, Officers and

the applicant have worked together to ensure that the trees are protected and have become a focal feature of the development, for the benefit of existing and future residents and the wider Conservation Area.

Along the northern boundary of the site, the hedgerow and tree coverage will remain and the submitted visibility drawing for the access onto The Street indicates that a small proportion of the hedgerow along this elevation will need to be removed to achieve the required visibility splays for the speed of the road. A landscaping scheme is required to be submitted by condition and a robust planting scheme along this boundary to replace the small area of lost hedgerow will be essential.

No objection is raised to the application by the Council's Landscape Officer. A number of specific landscaping conditions, including compliance with the arboricultural impact assessment are requested along with the inclusion of the open space into a management plan within the associated legal agreement.

Following the amendments to the proposal, it is considered that the application complies with Policy RLP80 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP71 of the Draft Local Plan.

Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The site is well distanced from nearby residential properties opposite the site in The Limes and on The Street and it is not considered that the proposed development would give rise to any unacceptable impact on the amenity of these neighbouring properties.

The proposal therefore complies with Policy RLP90 of the Adopted Local Plan, Policy LPP55 of the Draft Local Plan and the NPPF.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development on the road network would be severe.

A visibility splay drawing has been submitted in support of the application that demonstrates visibility splays for both new vehicular accesses and the Highways Authority is satisfied that these are acceptable in this location.

Having regard to the National Planning Policy Framework, particularly paragraph 109, the Highway Authority has reviewed the planning application against its own Development Management Policies to ensure the proposal

site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

Vehicular access to the site was previously established by the outline planning permission pursuant to application reference 17/00610/OUT. The access proposed in this application is the same and therefore no objection is raised to the access by the Highways Authority.

The Highways Authority have requested conditions regarding the submission and approval of a construction management plan, provision of residential travel information packs for new residents and the provision of the visibility splays shown on the submitted plans.

It is recommended that these conditions are attached to any grant of consent.

Ecology

The application has been supported by the document, 'Outline Ecological Assessment' (Eco-Planning UK Ltd, October 2016), 'Revised Ecological Assessment' (Eco-Planning UK Ltd, October 2018), 'Revised Ecological Note' (Eco-Planning UK Ltd, Ref 089/19) and the 'Revised Layout Plan' (Reference 8743-03D) and relates to the likely impacts of development on protected & priority habitats and species, particularly badgers and bats, and identification of proportionate mitigation.

The Council's ecologist is satisfied that sufficient ecological information has been submitted to enable the application to be determined.

The report provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. A number of conditions are suggested with regards to biodiversity enhancements and compliance with the report and its recommendations. An area of land along the western side of the site has been identified for its biodiversity value and has been earmarked to be retained as a 'wildlife corridor'. This piece of land will be retained for this purpose with no public access. Its maintenance and protection will be secured by the proposed legal agreement.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a 'Zone of Influence' and therefore a Habitat Regulations Assessment is not required in this case.

Surface Water Drainage

Policies RLP67 and RLP69 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policies LPP78, LPP79 and LPP80 of the Draft Local Plan relate to flood risk and sustainable urban drainage systems.

The application is supported by a Flood Risk Assessment and Surface Water Drainage Strategy, which has been updated during the course of the application in response to comments made by Essex County Council as Lead Local Flood Authority.

The proposed drainage strategy will include an infiltration based which will be located to the south of the site, along with porous paving to be used for the two private drives serving plots 1-4 and 16 and 17. Furthermore porous paving will also be used for the driveways/private parking spaces that serve each dwelling.

Essex County Council is satisfied that adequate surface water drainage can be achieved and raises no objections. Conditions are recommended to be attached to any grant of consent.

PLANNING OBLIGATIONS

Policy CS11 of the Adopted Core Strategy states that ‘the Council will work with partners, service delivery organisations and the development industry, to ensure that the infrastructure services and facilities required to provide for the future needs of the community, (including, but not restricted to, transport, health, education, utilities, policing, sport, leisure and cultural provision, and local community facilities) are delivered in a timely, efficient and effective manner. Provision will be funded by developer contributions through legal agreements, planning obligation, standard charges, or the Community Infrastructure Levy’.

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.

The following are identified those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant permission and the applicant has agreed to enter in to a S106 agreement in respect of these matters.

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that on development of this size, affordable housing will be directly provided on site with a target of 40%. The Council’s Housing Enabling Officer is satisfied with the mix of type and tenure of housing proposed.

Open Space

Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New

developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make a financial contribution in respect of open space. The contribution is based upon a formula set out in the SPD.

Policy CS10 of the Adopted Core Strategy requires new development to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision for a financial contribution towards the provision of off-site public open space (allotments, equipped play and outdoor sports) and the provision of on-site public open space.

In terms of off-site financial contributions, the Open Space SPD requires the following:

- £30,973.61 towards the provision of a new skate ramp at the Recreation Ground Church Road Gosfield Essex

These contributions would be secured through the S106 Agreement.

Applicant also agreed to include area to the west of site as designated ecology land, which will act as a wildlife commuting corridor feature and a buffer zone for wildlife from the proposed development, particularly for badgers which are in an adjacent location.

A Management Company is also required to manage the on-site areas of public open space and ecology land.

CONCLUSION AND PLANNING BALANCE

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

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

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

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

Whilst the development lies outside the village envelope, the principle of developing the site has been established by the outlined consent from 2017, and therefore Officers conclude that the proposal would have a limited impact on the character of the countryside.

The loss of a small section of the hedgerow along elevation that front onto The Street is acknowledged by Officers and that this would result in a change to the appearance of the site in this central village location. However this removal is required to achieve the necessary visibility splays for the vehicular access and Officers therefore consider that the benefits of creating a safe vehicular access for the site outweigh the moderate harm created by the loss of a small portion of hedgerow.

The proposed scheme would have a number of social benefits including the provision of 17no. new dwellings, 6no. of which would be affordable. Furthermore during the construction period and beyond there would be economic benefits by providing new residents in the District. A further benefit would be the provision of the above policy compliance amount of public open space including the existing lime trees and the creation of the ecology woodland. Following revisions to the proposals, the development would not harm the character and appearance of the Conservation Area.

When considering the planning balance and having regard to the benefits outlined above, 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 the proposed development.

RECOMMENDATION

It is therefore RECOMMENDED that subject to the applicant entering into a suitable legal agreement pursuant to S106 of the Town and County Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing:** 6 units comprising tenure of 4 x Affordable Rent & 2 Shared Ownership.
- **Public Open Space:**
 - On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space.
 - Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:
 - £30,973.61 to the provision of a new skateboard ramp at the Recreation Ground Church Road Gosfield Essex
- Ecology land to the west of the site to be protected and maintained in accordance with a maintenance plan.

The Planning Development Manager be authorised to GRANT permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

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

Roof Plan	Plan Ref: 8743-51_HA-1 2B4P	Version: A
Proposed Plans	Plan Ref: 8743-50_HA-1 2B4P	Version: A
Elevations	Plan Ref: 8743-46A-Type 4	Version: A

Roof Plan	Plan Ref: 8743-45A TYPE 4	Version: A
Proposed Plans	Plan Ref: 8743-44A TYPE 4	Version: A
Elevations	Plan Ref: 8743-43 TYPE 3	Version: A
Roof Plan	Plan Ref: 8743-42_TYPE 3	Version: A
Proposed Plans	Plan Ref: 8743-41 TYPE 3	Version: A
Elevations	Plan Ref: 8743-40 TYPE 2	Version: A
Roof Plan	Plan Ref: 8743-39_TYPE 2	Version: A
Proposed Plans	Plan Ref: 8743-38TYPE 2	Version: A
Elevations	Plan Ref: 8743-37 TYPE 1	Version: A
Roof Plan	Plan Ref: 8743-36_TYPE 1	Version: A
Proposed Plans	Plan Ref: 8743-35 TYPE 1	Version: A
Roof Plan	Plan Ref: 8743-54_HA2 3B6P	Version: A
Proposed Plans	Plan Ref: 8743-53_HA-23B6P	Version: A
Elevations	Plan Ref: 8743-49 Type 5	
Elevations	Plan Ref: 8743-52_HA1 2B4P	Version: B
Elevations	Plan Ref: 8743-55_HA-2	Version: B
Arboricultural Report	Plan Ref: 3382-01 Rev D	
Carport / Cartlodge Details	Plan Ref: 8743-66	Version: B
Garage Details	Plan Ref: 8743-66	Version: B
Floor Plan	Plan Ref: 8743-47 Type 5	
Roof Plan	Plan Ref: 8743-48 Type 5	
Block Plan	Plan Ref: 8743-02	Version: F
Height Parameters Plan	Plan Ref: 8743-20	Version: F
Parking Strategy	Plan Ref: 8743-21	Version: F
Garden Study	Plan Ref: 8743-25	Version: F
Refuse Information	Plan Ref: 8743-22	Version: F
Materials Details	Plan Ref: 8743-23	Version: F
Boundary Treatment	Plan Ref: 8743-24	Version: F
Roof Plan	Plan Ref: 8743-56-TYPE 4A	
Roof Plan	Plan Ref: 8743-68 TYPE 6	
Elevations	Plan Ref: 8743-57-TYPE 4A	
Garage Details	Plan Ref: 8743-66	
Floor Plan	Plan Ref: 873-67 TYPE 6	
Elevations	Plan Ref: 8743-69-TYPE 6	

- 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 No above ground development shall commence unless and until samples

of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house as permitted by Class A, B and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

To ensure that the development does not prejudice the appearance of the locality and protects the residential amenity of occupiers.

- 5 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.

- 6 No development shall take place, including any ground works or demolition until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority.

The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway and a dust and mud control management scheme.

Once approved the plan shall be adhered to throughout the site clearance and construction process.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of

highway safety in accordance with the Highway Authority's Development Management Policies February 2011.

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

Reason

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

- 8 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

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

Reason

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

- 9 The development hereby approved shall be carried out in accordance with the recommendations within the Arboricultural Impact Assessment prepared by D F Clark dated 29.7.2019 (3382-01 Rev D).

Reason

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

- 10 No works, including the creation of trenches or culverts or the presence of pipes, shall commence on site until measures to protect badgers from

being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Once agreed, these measures should be carried out in accordance with these details.

Reason

To conserve Protected species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 and the Badger Protection Act 1992.

- 11 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 12 A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;

e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 13 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

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

- a) The access from The Street shall be provided as shown in principle on the submitted documents and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. At its centre line shall be provided with a clear to ground visibility splay with

dimensions of 2.4m metres by 90 metres to the north and 2.4 metres by 90 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

b) the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

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 policies DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 15 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

- 16 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph

170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

- 17 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 18 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 19 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

In the interests of visual amenity.

INFORMATION TO APPLICANT

1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

3 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

4 Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

5 Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

6 The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

7 No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority."

8 Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works

9 o Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

o Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

o Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

o It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

o The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

o We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

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The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYAHUVBFI/M400>

SITE HISTORY

00/00045/REF	Proposed erection of one dwellinghouse	Appeal Dismissed	09.03.01
09/00050/REF	Erection of one no. detached dwellinghouse and garage	Appeal Dismissed	06.04.10
18/00066/REF	Erection of one dwelling and garage	Appeal Allowed	13.12.18
00/01455/OUT	Proposed erection of one dwellinghouse	Refused then dismissed on appeal	06.10.00
09/00618/FUL	Erection of one no. detached dwellinghouse and garage	Refused then dismissed on appeal	06.07.09
18/00592/OUT	Erection of one dwelling and garage	Refused	21.05.18

POLICY CONSIDERATIONS

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

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

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

The 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.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP16	Hamlets and Small Groups of Dwellings
RLP56	Vehicle Parking
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
CS7 Promoting Accessibility for All
CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1 Development Boundaries
LPP41 Infill Developments in Hamlets
LPP45 Parking Provision
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development
LPP60 Heritage Assets and their Settings

Neighbourhood Plan

None

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 the Parish Council have objected to the application contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the south of Jaspers Green, in the area of countryside between Panfield and Shalford. The site is broadly rectangular with an access to the west. The site measures approximately 57m wide with a maximum depth of 32m and is currently used as open pasture land with trees bordering the highway frontage of the site.

There is a listed property located to the east and another to the north.

PROPOSAL

The proposal seeks full planning permission for the erection of three dwellings. During the life of the application the scheme has been amended from three detached houses to one detached house and a pair of semi-detached houses.

The existing access would be utilised and a driveway would serve all three houses. Two parking spaces are shown for each dwelling along with a shared bin store.

CONSULTATIONS

ECC Archaeology

No objection and suggests conditions regarding archaeological trial trenching and excavation.

ECC Highways

No objection, conditions requested regarding visibility splays and the width of the access driveway, surface material of the driveway and the provision of a Residential Travel Information pack per dwelling.

BDC Environmental Health

No objection, conditions suggested.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

BDC Landscape Services

No objection in principle, request made for a detailed landscape plan and tree protection plan.

Historic Buildings Consultant

Subsequent to the revision of the scheme, the negative impact on the nearby heritage assets has been substantially reduced. This has been achieved by the provision of greater space between the proposed buildings and the nearby Grade II Listed Old Place dated c 1600, the eighteenth-century Grade II Listed Granary and Cart Shed and the mid-sixteenth century Grade II Listed Western Cottages.

Drawings submitted illustrating the revised scheme indicate the various traditional materials to be used and an improved sympathetic design, which would further reduce the level of impact of the scheme on the nearby heritage

assets to negligible. No objection to the revised scheme as shown in the drawings dated January 2020.

PARISH/TOWN COUNCIL

Shalford Parish Council

The Parish Council feel this is over development of the site and recommend refusal of this application.

REPRESENTATIONS

22 representations received from 12 properties making the following comments:

- Concerned that planning permission as refused for one house and now three area proposed.
- Insufficient room for the houses and parking and will result in on road parking.
- Out of character with the historic village
- Traffic levels will be negatively impacted
- Protected landscape will be put at risk
- The proposal appears to be motivated more by financial gain for the developer, rather than consideration for the village and its occupants
- The application is not the same as the one that approved one dwelling
- Vegetation removed prior to biodiversity survey
- Loss of some foliage on land that does not form part of the application site
- Loss of green space in Jasper's Green
- Council has a 5 year land supply and therefore no further homes are required in Jasper's Green.
- Jasper's Green is not a sustainable location.
- Loss of privacy to neighbouring properties
- Harm to setting of listed building
- Set a dangerous precedent
- Contrary to NPPF, Policy CS5, Policy RLP16 and RLP80
- Disturbance during construction work
- Overdevelopment of the plot
- The sight line for the plot approaching from the Panfield direction is poor as it is on a left hand bend and barely inside the 30mph speed limit which is never enforced
- Existing sewerage system is under pressure
- Insufficient space in the local health centre
- The area to the front of site should be preserved and the trees protected
- A disproportionate development such as this is likely to impact significantly on the local environment (noise, wildlife, pollution, light pollution, roads, traffic, open-spaces, population density etc) currently enjoyed and valued by the existing residents of this hamlet

- Concern about maintenance of the ditch that adjoins the site
- Risk to horse riders and dog walkers
- Where will oil tanks be sited as Jaspers Green is not served by gas?
- Concern about flooding from the site

REPORT

Background

Outline planning permission was refused in May 2018 for the erection of one dwelling pursuant to application reference 18/00592/OUT. However the subsequent appeal was allowed in December 2018. The Inspector stated:

“7. Jaspers Green is a settlement of around 30 dwellings. The appeal site is a parcel of land that is surrounded by dwellings on three sides and by the access road to a further dwelling, The Granary, on its rear boundary. The land forms part of the same title deeds as Jaspers opposite, and is currently used as a garden for that property. Jaspers’ garage is situated upon the land albeit not within the red line subject to the proposal. For these reasons, I find that the development would represent infill development of a piece of land which is integral to the settlement and not characteristic of development of the open countryside. Accordingly, I do not consider that there would be a risk to the intrinsic character and beauty of the countryside (paragraph 170 of the Framework)”.

“12. Further, and significantly, I do not find that the character of the settlement today is as described by the Council in its account of the historical context. The hamlet has been the subject of ribbon development for a long period, involving a number of twentieth century dwellings, and this has already diluted the historical focus around the older buildings to the extent that it is largely indiscernible. I do not find that the erection of one dwelling in a gap in the hamlet would have any significant effect on this current character. Although the large share of modern development has been on the north side of the street, The Stables and the garage block together with the garden forming the appeal site do not contribute to any discernible central historical focus.

13. The proposed development would not have any appreciable effect on the designated heritage assets and their settings. There would be no indivisibility with The Olde Place due to that building’s orientation and vegetative screening between the sites. No.s 1 and 2 Western’s Cottages and The Granary are separated from the appeal site by the garden of Forge Cottage. The former cannot be seen from the appeal site, while the upper roof of The Granary can be seen above trees and hedges. While the new dwelling would be within the same view as the upper roof of The Granary when seen from some angles, most of the listed building is hidden from view and the addition of a new dwelling would not significantly affect the glimpsed view of the top of the roof. Approval of reserved matters would also ensure the protection of the setting”.

The appeal decision is appended to this committee report.

Principle of Development

National Planning Policy Framework (NPPF)

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of a designated town boundary and as such is located on land identified 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 CS5 of the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The application site is not proposed for allocation for development in the Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

The principle of developing the site for the construction of one dwelling was established by the allowed appeal in December 2018. The Inspector stated the following with regards the principle of residential development on this site:

“7. Jaspers Green is a settlement of around 30 dwellings. The appeal site is a parcel of land that is surrounded by dwellings on three sides and by the access road to a further dwelling, The Granary, on its rear boundary. The land forms part of the same title deeds as Jaspers opposite, and is currently used as a garden for that property. Jaspers’ garage is situated upon the land albeit not within the red line subject to the proposal. For these reasons, I find that the development would represent infill development of a piece of land which is integral to the settlement and not characteristic of development of the open countryside. Accordingly, I do not consider that there would be a risk to the intrinsic character and beauty of the countryside (paragraph 170 of the Framework).”

“11. The hamlet was historically focused on a small number of buildings at its centre of which no.s 1 and 2 Western’s Cottages, The Granary and The Olde Place remain and are listed buildings. The Council has said that the proposed extra dwelling would harm the setting in which these heritage assets, and the settlement as a whole, are experienced by diminishing this focus. It is concerned that inappropriate development such as the ribbon development has changed the hamlet’s character. However, this development would not in my view constitute ribbon development but the infilling of a gap in line with RLP16.”

Policy RLP16 of the Adopted Local Plan specifically makes reference to the circumstances that would not be supported by this policy. These include individual isolated dwellings, an extension of ribbon development and gaps that accommodate more than one dwelling. As indicated above, the Inspector concluded that the development of the site for one dwelling did not constitute ribbon development but infilling of a gap in line with Policy RLP16.

The current proposal would not comply with Policy RLP16, as the development includes more than one dwelling.

The width of the site has been increased when compared to the appeal site and three dwellings are now proposed, a detached house and pair of semi-detached houses. Whilst this is an increase in built form, the proposed layout would not be out of keeping with the prevailing pattern of development in Jaspers Green, which is made up of detached and semi-detached houses.

Officers are of the view that there is no significantly greater harm to the countryside which would in this case, particularly taking account of the extant planning permission, would justify refusal of the application for reason of harm to the countryside.

It is considered that within the context of Jaspers Green and the appeal decision, which allowed for one new dwelling on the site, the development of the application site for three dwellings cannot be reasonably objected to. Officers have concluded that the site is of a sufficient size to accommodate three dwellings and would not result in a level of landscape harm to warrant the refusal of planning permission.

A planning balance will be carried out at the end of this report.

Design, Appearance 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. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 130 of the NPPF states that 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, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CS9 of the Adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

During the life of the application the layout of the scheme has been amended from three detached dwellings to a pair of semi-detached dwellings and one detached house. Along with the altered layout, the design of the dwellings have been amended to create a varied development which would reflect the architectural variety in the nearby streetscenes.

The detached dwelling has the appearance of a modest cottage with single storey eaves and three small dormer windows located in the front elevation. The pair of houses are modest two storey properties with architectural detailing that reflects the character of the hamlet of Jaspers Green.

Following the modifications made to the design and layout of the proposed dwellings, Officers are satisfied that the scheme would sit comfortably within the existing streetscene and would comply with the policies outlined above.

To ensure that the scheme adequately assimilates into the streetscene a tree protection plan has been requested from the Landscaping team to ensure that the existing vegetation both in and around the site are protected. Furthermore a proposed hard and soft landscaping scheme is requested and therefore conditions requiring the submission of both plans are suggested.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with three or more bedroom dwellings should be provided with 100sq.m or more.

All of the proposed dwellings are provided with a sufficient amount of private garden space, and therefore accord with the minimum garden sizes from the Essex Design Guide.

Whilst the garden size of the garden serving plot 3 is acceptable, it does have an awkward shape and therefore to ensure that the garden space for plot 3 is maintained, it is recommended that a condition removing permitted development rights for extensions and outbuildings is attached to any grant of consent.

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Each property is provided with the necessary amount of car parking spaces in accordance with the Essex County Council Vehicle Parking Standards 2009.

Officers consider that the proposals comply with Policies RLP9, RLP10, RLP56 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, LPP55 of the Draft Local Plan and the NPPF.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) The nature of the heritage asset prevents all reasonable uses of the site; and
- b) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) The harm or loss is outweighed by the benefit of bringing the site back into use.

Policies RLP90 and RLP100 of the Adopted Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Adopted Core Strategy requires developers to respect and respond to the local context particularly where proposals affect the setting of a listed building.

Policies LPP56 and LPP60 of the Draft Local Plan reiterate similar restraints to the adopted policies outlined above.

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. Accordingly, the NPPF requires applicants to describe

the significance of any heritage assets affected, including any contribution made by their setting.

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Practice Guidance identifies setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*'

During the life of the application the layout of the scheme has been amended from three detached dwellings to a pair of semi-detached dwellings and one detached house. Along with the altered layout, the design of the dwellings have been amended to create a varied development which would reflect the variety in the nearby streetscenes.

Subsequent to the revisions to the scheme, the negative impact on the nearby heritage assets has been substantially reduced. This has been achieved by the provision of greater space between the proposed buildings and the nearby Grade II Listed Old Place dated c 1600, the eighteenth-century Grade II Listed Granary and Cart Shed and the mid-sixteenth century Grade II Listed Western Cottages.

The drawings submitted illustrating the revised scheme indicate the various traditional materials to be used and an improved sympathetic design, which would further reduce the level of impact of the scheme on the nearby heritage assets to negligible. The Historic Buildings Consultant concludes that the proposal would not result in any harm to the setting of the nearby heritage assets.

Conditions regarding materials and details are suggested and will be imposed should the recommendation for approval be agreed.

Impact on Neighbour Amenities

Paragraph 127 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity. Similar sentiment is reflected in Policy LPP55 of the Draft Local Plan.

Concerns have been raised regarding the loss of privacy to the neighbouring properties to the east of the application site. The closest dwelling proposed to the eastern boundary of the site is a two storey house, is located at least 8m from the eastern boundary of the site and the eastern facing elevation contains a small first floor window.

This window would serve an en-suite bathroom and a condition will be suggested to ensure that the window contains obscured glass and for the window to be fixed shut above 1.7m above finished floor level. Officers are

satisfied that the resulting relationship between plot 1 and the neighbouring properties to the east is acceptable.

There is a distance of at least 28m between the eastern boundary of the application site and Plot 2. Officers are satisfied that this gap is sufficient to ensure that the amenity of the neighbouring properties to the east is not materially harmed.

Officers are content that the proposed dwellings would maintain acceptable relationships, in terms of amenity, with all neighbouring properties and complies with the policies outlined above.

Highway Issues

Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Although a number of local residents have raised concerns regarding highway safety, the Highways Authority have assessed the proposals and confirm that a site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given the width of highway boundary to provide adequate visibility splays, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Council's adopted parking standards, the proposal is acceptable to the Highway Authority.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a 'Zone of Influence' and therefore a Habitat Regulations Assessment is not required in this case.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

When applying the 'titled' balance and in terms of benefits, the application would deliver three market homes and the resulting economic benefits that stem of the construction of three new properties both during the construction period and after occupation of the development.

With regards harms, the principle of residential development of the site for one dwelling has been established by the allowed appeal in 2018. Officers are content that the site is sufficient in size to accommodate three dwellings and therefore given the appeal decision, Officers are the view that whilst the proposal conflicts with the Development Plan a refusal on these grounds could not be substantiated at further appeal.

Following discussions with the applicant, the layout of the scheme and the individual designs of the dwellings have been improved and are considered appropriate to the semi-rural location and in keeping with the character of Jaspers Green.

Within the context of Jaspers Green and the implications of the appeal decision, Officers are of the view that the proposals at hand would result in limited harm to the countryside and as set out earlier in the report there would be no harm to the setting of the nearby heritage assets.

When considering the planning balance and having regard to the above, 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 the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 01
Proposed Site Plan	Plan Ref: 04B
Proposed Floor Plan	Plan Ref: 05B
Proposed Elevations	Plan Ref: 06B
Proposed Floor Plan	Plan Ref: 07B
Proposed Elevations	Plan Ref: 08B
Proposed Floor Plan	Plan Ref: 09B
Proposed Elevations	Plan Ref: 10B

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of and/or provision of any building within the curtilage of the dwelling-house at plot 3, as permitted by Classes A and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order

revoking and re-enacting that Order) should the post and rail fence along the site frontage be removed, details of any replacement enclosure shall be submitted and approved in writing by the Local Planning Authority, and once approved carried out in accordance with such details and thereafter retained in the approved form.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the rural area.

- 5 No above ground development shall commence unless and until samples of the materials to be used on the external finishes and rainwater goods 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 that the development does not prejudice the appearance of the locality.

- 6 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and palaeoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or palaeoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 7 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary

Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 8 Prior to occupation of the development, access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

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

- 9 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 11 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

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

Reason

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

- 12 Development shall not be commenced until a mud control management scheme specifically in related to wheel washing has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

Reason

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

- 13 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.

- 14 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant

noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Head of Environmental Services and shall be adhered to throughout the construction process.

Reason

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

- 15 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.

Reason

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

- 16 No retained tree identified on the approved plans listed above shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with details which shall be agreed in writing by the local planning authority.

Reason

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

INFORMATION TO APPLICANT

1 GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

2 NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Hedgerows are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

3 Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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:

SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 6 November 2018

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 13th December 2018

Appeal Ref: APP/Z1510/W/18/3204656

Land opposite Jaspers, Jaspers Green, Shalford CM7 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Bearfield against the decision of Braintree District Council.
- The application Ref 18/00592/OUT, dated 29 March 2018, was refused by notice dated 21 May 2018.
- The development proposed is erection of one dwelling.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one dwelling at Land opposite Jaspers, Jaspers Green, Shalford CM7 5AX in accordance with the terms of the application, Ref 18/00592/OUT, dated 29 March 2018, subject to the following conditions:
 - 1) Details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Main Issue

2. The main issue in this appeal is whether the proposed development would be suitably located under the Council's countryside policies.

Procedural Matters

3. This is an outline application with all matters reserved.
4. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. In light of this comments were sought from the Council and the appellant. I have considered the appeal on the basis of any comments received and the revised Framework.

Reasons

5. The site is located in the countryside and falls outside the defined village envelope as identified in Policy RLP2 of the Braintree District Local Plan Review 2005 (the 'LP') and Policy CS5 of the Braintree District Local Development Core Strategy 2011 (the 'CP').
6. Policy RLP16 'Hamlets and Small Groups of Dwellings' of the LP states that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings exceptions may be made for the filling of a gap, for a single dwelling, between existing dwellings.
7. Jaspers Green is a settlement of around 30 dwellings. The appeal site is a parcel of land that is surrounded by dwellings on three sides and by the access road to a further dwelling, The Granary, on its rear boundary. The land forms part of the same title deeds as Jaspers opposite, and is currently used as a garden for that property. Jaspers' garage is situated upon the land albeit not within the red line subject to the proposal. For these reasons, I find that the development would represent infill development of a piece of land which is integral to the settlement and not characteristic of development of the open countryside. Accordingly, I do not consider that there would be a risk to the intrinsic character and beauty of the countryside (paragraph 170 of the Framework).
8. The land is comparable in size to the land occupied by The Stables to the west. Other single dwellings in the hamlet are situated on land of similar size, such as Forge Cottage to the east and The Olde Place to the north. Therefore I do not find it unreasonable, or out of character with the area, for the land to be developed with a single dwelling. I have considered the appeal determined in 2001¹ where the Inspector was of a view that the land could accommodate more than one dwelling. However, The Stables had not been developed at that time and so the current local context is different.
9. Accordingly, the exemption to countryside policies in RLP16 applies if the proposed development would not be detrimental to the character of the surroundings.
10. An appeal determined in 2010² was dismissed largely because details of the proposal submitted under a full application were unacceptable to the character and appearance of the area. This appeal proposal is an outline application. Accordingly detailed character and appearance issues can be addressed and controlled by the Council through approval of reserved matters, including layout, scale, appearance, access and landscaping. In allowing this appeal, and permitting the outline application, I must be satisfied however that the principle of a dwelling in this location will not significantly harm the character of the surroundings.
11. The hamlet was historically focused on a small number of buildings at its centre of which no.s 1 and 2 Western's Cottages, The Granary and The Olde Place remain and are listed buildings. The Council has said that the proposed extra dwelling would harm the setting in which these heritage assets, and the settlement as a whole, are experienced by diminishing this focus. It is concerned that inappropriate development such as the ribbon development has

¹ APP/Z1510/A/00/1052724, Hearing conducted on 23 January 2001

² APP/Z1510/A/09/2118253, Site visit made on 19 March 2010

changed the hamlet's character. However, this development would not in my view constitute ribbon development but the infilling of a gap in line with RLP16.

12. Further, and significantly, I do not find that the character of the settlement today is as described by the Council in its account of the historical context. The hamlet has been the subject of ribbon development for a long period, involving a number of twentieth century dwellings, and this has already diluted the historical focus around the older buildings to the extent that it is largely indiscernible. I do not find that the erection of one dwelling in a gap in the hamlet would have any significant effect on this current character. Although the large share of modern development has been on the north side of the street, The Stables and the garage block together with the garden forming the appeal site do not contribute to any discernible central historical focus.
13. The proposed development would not have any appreciable effect on the designated heritage assets and their settings. There would be no intervisibility with The Olde Place due to that building's orientation and vegetative screening between the sites. No.s 1 and 2 Western's Cottages and The Granary are separated from the appeal site by the garden of Forge Cottage. The former cannot be seen from the appeal site, while the upper roof of The Granary can be seen above trees and hedges. While the new dwelling would be within the same view as the upper roof of The Granary when seen from some angles, most of the listed building is hidden from view and the addition of a new dwelling would not significantly affect the glimpsed view of the top of the roof. Approval of reserved matters would also ensure the protection of the setting.
14. Jaspers Green has very limited services and facilities. However, there is a bus stop very close to the appeal site with regular services to Braintree which has an extensive range of services and facilities and a railway station. The bus service also has a closer stop at a supermarket, and closer still at a post office and a leisure centre. Therefore, the occupiers of the new dwelling would not be wholly reliant on the motor car, and could support local public transport services in place to serve Jaspers Green and nearby villages.
15. For the above reasons, I find that the proposed development would be suitably located under the Council's countryside policies and is not contrary to Policies CS5, CS7, CS8 and CS9 of the CS, Policies RLP2, RLP16, RLP80 and RLP100 of the LP or Policies LLP1 and LPP60 of the Braintree District Publication Draft Local Plan 2017. These policies seek to ensure sustainable development in the countryside which protect its character and appearance, along with the places and heritage assets within and surrounding it. The proposal, which does not relate to an isolated home in the countryside due to its connection with the settlement, is also in accordance with the countryside policies of the Framework.

Other Matters

16. Nearby residents have raised concerns about privacy, highway safety, access arrangements, drainage and nuisance from construction activities. These matters were not contained in the Council's reasons for refusal. As this is an outline application only, these issues can be addressed through consideration and approval of reserved matters.

Planning Balance

17. The Council cannot by its own statement demonstrate a 5 year supply of housing land. Its development plan is therefore out of date with the Framework, which directs in these circumstances that permission for sustainable development should be presumed unless any adverse impacts significantly and demonstrably outweigh the benefits of proposal when assessed against the policies of the Framework as a whole.
18. The proposal would produce a home in a suitable location, without significant and demonstrable adverse impacts. Permission should be granted. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Andrew Walker

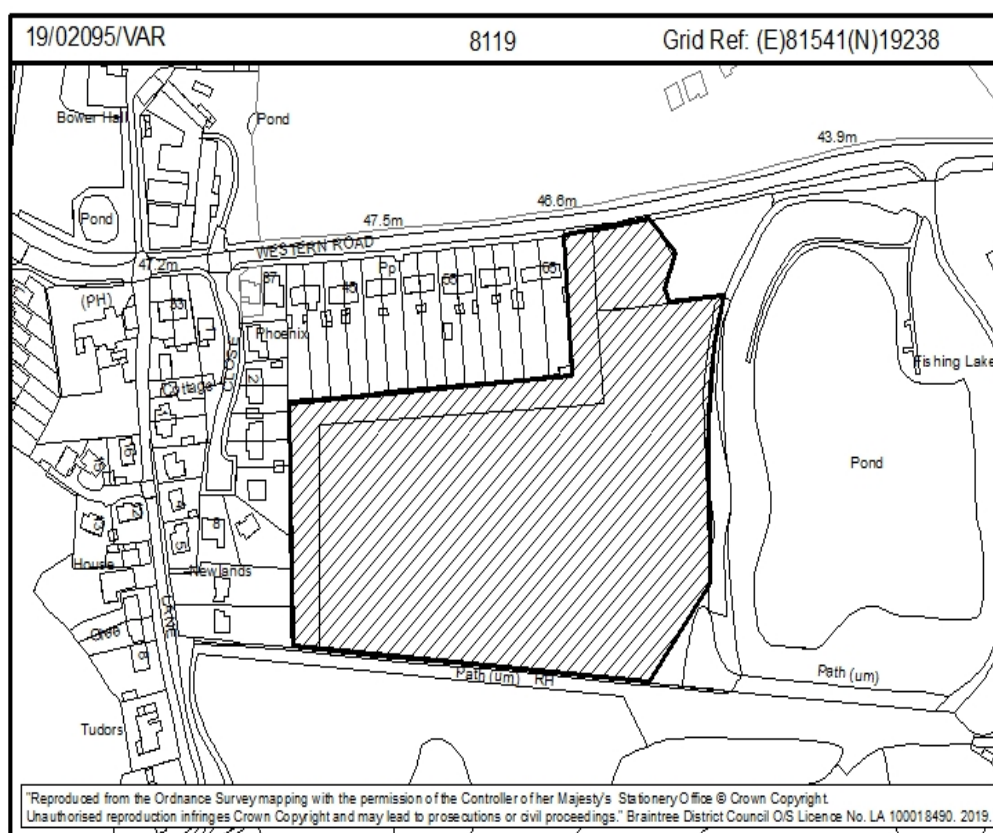
INSPECTOR

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/02095/VAR
DATE VALID: 20.11.19
APPLICANT: C/o agent
The Great Lodge (farm office), Braintree Road, Great Bardfield, CM7 4QD, UK
AGENT: Mr Matthew Wood, 270 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA, UK
DESCRIPTION: Variation of Condition 2 (Approved Plans) of permission 18/00442/OUT granted 30.09.2019 for: Outline planning application with all matters reserved except access, seeking new residential development of up to 45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and associated development. Variation of condition would allow for: - Re-positioned access point.
LOCATION: The Garden Field Land South Of, Western Road, Silver End

For more information about this Application please contact:
Kathryn Oelman on:- 01376 551414 Ext. 2524
or by e-mail to: kathryn.oelman@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q19QY5BFJHM00>

SITE HISTORY

18/00442/OUT	Outline planning application with all matters reserved except access, seeking new residential development of up to 45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and associated development	Granted with S106 Agreement	30.09.19
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POLICY CONSIDERATIONS

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

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

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

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

The Inspector has found the Section 1 Local Plan sound, subject to modifications. Two of those main modifications are the removal of two of the proposed garden communities at West of Braintree and Colchester Braintree Borders. Nevertheless, he has indicated that other parts of the Plan can be found sound, including the housing target which for Braintree equals a

minimum of 716 dwellings per annum. A full list of proposed modifications will be published in due course.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport

RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
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
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan

LPP80 Sustainable Urban Drainage Systems
LPP82 Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide
Essex Parking Standards/Urban Place Supplement
Open Space Supplementary Planning Document
Open Spaces Action Plan
Landscape Character Assessment (2006)
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

The site comprises an area of paddock south of Western Road which is approximately 2.6 hectares in area. Existing residential properties lie to the west. Immediately opposite the site is the Redrow Homes development where 350 homes are being built (approved pursuant to application reference 18/01751/REM). To the south is a public right of way providing access to an open space and lake to the east.

PROPOSAL

The application proposes to vary the plans approved under Condition 2 pursuant to application reference 18/00442/OUT. This permission granted outline planning permission for 45 dwellings with all matters reserved except access. The effect of the variation would be to relocate the access approximately 1.5m eastwards of the approved alignment.

CONSULTATIONS

Anglian Water

Confirm no comments.

Essex Police (Designing Out Crime)

Confirm no comments.

Natural England

Confirm no comments.

SUDS Approval Body ECC

Confirm they do not object to this proposal.

ECC Highway Authority

Confirm no comments.

ECC Archaeological Advisor

Confirm no objections and request standard archaeological conditions.

ECC Ecological Advisor

Confirm no objections subject to ecological conditions being re-imposed and S106 financial contribution towards Essex Coast RAMS being secured.

BDC Waste Services

Make comment but raise no objections to the proposal.

BDC Landscape Team

Confirm no comments

BDC Environmental Health

Confirm no objections.

PARISH / TOWN COUNCIL

Silver End Parish Council

Comment as follows:

“Objection – Entry point previously highlighted as a potentially dangerous entry point, but to move it would surely increase the danger. Application states that movement from one site to another is likely to be minimal but there is nothing to prove that and the opposite is potentially the case”.

REPRESENTATIONS

One letter of comment has been received which raises concerns that the application does not provide plans showing tracked refuse vehicle movement between the Redrow Homes development and Garden Field site. It is argued that the road is busy and that such movements are unsafe.

REPORT

Principle of Development

The principle of development has been established under the extant outline planning permission pursuant to application reference 18/00422/OUT: this remains a key material consideration. There have been no intervening changes to planning policy or other material considerations which would negatively affect the principle of development on this site.

Highway Issues

The applicant has stated that the access is required to better accommodate the turning movements of large vehicles (specifically a refuse collection vehicle) to take account of the Redrow access, and in particular the new road alignment and traffic island which are to be introduced in association with this development. The amended access would ensure that, if approaching from the east, the refuse vehicle can wait to enter the site without overhanging the east and westbound running lanes on Western Road, reducing any potential conflicts with passing traffic. This is essentially a betterment which the applicant has sought to provide, not one the Highway Authority has insisted upon. The applicant has provided assurance that the manoeuvre from the Garden Fields to the Redrow Homes access is achievable with a refuse vehicle and notes that this would not be a common manoeuvre, likely taking place between one and two times a week.

The Local Highway Authority are aware of the detail of local concerns and have confirmed they remain comfortable with the proposal. Similarly, BDC Waste Services have raised no objections in relation to this application.

It is therefore considered that, in comparison to the original permission, there are no additional or detrimental highway safety impacts that would arise from this proposal. In order to provide sufficient grounds for refusal, any highway safety impacts must be of a magnitude as to provide a significant or demonstrable reason for refusal when the tilted balance is applied. Having regard for these considerations, it would not be reasonable to refuse this application on highway safety grounds.

Impact on Neighbour Amenity

There would be no new impacts arising from relocation of the access which would be further away from its closest neighbours to the west than previously approved pursuant to the previous outline planning permission.

PLANNING OBLIGATIONS

A deed of variation is in the process of being finalised to ensure the Section 106 commitments secured under consent reference 18/00422/OUT are

transferred to the varied consent. The recommendation is thus made subject to the satisfactory completion of this deed.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

It is not considered that any additional harm arises from this proposal to vary the location of the access to the application site in comparison to the originally approved, extant permission. Due to the absence of adverse impacts, the planning balance remains intact as per the previous consent and, in fact, is more positively tipped in favour of the proposal due to the fact the tilted

balance is now applied. The proposal complies with the Development Plan and as other material considerations do not indicate otherwise this application is recommended for approval subject to the completion of a deed of variation.

RECOMMENDATION

It is therefore recommended that subject to the applicant entering in to a deed of variation to ensure the S106 commitments secured under consent reference 18/00422/OUT are transferred to the varied consent, the Planning Development Manager be authorised to GRANT permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application the application by the Planning Committee the Planning Development Manger may use his delegated authority to refuse the application.

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

Access Details	Plan Ref: 004	Version: A03
Access Details	Plan Ref: 015	Version: A04
Site Plan		

- 1 Details of the:-
 - (a) scale
 - (b) appearance
 - (c) layout; and the
 - (d) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than 31st March 2021 from the date of this permission. The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.

Reason

This Condition is imposed pursuant to Section 91 of the Town and

Country Planning Act 1990 (as amended).

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

Reason

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

- 3 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority, following the recommendations provided within the Preliminary Ecological Appraisal (Southern Ecological Solutions, February 2018).

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The strategy shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species).

- 4 A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the recommendations provided within the Preliminary Ecological Appraisal (Southern Ecological Solutions, February 2018). The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;
f) details of initial aftercare and long-term maintenance (where relevant).
The strategy shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

- 5 No development or preliminary groundworks of any kind shall take place until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the local planning authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason

To enable full investigation and recording of this site of archaeological importance.

- 6 A construction traffic management plan, including details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 7 No occupation of the development shall take place until the following have been provided or completed:
a. The site access as shown in principle on the planning application

drawings. Access shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 120 metres to the west and 2.4 metres by 120 metres to the east, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

b. Residential Travel Information Packs for each dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator)

c. The upgrade of the pair of bus stops that best serve the development (all details to be agreed with the Local Planning Authority)

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, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 8 No occupation of the development shall take place until Residential Travel Information Packs have been issued for each dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

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

- 9 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates from the site to as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event for the 1 in 1 year 1 in 100 year rainfall events.
 - Provide sufficient surface water storage so that the runoff volume is discharged at a rate that does not adversely affect flood risk and that unless designated to flood, that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of the building, utility plant susceptible to water within the development.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

- 10 No development shall commence unless a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 11 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 12 No development shall commence unless a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during

construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

- 13 No development shall commence unless and until a comprehensive survey has been undertaken to assess the nature and extent of any contamination on the site, a copy of the survey findings together with a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and approved by the Local Planning Authority. Formulation and implementation of the remediation scheme shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme approved in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of the remediation works. Within four weeks of completion of the remediation works a

validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is required prior to commencement as any ground works may impact upon contamination.

- 14 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 the residential properties hereby permitted.

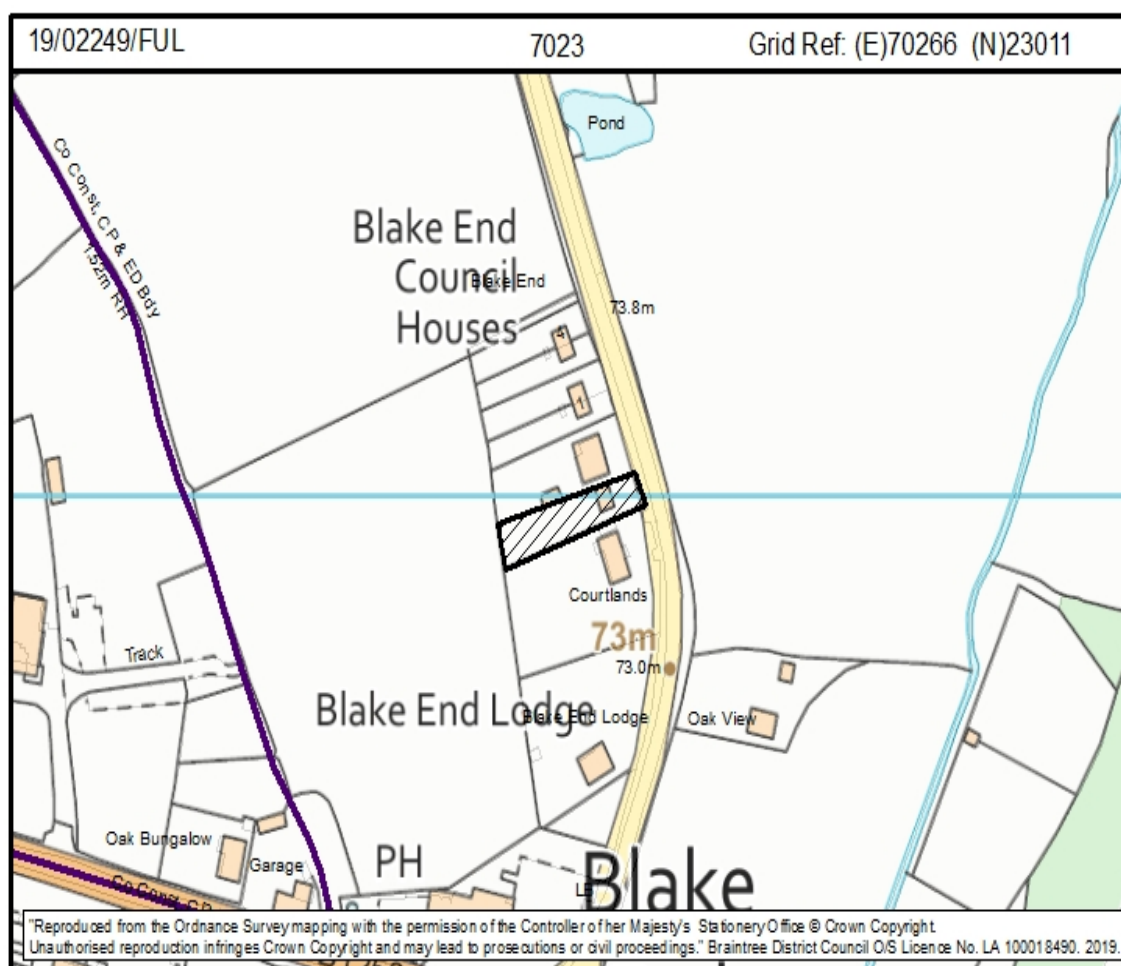
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/02249/FUL DATE: 18.12.19
 VALID:
 APPLICANT: Mr L Gilbert
 Medlars, Blake End, Great Saling, Essex, CM77 6SQ
 AGENT: Philip Livings Ltd
 53 Woodlands Park Drive, Great Dunmow, Essex, CM6 1WT
 DESCRIPTION: Erection of two-storey, 3 bedroomed detached dwellinghouse
 LOCATION: Medlars, Blake End, Great Saling, Essex, CM77 6SQ

For more information about this Application please contact:
 Lisa Page on:- 01376 551414 Ext.
 or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2EMG1BF00A00>

SITE HISTORY

04/01373/FUL	Erection of replacement dwelling	Refused	24.08.04
04/02012/FUL	Replacement Dwelling	Refused	24.11.04
04/02489/FUL	Proposed replacement dwelling	Granted	09.02.05

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP16	Hamlets and Small Groups of Dwellings
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP41	Infill Developments in Hamlets
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as The Salings Parish Council supports the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site is located within the settlement of Blake End. It lies to the western side of Bardfield Road and to the north of the junction with the B1256. It is located within a group of dwellings that are set back but front onto Bardfield Road. The site currently contains a 2 storey dwelling with a large detached triple garage. The site benefits from two vehicular access points.

To the north, beyond this stretch of residential ribbon development, lies open fields and the Blake House Craft Centre. To the east, beyond Bardfield Road and beyond the rear garden to the west, lie agricultural fields. To the south lie further residential properties with the vacant restaurant on the corner of Bardfield Road and the B1256.

PROPOSAL

The application seeks the demolition of the existing triple garage and the erection of a detached 2 storey dwelling with associated private garden. The existing southern access would be utilised to access the dwelling, whereas the existing northern access would be retained to serve the existing dwelling.

CONSULTATIONS

ECC Highways

Comment that from a highway and transportation perspective the impact of the proposal is not acceptable, noting that the applicant does not appear to control sufficient land to provide the required vehicular visibility splays. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.

PARISH / TOWN COUNCIL

The Salings Parish Council

The Salings Parish Council have responded and support the application.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper notice and neighbour notification. No letters of representation have been received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

makers at every level should seek to approve applications for sustainable development where possible.

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

The application site is located outside of an identified town or village boundary and lies within a countryside location. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan.

Although Policy RLP16 of the Adopted Local Plan states that exceptions may be made to Policy RLP2 for the filling of a gap for a single dwelling between existing dwellings, this is where there is a defined nucleus of at least ten dwellings. This site does not lie within an area where this threshold of 10 is met, and as such this policy does not apply.

The application has therefore been advertised as a departure from the Development Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National

Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change.

As stated above, the site lies outside of a village / town boundary and therefore within the countryside. Equally, the development does not comply with Policy RLP16 of the Adopted Local Plan relating to 'Hamlets and Small Groups of Dwellings, as there are only 8 dwellings within the surrounding

defined nucleus. However, the proposal does comply with the other criteria of Policy RLP16 in terms of not relating to individual isolated dwellings, or the extension of ribbon development. The site can only accommodate one dwelling and would not being detrimental to the character of the surroundings.

Furthermore, the development could still be argued to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside, and in this sense would not conflict with Policy CS7 of Adopted Core Strategy.

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

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The development will bring some social benefits with the provision of housing and economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities in the locality. These factors weigh in favour of the proposal in the planning balance although given that the development proposes only a single dwelling, limited weight is assigned to this. In terms of environmental sustainability, the development would have a neutral impact.

The services within Blake End are not sufficient to meet day to day needs of occupiers, and although the settlement is served by 4 bus routes (including a further 2 that operate on school days only), these would not provide realistic opportunities for future occupiers to access shops, service and employment opportunities. Future occupiers would be reliant on the private vehicle and this weighs against the proposal in sustainability terms.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments. Furthermore, Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The proposal would subdivide the existing plot into two, with the resultant plot sizes for the retained dwelling and the proposed being in keeping with others in the immediate area. Further, adequate external garden space for the

existing dwelling and proposed dwelling would be in accordance with the Essex Design Guide.

The new dwelling would be sited on the same general footprint as the triple garage and the established building line in the street would be retained. Adequate spacing would be retained between the dwelling and the site boundaries such that the development would not appear cramped and congested in its plot.

In design terms, the 2 storey scale of the proposed dwelling with a projecting frontage gable and 1st floor dormer accommodation, would be in keeping with the locality and sympathetic to the street scene. Materials of brick and render with tile roof would equally be in keeping and is acceptable.

Impact on Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan seeks a high standard of layout and design in all developments in the District; encourages the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; ensure no undue or unacceptable impact on the amenity of any nearby residential properties.

The proposed dwelling would be sited between the retained dwelling of Medlars to the north and Courtlands to the south. Given the layout and design of the dwelling, and the relationship with neighbours there would be no adverse impact upon neighbouring amenity by way of overlooking, loss of light, outlook or similar.

Highway Considerations

The proposed dwelling would be served by the existing southern access with the existing northern access retained to serve the existing dwelling. Whilst it is acknowledged that the two access points are already in existence, forming an in/out access arrangement, any intensification of an access must be designed and constructed in accordance with current standards.

In this location, given the speed limit of the road outside the site, visibility splays as required in the Design Manual for Roads and Bridges (DMRB) would be appropriate.

In this respect, visibility splay dimensions of 2.4m x 215 to the north and 2.4m x *speed of vehicles travelling past the site to the south* (given the proximity of the junction with B1256), must be provided. Visibility in this location is restricted due to the alignment of the road and the applicant does not appear to control sufficient land either side of the site to provide an adequate visibility splay. A request for a speed survey to be undertaken to demonstrate whether a reduced visibility splay could be appropriate has been requested, but has not been forthcoming. There is therefore an objection on highway safety grounds.

Notwithstanding the highway safety concern, the development would provide for frontage parking for at least 2 vehicles as well as turning provision. The dwelling is designed with an integral garage, although the dimensions fall short of those within the Councils Adopted Parking Standards and therefore cannot be included as provision for off street parking. The provision of 2 vehicle spaces meets with the Parking Standards and therefore complies with Policy RLP56 of the Adopted Local Plan.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. Whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of development proposed (a single dwelling) is below the current threshold where the Council would require payment of a financial contribution to help mitigate of development.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less will be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside a town development boundary where the principle of development is not acceptable.

Officers consider that the development would provide some limited social and economic benefits in support of the application. The dwelling would not be detrimental to the landscape character of the surroundings, nor create harm to the biodiversity, geodiversity or amenity of the countryside. Furthermore there would be no adverse impact upon neighbours amenity. However, the harm to highway safety in terms of not securing adequate visibility splays, is such that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

RECOMMENDATION

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

- 1 The development fails to provide the required vehicular visibility splays for the proposed dwelling and would thereby result in an unacceptable degree of hazard to all road users, to the detriment of highway safety.

The proposal would therefore be contrary to Policy RLP90 of the Adopted Local Plan, Policy LPP1 of the Draft Local Plan and the aims and objectives of the Local Transport Plan 2006-2011, Appendix G - Highway and Transportation Development Control Policies as refreshed 19 October 2007.

SUBMITTED PLANS

Existing Plans	Plan Ref: 8719
Proposed Plans	Plan Ref: 9119

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00281/FUL
 DATE VALID: 14.02.20

APPLICANT: Clark
 Braintree District Council, Causeway House, Bocking End,
 Braintree, CM7 9HB, Essex

AGENT: Mr Nick McLaren
 1A Perth House , Corbygate Business Park , Corby, NN17
 5JG

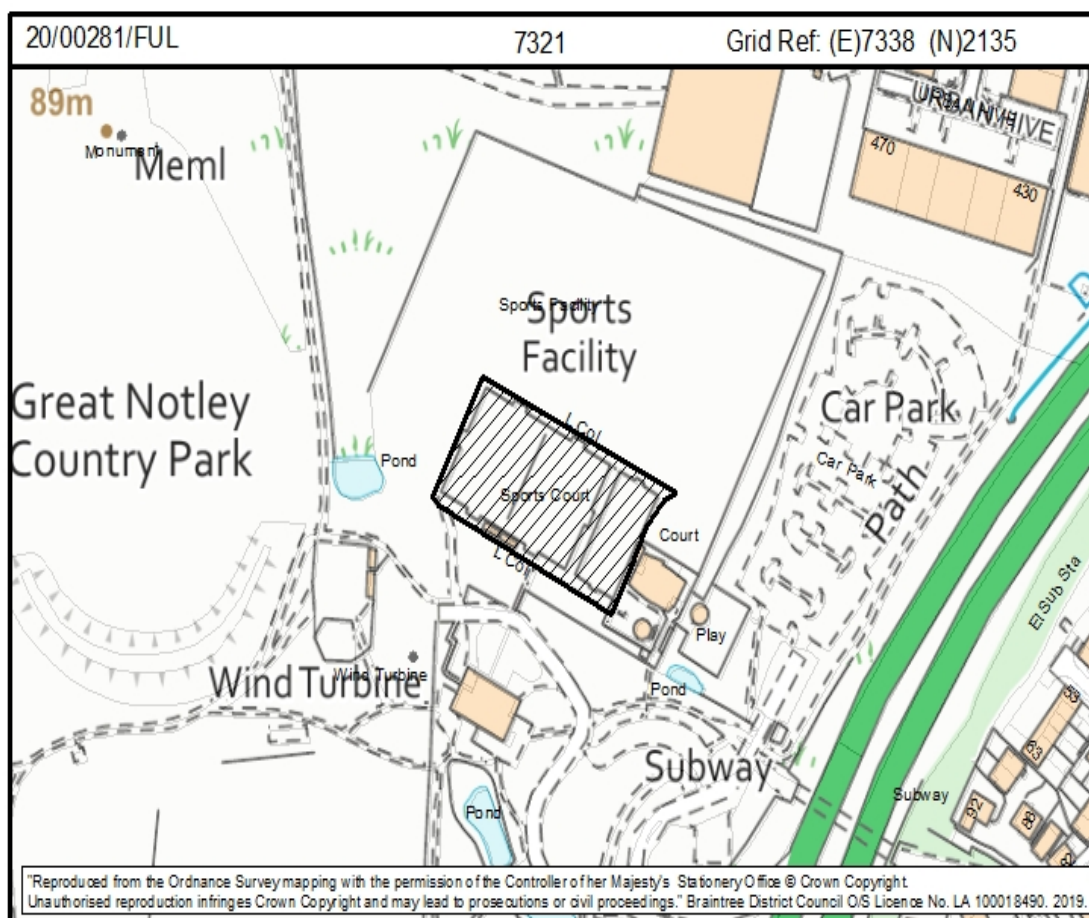
DESCRIPTION: Replacement of Metal Halide Luminaires with LED
 Luminaires to the Existing Floodlighting of the Artificial Turf
 Pitch and MUGA.

LOCATION: Discovery Centre, Great Notley Garden Village, London
 Road, Great Notley, Essex, CM77 7FS

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5P8NABFKUP00>

SITE HISTORY

95/00616/P	Proposed landscaping/mounding.	Granted	24.07.95
95/00736/REM	Provision of footpaths/cycleways	Granted	22.08.95
99/00206/FUL	Erection of three storey building to provide sports and leisure facilities for Great Notley Country Park with associated sports pitches and landscaping	Granted	05.05.99
07/01754/FUL	Erection of building to provide an additional visitor attraction and education facility incorporating a field archaeology unit with ancillary offices, minor alterations to the Discovery Centre, relocation of existing wind turbine and provision of a car park together with associated site works	Granted	01.11.07
08/01972/FUL	Erection of lighting columns, floodlights and sections of 5 metre high fencing at the proposed replacement all-weather sports pitches	Granted	21.11.08
09/00188/DAC	Application for approval of details reserved by condition no. 6 of approval 08/01972/FUL	Granted	27.11.09
15/00398/FUL	Installation of new sequence batch reactor (SBR) drainage plant and associated control room. Alterations to existing drain runs to feed the new SBR and connection back to the sites existing drainage system.	Granted	26.05.15
15/01594/ECC	Consultation on Essex County Council application	Objections Raised	22.01.16

	CC/BTE/75/15 - Installation of a prefabricated single storey structure (7200x3200x2800 LxWXH) and associated groundworks for the provision of a disabled change facility and separate disabled toilet		
16/00190/FUL	Reconfiguration/expansion of main car park to provide additional car parking spaces.	Granted	10.05.16
18/00042/FUL	Introduction of a double zip wire at Great Notley Country Park, this includes a tower at the take-off point and a landing area with landscaped mound. There will also be facilitating works, with new pathways and improvements to the Discovery Centre reception.	Refused	17.10.18

POLICY CONSIDERATIONS

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

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

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

The 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.

The Inspector has found the Section 1 Local Plan sound, subject to modifications. Two of those main modifications are the removal of two of the proposed garden communities at West of Braintree and Colchester Braintree

Borders. Nevertheless, he has indicated that other parts of the Plan can be found sound, including the housing target which for Braintree equals a minimum of 716 dwellings per annum. A full list of proposed modifications will be published in due course.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP65	External Lighting
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP134	Sports Causing Noise or Disturbance
RLP135	Floodlighting of Sports Facilities
RLP142	Country Parks

Braintree District Local Development Framework Core Strategy 2011

CS10	Provision for Open Space, Sport and Recreation
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP81	External Lighting

NEIGHBOURHOOD PLAN

N/A

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site forms part of the 40 hectare Country Park at Great Notley, which was provided as part of the development of Great Notley Garden Village. It lies to the West of Great Notley, separated by the A131.

The site application is located towards the north of the Country Park and consists of an existing 3G artificial/synthetic pitch measuring 61 metres x 43 metres and a macadam court measuring 19 metres x 43 metres. There are 8 existing 10 metre high floodlighting columns to the edge of these pitches. The 3G synthetic pitch and the macadam pitch are available for community use and are accessible via a booking system.

To the north of the site is a further grass sports pitch, beyond which lie commercial employment buildings. To the east is the PARC (Essex) Play and Resource Centre, beyond which is the car park for the Country Park. Towards the south of the site is the café/visitor centre and the wider Country Park lies to the west.

There is no allocated parking provision for the use and any demand is met by the wider parking provision at the Country Park.

PROPOSAL

The application seeks permission to replace the 12no.existing metal halide luminaires with 12no. LED luminaires. The existing columns and infrastructure will remain. (It is noted that although there are only 8 columns, there are 12 luminaires, and this is because 4 of the columns contain 2 luminaires each).

The lighting proposals are detailed proposal drawings and appendices; showing mast locations, floodlight orientations, illuminance levels on the pitch and projected overspill values. The main pitch will use the 2 module, light engines with narrow beam (the BVP517model). The macadam court will use 3 module light engines with narrow beam (the BVP527 model). The colour temperature will be 4000k, neutral white.

CONSULTATIONS

ECC Ecology

No objection subject to securing biodiversity mitigation measures. Comment that there is sufficient ecological information available for determination, and as there is existing sports pitch lighting in place, the proposal presents an opportunity to reduce the impacts on the existing boundary features (hedgerow) and thereby reducing lighting impacts on light sensitive biodiversity, particularly bats, who may use this feature for foraging and commuting.

PARISH / TOWN COUNCIL

Great Notley Parish Council have responded and raise no comments in relation to the application.

REPRESENTATIONS

The application was advertised by way of site notices, newspaper notice and neighbour notification. No letters of representation have been received.

REPORT

Principle of Development

The site lies within the countryside, wherein countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP65 and RLP135 of the Adopted Local Plan state that external lighting will only be permitted, provided that:

- lighting should not be unacceptably intrusive
- lighting is designed as an integral element of the development
- low energy lighting is used
- the alignment of lamps and provision of shielding minimises spillage and glow, including into the night sky
- the lighting intensity is no greater than necessary to provide adequate illumination
- lighting should not have an unacceptable impact on the surrounding area
- there should be no loss of amenity to nearby residential properties
- there should be no danger to pedestrians and road users
- there should be no unacceptable harm to natural ecosystems/nocturnal fauna

Further, Policy RLP134 of the Adopted Local Plan requires that sports causing noise or disturbance will only be permitted if harm would not be caused by the nature, scale, extent, frequency or timing of the proposal and there would be no unacceptable increase in traffic on minor roads.

The reasoning for the replacement of the existing metal halide luminaires to LED luminaires is to provide better quality provision and energy efficiency. The LEDs will require less energy in operation and last longer and therefore need to be replaced less often. They will also minimise waste and pollution, (as they can be instantly switched on and off rather than the warming up period required for metal halides) and will provide for improved management arrangements as the control gears for the new lighting system will include 'photocell units' and time clocks to ensure lighting does not exceed the permitted curfew hour.

Looking at the proposed lighting in more detail, the main AGP will use the 2 module light engines with narrow beam (the BVP517 model). The macadam court will use 3 module light engines with narrow beam (the BVP527 model). The BVP517 luminaire is 1000w and the BVP527 is 1500w. These LED luminaires replace existing metal halide luminaires which are 2000w. It is clear therefore that there will be between 50% and 25% reduction in power consumption. The submission also compares the existing lighting design and spillage of the current design, (as submitted as part of the previous planning application) and compares with that now proposed. The outcome is that light spillage is tighter. The luminaire type also reduces from 4500k colour temperature, than that now proposed at 4000k, which is neutral white.

In compliance with Policy RLP65 and RLP135 of the Adopted Local Plan, and as discussed further within the Report, the supporting documentation submitted with the application, demonstrates that the development would not cause obtrusive light pollution, glare, or spillage, and indeed would result in an improvement in these matters. Further, the lighting would not be unacceptably intrusive within this rural edge setting.

The proposal will ensure that the pitches remain a high quality provision within the District and will meet with the NPPF which places importance on promoting opportunities for sport and recreation and highlights how this can make an important contribution to the health and well-being of communities.

The principle of the development is thereby acceptable.

Impact on the Character of the Countryside

As indicated above, the lighting scheme will provide better quality provision and energy efficiency. The proposed floodlighting system is specifically designed to fulfil sports lighting requirements and is particularly suited to applications where low light pollution is essential.

The luminaires have been designed to minimise light spillage and glare beyond the area which is intended to be lit. The system is designed to limit overspill and in particular upward waste light will be minimised, achieving full cut-off with 0% projected into the atmosphere. A further benefit, as outlined above, is that the light spillage will be tighter than the existing lighting. The hours of use of the pitches will not differ from that already consented with hours of operating limited to between 4pm and 10pm Mondays to Fridays, 4pm to 6pm Saturdays and Sundays. This can be secured by way of Condition. Control switches and time clocks will be installed to the floodlights to ensure they do not remain on any later than the permitted hours of operating and will therefore mitigate impacts to the surrounding environment.

Overall, the proposed luminaires would be appropriate and would result in a reduced impact than the existing, with an improvement on the wider character and appearance of this countryside location.

Impact on Neighbouring Amenity

Residential properties within Great Notley are located to the west beyond the PARC (Essex) Play and Resource Centre, Country Park carpark and the A131. The separation distances, intervening uses and existing established landscaping, would significantly reduce any impact to neighbours amenity from the lighting provision.

Officers have reviewed the proposed lighting scheme specification and are content that it would not result in an unacceptable impact to residential neighbours in terms of obtrusive light or similar.

Equally, the proposals would not result in unacceptable harm to the amenity of any occupiers to the commercial units to the north of the site, due to the nature of their uses.

Highway Considerations

It is not anticipated that the development would impact upon the A131. The lighting columns are sited at a distance, with intervening uses, and the lighting

specification is such that the change to the luminaires is not considered to result in undue issues to passing vehicular traffic or pedestrians.

Ecology

To re-confirm, the application is simply to change the actual lighting from existing metal halide luminaires to LED luminaires. The columns remain at the same height and there is no change in the number.

The luminaire would reduce from 2000w as existing to 1000w and 1500w. In addition the proposal would result in a reduction in light spillage. (The system is designed to limit overspill and in particular upward waste light will be minimized, achieving full cut-off with 0% projected into the atmosphere). Furthermore, the change from the existing 4500k colour temperature lighting, to 4000k being neutral white, would ensure that in terms of ecology, there would be a positive impact from the proposal compared to the existing situation. It is not considered necessary or reasonable to require any further mitigation or similar.

CONCLUSION

The principle of lighting to these outdoor sports pitches has already been accepted with the grant of application reference 08/01972/FUL. This application seeks permission to replace the 12no.existing metal halide luminaires with 12no. LED luminaires.

The detailed lighting specification submitted with the application demonstrate that there would be significant energy efficiency benefits, with between 25% and 50% reduction in power consumption.

The impact upon the character and appearance of the countryside would be reduced with a reduction in light spillage and a change from 4500K colour temperature to 4000k neutral white. Associated benefits in terms of reducing the impacts upon ecology would therefore also result.

The proposed lighting would not be obtrusive to neighbouring residential amenity and would create no unacceptable impact to highway safety.

It is therefore concluded that the proposed change to the lighting is acceptable and meets the necessary abovementioned National and Local Planning Policy.

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: 01
Site Plan	Plan Ref: 02
Lighting Plan	Plan Ref: BVP517
Lighting Plan	Plan Ref: BVP527

- 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 floodlights shall not be operated outside the hours of 09:00 and 22:00 Monday to Friday and 09:00 and 18:00 Saturday and Sunday.

Reason

In the interests of residential and visual amenity and to minimise light pollution.

- 4 The lighting design shall be installed in accordance with the details contained within the approved OptiVision LED gen3 plans. The main AGP shall use the 1000w, 2 module light engines with narrow beam (the BVP517model), and the macadam court will use the 1500w, 3 module light engines with narrow beam (the BVP527 model). The luminaire type shall be 4000k (neutral white).

Reason

In the interests of ecology and residential and visual amenity.

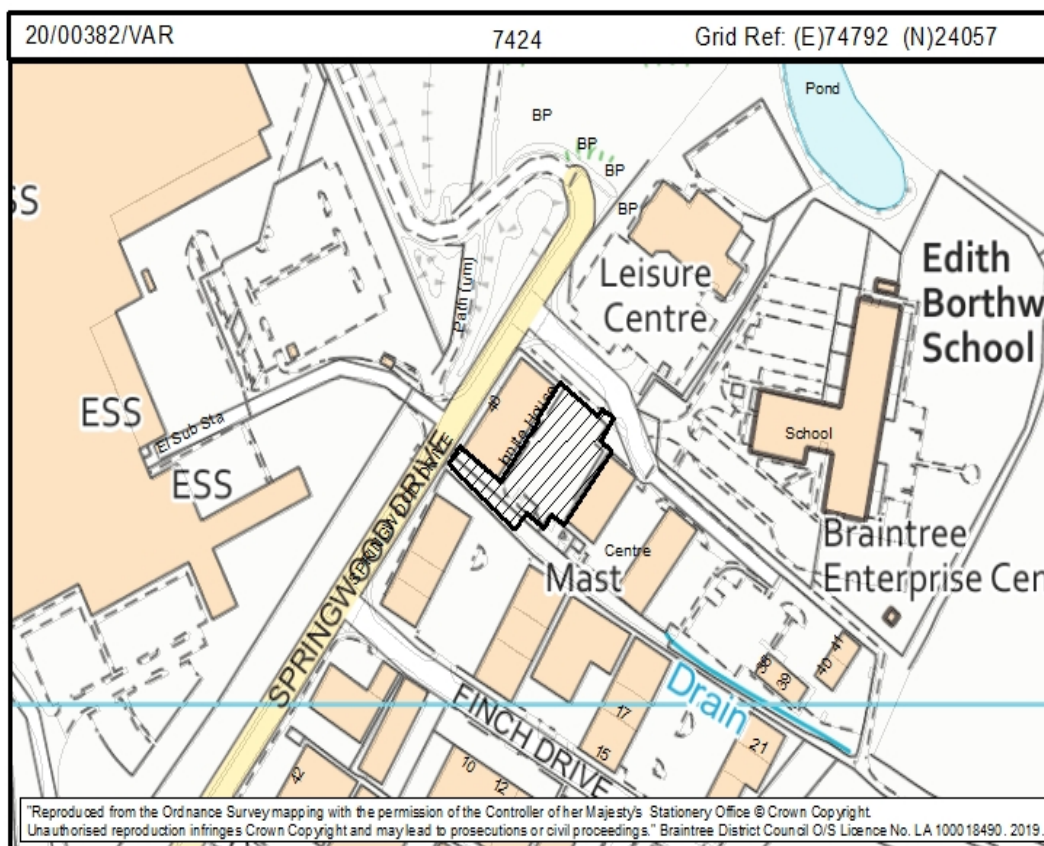
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/00382/VAR
DATE VALID: 05.03.20
APPLICANT: Janet Whyte
Causeway House, Bocking End, Braintree, CM77 9HB
AGENT: Barker Associates
Mrs Elizabeth Humphries, Majesty House, Avenue West, Skyline A120, Braintree, CM77 7AA, United Kingdom
DESCRIPTION: Variation of Condition 2 Approved Plans of permission 19/01013/FUL granted 28.10.2019 for: New Innovation Centre with conference and office facilities and alterations to the existing Braintree Enterprise Centre. Variation would allow: -Re-orientation of the access to the building affecting the elevations.
LOCATION: Block B Braintree Enterprise Centre, 46 - 48 Enterprise Drive, Braintree, Essex

For more information about this Application please contact:
Mr Timothy Havers on:- 01376 551414 Ext. 2526
or by e-mail to: timha@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6EJM7BFL2T00>

SITE HISTORY

89/00196/P	Proposed Social Club, Sports Field And Car Parking Area	Granted with S52 Agreement	22.03.89
89/02051/P	Proposed Sports And Social Club With Car Park	Granted with S52 Agreement	14.12.89
89/02052/P	Proposed 2 Acre Industrial Site, Footpath And Cycle Track	Granted with S52 Agreement	14.12.89
93/00518/FUL	Erection of telecommunications tower and equipment cabinet	Granted	15.06.93
93/01355/FUL	Provision of access road and light industrial starter units for small businesses	Granted	02.12.93
93/01440/TEL	Erection of 6 No aerials	Permission not Required	03.01.96
94/00024/FUL	Provision of access road and light industrial starter units for small businesses	Granted	18.02.94
96/00481/TEL	Installation of aerials, equipment cabin and development ancillary thereto	Permission not Required	23.05.96
06/01067/FUL	Erection of storage shed	Granted	17.07.06
19/01013/FUL	New Innovation Centre with conference and office facilities and alterations to the existing Braintree Enterprise Centre.	Granted with S106 Agreement	28.10.19

POLICY CONSIDERATIONS

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

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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:

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP4	Providing for Employment and Retail
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband

LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP78	Flooding Risk and Surface Water Drainage
LPP81	External Lighting

Supplementary Planning Guidance

Essex Parking Standards Design and Good Practice 2009
External Lighting Supplementary Planning Document

Neighbourhood Plan

N/A

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is located within the Springwood Industrial Estate and measures approximately 0.2ha. It consists of the Braintree Enterprise Centre building and its associated curtilage which is primarily occupied by a large parking area. It also encompasses part of a public footpath which runs adjacent to the rear (southern) boundary of the plot.

It is bounded to the west by Springwood Drive and to the south and east by further industrial/commercial development. Vehicular access is taken from Enterprise Drive to the north, beyond which lies the Bannatyne Health Club and Edith Borthwick School.

PROPOSAL

The applicant seeks permission for amendments to a previously approved scheme (Application Reference 19/01013/FUL) for the construction of a new Innovation Centre with conference and office facilities which was granted planning permission on 28th October 2019. The revisions are minor in nature and are detailed below.

The overall proposal would continue to consist of a two storey building located relatively centrally within the plot with parking positioned to the front and one side. An amenity area would be located to the rear.

The building itself would consist of a large multi-use space and exhibition room with ancillary café and toilets at ground floor level and a large seminar room with a managers office and technology suite at first floor level. It would function as a centre of excellence for construction innovation and would form part of the 'I-Construct' project. This is a 3 year European Regional Development Fund supported project which includes the creation of the above hub; a business support programme and grant scheme for small and medium enterprises working in the construction market. It is also aimed at the creation of a business network scheme across the whole of the South East Local Enterprise Partnership region.

The proposed changes between the approved scheme and the current proposed variations are as follows:

- The main access to the building is now on the northern, rather than southern elevation
- 4 rooflights have been removed
- A number of glazed curtain walling strips have been removed
- The building has been moved approximately 2 metres further back into the site
- The cycle store has been re-located to the northern (front) side of the building
- The buildings amenity decked area remains to the southern (now rear) side of the building but no longer provides a link through to the adjacent public footpath
- 3 parking spaces have been lost due to the above external site layout changes

The original application was supported by a suite of documents which included:

- Design and Access Statement;
- A full set of drawings;
- Tree Survey;
- Flood Risk Assessment;
- Biodiversity Survey;
- Transport Assessment.

CONSULTATIONS

ECC Highways

No objection. (Previous requirements below to be re-imposed):

- Condition requiring submission of a Construction Traffic Management Plan for approval
- S106 obligation towards improvements at the Springwood Drive/Rayne Road roundabout
- A Travel Plan if the scheme would generate more than 50 employees

BDC Ecology

No objection subject to mitigation and enhancement measures in accordance with the submitted Biodiversity Report with a requirement for a biodiversity enhancement strategy to be submitted.

BDC Environmental Health

No objection subject to conditions relating to the following:

- Hours of working;
- Hours of vehicular movements linked to construction;
- Submission of Construction Management Plan for approval;
- Submission of piling noise/vibration for approval if piling to be used.

Anglian Water

No objection. The foul drainage from this development is in the catchment of Braintree Water Recycling Centre which has available capacity for these flows. The sewerage system has capacity for these flows.

BDC Economic Development

Supportive of this planning application. The construction sector is strongly represented in the District and has grown strongly in recent years. Braintree's location in close proximity to the London and Greater South East market is an important driver of growth for the local construction industry.

Skills bottlenecks have historically been widely cited as a constraint on the construction industry, and are particularly challenging to overcome. Skills gaps are most frequently driven by changing regulatory requirements, technology and working practices, perhaps reflecting the impact of pressures to increase resource efficiency.

This project is a European Regional Development Funded project that is supported by the South East LEP and will create a unique hub as a centre of excellence for construction innovation promoted across the South East LEP. It

will offer a business support programme, SME grant scheme and business network, which will be suitable for some of the 1,500 construction businesses registered in the Braintree District, and 27,000 construction businesses employing 100,000 in the South East LEP area.

BDC Landscape

No objection. The changes proposed by this variation should mean a reduction in potential harms to trees on site, however an updated Arboricultural Method Statement and Tree Protection Plan must be submitted under condition to ensure the health and protection of retained trees. No other comments.

Parish/Town Council

N/A.

REPRESENTATIONS

Two letters of objection were received from the occupants of 7 and 11 Finch Drive (commercial premises). The main points raised are set out below:

- Object to any further developments on the Springwood site that would cause an increase to traffic. With only one route open for access to the estate, exiting the site in the evening can take 20 minutes at best and as long as 50-60 minutes. I usually leave around 18.30 to avoid the jam. I would object to any further developments to the site until the access issue has been addressed.
- Any application to add to the already woeful traffic problem on this Estate should be unequivocally rejected. There should be no additional buildings built until the traffic problem on this Estate has been resolved, I for one will never support any future applications until this has been resolved once and for all.
- It should be pointed out that this problem has been ongoing for close to ten years and in this time neither BDC or ECC have done a single thing to ease the problem with the exception of some rather pathetic white lines (now faded) on the Main Roundabout and yet Business Rates continue to be paid.

REPORT

Principle of Development

The principle of development has been established under the previous planning permission which remains extant. However, for completeness, the original assessment is detailed below.

The application site is located within the Braintree Town Development Boundary and sits within a designated Employment Policy Area. Policy RLP33

of the Adopted Local Plan states that in such areas planning permission for uses other than B1, B2 and B8 will be refused.

The proposed building would function as an innovation, training and development centre and the floorplans show a number of different uses ranging from office space to exhibition, seminar and multi-use areas with an ancillary cafe. The development therefore contains elements of both B1 use (primarily office space and research and development/high technology) and D1 use (education and training). It would therefore likely be classed either as a mix of both use classes or as a sui generis use given that it does not clearly fall entirely into a particular category.

Although this does not strictly accord with adopted Policy RLP33 the proposed use does contain strong B1 elements and as an Innovation Centre does have a clear B1 (a) 'Research and Development' type function as its overall purpose.

Overall, the general principle of the proposed development is considered acceptable.

Design and Layout

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (Paragraph 124) that 'good design is a key aspect of sustainable development' and that (Paragraph 127) developments should 'function well and add to the overall character of the area....are visually attractive as a result of good architecture...and effective landscaping and should...establish or maintain a strong sense of place'.

The proposal remains to erect a two storey hub building which will showcase some of the latest construction technology. The design is therefore contemporary in nature and the building of a more domestic appearance than a typical employment building as the focus of the I Construct project is on residential construction rather than commercial. It is built around a central service core with 4 dual pitched elements attached to a flat roofed core structure.

The proposed revisions to the approved design are minor in nature. The main access has been re-located to the northern side of the building where it will in fact be more legible from the public Enterprise Drive. Minor changes to the building's elevation are proposed with the removal of 4 rooflights and several glazed curtain walling strips. The building itself has been moved approximately 2m further back into the site and the cycle store re-located to the north (front) of the building. Finally, the decked amenity area to the rear no longer links to the public footpath to the rear of the site via a raised walkway/ramp.

These changes are minor in nature and the scheme remains largely as per the previously approved development. The remaining assessment of the original scheme is set out below and it is not considered that the proposed amendments are objectionable.

The materials pallet is simple providing a clean, modern finish with large areas of glazing and a combination of metal and wooden cladding. The overall design is considered to be of a high quality and although it is of a different appearance to a standard employment building there is a genuine need for it to take this form. Furthermore, there is already quite an eclectic mix of building designs in the locality with the Bannatyne Health Club and Edith Borthwick School presenting very different architectural styles to Braintree Enterprise Centre.

In terms of layout, the applicant proposes to position the building relatively centrally within the site with parking to the front and to one side of the site. To the rear an amenity space for occupants/visitors to the I Construct Hub is proposed on a raised decked area.

Landscaping

Overall there is very limited capacity for landscape planting on the site as it is already occupied however the applicant has submitted an outline landscape drawing which shows details of new planting.

A landscape condition is recommended to ensure that the most appropriate landscaping is achieved and opportunities for this are maximised. A condition is also recommended to require an updated Arboricultural Method Statement and Tree Protection Plan.

Ecology

The submitted Ecology Report identifies that the site as a whole is of very low ecological value although the hedge to the rear provides good bat foraging and moderate bat commuting opportunities, although it is identified that these may be limited by the prevalence of nocturnal lighting on the site and on commercial sites immediately adjacent to it.

The Ecology Report recommends that this hedgerow is protected and enhanced. The revised scheme no longer proposes the pedestrian link to the footpath on the opposite side of the hedgerow meaning that there is no longer the need to remove a 20m section of the hedge.

The Council's Ecology Officer has reviewed the application and has no objection, subject to biodiversity enhancement and mitigation measures being completed. A condition is therefore recommended to cover this as per the previously approved application.

Highways and Parking

The proposed building would be located in the car park of the existing Enterprise Centre. It would therefore result in the loss of some of the existing car parking. In addition the new building would generate its own parking requirements in accordance with the Essex Parking Standards 2009.

The proposal would generate 614sqm of floorspace which is of a B1 nature but with an education/training aspect to it. If based on a B1 calculation, this would require a maximum of 21 parking spaces. The existing building (Ignite House) generates a requirement of 20 spaces. The site layout plan makes provision for a total of 19 spaces to serve the new building, 3 spaces less than the approved scheme which over provided by a single space. The revised layout proposes two spaces less than the maximum permitted provision and is considered acceptable for the new building.

Whilst Ignite House would lose its current parking provision it is also served by another larger car park which provides 40 spaces and is located further along Enterprise Drive. This parking area also serves 4 units located adjacent to it, which generate a maximum requirement for 15 spaces. Therefore, the maximum requirement for Ignite House plus the above 4 units is 35 parking spaces, which is in fact exceeded by the 40 spaces provided. Given that this car park currently makes even greater over provision and the proposed development would reduce this, this is considered to be acceptable.

With regard to highway impact, the applicant has submitted a Transport Statement in support of their application. This identifies that the development is predicted to generate 6 arrivals and 1 departure in the AM peak and 0 arrivals and 6 departures in the PM peak with a daily total of 45 vehicle movements.

Essex County Highways have been consulted and have no objection to the proposal subject to a condition relating to a Construction Management Plan which is recommended.

They also require a s106 contribution toward improvement works to the Springwood Drive/Rayne Road roundabout. This would be secured as a planning obligation under a s106 Agreement or Unilateral Undertaking.

The Travel Plan requirement is not relevant as the scheme would generate well under 50 employees (3 anticipated).

Officers also note the objections lodged by members of the public with regard to the current congestion experienced on Springwood Drive, particularly in the PM peak. However, given the relatively small number of vehicle movements which the development would generate, particularly in the PM peak and the fact that there is no objection from the Highway Authority it is not considered that there are any grounds to recommend that the application is refused on this basis. A s106 contribution toward highway improvement works would be

secured as set out above.

Amenity

Policy RLP36 of the Adopted Local Plan states that planning permission will not be granted for new development which would have an unacceptable impact on the surrounding area in terms of noise or light pollution.

The site is located in an allocated employment area with no residential properties in the vicinity. The proposed use is not anticipated to generate any unusual noise or light however the Council's Environmental Health Team have recommended that conditions relating to the need for safeguarding during construction are used as per the previously approved development. A lighting condition is also recommended with regard to the permanent lighting scheme for the building given its proximity to an established tree/hedge line with associated potential ecological impacts, again as per the previously approved development.

Flood Risk and Surface Water Drainage

The application is not located in an area identified as being at risk of flooding and is not classified a major application. There is therefore no requirement for a Flood Risk Assessment to be submitted and no requirement to consult the Lead Local Flood Authority who will only comment on non-major applications where there is actually a specific risk of flooding identified.

The applicant has however submitted a Flood Risk Assessment. The Assessment confirms that there is no identified risk of flooding at the site. The applicant proposes to install a small attenuation crate to cater for 1 in 100 year flood events and for this to have a controlled outflow to the existing ditch which runs parallel to the sites southern boundary. Surface water from the site currently flows into this ditch but is uncontrolled.

The proposed drainage strategy represents an improvement to the existing situation insofar as it would cater for a 1 in 100 year storm event and would control outflow to the adjacent ditch. Although this is considered to be acceptable, given that it is not necessary to make the development acceptable in planning terms it is not recommended that a planning condition is used to require the applicant to install this drainage system as it would fail the condition tests.

It is however anticipated that the applicant will of their own choice install this drainage system with associated benefit.

PLANNING BALANCE AND CONCLUSION

The proposed development would be of a high quality and would function as a centre of excellence for construction innovation and a learning hub for those employed in the industry. The economic benefits for the District and the wider hinterland are clear and the I Construct project would have the ability to make

a significant impact in this regard, particularly given the strength of the sector in Braintree District.

In addition to the economic benefits, the environmental benefits of progressing innovative technology aimed at streamlining the construction process and using the most sustainable technology, techniques and materials are also clear.

The proposed amendments to the previously approved development are minor in nature and are not considered to be objectionable.

With regard to harm, the proposal would generate a small number of vehicle movements onto a congested network, however no objections have been received from the Highway Authority and a planning obligation to secure highway network improvements would be secured.

Overall the proposal is considered to represent a sustainable development which will have the ability to make a significant contribution to innovation in the construction sector and would also form a high quality proposal in its own right.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The applicant entering into a suitable legal agreement (or Unilateral Undertaking) pursuant to s106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:
 - **Highways:** A financial contribution towards improvements at the Springwood Drive/Rayne Road roundabout.

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out below and in accordance with the approved plans.

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

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: BA/P19-094-001
Existing Block Plan	Plan Ref: BA/P19-094-002
Proposed Site Plan	Plan Ref: P19-094-BA-XX-XX-DR-A-100 Version: PR03
Amenity Space Details	Plan Ref: P19-094-BA-XX-EX-DR-A-601 Version: PR02
Proposed Sections	Plan Ref: P19-094-600 v Version: PR01
Proposed Ground Floor Plan	Plan Ref: P19-094-BA-XX-GF-DR-A-0200 Version: PR04
Proposed Roof Plan	Plan Ref: P19-094-BA-XX-02-DR-A-0202 Version: PR04
Proposed Elevations	Plan Ref: P19-094-BA-XX-ZZ-DR-A-0300 Version: PR03
Proposed Elevations & Floor Plans	Plan Ref: P19-094-BA-XX-ZZ-DR-A-0301 Version: PR02
Proposed 1st Floor Plan	Plan Ref: P19-094-BA-XX-01-DR-A-0201 Version: PR04

- 1 The development hereby permitted shall begin not later than 28th October 2022.

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

Reason

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

- 4 Prior to first use of the development hereby approved details of all gates/walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as

such.

Reason

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

- 5 Prior to the first use of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

Reason

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

- 6 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.

- 7 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include but not be limited to the following:
 - Safe access to/from the site;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the

development;

- Details of any piling operations to be carried out during the construction phase;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition, site clearance and construction working hours.;
- Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically appointed individuals responsible for ensuring compliance;
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

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

Reason

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

- 8 Prior to the commencement of development an updated Tree Protection Plan Document shall be submitted for approval by the Local Planning Authority. The Document shall include details of the construction methods to be used for the proposed amenity area located at the rear of the I Construct Building. The development shall be carried out in accordance with the approved details.

Reason

To ensure the protection of existing trees and hedges. The document is required prior to the commencement of development to ensure that tree protection measures are in place before any construction works commences.

- 9 Prior to the commencement of development a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the recommendations of the Extended Phase 1 Habitat Survey (Greenwillows Associates Ltd., May 2019). The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;

- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). The strategy is required prior to the commencement of development to ensure that enhancement measures are catered for from the outset of the development.

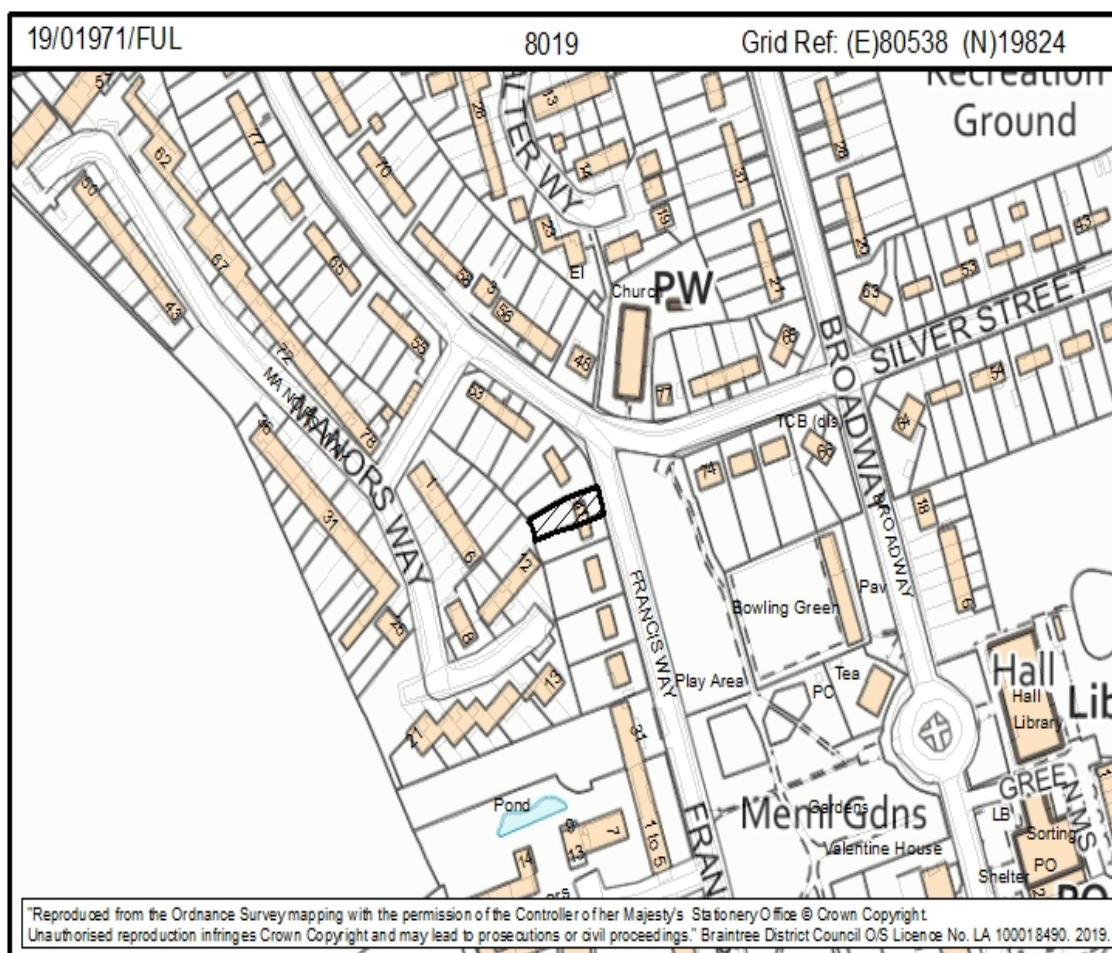
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/01971/HH
 DATE: 11.11.19
 VALID:
 APPLICANT: Mr Steven Thain
 41, Francis Way, Silver End, CM8 3QX
 AGENT: Clockworklime
 Mr Stephen Smith, 36 Colneford Hill, White Colne,
 Colchester, CO6 2PJ,
 DESCRIPTION: Replacement of existing windows
 LOCATION: 41 Francis Way, Silver End, Essex, CM8 3QX

For more information about this Application please contact:
 Fiona Hunter on:- 01376 551414 Ext.
 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=Q06S4OBFJ5600>

SITE HISTORY

01/02023/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Cut back 4-6ft of overhanging branches from 1 walnut	Granted	03.01.02
89/01032/P	Provision Of Vehicular Access And Hardstandings	Deemed Permitted	30.08.89
14/00314/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Walnut tree currently 14 metres in width and 13 metres in height to be reduced to 4 metres width and 5 metres in height and carry out works to a tree that is currently 7 metres in width and 10 metres in height reduce in width by 2 metres and 4 metres in height	Granted	27.11.14
19/00040/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Complete works to an Ash tree that is currently 7 metres in width and 15 metres in height reduce in width by 4 metres and 8 metres in height	Granted	21.03.19
19/00901/HH	Replacement to existing fenestration with aluminium heritage windows	Refused	13.09.19

POLICY CONSIDERATIONS

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

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

2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

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

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

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

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
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
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

41 Francis Way is a semi-detached property located in 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 things, 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 nine windows on the front, side and rear elevation of the property.

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:

I have no objection to the replacement of the windows at the property. The amended drawings detail windows which feature glazing bars and proportions that mimic the original 'Georgian' Crittall windows which featured across the Silver End Conservation Area at the time of its construction. Therefore, they could be considered a largely faithful reinstatement of the appearance of the original windows, although with surface mounted rather than integral glazing bars.

The installation of the proposed windows will be disruptive to the street scene and significance of the Conservation Area, the special interest of which is partially derived by the uniform appearance of the properties within it. However, the installation of windows featuring glazing bars would likely set a precedent for the reinstatement of the original appearance of the properties which would, eventually, be beneficial to Silver End, enhancing one of the elements that contributes to its architectural interest. Therefore, the local authority must determine if this harm, contrary to section 196 of the NPPF, will be outweighed by the longer-term public benefit.

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 current Conservation Guidelines, as published.

REPRESENTATIONS

A site notice was displayed outside 41 Francis Way for a period of 21 days. No neighbour representations have been received.

REPORT

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allow 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.

The NPPF states that new development should function well and add to the overall quality of the area, are sympathetic to local character and history, and maintain a strong sense of place. 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 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.

The property is located within the Conservation Area of Silver End and where an Article 4 Direction is in place which requires planning permission for the replacement of all windows. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of whom went into meticulous detail when designing the houses, right down to the individual design of doors and windows.

This proposal looks to replace nine 1950s windows with aluminium double glazed windows which would mimic as closely as possible, the original Georgian pattern which would have been found on the original windows at the property.

The installation of aluminium double glazed windows with surface mounted ‘flat’ glazing bars would lead to larger units than existing and would disrupt the uniformity of the terrace. The optimum solution is considered to be steel Crittall style windows with slim-profile double glazed units. It has therefore been concluded by the Historic Building Consultant that the proposals would cause ‘less than substantial harm’ as defined in Paragraph 196 of the NPPF.

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 is it considered that the proposal would be contrary to Paragraph 196 of the NPPF and weighs against the proposal in the overall planning balance.

The use of double-glazed aluminium framed windows in Silver End however, 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 looks to try and replicate the Georgian style windows that were originally 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 of the streetscene, it is considered that as future properties in 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 would ensure that the street and wider Conservation Area would be of an appearance that is more in keeping with how Silver End originally looked and was designed. The Historic Building Consultant also concludes as part of their response, that *“the installation of windows featuring glazing bars would likely set a precedent for the reinstatement of the original appearance of the properties which would, eventually, be beneficial to Silver End, enhancing one of the elements that contributes to its architectural interest”*. It is therefore acknowledged by the Historic Building Consultant that what is being proposed, is the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide published in 1999. In this context therefore 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 has been minimised as much as possible at this current time. The Georgian style windows are of a style that mimic as closely as possible the windows that were originally on this street and therefore would be in keeping with original designs for this street. 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 have minimised harm to the Silver End Conservation Area as much as possible at this current time and the Georgian style windows would be more in keeping with windows which were originally found at properties in this terrace.

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: 1A

Window details	Plan Ref: 170/S2/05/A
Photograph	Plan Ref: Assumed Assignments
Window details	Plan Ref: 170/S2/02/A
Window details	Plan Ref: 170/S2/03/A

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

Reason

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

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

Reason

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

- 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.

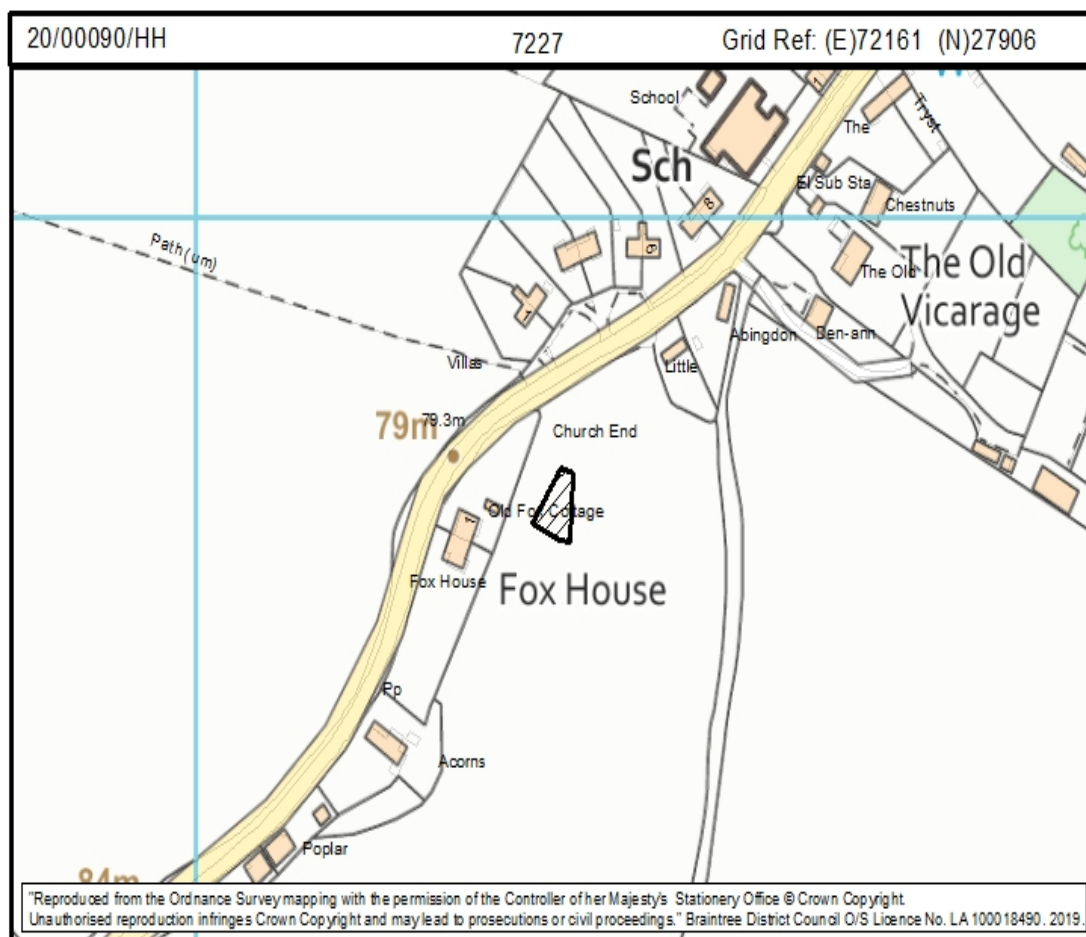
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 20/00090/FUL
 DATE: 24.01.20
 VALID:
 APPLICANT: Mr A Grove Smith
 c/o Agent
 AGENT: Mr Steven McLean
 Unit 6 Chancers Farm, Fossetts Lane, Fordham,
 Colchester, CO6 3NY, United Kingdom
 DESCRIPTION: Loft conversion to provide storage through installation of 3
 rooflights.
 LOCATION: 9 Jackmans, Shalford, Essex

For more information about this Application please contact:
 Jack Street on:- 01376 551414 Ext.
 or by e-mail to: jack.street@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q46WWIBFKDH00>

SITE HISTORY

92/00133/PFBN	Erection Of Lobby - Revision To Previous Approval Bte/1267/84 & Lb/Bte/210/86	Granted	26.03.92
92/00134/PFBN	Erection Of Lobby - Revision To Previous Approval Bte/1267/84 & Lb/Bte/210/86	Granted	26.03.92
18/00113/FUL	Erection of 6no. 3 bedroom dwellings, new access road, car parking and landscaping.	Granted with S106 Agreement	27.07.18
19/00242/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL- Redesign of house types.	Granted	02.04.19
19/00243/DAC	Application for approval of details reserved by conditions 4 and 10 of approved application 18/00113/FUL	Granted	09.05.19
19/00681/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL - updated site plan	Granted	20.06.19
18/00113/FUL	Erection of 6no. 3 bedroom dwellings, new access road, car parking and landscaping.	Granted with S106 Agreement	27.07.18
19/00242/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL- Redesign of house types.	Granted	02.04.19
19/00243/DAC	Application for approval of details reserved by conditions 4 and 10 of approved application 18/00113/FUL	Granted	09.05.19
19/00681/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL - updated site plan	Granted	20.06.19

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP55	Layout and Design of Development
SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

- Page 89 - 45° Rule & Overlooking

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 Shalford Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located on the south-western edge of the hamlet of Church End, Shalford. The site area is formally sited beyond the parameters of any development boundaries or village envelopes that serve the District, whereby the land is officially considered as countryside.

The host dwelling for this proposal is listed as No.9 Jackmans, a semi-detached residence that forms part of a collective of six 3 bedroom dwellings permitted under application reference 18/00113/FUL. The construction of the housing development is still ongoing at this present moment, as confirmed by a site visit to the property.

PROPOSAL

The proposal seeks planning permission for a loft conversion to provide additional storage at the property, and the insertion of three roof lights on the roof plane forming a side elevation to the property. A similar application has been received from the applicant for the adjacent property, No.11 Jackmans (Application Reference 20/00091/HH).

CONSULTATIONS

Shalford Parish Council have objected to the application on the following grounds:

"The Council feels that conversion to provide loft space will become bedrooms due to putting windows in the gable ends and windows in the roof and storage being over the bathroom which can easily be turned in to an en-suite. The council are not concerned about the use of the loft space for storage but if this is the proposed use then there is no need for the windows in the gable end and roof. The Council recommend refusal".

It is noted that the same recommendation of refusal was issued by the Parish Council verbatim for the neighbouring application 20/00091/HH at No.11 Jackmans, hence the reference to "windows in the gable end" which do not apply to this application.

REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. No representations have been received.

REPORT

Principle of Development

The application site lies beyond the parameters of any development boundaries or village envelopes, wherein countryside policies apply in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan. Policy CS5 of the Adopted Core Strategy states that development outside such boundaries will be strictly controlled to uses appropriate to the countryside.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan outline *inter alia* that alterations to a dwelling on land considered as countryside will be permitted provided that the design, siting, bulk, form and materials are compatible with the original dwelling and the plot upon which it stands. These policies further require there to be no adverse impact on the identity of the street scene and the appearance of the countryside.

The proposed development is acceptable in principle, subject to satisfying the abovementioned policies and all other material considerations.

Design, Appearance and Layout

The facilitation of a loft conversion does not require planning permission provided that no alteration or extension beyond the limits of the roof space as existing is carried out. Plans submitted in support of this application do not suggest that the roof plane will be significantly altered or extended as a result of the conversion, thereby the loft conversion to provide storage for the property No.9 Jackmans is considered acceptable.

The works will also comprise of the insertion of three roof lights across the eastern plane of the roof. The windows are to be glazed fixtures with black UPVC fittings. Given the plans for the facilitation of a loft conversion, the insertion of roof lighting such as that proposed is read as a reasonable addition to the benefit of the amenity of the host dwelling. Further to this, the chosen design of the windows are sympathetic to the established setting of the host dwelling, the plot upon which it stands, and the wider countryside setting to the west and are therefore read as a compatible addition. The siting of the roof lighting on a plane facing away from the adjacent roadway is also considered to limit the impact on the street scene.

As such, no adverse effects are read from the insertion of roof lights in terms of their design and appearance, thereby their installation is considered to

comply with criteria outlined in Policies RLP18 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38 and LPP55 of the Draft Local Plan.

It is noted that the Parish Council object on the basis that the converted loft may be used as a bedroom and bathroom. This is not the proposal for consideration and in any case, this would be possible within the limits of permitted development once the dwellings are complete and occupied.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

It is acknowledged that the insertion of roof lights in the positions proposed would potentially allow for views in to the garden of the property neighbouring to the south-east of the host dwelling. However, the outlook from the roof lights is not thought to allow for an unacceptable loss of privacy given their siting, whereby views will be drawn upward given their establishment at a near 45 degree angle within the roof plane, as well as the situation of the adjacent garden on a bend away from the property. As such, no unacceptable impacts are foreseen in this instance.

The proposal is considered acceptable with regard to its impact on neighbouring amenity and would comply with the above mentioned policies.

Highway Issues

It is not considered that the works proposed in this application would affect existing parking provisions. The proposal is therefore considered acceptable with regards to highway considerations.

CONCLUSION

The loft conversion aspect of this application does not require planning permission given that no alteration or extension beyond the limits of the existing roof space are proposed and there are no restrictive conditions. The aspects that would require planning consent in this instance are the addition of fenestration across the roof plane. Officers are of the opinion that the windows proposed are acceptable, and constitute an addition that is compatible with the host dwelling and respectful to the countryside setting. Furthermore, no adverse impacts are read on neighbouring amenities. The application is 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

Existing Elevations and Floor Plans	Plan Ref: PL/01
Block Plan	Plan Ref: PL9/02
Location Plan	Plan Ref: PL9/01
Proposed Elevations and Floor Plans	Plan Ref: PL9/03

- 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.

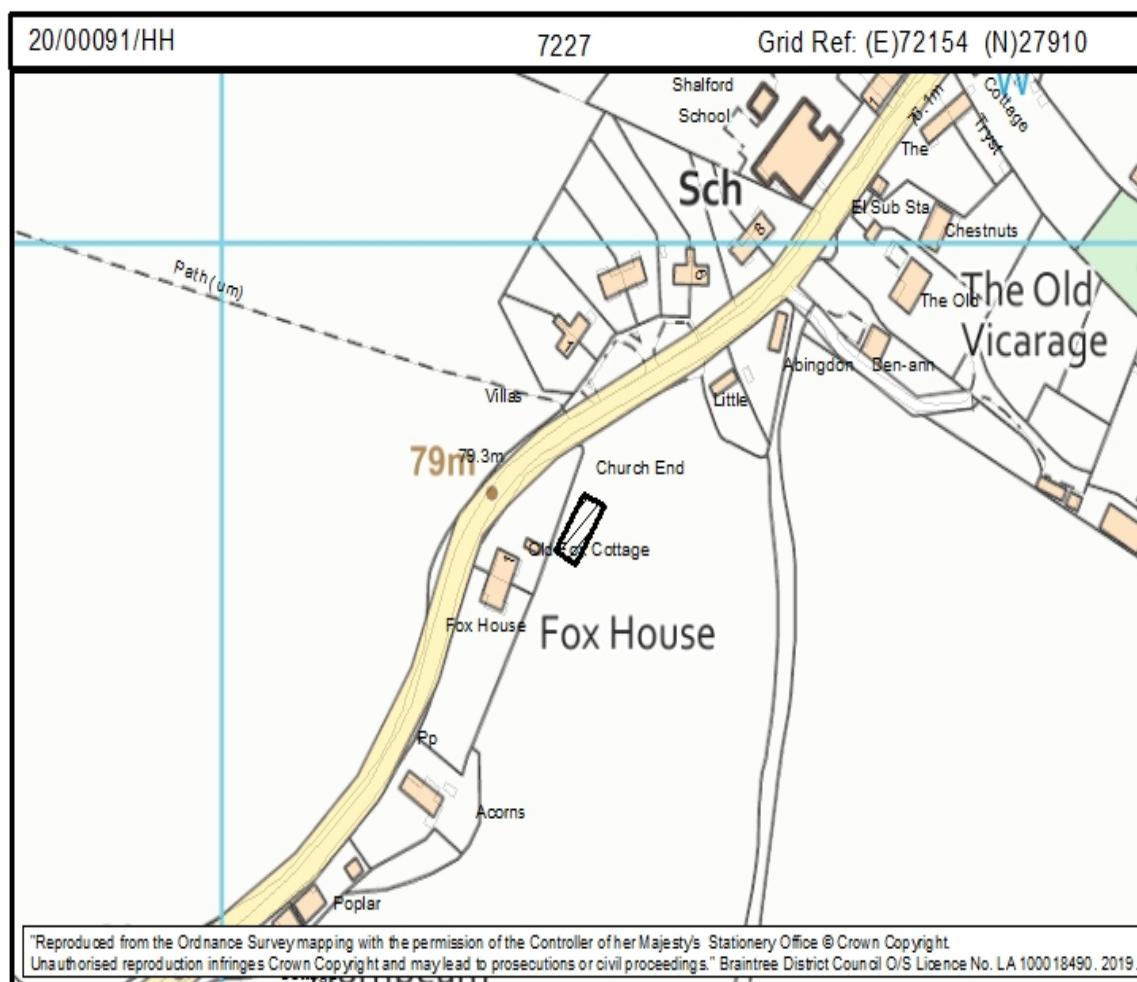
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5i

APPLICATION NO: 20/00091/FUL
 DATE VALID: 24.01.20
 APPLICANT: Mr W Grove Smith
 c/o Agent
 AGENT: Mr Steven McLean
 Unit 6 Chancers Farm, Fossetts Lane, Fordham,
 Colchester, CO6 3NY
 DESCRIPTION: Loft conversion to provide storage through installation of 2
 rooflights and installation of rear window within the gable
 LOCATION: 11 Jackmans, Shalford, Essex

For more information about this Application please contact:
 Jack Street on:- 01376 551414 Ext.
 or by e-mail to: jack.street@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q46WWSBFKDJ00>

SITE HISTORY

99/00613/FUL	Erection of rear extension	Granted	20.07.99
06/00016/REF	Erection of one and a half storey side and rear extension, single storey rear extension, porch and detached garage	Appeal Dismissed	27.07.06
95/01156/FUL	Demolition of the existing public house and the erection of two semi-detached dwellings with garages	Granted with S106 Agreement	01.05.96
98/00450/FUL	Construction of 2 no. vehicular accesses	Granted	09.06.98
04/02582/FUL	Erection of two storey side and single storey rear extension and detached garage and porch	Refused	17.02.05
05/01661/FUL	Erection of one and a half storey side and rear extension, single storey rear extension, porch and detached garage	Refused then dismissed on appeal	19.12.05
06/01613/FUL	Erection of one and a half storey side extension, single storey rear extension, porch and detached garage	Refused	20.09.06
06/02544/FUL	Erection of one and a half storey side extension, single storey rear extension and porch	Granted	02.02.07
18/00113/FUL	Erection of 6no. 3 bedroom dwellings, new access road, car parking and landscaping.	Granted with S106 Agreement	27.07.18
19/00242/VAR	Application for a variation of Condition 2 of planning permission 18/00113/FUL-Redesign of house types.	Granted	02.04.19
19/00243/DAC	Application for approval of details reserved by conditions 4 and 10 of approved application	Granted	09.05.19

19/00681/VAR	18/00113/FUL Application for a variation of Condition 2 of planning permission 18/00113/FUL - updated site plan	Granted	20.06.19
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

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Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP55	Layout and Design of Development
SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

- Page 89 - 45° Rule & Overlooking

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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SITE DESCRIPTION

The application site is located on the south-western edge of the hamlet of Church End, Shalford. The site area is formally sited beyond the parameters of any development boundaries or village envelopes that serve the district, whereby the land is officially considered as countryside.

The host dwelling for this proposal is listed as No.11 Jackmans, a semi-detached residence that forms part of a collective of six 3 bedroom dwellings permitted under application reference 18/00113/FUL. The construction of the housing development is still ongoing at this present moment, as confirmed by a site visit to the property.

PROPOSAL

The proposal seeks planning permission for a loft conversion to provide additional storage at the property, the insertion of three roof lights on the roof plane forming a side elevation to the property, and the insertion of a window in the rear gable. A similar application has been received from the applicant for the adjacent property, No.9 Jackmans (Application Reference 20/00090/HH).

CONSULTATIONS

Shalford Parish Council have objected to the application on the following grounds:

"The Council feels that conversion to provide loft space will become bedrooms due to putting windows in the gable ends and windows in the roof and storage being over the bathroom which can easily be turned in to an en suite. The council are not concerned about the use of the loft space for storage but if this is the proposed use then there is no need for the windows in the gable end and roof. The Council recommend refusal."

It is noted that the same recommendation of refusal was issued by the Parish Council verbatim for the neighbouring application 20/00090/HH at No.9 Jackmans.

REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. No

representations were received aside from the objections from the Parish Council as discussed in the preceding subsection.

REPORT

Principle of Development

The application site lies beyond the parameters of any development boundaries or village envelopes, wherein countryside policies apply in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan. Policy CS5 of the Adopted Core Strategy states that development outside such boundaries will be strictly controlled to uses appropriate to the countryside.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan outline *inter alia* that alterations to a dwelling on land considered as countryside will be permitted provided that the design, siting, bulk, form and materials are compatible with the original dwelling and the plot upon which it stands. These policies further require there to be no adverse impact on the identity of the street scene and the appearance of the countryside.

The proposed development is acceptable in principle, subject to satisfying the above mentioned policies and all other material considerations.

Design, Appearance and Layout

The facilitation of a loft conversion does not require planning permission provided that no alteration or extension beyond the limits of the roof space as existing is carried out. Plans submitted in support of this application do not suggest that the roof plane will be significantly altered or extended in terms of size as a result of the conversion, thereby the loft conversion to provide storage for the property No.11 Jackmans is considered acceptable.

The works will also comprise of the insertion of three roof lights across the eastern plane of the roof. The windows are to be glazed fixtures with black UPVC fittings. Given the plans for the facilitation of a loft conversion, the insertion of roof lighting such as that proposed is read as a reasonable addition to the benefit of the amenity of the host dwelling. Further to this, the chosen design of the windows are sympathetic to the established setting of the host dwelling, the plot upon which it stands, and the wider countryside setting to the west and are therefore read as a compatible addition. The siting of the roof lighting on a plane facing away from the adjacent roadway is also considered to limit the impact on the street scene.

The submitted plans also indicate that a window will be inserted within the gable end on the rear of the property. The window is considered appropriately placed insofar that the character of the dwelling would not be adversely affected by its insertion. The plans indicate that window will replicate the design of the windows elsewhere across the rear of the property, and thus an acceptable degree of compatibility is established.

As such, no adverse effects are read from the proposed works in terms of the design and appearance, whereby the application is considered to comply with relevant criteria outlined in Policies RLP18 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38 and LPP55 of the Draft Local Plan.

It is noted that the Parish Council object on the basis that the converted loft may be used as a bedroom and bathroom. This is not the proposal for consideration and in any case, this would be possible within the limits of permitted development once the dwellings are complete and occupied.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy.

With regards to the insertion of a window in the rear wall of the uppermost floor of the property would not attain any greater outlook than windows on the first floor of the residence. The degree of overlooking that could be read is not thought substantial enough as to warrant refusal in this instance.

The insertion of roof lights in this instance would gain an outlook on to the western roof plane of the neighbouring property, No.9 Jackmans. This generally shields views of neighbouring gardens and amenity spaces. Whilst this is acknowledged to be at the expense of the visual outlook from the roof lights in this instance, it is noted that the purpose of the fixtures is to gain lighting to the loft area and the lack of an outlook is not considered a planning concern in the permitting of this development.

The proposal is considered acceptable with regard to its impact on neighbouring amenity and would comply with the above mentioned policies.

Highway Issues

It is not considered that the works proposed in this application would affect existing parking provisions. The proposal is therefore considered acceptable with regards to highway considerations.

CONCLUSION

The loft conversion aspect of this application does not require planning permission given that no alteration or extension beyond the limits of the existing roof space are proposed and there are no restrictive conditions. The aspects that would require planning consent in this instance are the addition of fenestration across the roof plane. Officers are of the opinion that the

windows proposed are acceptable, and constitute an addition that is compatible with the host dwelling and respectful to the countryside setting. Furthermore, no adverse impacts are read on neighbouring amenities. The application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Proposed Block Plan	Plan Ref: PL11/02	
Location Plan	Plan Ref: PL11/01	
Existing Elevations and Floor Plans		Plan Ref: PL/0
Proposed Elevations and Floor Plans		Plan Ref: PL6/03

- 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