

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 10 October 2017 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

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

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

A WRIGHT  
Acting Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

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

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

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

**Health and Safety:** Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

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

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

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

**1 Apologies for Absence****2 Declarations of Interest**

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 26th September 2017 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

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

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

**PART A**

Planning Applications:-

<b>5a</b>	<b>Application No. 17 00787 FUL - Nether Hall Farm, Nether Hill, GESTINGTHORPE</b>	<b>5 - 17</b>
<b>5b</b>	<b>Application No. 17 00788 LBC - Nether Hall Farm, Nether Hill, GESTINGTHORPE</b>	<b>18 - 23</b>
<b>5c</b>	<b>Application No. 17 01157 OUT - Land at The Airfield, EARLS COLNE</b>	<b>24 - 54</b>
<b>5d</b>	<b>Application No. 17 01325 OUT - Land adjacent to Ashen Road, RIDGEWELL</b>	<b>55 - 72</b>
<b>5e</b>	<b>Application No. 17 01397 OUT - Land adjacent to Bramble Rise, Brook Street, COLNE ENGAIN</b>	<b>73 - 88</b>

## **PART B**

### **Minor Planning Applications:-**

<b>5f</b>	<b>Application No. 17 00330 FUL - Rosemead, Fairstead Road, TERLING</b>	<b>89 - 99</b>
<b>5g</b>	<b>Application No. 17 00904 FUL - 11 Silver Street, SILVER END</b>	<b>100 - 106</b>
<b>5h</b>	<b>Application No. 17 00906 LBC - 11 Silver Street, SILVER END</b>	<b>107 - 112</b>
<b>5i</b>	<b>Application No. 17 01133 FUL - 91 The Street, BLACK NOTLEY</b>	<b>113 - 121</b>
<b>5j</b>	<b>Application No. 17 01162 FUL - 7 Magnolia Close, WITHAM</b>	<b>122 - 127</b>
<b>5k</b>	<b>Application No. 17 01232 FUL - Foster Contracting Ltd, Maldon Road, KELVEDON</b>	<b>128 - 135</b>
<b>5l</b>	<b>Application No. 17 01238 FUL - Stisted Mill, Kings Lane, STISTED</b>	<b>136 - 142</b>
<b>6</b>	<b>Planning and Enforcement Appeal Decisions - August 2017</b>	<b>143 - 153</b>
<b>7</b>	<b>Urgent Business - Public Session</b> To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
<b>8</b>	<b>Exclusion of the Public and Press</b> To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	

*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

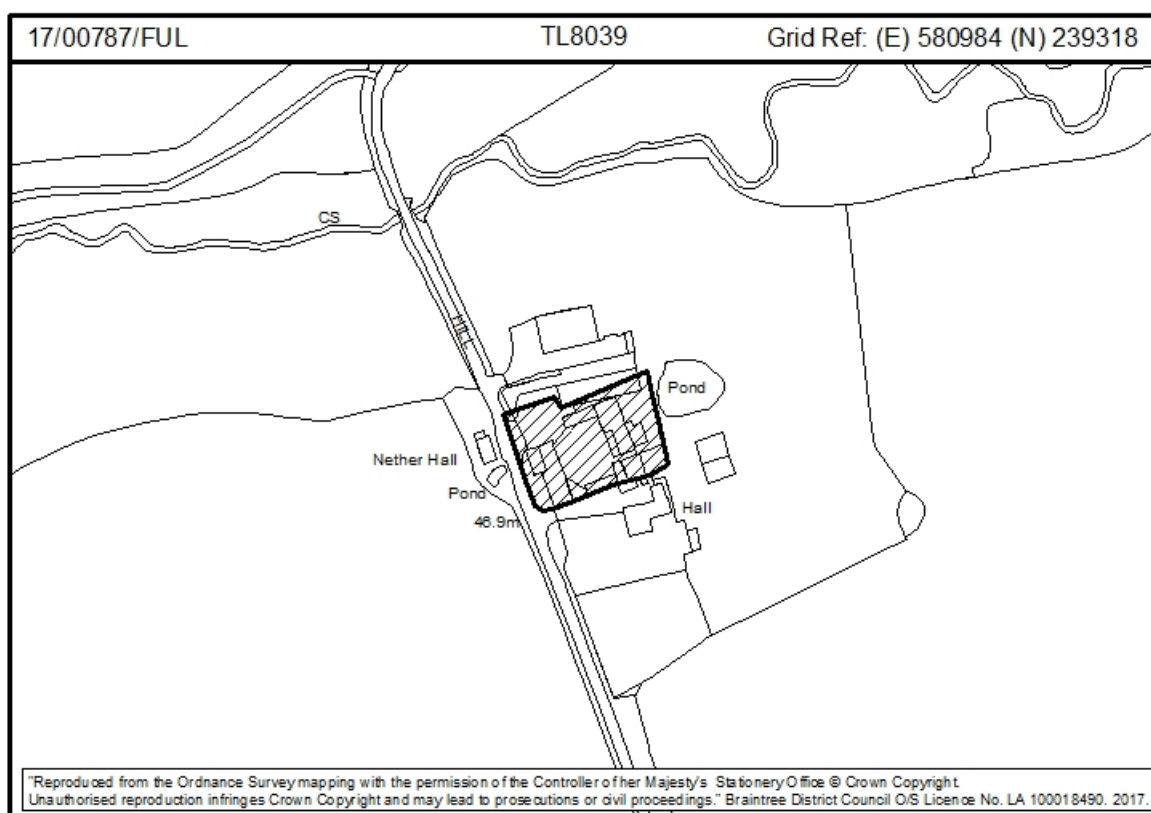
## **Page**

<b>9</b>	<b>Urgent Business - Private Session</b> 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.	
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## PART A

APPLICATION 17/00787/FUL DATE 28.07.17  
NO: VALID:  
APPLICANT: Framar Developments  
Nether Hall Farm, Nether Hill, Gestingthorpe, Essex, CO9  
3BD  
AGENT: DAP Architecture  
Mr Lewis Cullerton, 200 Avenue West, 120 Skyline,  
Braintree, Essex, CM77 7AA  
DESCRIPTION: Conversion of barn buildings to 5 no. residential dwellings  
with associated parking, private amenity space and  
landscaping  
LOCATION: Nether Hall Farm, Nether Hill, Gestingthorpe, Essex, CO9  
3BD

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



## SITE HISTORY

78/01656/P	Front Porch	Granted	18.01.79
17/00788/LBC	Conversion of barn buildings to 5 residential dwellings with associated parking, private amenity space and landscaping	Pending Decision	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

### Braintree District Local Development Framework Core Strategy 2011

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

### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP42	Residential Conversion of Buildings in the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP81	External Lighting

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, at the request of the Chairman and Vice Chairman of the Planning Committee.

## SITE DESCRIPTION

The application site is located to the eastern side of Nether Hill, Gestingthorpe and comprises a series of timber barns. Barn 1 is sited parallel with and facing towards Nether Hill. This barn is single storey height, although the building height increases as the ground level falls from south of north. The barn is pitched roofed with a lean to extension. This barn is Grade II listed. Barn 2 is the largest barn within the application site and includes a double-height pitched roof with lean-to roofs to the front and rear. This barn is also Grade II Listed. Barn 3 is a cart lodge of single storey height which is attached to the front of Barn 2. Barn 4 is a former Granary which is two stories high. Barn 5 is an open fronted store building with a lean-to roof. At the time of the site visit the barns appeared to be in use for storage.

The site benefits from its own access off Nether Hill.

## PROPOSAL

This application, in conjunction with application 17/00788/LBC (also on this agenda) seeks the conversion of the existing barns to 5no. residential dwellings with associated parking, private amenity space and landscaping. The proposal also includes the demolition of an existing barn and an existing lean to and also the extension of one of the barns to be retained. In order to facilitate residential uses fenestration is added to the barns.

## CONSULTATIONS

Historic England – Recommend the LPA seek views of our local specialist

ECC Heritage Advisor – Objects on basis of harm to the listed buildings.

ECC Highways – No objections subject to conditions

BDC Environmental Health – No objections subject to conditions

BDC Waste – Each household will need to present their bins within 20m of the highway

BDC Ecology – Further surveys are required in respect of bats and breeding birds.



## REPRESENTATIONS

Parish Council – No objections in principle, but do object to the following:

- Inadequate car parking
- Inadequate amenity space
- No details on sewerage treatment
- Junction improvements (removal of vegetation) required to improve highway visibility

No representations were received in response to the public consultation.

## REPORT

### Principle of Development

Policy RLP2 of the Local Plan Review advises that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the Core Strategy specifies that development outside of town development boundaries and village envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policies RLP38 and RLP101 allow for the conversion of rural buildings/listed agricultural buildings respectively for business and/or community use subject to meeting the criteria set out within the policy. Policy RLP38 allows conversion to residential use only where the applicant has made every reasonable effort to secure suitable employment or community use and the application is supported by a statement of the efforts that have been made.

Policy RLP101 permits conversion of listed barns/buildings to employment or community use provided that:

- (a) the detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance and its contribution to the group value and/or landscape in general
- (b) the proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads
- (c) The criteria set out within policy RLP38 are met

Conversion to residential use will only be acceptable where;

- (i) The applicant has made every reasonable attempt to secure suitable employment or community reuse and the application is supported by a statement of the efforts made
- (ii) Residential conversion is a subordinate part of the scheme for business reuse of that group of buildings
- (iii) In either case, the design and traffic issues in (a) and (b) are fully satisfied.

The preamble to policy RLP101 notes that there has been concern that the residential conversions of barns and other listed farm buildings has diminished their intrinsic historic importance. Residential conversions will be considered as a last resort, as a subordinate part of a conversion to business use or where there is no practical prospect of any other use. The Council will require evidence that all other options have been explored, including evidence of sustained and appropriate marketing of the property.

The application is not supported by any evidence which details that the site has been marketed for employment use. The applicant has failed to make every reasonable attempt to secure suitable employment or community reuse and the application is not supported by a statement of any efforts made. As such the proposal for residential use has not been made as a last resort, in conflict with the above mentioned policy.

LPP34 of the Draft Local Plan, which can now be afforded some weight in the decision making process, allows for the conversion of rural buildings that are of permanent and substantial construction and capable of conversion without complete re-building to residential use will only be permitted where they meet all the following criteria:

1. The location of the site is accessible and sustainable in the terms of the Framework
2. There is no unacceptable impact on protected species or the historic environment
3. The site is served by a suitable existing access
4. There is no unacceptable impact on residential amenity
5. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value

Section 3 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Local plans should support sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings. It is considered that RLP38 and RLP101 are consistent with this approach.

Section 6 of the NPPF advises 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. Local Planning Authorities should avoid isolated new homes unless development would represent the optimal viable use of a heritage asset.

The Council acknowledges that in terms of what the NPPF requires, it does not have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. Notwithstanding the above the Supreme Court has recently ruled that the absence of a five-year supply of deliverable sites should render out of date

only those policies dealing with the numbers and distribution of housing and not those which seek to restrict housing. As such policies RLP2 and CS5 carry weight in the decision making process and it is for the decision maker to determine how much weight.

Officers acknowledge that whilst the policies mentioned above are given less weight given the 5 year housing land supply position, they are broadly consistent with the NPPF and set out the Council's approach in terms of locating new development in sustainable locations and protecting the rural character of the countryside. It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development that are outweighed by any identified adverse impacts of the proposed development. In this regard the 'planning balance' must be undertaken.

Policies RLP38 and LPP34 do not relate directly to the supply of housing and policy RLP38 is considered up to date in so far as it promotes rural enterprise. Policy RLP38 does not preclude housing in rural areas, but it prioritises business uses, much like the NPPF. Policy LPP34 requires development to be in a sustainable location, according with the NPPF.

Paragraph 55 of the Framework specifically addresses the provision of housing in rural areas. It states that housing should be located where it will enhance and maintain the vitality of rural communities by avoiding isolated homes unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. Inspectors for recent appeal decisions suggest there are two main aspects to be assessed when considering 'isolation', these being the site physical relationship with a settlement and its functional connectivity to services.

The proposed dwelling would be sited within close proximity to one other residential property and there are other properties to the south. The site is however distant from the defined settlement of Gestingthorpe, Bulmer or Little Yeldham. The development would not be a natural extension of any settlement and it would result in sporadic development within the countryside. Given the proposal is for the conversion of the existing buildings, the impact on the countryside is lessened than if it was entirely new buildings.

Policy CS7 of the Core Strategy states that "Future development will be provided in accessible locations to reduce the need to travel". With regards to the sites connectivity to services the site is not within reasonable walking distance (nor is there footpath connections) to any local amenities or employment and thus residents would be reliant on travel by private car. For this reason the proposed development would be functionally isolated in the countryside and would conflict with the social and environmental roles of achieving sustainable development. The proposal would undermine the aims of the NPPF to locate new housing in rural areas close to services and facilities as a means of supporting the vitality of rural communities and reducing unnecessary travel by car.

Paragraph 55 of the NPPF does allow for dwellings in isolated locations only if special circumstances apply. The proposal could potentially meet with one of the special circumstances of paragraph 55 of the NPPF, this being *‘where development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets’*.

The proposal would re-use the existing buildings which are currently being used for storage. The buildings are large and fitting with the former agricultural use of the site and given their reasonable condition do not present any detrimental harm to the countryside or the listed buildings. Introducing 5no. residential units as proposed is not considered to enhance the setting but instead erode its established character. The impact of the proposal on the heritage assets is discussed in more detail below.

In order to comply with the above mentioned special circumstance of the NPPF the applicant would need to demonstrate that a residential use is the optimum viable use. As discussed above the applicant has not tested the viability of other uses on the open market as far as Officers are aware, such that it has not been evidenced that a residential use is the only viable option, or indeed the optimum use of the building. The NPPG does not advise as to how the optimum viable use should be identified; however in trying to establish that there is no viable use; the National Planning Practice Guidance (NPPG) advises that appropriate marketing is required. In the officer’s opinion it would be reasonable to consider that establishing the optimum viable use should be investigated the same way.

It has not been evidenced that a residential use is the optimum viable use of the heritage assets. The proposal conflicts with the NPPF and Policies RLP38, RLP101 and LPP34 in this respect. In addition although the development would contribute to housing supply and there would be some economic benefit during the construction period, these benefits are modest given the scale of the development and would not in Officers opinion outweigh introducing residential development in the countryside and an unsustainable location.

The planning balance is concluded below.

#### Design, Appearance and Layout

Policy CS5 of the Core Strategy seeks to protect the amenity of the countryside.

Policy RLP90 of the Local Plan Review and Policy CS9 of the Core Strategy seek to ensure a high quality design and layout in all developments.

It is considered that the conversion of the buildings to residential use and the resultant appearance of the buildings would result in the domestication of the site of harm to the amenity afforded to this countryside location and rural

setting, especially given the number of units and the amount of new fenestration. The agricultural history of the site would be lost as a result. The creation of five separate curtilages would erode the rural character of the site and wider locality, contrary to Policies CS5 and CS9 of the Core Strategy and RLP 90 of the Local Plan Review.

The proposed extension to Barn 4 is considered poorly designed; in particular the resultant roof form is awkward and at odds with the historic character of the existing building/group of buildings.

The impact of the development on the listed buildings is considered below.

Each property is served with a private amenity space, which in some cases is below standard. Nonetheless these areas do provide useable outside space of benefit to future residents and this matter alone would not justify refusal of the application.

#### Impact on Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy and Policy RLP100 of the Local Plan Review allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP 100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The Council's heritage advisor raises concern with the proposed development and considers it harmful to the heritage assets on site. Each barn is considered below.

Barn 1 – Barn 1 is Grade II listed and thought to be of fifteenth century origin, although much altered and extended throughout the seventeenth and nineteenth centuries. The Heritage Advisor notes that as a minimum it is expected that a detailed frame survey would have been submitted, which would inform and justify the design. Similarly there is no methodology for the repair of the listed structure, nor the interventions required to convert. With regards to the design the fenestration is of concern. The dormers are not an appropriate form to add to the roof scape and there is little justification for the insertion of the rooflights. In addition the number of windows is excessive and the typical casements diminish the agricultural appearance and character of the barn. The conversion of the barn in to one unit would be more satisfactory.

Barn 2 – Barn 2 is Grade II listed and of late eighteenth century or early nineteenth century origin. The above in respect of the frame survey and methodology also apply to this barn. The principle of subdividing the listed barn in to two separate properties is not considered favourable and there is little justification for this expect the desire to maximise the no. of residential

units on site. A less intensive conversion would allow a large proportion of the internal volume to remain uninterrupted. The fenestration proposed is inappropriate and details such as the glazing to the midstreys, retaining the barn doors and utilising existing apertures have not been employed.

Barn 3 – The use of Barn 3 for covered car parking is considered acceptable.

Barn 4 – Barn 4 is a former granary and constitutes a non-designated heritage asset of nineteenth century origin. The proposed extension is poorly designed, especially the roof form which is inconsistent with the agricultural typology and would make the modern indistinguishable from the historic.

Barn 5 – The use of Barn 5 for covered car parking is considered acceptable, however all the car parking should be within the structure such that the double/tandem spaces as proposed should be avoided.

It is considered the proposed conversion falls below the standard expected and would result in harm to the character and setting of the listed buildings/heritage assets, in conflict with the NPPF, Policies RLP100 and RLP 101 of the Local Plan Review and Policy CS9 of the Core Strategy.

#### Impact on Neighbour Amenity

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 requires consideration to be given to the amenity of neighbouring properties. The site is adjacent to the residential property of Nether Hall (in the ownership of the applicant) but is well distanced from any other residential property. The site is currently used primarily for storage, which is a low intensity use. The use of the site for residential purposes would see the increase in current activity at the site with the comings and goings of 5no. units, however this is not considered likely to give rise to unreasonable harm upon residential amenity. Furthermore all vehicular traffic associated with the proposed development would be contained its own access away from the neighbouring property.

Nether Hall is sited at a higher level relative to the application site and thus the proposed development would not be overbearing nor would it cause unreasonable overlooking.

It is not considered that the proposal gives rise to any material detriment to the amenity of nearby residential properties, complying with policy RLP90 (iii).

#### Highway Issues

The proposed development would be served by the existing access off Nether Hill, to which the Highway Authority raise no objections. The Highway Authority suggest conditions in respect of vehicle parking and turning space, a construction management plan and residential travel packs, all of which could be attached to a grant of planning permission.

The application proposes 5no. 4 bedroomed properties which require a minimum of 2no. car parking spaces each to accord with the adopted standard. The site layout plan submitted shows 10no. car parking spaces can be accommodated.

The proposal does not provide any visitor car parking and therefore conflicts with the adopted parking standards in this respect. Given the location of the site and that all the dwellings are 4no. bedroomed, visitor car parking (or a greater no. of allocated spaces) is considered necessary. It would be possible for ad hoc car parking to take place within the courtyard; however this would make manoeuvring into and out of the allocated car parking spaces more difficult and be of harm to the setting of the listed buildings.

## OTHER MATTERS

### Ecology

The application is supported by a bat survey. This initial survey confirms evidence of occupation by bats was found in 3 of the barns proposed for development. As such further bat survey work is required to determine the presence or absence of roosts.

No assessment has been made of breeding birds or barn owls.

In accordance with BS:42020:2013 the necessary surveys must be completed and the information submitted to the Local Planning Authority before an application can be determined so that it can be determine whether the impacts the development would have can be adequately mitigated and the species protected as required.

The absence of this survey work forms a justifiable reason to withhold planning permission given conflicts with the NPPF, Policy CS8 of the Core Strategy and Policy RLP84 of the Local Plan Review.

## CONCLUSION

The application site is located outside of a defined settlement boundary and is therefore within the countryside. The development therefore conflicts with policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy. Notwithstanding this, policies RLP38 and RLP101 of the Local Plan Review provide an exception to the protectionist countryside policies and allow for the conversion of rural buildings. These policies favour conversion to employment or community uses, but do allow for a residential as a last resort and provided evidence is submitted to prove no other use is a possibility. The application is not supported by any evidence that suggests other uses have been sought for the buildings, nor that a residential use is the optimum viable use of the heritage assets.

Notwithstanding the conflict with the above mentioned policies, consideration must be given to the diminished weight of the adopted plan given the Council

is unable to demonstrate a five year supply of housing land. The presumption in favour of sustainable development sits at the heart of the Framework. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies of the Framework indicate development should be restricted or ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework as a whole.

The proposed development would undeniably contribute to the District's housing supply; however a net increase of five dwellings is negligible and thus carries limited weight in favour of the proposal. Some very limited benefit may arise from the conversion, but this would be for a limited period and modest given the scale of development. Furthermore there would be little contribution to the local economy/rural services and facilities.

The proposal would introduce 5no. residential units to the countryside, beyond a defined settlement and in an unsustainable location. Furthermore the proposal would give rise to harm (less than substantial) to identified heritage assets. In addition the proposal is in part of poorly designed; fails to provide visitor car parking and the necessary surveys in respect of bats, birds and barn owls have not been undertaken. It is considered that the benefits of the proposal carry limited weight and would be outweighed by the adverse impacts noted above and therefore the proposal would not secure sustainable development.

The proposal is contrary to the NPPF, Policies CS5, CS7, CS9 of the Core Strategy, Policies RLP2, RLP38, RLP56, RLP90, RLP100 and RLP101 of the Local Plan Review and Policy LPP34 of the Publication Draft Local Plan.

### RECOMMENDATION

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

- 1 The proposal introduces no. 5 new dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. The site is located in the countryside beyond any defined settlement boundaries and in a location where there are limited facilities, amenities, public transport links and employment opportunities. The proposal would introduce new housing development beyond the defined settlement limits, in an unsustainable location and would be contrary to the objectives of securing sustainable patterns of development and the protection of the character of the countryside. Development at this location would undoubtedly place reliance on travel by car, would do little to enhance or maintain the vitality of the area and would be the antithesis of sustainable development. The proposal therefore fails to accord with the planning principles as set out in the NPPF and



policy RLP2 of the Local Plan Review, policy CS5 and CS7 of the Core Strategy and policy LPP34 of the Publication Draft Local Plan.

- 2        The development would, by way of the conversion of the buildings, give rise to harm to the character and setting of the heritage assets and the public benefits of the scheme would not outweigh the harm identified. In addition no evidence has been provided such to satisfy the Local Planning Authority that a residential use is the optimal viable use of the heritage assets.

The proposal is contrary to the NPPF, Policy CS9 of the Core Strategy and Policies RLP100 and RLP101 of the Local Plan Review.

- 3        The conversion of the buildings as proposed and the use of the site for residential purposes domesticates the appearance of the site, of harm to the rural character and failing to lead to an enhancement to the immediate setting. The proposal fails to be sympathetic to the rural context or secure the environmental role of sustainable development in this regard, contrary to the NPPF, Policy CS5 and CS9 of the Core Strategy and Policy RLP90 of the Local Plan Review and Policy LPP34 of the Draft Local Plan.

- 4        The proposal fails to provide visitor car parking as required by the adopted car parking standards (Supplementary Planning Document - Parking Standards Design and Good practice 2009). Ad hoc car parking would be to the detriment of the amenity of future occupiers and of harm to the character and setting of the listed buildings, contrary to Policy CS9 of the Core Strategy and Policies RLP56, RLP90 and RLP100 of the Local Plan Review.

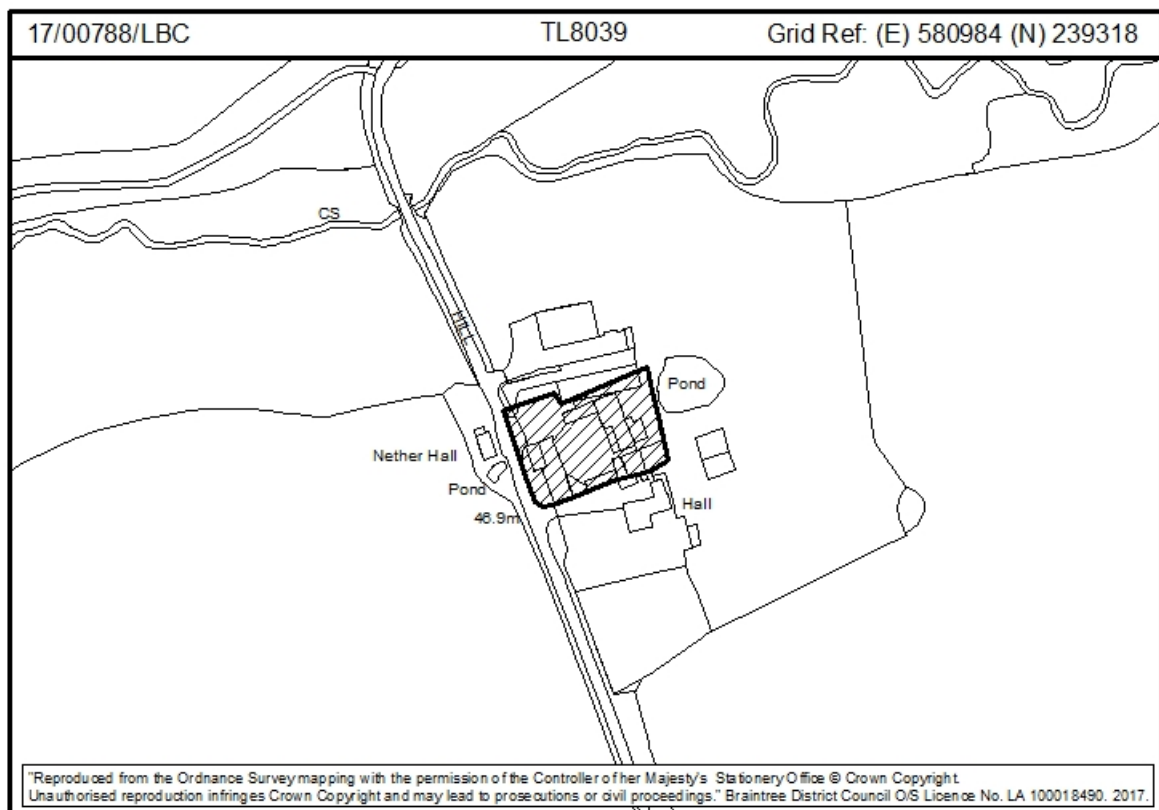
- 5        The application is not supported by sufficient surveys in respect of bats, breeding birds and barn owls and thus it is not possible to determine whether these species are present in the barns and/or whether the impacts of development upon these species could be mitigated against. The proposal falls contrary to the NPPF, Policy CS8 of the Core Strategy and Policy RLP84 of the Local Plan Review.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION 17/00788/LBC DATE 28.07.17  
 NO: VALID:  
 APPLICANT: Framar Developments  
 Nether Hall Farm, Nether Hill, Gestingthorpe, Essex, CO9  
 3BD  
 AGENT: DAP Architecture  
 Mr Lewis Cullerton, 200 Avenue West, 120 Skyline,  
 Braintree, Essex, CM77 7AA  
 DESCRIPTION: Conversion of barn buildings to 5 residential dwellings with  
 associated parking, private amenity space and landscaping  
 LOCATION: Nether Hall Farm, Nether Hill, Gestingthorpe, Essex, CO9  
 3BD

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



## SITE HISTORY

78/01656/P	Front Porch	Granted	18.01.79
17/00787/FUL	Conversion of barn	Pending	
	buildings to 5 no. residential dwellings with associated parking, private amenity space and landscaping	Decision	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RPL100      Alterations and Extensions and Changes of Use to Listed  
                 Buildings and their settings  
RPL101      Listed Agricultural Buildings

#### Braintree District Local Development Framework Core Strategy 2011

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

LPP50        Built and Historic Environment  
LPP60        Heritage Assets and their Settings

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee at the request of the Chairman and Vice-Chairman of the Planning Committee.

#### SITE DESCRIPTION

The application site is located to the eastern side of Nether Hill, Gestingthorpe and comprises a series of timber barns. Barn 1 is sited parallel with and facing towards Nether Hill. This barn is single storey height, although the building height increases as the ground level falls from south of north. The barn is pitched roofed with a lean to extension. This barn is grade II listed. Barn 2 is the largest barn within the application site and includes a double-height pitched roof with lean-to roofs to the front and rear. This barn is also Grade II Listed. Barn 3 is a cart lodge of single storey height which is attached to the front of Barn 2. Barn 4 is a former Granary which is two stories high. Barn 5 is an open fronted store building with a lean-to roof. At the time of the site visit the barns appeared to be in use for storage.

The site benefits from its own access off Nether Hill.

#### PROPOSAL

This application, in conjunction with application 17/00787/FUL (also on this agenda) seeks the conversion of the existing barns to 5 no. residential dwellings with associated parking, private amenity space and landscaping.

The proposal also includes the demolition of an existing barn and an existing lean to and also the extension of one of the barns to be retained. In order to facilitate residential uses fenestration is added to the barns.

### CONSULTATIONS

Historic England – Recommend the LPA seek views of our local specialist

ECC Heritage Advisor – Objects on the basis of harm to the listed buildings.

### REPRESENTATIONS

Parish Council – No objections in principle, but do object to the following:

- Inadequate car parking
- Inadequate amenity space
- No details on sewerage treatment
- Junction improvements (removal of vegetation) required to improve highway visibility

No representations were received in response to the public consultation.

### REPORT

#### Principle of Development

Please refer to the previous report for 17/00787/FUL.

#### Design, Appearance and Layout

Please refer to the previous report for 17/00787/FUL.

#### Impact on the Heritage Asset

The NPPF requires great weight to be given to the conservation of heritage assets. Policy CS9 of the Core Strategy and Policy RLP100 of the Local Plan Review allow changes and extensions to listed buildings provided they do not harm the setting, character and fabric of the building or result in the loss of or significant damage to the buildings historic and architectural elements of special importance. Policy RLP100 also requires the uses of appropriate materials and finishes. Policy RLP101 advises that the conversion of a listed barn is acceptable provided that the scheme would secure the preservation of the building without harm to its historic fabric, character and appearance.

The Council's heritage advisor raises concern with the proposed development and considers it harmful to the heritage assets on site. Each barn is considered below.

Barn 1 – Barn 1 is Grade II listed and thought to be of fifteenth century origin, although much altered and extended throughout the seventeenth and nineteenth centuries. The Heritage Advisor notes that as a minimum it is

expected that a detailed frame survey would have been submitted, which would inform and justify the design. Similarly there is no methodology for the repair of the listed structure, nor the interventions required to convert. With regards to the design the fenestration is of concern. The dormers are not an appropriate form to add to the roof scape and there is little justification for the insertion of the rooflights. In addition the number of windows is excessive and the typical casements diminish the agricultural appearance and character of the barn. The conversion of the barn in to one unit would be more satisfactory.

Barn 2 – Barn 2 is Grade II listed and of late eighteenth century or early nineteenth century origin. The above in respect of the frame survey and methodology also apply to this barn. The principle of subdividing the listed barn in to two separate properties is not considered favourable and there is little justification for this expect the desire to maximise the number of residential units on site. A less intensive conversion would allow a large proportion of the internal volume to remain uninterrupted. The fenestration proposed is inappropriate and details such as the glazing to the midstreys, retaining the barn doors and utilising existing apertures have not been employed.

Barn 3 – The use of Barn 3 for covered car parking is considered acceptable.

Barn 4 – Barn 4 is a former granary and constitutes a non-designated heritage asset of nineteenth century origin. The proposed extension is poorly designed, especially the roof form which is inconsistent with the agricultural typology and would make the modern indistinguishable from the historic.

Barn 5 – The use of Barn 5 for covered car parking is considered acceptable, however all the car parking should be within the structure such the double/tandem spaces as proposed should be avoided.

It is considered the proposed conversion falls below the standard expected and would result in harm to the character and setting of the listed buildings/heritage assets, in conflict with the NPPF, Policies RLP100 and RLP101 of the Local Plan Review and Policy CS9 of the Core Strategy.

## CONCLUSION

The proposed conversion would result in harm (less than substantial) to the character and setting of the heritage assets (designated and non-designated). It is not considered that the public benefits of the scheme would outweigh this harm. The proposal conflicts with the NPPF, Policies RLP100 and RLP101 of the Local Plan Review and Policy CS9 of the Core Strategy.

## RECOMMENDATION

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

- 1 The development would, by way of the conversion of the buildings gives rise to harm to the character and setting of the heritage assets and the public benefits of the scheme would not outweigh the harm identified. In addition no evidence has been provided such to satisfy the Local Planning Authority that a residential use is the optimal viable use of the heritage assets.

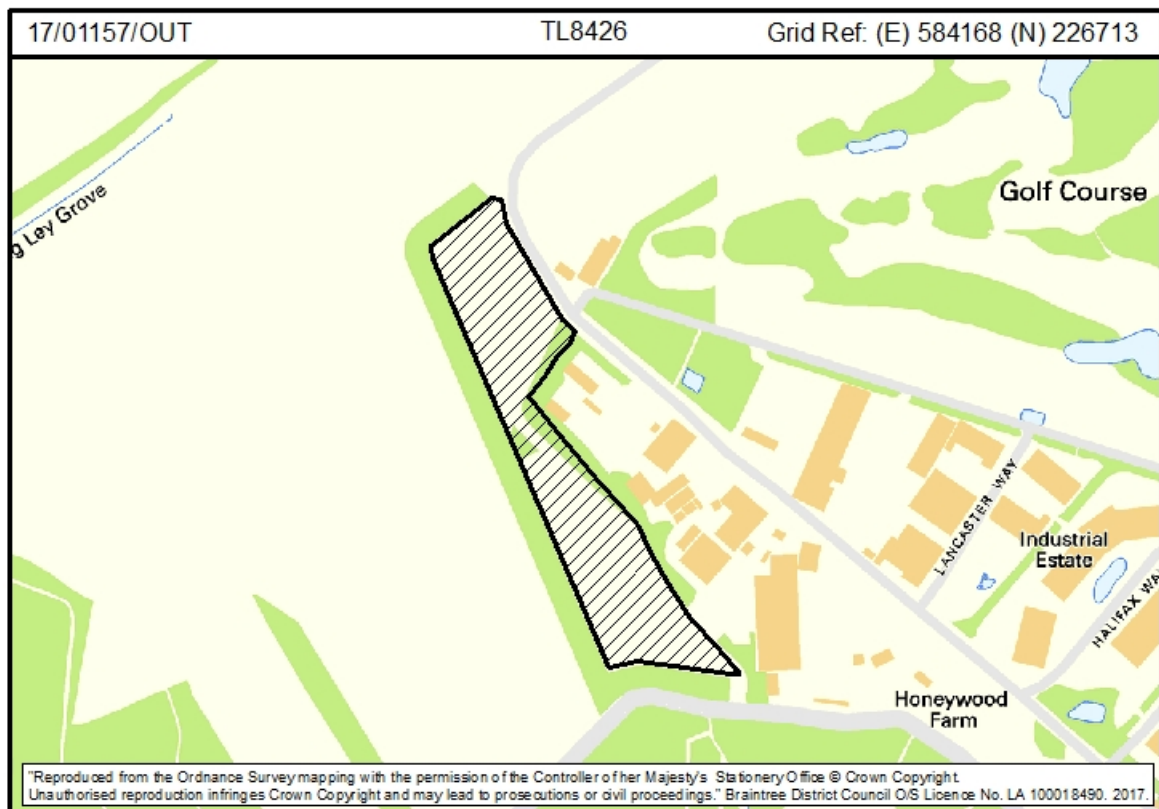
The proposal is contrary to the NPPF, policy CS9 of the Core Strategy and policies RLP100 and RLP101 of the Local Plan Review.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01157/OUT DATE: 29.06.17  
 VALID:  
 APPLICANT: Trustees Of Marks Hall Estate  
 C/O Agent  
 AGENT: Strutt And Parker  
 Jack Lillott, Coval Hall, Rainsford Road, Chelmsford, Essex,  
 CM1 2QF  
 DESCRIPTION: Outline Planning Application with all matters reserved for  
 the erection of up to 10,220m<sup>2</sup> of B1, B2 and B8  
 employment floor space.  
 LOCATION: Land At, The Airfield, Earls Colne, 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](mailto:timha@braintree.gov.uk)





## SITE HISTORY

09/00547/FUL	Erection of new aircraft hangers adjacent runway and formation of new car park area and new aircraft hardstanding	Granted with S106 Agreement	29.09.09
09/00548/FUL	Change of use from two existing aircraft hangars to one aircraft hangar and adjoining offices (B1) with designated helipad	Granted with S106 Agreement	29.09.09
09/01413/FUL	Variation of Aircraft Hardstanding approved under Application No. 09/00547/FUL	Granted	16.12.09
09/00016/NMA	Application for a non-material amendment following approval of 09/00548/FUL	Part Grant, Part Refused	25.11.09
10/60069/PAM	Change of use from agriculture (grass fallow) to commercial storage use (B8). Site to be used by Milbank a long established firm at Earls Colne for open storage of pre stressed concrete products		22.11.10
10/00256/DAC	Application for approval of details reserved by condition no. 1, 3, 7 & 8 of approval 09/00548/FUL	Granted	24.11.10
13/00211/DAC	Application for approval of details reserved by condition no. 7 of approval 09/00548/FUL	Granted	28.10.13
14/00258/DAC	Discharge of Condition 7 of 09/00548/FUL	Granted	01.02.15
16/01460/VAR	Application for variation of Condition 8 approved application 09/00548/FUL and Section 106 Agreement - to extend operating hours by two hours per day to 2400hrs	Granted with S106 Agreement	25.11.16
17/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Screening/ Scoping Opinion Adopted	30.03.17

	2011 - Screening Request - Outline Planning Application with some matters reserved - Development of 10,220sq.m. B1, B2 and B8 floor space		
89/00863/P	Erection Of Building To House Golf Driving Range & Indoor Bowling Rink, Change Of Use Of Land For 18 Hole Golf Course	Withdrawn	16.08.89
17/00002/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Outline Planning Application with some matters reserved - Development of 10,220sq.m. B1, B2 and B8 floor space	Screening/ Scoping Opinion Adopted	30.03.17

## POLICY CONSIDERATIONS

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### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP27	Location of Employment Land
RLP30	Diversity of Industrial and Commercial Premises
RLP33	Employment Policy Areas
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP46	Earls Colne Airfield
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
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
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation

#### Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
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
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP8	Rural Enterprise
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Supplementary Planning Guidance

Open Spaces Supplementary Planning Document (2009)  
Open Spaces Action Plan  
Essex Parking Standards Design and Good Practice (2009)  
External Lighting Supplementary Planning Document

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application represents a departure from the current Development Plan. It is therefore an application which has significant policy implications.

SITE DESCRIPTION

The application site measures approximately 3.70ha and consists of an area of undeveloped land located in the countryside immediately to the west of Earl's Colne Airfield. The site is currently split into two small, irregularly shaped grassed fields. The site is bounded to the west, north and south by a very substantial and well established hedge line. To the east, the site is bounded partly by a further well established hedge and partly by the Airfield perimeter road.

In terms of the wider context, further countryside lies to the north, west and south. Earls Colne Airfield is located immediately to the east, with the existing commercial buildings abutting part of the site's eastern boundary and the airfield perimeter road abutting the remainder. The airstrip itself lies adjacent to the north-eastern site boundary with planes taking off directly over this part of the site.

PROPOSAL

The applicant seeks Outline Planning Permission with all matters reserved except access for the erection of up to 10,220m<sup>2</sup> of B1, B2 and B8 floorspace. The applicant has submitted an illustrative masterplan which shows one way in which the site could be developed. A number of commercial buildings of varying sizes are spread relatively evenly across the length of the site, with a central spine road providing access from the airfield perimeter road. The existing hedgeline which sits adjacent to the site boundary remains and a landscaped frontage is indicated adjacent to the airfield perimeter road. The southernmost area of the site contains a landscaped SUDs area.

The proposal also includes a non-developable area at the northern end of the site which would be permanently retained as an emergency landing zone for aircraft taking off from the adjacent airstrip.

Access would be taken from the existing airfield perimeter road on the site's north-eastern boundary and a detailed access drawing has been submitted to indicate this.

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

- Site Location Plan
- Parameter Plans
- Utilities, Drainage and Flood Risk Assessment
- Transport Assessment
- Soakaway Test Report
- Ecology Report
- Planning Statement
- Geoenvironmental Report
- Noise Report
- Landscape and Visual Impact Statement
- Design and Access Statement
- Tree Survey

## CONSULTATIONS

### Earls Colne Parish Council

No objection provided that the development is for employment purposes only with the design in keeping with the existing, newly developed Rural Business Centre on the Airfield.

### Coggeshall Parish Council

No objection provided that the buildings are used for employment purposes and are in keeping with the surrounding street scene

### Essex & Herts Air Ambulance

Application site includes land at the end of the runway. Any buildings close to the airfield and in particular the runway will impinge on an aircraft commander's decision as to route in and out of the airfield. Tall buildings will be an obvious hazard particularly when operations are carried out during the hours of darkness.

A helicopter flying over or nearby will cause background noise to any employment spaces on this land and we are concerned that the preferred routes that were discussed and agreed originally as part of our operations at the airfield and in particular our Section 106 Agreement will come under pressure for additional operating restrictions.

In terms of aviation safety we would comment that buildings/people at the end of the runway would be in danger in the event of an overshoot or loss of

power at a critical time during the take-off phase. There have been occasions when aircraft have landed in the field in question. Safety is our main concern.

#### BDC Environmental Health Officer

No objection subject to the imposition of a standard condition relating to the need for a further land contamination survey.

#### ECC Archaeology

The proposed development lies on land that was formerly part of a WW2 Airfield at Earls Colne. It was one of the first airfields built by the US Army in Britain, becoming operational in May 1943. In 1946 the airfield was put on care and maintenance. It was equipped with three runways linked by a perimeter track, with 36 frying pan dispersals and 15 loops. The application site is in the former location of one of the loops which was still extant into the 1950's. The removal of the structural remains of the airfield would have caused significant damage to any earlier archaeological deposits and it is unlikely that any below ground remains associated with the military use of the site survive. There will be no requirement for any archaeological investigation at the site.

#### ECC Highways

No objection. If there are 50 or more employees the Developer shall provide and implement a Travel Plan including payment of a £3,000 Travel Plan monitoring fee to ECC.

#### ECC Flood and Water Management

No objection subject to conditions. This followed the receipt of additional information which was requested by the ECC SUDs Team and provided to them by the applicant. Conditions include the requirement for a detailed surface water drainage scheme for the site to be submitted and approved.

#### Natural England

No specific comment. Refer the Council to Natural England's standing advice.

#### Environment Agency

No comments received.

#### ECC PROW Officer

No comments received.

## ECC Historic Buildings Consultant

No objection. Proposed development will bring the existing development closer to Lodge Farm, a timber framed and plastered building of fifteenth and sixteenth century construction and its associated barn, both of which are Grade 2 listed.

A small section of the new built form will be visible from within the farm complex and in views where both the heritage asset and the new development are experienced. This will impinge on the relatively isolated nature of the farm complex. However this impact is considered to be relatively minimal and could be considerably mitigated by appropriate detailing of materials, height and design of the new development and by its location in the site.

I have little concern regarding the impact of the proposal on the WW2 Airfield given the relatively low sensitivity of this section of the airfield.

## REPRESENTATIONS

Sixteen letters of objection were received. These are summarised below:

- Impact on Coggeshall Road (B1024) due to increased traffic, particularly HGV's
- Road structure already inadequate
- Increased traffic will seriously compromise safety
- Detrimental impact on quality of life of immediate residents and Earls Colne as a whole
- Lorries already too large to pass one another and frequently cause damage to verges, pavements and private property and tailbacks
- New access to the site from the A120 away from Coggeshall Road must be used if this development is to be permitted.
- If the rate income and new jobs justify this development then Local Government should assist in the creation of a direct access route to the site from the A120
- HGV traffic has already reached saturation point with Lorries pulling into private driveways to enable them to pass one another
- The road shakes perpetually with HGV traffic in the early morning
- HGV traffic already makes my house shake
- Broken drain outside my partner's property which the Council haven't fixed and which already rattles horrendously when lorries pass over it
- Lorries currently start at 5am and continue to 8pm, sometimes beyond this
- Road is only quiet between 2am to 4am
- HGV traffic is already causing damage to Coggeshall Road
- There have been fatalities on Coggeshall Road already, including a cyclist in 2016
- Road littered with broken wing mirrors



- Property has cracked, had extensive and expensive repairs and cracked again
- Increase in traffic noise
- Increase in traffic pollution
- Road is already so dangerous it prevents maintenance to hedgerows by residents
- HGV traffic is already causing difficulties for farm traffic which needs to use Coggeshall Road
- Size and scale of proposed development will substantially increase the industrial land in this area which is out of keeping with such a rural and beautiful part of Essex
- Coggeshall and Earls Colne are of historical value and shouldn't be further spoiled
- A120/B1024 junction is extremely dangerous and not capable of coping with increasing traffic. Fatalities have occurred previously
- Auto Exchange refer to the A120/B1024 junction as Coggeshall killer bypass (December 2016)
- HGV's queuing to enter the B1024 from the East (Colchester) block the view of the A120 for road users waiting in the middle of the junction and lorries crossing the junction sometimes block the A120, causing traffic on the A120 to suddenly/dangerously break
- Have already had to fence my drive to stop HGV's using it as a passing place and commuters using it as a layby
- Overall detrimental to the character of the locality
- Previous request for more industrial development was turned down when Millbank wanted to extend operations onto the Marks Hall estate. Circumstances haven't changed
- If permitted development would further encroach into the woods and so on until there are no more woods left
- Have already had to put wooden crash bollards up to try and prevent cars ending up in my sitting room
- On top of this proposal there is the proposed new development at Marks Tey which is also horrendous. Every new house will generate at least two cars on the roads which cannot sustain them
- Already have major issues trying to access my partners driveway and also exit it safely onto Coggeshall Road
- Detrimental impact upon amenity
- Embankments in front of my partner's house are supposed to be maintained by the Council. This never happens. We have to clear it ourselves to have visibility entering/exiting our driveway . More HGV traffic will make this task even more dangerous but not doing it is also dangerous as there is no visibility
- Size and scale of this development relative to location
- Already unsafe for pedestrians to walk on the road to access the Royal Mail box positioned outside my property on Coggeshall Road
- Increased traffic will increase the danger of turning out of my driveway onto the B1024 due to visibility being limited by a bend in the road
- Fear for safety of my children walking to nursery/school due to increasing traffic volume

- Our children are no longer safe in front gardens unless penned in
- Residents can no longer walk/cycle safely up our road
- Application will result in further distress and reduction in quality of life for residents
- Two cats have already been killed due to the traffic using Coggeshall Road
- I moved to the countryside as it was peaceful and not interrupted with noise or lorries

## REPORT

### Principle of Development

The application site is located in the countryside and is not allocated for employment use in the adopted Local Plan. The application is therefore a departure application. The site sits adjacent to Earls Colne Airfield and more specifically to land which is allocated for employment use, where adopted Policy RLP33 permits B1, B2 and B8 uses.

Policy RLP46 relates to this allocated land and states that the spread of industrial and commercial uses beyond the identified industrial Development limit (i.e. the allocated employment area) will be resisted. The current proposal represents the spread of industrial development beyond the identified limits and is therefore contrary to Policy RLP46.

However, the emerging Local Plan proposes the allocation of the entire application site as an Employment Policy Area, as part of the wider enlargement of the existing allocated employment land on the Airfield, to help meet the identified employment need within the District. Under emerging Policy LPP3 planning applications for B1, B2 and B8 uses would be permitted, in addition to the repair of vehicles and vehicle parts; waste management facilities as appropriate (taking into account neighbouring uses) and services specifically for the benefit of businesses or workers based on the employment area. The proposed development is for a B1, B2 and B8 use and therefore accords with the emerging Local Plan.

The emerging Local Plan is not yet adopted but does indicate a clear direction of travel for the future allocation of the site as employment land. The draft Policy has been through the recent Regulation 19 Local Plan public consultation process which ended on 28<sup>th</sup> July 2017. A total of 8 representations were received in relation to emerging Policy LPP3. Of these, two raise a general objection to the emerging Policy stating that the proposed Policy should also allow recreational uses in all employment areas, which would include the application site. Historic England submitted a general comment stating that they were not able to identify the proposed employment areas on the Policy map and could not therefore comment on the likely impact of the proposed allocations on heritage assets. No specific objections were raised with regard to the proposed allocation of the application site for employment use. It is therefore considered that moderate weight can be given to the emerging Policy's proposed allocation of the application site for employment use.

At the National level, the NPPF identifies at paragraph 7 the importance of the planning system performing an economic role by contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. At paragraph 28 the Framework makes specific reference to the need to support a prosperous rural economy by supporting economic growth in rural areas in order to create jobs and prosperity and by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas.

Furthermore, at paragraph 14 the NPPF states that where the Development Plan is absent, silent or out of date planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
- Specific policies in the Framework indicate that development should be restricted.

The adopted Policy which restricts the expansion of the currently allocated employment area at Earls Colne Airfield is now outdated and can be given only limited weight, insofar as the emerging Local Plan recognises the need to make additional employment land provision within the District and specifically identifies the application site as being suitable for that purpose. It is therefore necessary to assess the application against the requirements of paragraph 14 of the NPPF and consider the planning balance.

#### Design, Appearance and Layout

Policy RLP90 seeks a high standard of design in all developments and states that the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

The applicant proposes to develop the site for up to 10,220m<sup>2</sup> of B1, B2 and B8 floor space. The application is for outline planning permission with all matters reserved and the submitted layout is therefore for illustrative purposes only. The detailed design, access, appearance and layout would therefore be considered at the Reserved Matters Stage although the illustrative masterplan demonstrates one way in which the site could be successfully developed. The proposed B1, B2 and B8 use would result in commercial buildings which, subject to detailed design and elevations being agreed with the Council, would in general terms be in keeping both with the adjacent employment land uses and the proposed employment allocation of the site.

In terms of building heights, the applicant has submitted a parameter plan which limits the maximum height of the proposed built form on the site to 10

metres over the majority of the site and 8 metres on the northern part of the site. This would facilitate a first floor level in the proposed buildings if required and appropriate in terms of design and parking provision. The illustrative masterplan makes provision for approximately 6,600sqm at ground floor level. With the potential for first floor provision a proposed development of up to 10,220m<sup>2</sup> is considered achievable, although for the upper level of floorspace provision to be met the development would be likely to be primarily a B1 use.

The applicants have also set out in their Design and Access Statement, submitted in support of the application why they consider the proposed amount of floorspace to be achievable. The amount of proposed floorspace was calculated using the Council's Employment Land Needs Assessment (2015) which provides guidance on plot ratios for employment schemes for B1, B2 and B8 uses. The level of floorspace calculated was then reduced to account for the comparatively lower density of existing employment development on the airfield and the constraints of the application site. Consequently officers consider that the proposed quantum of floorspace, which is expressed as an 'up to' rather than a definitive figure is acceptable, with the exact amount of achievable floorspace being established at the Reserved Matters stage.

### Aircraft Safety

The northern section of the application site is located adjacent to the end of the Earls Colne airfield runway and is positioned at the take-off end. The Airfield Operators and Essex Air Ambulance (who are also based on the Airfield) raised serious concerns in relation to the safety of both their pilots and of people on the ground or in future buildings in this area of the application site. The runway is orientated such that this part of the application site is required as an option for an emergency landing should an aircraft suffer a mechanical or engine failure and need to land immediately. The Airfield Operators cited 3 examples of such forced landings occurring between 1988 and 2016, one of which required the use of this area of the application site for an aircraft to make an emergency landing on.

The applicant originally proposed to utilise this area of the site for open storage or possibly car parking, however following detailed discussions with both the Airfield Operators and the Council the applicant agreed to identify a 32m wide strip of land as being a non-developable area, to be retained as flat grassed land with no additional planting, structures or built form of any kind. This area of land would also not be treated as a usable amenity space for future employees at the site other than in terms of its visual value.

The existing northern boundary hedge to the site which is currently 8m in height would also need to be reduced to 6m in height as part the emergency landing strategy, to make it easier for pilots to crash land in the agricultural field on the other side of it. The western boundary hedge in this area of the site would need to continue to be maintained at a maximum height of 15m to comply with the Civil Aviation Authority's regulations.

The preservation of this undeveloped land and its future management, the reduction and maintenance of the northern boundary hedge and the maintenance of the relevant section of the western boundary hedge would be secured under the s106 Agreement and would ensure that an appropriate area of land would be permanently retained as an emergency landing option for pilots.

### Impact on Neighbour Amenity and Noise

The application site is located adjacent to Earls Colne Airfield and is bounded either by agricultural land or existing commercial development with no immediate residential neighbours. The closest is Lodge Farm, which is located approximately 350m to the north.

Some B Classes uses (such as B2 General Industry for example) have the potential to create noise disturbance and although the site is proposed for allocation for such use in the emerging Local Plan and is situated immediately adjacent to an existing operational employment site and a working aerodrome it is still necessary to consider the noise implications of the proposal. Given that the application is for outline consent, for a range of uses covering B1, B2 and B8, it is not possible to impose detailed noise conditions at this stage. A general noise safeguarding condition is therefore recommended which would require any Reserved Matters application relating to layout which proposes a B1(b); B1 (c); B2 or B8 use to be accompanied by a Noise Assessment and an Operational Statement, setting out matters such as the proposed hours of operation and timings for vehicle movements. This would allow the Local Planning Authority to make a detailed assessment of the noise impact of the proposal at the Reserved Matters stage and to assess the acceptability of any particular detailed use proposed.

In terms of amenity for future employees at the site, the applicant submitted a Noise Report which demonstrates that the majority of the site is capable of making provision for quiet sitting out areas for employees at lunchtime, the exception being the northern part of the site which is located under the airfield (take-off) flightpath. The importance of limiting the external noise level of plant serving the future buildings and of providing noise mitigation measures to new Officer buildings (such as acoustic glazing) is also recognised, although as there is no detailed layout or specific type of use proposed at this Outline stage no further detail can be provided.

### Ecology and Trees

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Policy RLP81 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species.

There are a number of Local Wildlife sites and Ancient Woodlands located in the vicinity of the application site, the closest being Markshall Woodlands which is located immediately to the south. The applicant submitted an Ecology Report and associated Reptile Survey in support of their application.

The Ecology Report found that the development would have the potential to have an impact upon the adjacent Local Wildlife Site and that this impact would need to be managed, for example by ensuring that no floodlighting was directed towards this site or towards the application site's boundary hedge which may be used by Bats as foraging routes. There are also several Oak trees on the eastern site boundary which have the potential to be used as bat roosts. At the Reserved Matters Stage a further Bat survey report will be required to establish the likely impact of the detailed layout on these trees, although it is noted that they are proposed for retention.

The Report concluded that provided the site boundaries remain as dark wildlife corridors and lighting is appropriately controlled then it is considered that the development would not have a detrimental effect on the local bat population.

A Reptile Survey was also submitted, which found no evidence of reptiles on the site.

Great Crested Newts and other amphibians were not found to be a material consideration for the site. Suitable dormouse habitat was found along the western site boundary, in the form of scrubby vegetation located on the existing earth bund. This area would remain unaffected by the development.

The site was assessed as unsuitable for Schedule 1 bird species such as Barn Owls and Kingfishers

Overall, subject to the imposition of conditions requiring a site wide lighting strategy, details of external lighting for each building erected on the site, a further Bat Survey in relation to the identified Oak trees and the submission of Biodiversity Management Strategy it is not considered that there are any grounds to recommend the refusal of planning permission in relation to the Ecological impact of the proposal.

An Arboricultural Survey was also submitted in support of the application. The Survey identified that a small block of young woodland would need to be removed from the centre of the site and the young woodland strip located on the eastern boundary would need to be narrowed. The remainder of the trees and hedges on the site would be retained and in general were found to be in excellent health, providing a valuable visual screen to the site with associated amenity value.

### Landscape

Adopted Policy RLP80 states that development that would not successfully integrate into the local landscape will not be permitted. Core Strategy Policy

CS8 requires new development to have regard to the character of the landscape and its sensitivity to change.

The applicant submitted a Landscape Visual Impact Statement in support of their application which detailed an assessment made on behalf of the applicant of the likely landscape and visual impact of the proposal. The assessment found that in the wider context there are very limited views into the site, with the site's southern, northern and western boundaries being screened by very well established vegetation and the eastern boundary being mostly screened by existing commercial development and/or established vegetation.

There are some limited views into the site from the north-east and in the immediate vicinity there are clear views from the airfield perimeter road and the public footpath (PROW 75\_1) which runs through the site. In order to provide safe emergency landing zone options for pilots using the airfield the northern boundary hedge which is currently approximately 27m wide and 8m high would need to be reduced in height to 6m. The tallest buildings on the application site would be 10m although these would not be located adjacent to the northern boundary, being set a minimum of 55m into the site with a buffer area permitting development of 8m maximum height located closer to the northern boundary. Beyond this 8m zone would lie the non-developable aircraft emergency crash zone and beyond that the 6m high northern boundary hedgerow.

From a purely landscape impact perspective the ideal scenario would be to maintain the northern boundary hedge at 8m rather than reducing it to 6m which will increase the visibility of the buildings from the countryside to the north. However, this must be balanced against the importance of ensuring the safety of pilots at the airfield which is a long established commercial venture. Given the critical nature of forced aircraft landings, the importance of pilot (and passenger) safety and the fact that no built form would be located immediately adjacent to this northern boundary hedge Officers consider that the reduction of the hedge to 6m in height is acceptable.

Overall, the site as a whole is well screened and Officers consider that the landscape impact of the proposed development will not be significant provided that a landscape strategy requiring the permanent retention and maintenance of the existing boundary hedge is required. This is proposed for inclusion within the s106 Agreement as it is linked to the need to ensure aircraft safety in terms of the hedge's height toward the northern end of the site.

### Highways and Transportation

The application is an outline application with all matters reserved including access. The applicant has however submitted an illustrative access drawing which demonstrates how a safe vehicular and pedestrian access can be achieved from the existing airfield perimeter track onto the site.

The applicant has also submitted a detailed Transport Assessment which examines the potential impact of the proposed development on the existing highway network. Based on a mixed use development of B1, B2 and B8 use, the scheme would generate an additional 62 vehicle movements in the AM peak and 71 in the PM peak, in comparison to the existing 347 AM peak and 393 PM peak movements generated by the established airfield business park. In terms of the relative impact upon the B1024, this represents less than a 5% increase in existing traffic flow and is not considered to be significant.

The A120 crossroads junction is identified as operating in excess of capacity without the development in the AM peak with the development increasing queuing by 2 to 3 vehicles. The assessment indicates that the additional traffic associated with the development proposal is unlikely to have a perceptible impact on the operation of the junction as the change in flows is very likely to fall within the range expected under typical daily traffic fluctuations.

Sensitivity testing has also been completed based on the more unlikely scenario of an entirely B1 development or an entirely B8 development. A B1 development generates the highest number of vehicle movements whilst a B8 use would generate a much lower number of movements but with a focus on HGV's. Even with a B1 use only, the A120 crossroads junction would see an increase in traffic of only 3%. In both cases, the existing highway network is able to accommodate the proposed vehicle movements without significant detrimental impact. With regard to a solely B8 use, it is predicted that overall vehicle movements would be much lower but there would be 4 HGV movements generated in the AM peak and 2 in the PM peak. Again, this not considered significant.

Essex County Council Highways have reviewed the application, the associated Transport Assessment and the illustrative access drawing and have no objection on highway grounds.

There have been 16 objections received from residents which focus on highway matters. However, Essex County Council as the statutory Highway Authority have not raised any objection to the proposal and Officers do not consider that there are therefore any highway grounds to recommend the refusal of the application.

Car and cycle parking provision would need to be made in accordance with the Essex Parking Standards (2009) and would be considered in detail at the reserved matters stage.

### Heritage

There are two Grade 2 Listed Buildings at Lodge Farm located approximately 350m and 440m respectively to the north of the application site. The Essex County Council Historic Buildings Consultant has been consulted and has advised that the proposed buildings would be likely to have a relatively minimal impact upon the setting of these heritage assets.



With regard to the WW2 Airfield itself, the Essex County Council Historic Buildings Consultant has advised that the proposal would be located in an area of relatively low sensitivity and no concern is highlighted over the impact upon the Airfield.

Section 66 of the 1990 Listed Buildings and Conservation Areas Act requires Local Planning Authorities to have special regard to preserving listed buildings and their settings. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF states at paragraph 134 that this harm should be weighed against the public benefits of the proposal. The economic and associated social benefits that the proposed employment development would bring to the District and wider area are considered to clearly outweigh the minor degree of harm identified as being likely to be caused to the listed buildings located at Lodge Farm. No specific harm is identified as being likely to be caused to the Airfield.

It is not therefore considered that there are any heritage grounds to recommend refusal of the application.

### **Other Matters**

#### **Archaeology**

Essex County Council Place Services (Archaeology) have no objection to the application and no conditions are required relating to archaeological surveys or investigation.

#### **Contamination**

The applicant submitted a Contamination Report in support of their application which found that the site is suitable for commercial development but that there are a number of possible sources of contamination and the risk of unexploded ordnance relating to the site's historical use as a wartime airfield. The report therefore recommends that further intrusive investigation is required.

The Council's Environmental Services Team has no objection to the application on contamination grounds, subject to a standard condition requiring the recommended intrusive surveys.

#### **Flood Risk and Surface Water Drainage**

The application site is located within Flood Zone 1 (low probability risk of flooding). With regard to surface water drainage, the site has been tested for infiltration but found to be unsuitable. The applicant's Flood Risk Assessment and Surface Water Drainage Strategy therefore identifies the need for an attenuation pond located at the southern periphery of the site, with a controlled outfall to an existing ditch leading off-site to a water course known as Robins Brook.

Following a review of this information and the submission of further information in relation to the drainage strategy, the Lead Local Flood Authority (Essex County Council) have no objection to the proposal subject to standard conditions relating to the submission and approval of a detailed surface water drainage scheme.

### Utilities

The current Business Park is served by a range of utilities. The applicant has submitted a Utilities Report which identifies that Anglian Water have capacity to supply potable water to the site; BT will supply telephone and likely internet (to be confirmed at detailed design stage) and that UK Power networks will supply electricity (again to be confirmed at detailed design stage).

There is no gas or mains sewerage available so an on-site sewerage package treatment plant will be required and over or underground gas storage tanks, likely to be serviced by Flowgas, as with other existing commercial buildings on the adjacent business park. The Environment Agency has been consulted but has not made any comment on the application.

### Public Footpath

Public Footpath PROW 75\_1 currently runs through part of the application site. In addition, because the formal footpath route initially passes through an existing commercial yard, walkers are informally using part of the application site instead. The applicant proposes to divert PROW 75\_1 to run around the outside of the application site, on the opposite side of the established hedge which forms its northern, western and southern boundaries rather than through it. This would also be on land owned by the applicant.

The applicant would need to apply separately to the County Council to divert the footpath as proposed. However, for the purposes of the planning application Essex County Council have been consulted and have made no comment on the application.

### **Site Assessment Conclusion**

There are no objections to the application from any statutory consultees. The scheme has been amended to ensure that it is specifically and safely compatible with the adjacent operational Airfield.

Overall it is Officers view that the proposed development is acceptable in planning terms and that the site is capable of accommodating the proposed development in a sustainable manner.

## **Section 106**

### **Open Space**

Policy CS10 requires new development to make appropriate provision for publicly accessible green space or improvements to existing accessible green space. The Council's Open Space SPD sets out further details on how these standards will be applied and commercial developments within the 'B' Use Classes are required to make a financial contribution.

A financial contribution of £50,539 towards the off-site provision of, or improvements to causal/informal open space and outdoor sports provision is therefore required.

### **Travel Plan Monitoring Fee**

Essex County Council Highways have advised that a Travel Plan is required with an associated monitoring fee payment of £3,000.

### **Aircraft Emergency Landing Safeguards**

The identified area at the northern end of the site is to remain free of any form of development or storage/vehicle parking and is to remain in its current form as a flat grassed area for emergency aircraft landings with no benches, seating areas or similar to be erected. The existing hedge located along the northern site boundary, which is located outside the application site red line but is within the applicant's ownership is to be permanently retained and maintained at a maximum height of 6m. The existing hedge located along the site's western boundary which again falls outside the red line but is within the applicant's ownership is also to be permanently retained and where required maintained to a maximum height of 15m.

In order to ensure that these matters are satisfactorily addressed the S106 should require a management and maintenance plan to be submitted to the Local Planning Authority, to cover the long term retention and maintenance of the identified non developable area and associated boundary hedges and the S106 Agreement is to specify the above identified restrictions.

### **Conclusion**

The proposed development would be a departure from the adopted Development Plan which states that the existing employment site at Earls Colne Airfield shall not be extended beyond the existing defined employment area. However, the adopted Plan (Policy RLP46) is considered outdated insofar as the restriction on expanding the employment area was based on a now outdated employment land needs assessment for the District. Policy RLP46 can therefore be given only limited weight.

The emerging Local Plan, which is based on an up to date employment land needs assessment proposes the allocation of the application site for employment use, as part of the expansion of the existing employment area. The proposed development is therefore in accordance with the emerging Local Plan and the Council's proposed allocation for the application site.

Although the emerging Local Plan is not yet adopted it does indicate a clear direction of travel for the future allocation of the site as employment land and has been through the recent Regulation 19 Local Plan public consultation process without significant objection to the proposed allocation of the site. It is therefore considered that it can be given moderate weight.

In terms of the Paragraph 14 of the NPPF and the wider planning balance, the presumption in favour of sustainable development applies. There are no specific policies within the Framework which state that the proposed development should be restricted.

The adverse impacts of the development are limited, with a limited landscape and ecological impact; the removal of a small number of trees and some increase in traffic on the local highway network.

The benefits of the proposal are clear, with the expansion of the existing employment area in accordance with the Council's proposed allocation for the site and the creation of jobs and stimulation of the local and wider economy with associated benefits. There are no objections to the proposal from any statutory consultees and Officers consider that the application site could accommodate the proposed development in a sustainable manner.

It is therefore recommended that this application is approved.

### RECOMMENDATION

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

**Open Space** (financial contribution towards casual/informal open space and outdoor sports provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD).

**Travel Plan and Monitoring Fee** (provision and implementation of a Travel Plan including a monitoring fee payment of £3,000)

**Aircraft Emergency Landing Safeguards** (identified area at the northern end of the site to remain free from any form of development, storage use or parking of vehicles. To remain in its current form as a flat grassed area for emergency aircraft landings with no benches, seating areas or similar to be erected. Existing hedge along application site's northern boundary to be permanently retained and maintained to a maximum height of 6m. Existing hedge located along site's western boundary to be permanently retained and

maintained to a maximum height of 15m where identified as necessary by the Local Planning Authority. Submission and approval of a management and maintenance plan to cover these matters and S106 to specify the above restrictions).

## RECOMMENDATIONS

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

## APPROVED PLANS

Location Plan	Plan Ref: 2014-393-PP1	
Parameter Drawing	Plan Ref: 2014-393-PP5	Version:
Parameter Plan 5		

- 1 Details of the:-
  - (a) scale;
  - (b) appearance;
  - (c) layout of the building(s);
  - (d) access thereto; and the
  - (e) 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 3 years 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

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

- 2 The submission of reserved matters applications pursuant to this outline planning permission shall together provide for no more than 10,220m<sup>2</sup> of B1, B2 and B8 employment floorspace and demonstrate compliance with the approved plans listed above.

### Reason

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

- 3 No Reserved Matters application shall be submitted until a site wide

lighting strategy for the development has been submitted to and approved in writing by the Local Planning Authority. Reserved Matters applications submitted pursuant to Condition 1 shall only be submitted in accordance with the approved site wide strategy.

Reason

The particulars submitted are insufficient for consideration of the details mentioned.

- 4 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of finished floor levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which would lead to an unacceptable landscape impact and a development which was not in keeping with the existing surrounding development at the Airfield.

- 5 No above ground works shall commence in relation to each building erected on the site unless and until samples of the materials to be used on the external finishes of the relevant building 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.

- 6 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors;
  - The loading and unloading of plant and materials;
  - The storage of plant and materials used in constructing the development;
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - Wheel washing facilities;
  - Measures to control the emission of dust and dirt during construction;
  - A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - Delivery, demolition and construction working hours.

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

Reason

To ensure that on-street parking of construction vehicles in the airfield perimeter road does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to protect the amenity of the occupiers of nearby residential properties. The Method Statement is required prior to the commencement of development to ensure that measures to protect the amenity of nearby residents and to safeguard highway safety are in place from the commencement of works on site.

- 7 Any Reserved Matters application submitted pursuant to Condition 1 relating to layout or landscaping shall be accompanied by details of any proposed external lighting to the site for that phase of the development. 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, retained 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.

- 8 No site clearance or construction work shall take place on the site, including starting of machinery and no vehicular movements relating to the construction of the development to, from or within the site shall take place on the site outside of the following times:-

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours to 1300 hours

Sundays, Public and Bank Holidays - no work or vehicular movements

Reason

In the interests of the amenity of residents of the locality.

- 9 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges to be retained (as identified on the submitted Tree Retention Plan SHA 036 DA and in accordance with the submitted Arboricultural Impact Assessment report completed by Sharon Hosegood Associates and dated 25.10.15 REF SHA 036 REV C April 2017) on the site and the trees/hedges located outside but adjacent to the site boundary 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.

The local planning authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

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

Reason

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

- 11 No clearance of trees, shrubs or hedges in preparation for (or during the course of) development shall take place during the bird nesting season (March - August inclusive) unless a bird nesting survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place within those areas identified as being used for nesting during the period specified above.

Reason

To ensure nesting birds are not disturbed by the development.

- 12 No development 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:

- Limiting discharge rates to the 1 in 1 greenfield rate calculated from the area draining to the surface water drainage network for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- 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, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above information before commencement of development 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.

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

#### Reason

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

- 14 No development 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 approved by the local planning authority.

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 required information prior to commencement of development may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 15 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.

- 16 a) Prior to the commencement of development and in accordance with the recommendations of the submitted Phase 1 Geoenvironmental Assessment completed by GEMCO Ltd dated October 2015 a comprehensive survey (Phase Two) shall be 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 agreed in writing with the Local Planning Authority prior to the commencement of development. 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.

b) Notwithstanding the above, should contamination be found that was not

previously identified or not considered in the remediation scheme agreed 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.

c) 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. The Survey is required prior to the commencement of development to ensure that mitigation measures are in place, where required, from the outset.

- 17 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

All hard surface areas agreed as part of the scheme shall be carried out

before the first occupation of the buildings or upon the completion of the development whichever is the earlier.

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

Reason

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

- 18 In accordance with approved Drawing Parameter Plan 5 2014-393-PP5 dated September 2017 no building erected on the identified developable area of the site shall exceed a maximum finished external height of 10m above ordnance datum and no building located in the developable area of the site identified as '8m above Ordnance Datum' shall exceed a maximum finished external height of 8m above ordnance datum.

Reason

To ensure that the visual impact of the proposed development is acceptable in landscape terms, that the development is in keeping with existing development adjacent to the site and to ensure the development is not a danger to aircraft taking off or landing on the adjacent Airfield.

- 19 Any Reserved Matters application submission pursuant to Condition 1 relating to layout which proposes a B1 (b); B1 (c); B2 or B8 use shall be accompanied by a Noise Assessment and an Operational Method Statement setting out the proposed hours of operation, including delivery/collection times for service vehicles and HGV's and detailing measures such as the use of white noise reverse alarms for forklifts and HGV's where appropriate.

Reason

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

- 20 Any Reserved Matters application submission pursuant to Condition 1 relating to landscaping shall be accompanied by a Biodiversity Management Plan for the site which shall set out the site wide strategy for enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed. The development shall be implemented in accordance with the approved Management Plan.

Reason

To demonstrate that the Local Planning Authority has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside &

Wildlife Act (1981 as amended) and to ensure that the biodiversity of the site is enhanced and effectively managed following the completion of the development.

- 21 Any Reserved Matters application submission pursuant to Condition 1 relating to layout which proposes development in the southern half of the site shall be accompanied by an Ecology Report which specifically assesses the impact of the detailed proposals on the Oak Trees identified as having the potential to provide bat roosts in the submitted Ecology Report completed by Essex Ecology Services Ltd, dated June 2015. The Ecology Report shall be accompanied by additional Bat Surveys if these are found to be required.

#### Reason

To demonstrate that the Local Planning Authority has met its legal responsibilities, including those required by UK Habitats Regulations (2010 as amended), Crime and Disorder Act (1998) and Countryside & Wildlife Act (1981 as amended).

#### INFORMATION TO APPLICANT

- 1 In seeking to discharge the external lighting scheme condition you are advised that the details submitted should seek to minimise light spillage and pollution, cause no unacceptable harm to natural ecosystems, maximise energy efficiency and cause no significant loss of privacy or amenity to nearby residential properties and no danger to pedestrians or road users. Light units should be flat to ground and timer / sensor controls should also be included as appropriate. The applicant is invited to consult with the local planning authority prior to the formal submission of details.
- 2 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](mailto:suds@essex.gov.uk)
- 3 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 4 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.
- 5 It is noted that Earls Colne Footpath 1 and 45 are within and adjacent to the proposal site. Potential footpath diversions are subject to land ownership and diversion through the Town and Country Planning Act. The Public Right of Way network is protected by the Highways Act

1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over Earls Colne Footpath 1 and 45 shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

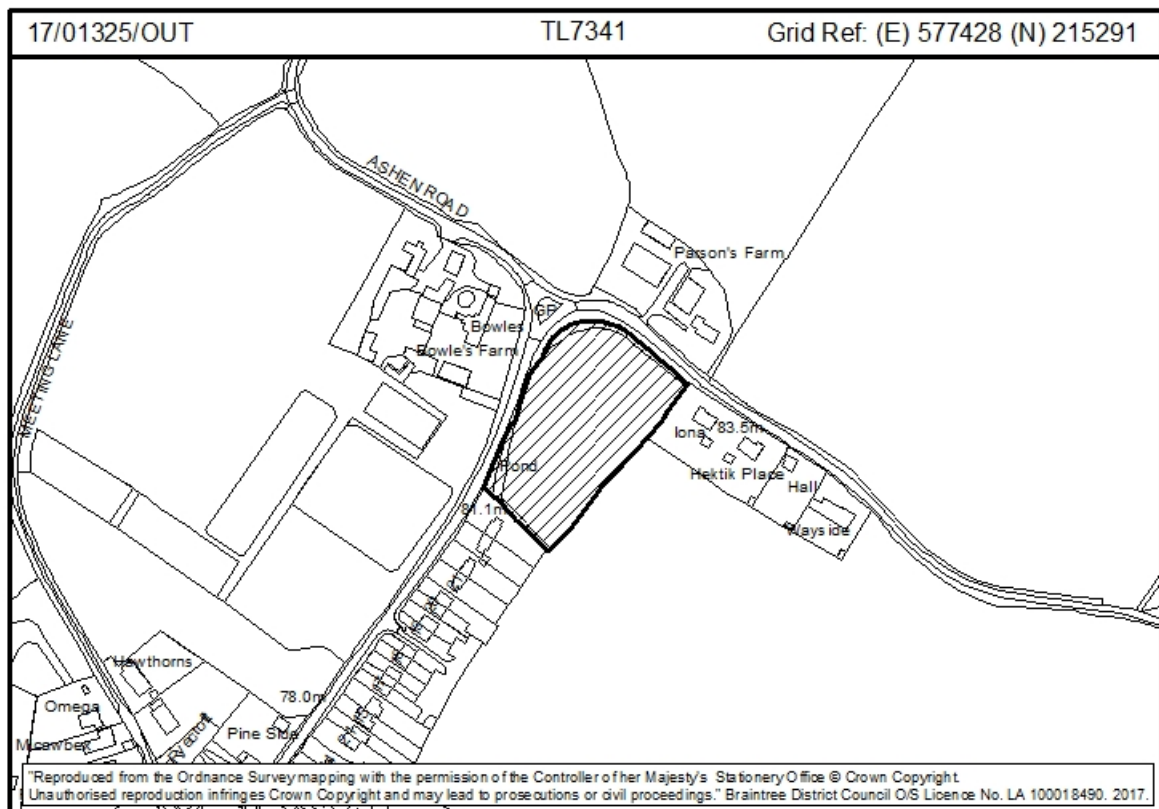
- 6 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- 7 No reptiles have been recorded on site and it is considered their presence is unlikely but if at any time prior to/during works reptiles are found, all works must cease immediately and an appropriate ecologist contacted for advice.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01325/OUT  
 DATE: 20.07.17  
 VALID:  
 APPLICANT: Mr S Lewin  
 C/O Agent  
 AGENT: Strutt And Parker LLP  
 Mrs Hayley Morley, Coval Hall , Rainsford Road,  
 Chelmsford, Essex, CM1 2QF  
 DESCRIPTION: Outline planning application with all matters reserved for the  
 residential development of up to 16 dwellings with  
 associated landscaping and infrastructure  
 LOCATION: Land Adjacent, Ashen Road, Ridgewell, Essex

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



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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



## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
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

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP34	Affordable Housing in the Countryside
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, given an objection from the Parish Council contrary to Officer recommendation.

## SITE DESCRIPTION

The application site is located to the eastern side of Ashen Road and to the south of Tilbury Road and is sited between existing residential properties on both of these roads. The site is currently undeveloped and somewhat overgrown. It is contained by tree/shrub planting on its eastern boundary.

Directly opposite the site is Bowles Farm which contains a Grade II listed building.

## PROPOSAL

The application seeks outline planning permission with all matters reserved for up to 16 dwellings. The application is supported by an indicative layout plan and indicative dwelling designs.

## CONSULTATIONS

BDC Landscape Services – Conditions should be attached to any grant of consent in respect of tree protection and a landscaping scheme.

BDC Ecology – No objections

BDC Environmental Health – No objections subject to conditions

BDC Housing research and development – The development should provide for 40% affordable housing to accord with Policy CS2.

BDC Waste – Waste collection needs to be considered in the design of the access roads

Anglian Water – The design of the site should take in to account Anglian Water assets within close proximity to the site. Foul drainage and sewerage can be accommodated within the existing system.

ECC Flood and Water Management – No objections subject to conditions.

ECC Heritage Consultant – The development will result in a degree of harm, however this is less than substantial and therefore must be weighed against the public benefit. There is scope for the development to mitigate and minimise this harm at the detailed application stage.

ECC Archaeology – Recommend a condition for archaeological trial trenching and excavation.

## REPRESENTATIONS

Ridgewell Parish Council – Objects to the application for the following reasons:

- The land is outside of the village envelope and is not suitable for development despite being included in the draft local plan
- The site was supported by the Council as a possible site for 10 or less houses. To develop 16 homes is over development with little regard to the current layout and spacing of the existing houses on Ashen Road and Tilbury Road.
- Insufficient parking

4 letters of objection have been received in response to the public consultation, the contents of which are summarised below:

- The site is outside of the development boundary
- 16 units is over saturation
- Increase in traffic would affect the countryside leisure usage
- Erosion of the rural nature of the area
- Consideration of the application is premature
- Highway and pedestrian safety
- Overlooking
- The village should only accept small low density applications within the village envelope

## REPORT

### Principle of Development

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

The application site is located outside of the village envelope for Ridgewell and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries.

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

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

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

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

As noted above the Council was previously working on a Site Allocation and Development Management Plan (the ADMP) and parts of this have been rolled forward in to the Publication Draft Local Plan. The application site was put forward with the call for sites associated with the ADMP and it was included within a revised /extended village envelope for the village. This allocation has been rolled forward in to the Publication Draft Local Plan, which as set out above has recently been through a Regulation 19 consultation.

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

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

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply

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

### Sustainable Development

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

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within the village and other nearby towns/villages.

Environmentally the site is rural in its context, defined by existing natural boundaries and is well contained. It is not a site that is highly visible beyond the immediate locality and development of the site would not impact adversely upon the landscaping setting of the village. The impact of the proposal on nearby heritage assets is discussed below.

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

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Ridgewell is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Ridgewell is a small village with limited facilities/amenities. The village does benefit from a primary school, public house with accommodation, an Indian takeaway, church and small employment area all within walking distance from the site. The village does not however have the services/amenities which mean local residents can fulfil their daily needs within the village and thus travel by car would be necessary.

The village does not benefit from a regular bus service, other than for the local secondary school. There is a Dart service once a week, but given the severely restricted timetable it would not be a practical option for most journeys.

It is not considered that Ridgewell is a sustainable location for residential development and this weighs against the proposal in the overall balance.

The planning balance is concluded below.

#### Design, Appearance and Layout

The matters of layout, scale and appearance of the dwellings are reserved for later approval and are not therefore for consideration at this stage. The layout and dwelling designs provided are indicative only and subject to change at the detailed application stage.

Notwithstanding this it is prudent to consider whether the number of units proposed can be satisfactory accommodated on site. Officers note some design issues with the indicative layout, however it does provide sufficient detail to be satisfied that in principle the number of dwellings can be accommodated on the site in an acceptable manner. Detailed design matters will be addressed at Reserved Matters stage.

It is noted that the Parish Council would have preferred to see the site come forward for 10 or less dwellings. The site is just under a hectare in area and therefore a development with a maximum of 16 units on this site would be of a low density. As above, Officers are satisfied that the number of dwellings sought can be accommodated.

#### Impact on Neighbour Amenity

Matters for layout, scale and appearance are reserved and thus it is not possible to consider the impact on residential amenity at this stage. Officers are of the opinion however that a layout could be brought forward which would not unreasonably impact upon the amenity of neighbouring residential properties.

#### Highway Issues

Access is a matter which is reserved for later approval and full consideration would be given to this at the reserved matters stage.

It is noted that the Highway Authority were included within pre application discussions and raised no in principle objections.

## OTHER MATTERS

### Heritage Assets

The application site is located 250m north east of the Ridgewell Conservation Area and in close proximity to Bowles Farmhouse a grade II listed house of sixteenth century origin and parsons farm which includes a non-listed nineteenth century barn. Views to the Grade I listed church of St Lawrence are possible from the site. The Council's heritage consultant advises that development of the site will inevitably result in a degree of harm to both Bowles Farmhouse and Parson Farm by altering the immediate setting. There would also be some harm to the Conservation Area by extending the village northward beyond its existing limits. Furthermore glimpses of St Lawrence would be through residential development instead of agricultural fields.

The harm identified would be less than substantial and therefore the Local Planning Authority must weigh this against public benefits of the scheme. The heritage consultant does suggest that there is scope to mitigate and minimise the harm at the detailed application stage.

### Archaeology

The development lies within a potentially sensitive archaeological area. Immediately adjacent to the development area lies a probable medieval moat, many of which have their origins in the 12<sup>th</sup> and 13<sup>th</sup> Century. Essex County Council recommends that a condition should be attached to any grant of consent which requires trial trenching and excavation prior to the development commencing.

### Trees and Ecology

Landscaping is reserved matter and would be considered at reserved matters stage.

The Council's Landscape Officer raises no objections given the low quality of the trees and shrubs on the site, but recommends a condition to require the tree protection measures as are shown within the arboricultural assessment to be in place before development commences.

No objections are raised on ecology grounds as the supported survey advises that there is no evidence of reptiles or badgers on the site.

### Surface Water Drainage

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.

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.

### S106

Paragraph 2-4 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 identified those matters that the District Council would seek to secure through a planning obligation, if it were preparing to grant it permission and the applicant has agreed to enter into a S106 agreement in respect of these matters.

Affordable Housing – Policy CS2 of the 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 has advised on a mix of type and tenure of housing which would be sought.

Open Space – Policy CS10 of the 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 and is not currently determined given the application is in outline form.

### CONCLUSION & PLANNING BALANCE

The application site is located outside of the Village Envelope for Ridgewell and is therefore within the countryside for the purposes of planning. The development therefore conflicts with Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The NPPF is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus although Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy still carry weight, this must be reduced in light of para. 14 of the NPPF.



In this case Officers have concluded that specific policies of the NPPF do not indicate that development at this site should be restricted.

Accordingly the LPA must apply the 'tilted balance' to the consideration and determine and assess whether any adverse impacts of granting consent would demonstrably outweigh the benefits.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. In terms of economic and social sustainability the development would bring public benefits including the provision of housing and affordable housing, the generation of jobs at the construction stage and support the continuation of the services/amenities which are available in the village.

In this case the site also benefits from a draft allocation to be included within a revised village envelope, whereby the principle of residential development would be acceptable. This draft allocation should be given some weight in the planning balance.

Environmentally, given the contain nature; it is considered that the site can accommodate the development without significant adverse impacts on the wider landscape.

It is acknowledged that there would be adverse impacts arising from the proposed development, including the introduction of residential development in an unsustainable location and a degree of harm (less than substantial) to nearby heritage assets. However, taking into account the draft allocation for the site and the lack of any harm on the character and appearance of the surrounding landscape, together with the economic and social benefits of the proposal it is considered that the planning balance falls in favour of granting planning permission, and moreover that the draft allocation in this case is the key defining factor that tilts the balance in favour of granting planning permission.

## RECOMMENDATION

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

**Affordable Housing** – 40% of units on site to be Affordable Housing, with a final mix to be agreed at the reserved matters stage, but with 70/30% ratio of affordable rent over shared ownership.

**Open Space Contribution** – A financial contribution towards open space, based upon a formula set out in the SPD.

The Development Manager be authorised to GRANT planning permission under delegated powers subject to 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 with 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

#### APPROVED PLANS

Location Plan	Plan Ref: 1:10000
Location Plan	Plan Ref: 01
Existing Block Plan	Plan Ref: 02
Proposed Block Plan	Plan Ref: 03
Street elevation	Plan Ref: 04
Topographical Survey	Plan Ref: DW2016-165
Topographical Survey	Plan Ref: DW2016-165
Tree Plan	Plan Ref: SHA214TPP

#### 1 Details of the:-

- (a) scale, appearance and layout of the building(s);
- (b) access thereto; and the
- (c) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years 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

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

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 16 dwellings within the area shown on drawing no. 01 Location Plan.

#### Reason

For the avoidance of doubt and to determine the scope of the application.

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall

be implemented in accordance with the approved samples.

Reason

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

- 4 Any reserved matters application relating to scale or layout shall be accompanied by details of finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alteration of ground levels within the site, which may lead to unneighbourly development, or adverse impact on the landscape.

- 5 Each Reserved Matters application that seeks approval of appearance, layout or scale of the building(s) as detailed within Condition 1, shall be accompanied by full details of the location and design of the refuse bins and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

In order to ensure sufficient provision for refuse storage and collection, in the interests of amenity.

- 6 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting.

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

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

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

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

Reason

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

- 7 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching 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 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

The site may be of archaeological interest.

- 8 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:

- Limiting discharge rates to 1l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- 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 as agreed shall be implemented prior to occupation.

Reason

To prevent flooding by ensuring satisfactory storage/disposal of surface water

- 9 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

To accord with the NPPF and to ensure the development does not increase flooding risk or pollution elsewhere.

- 10 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.

- 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 Prior to the commencement of development a comprehensive survey shall be 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 agreed in writing with the Local Planning Authority prior to the commencement of development. 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. Given the nature of the site, a minimum of a phase 1 (desk top) study will be required.

Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed 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 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.

- 13 Prior to commencement of the development the trees to be retained shall be protected in accordance with that shown on drawing no. SHA214TPP

as contained within the Arboricultural Impact Assessment Report dated 30.06.2-17 and thereafter retained throughout the construction phase.

Reason

To ensure protection of the trees to be retained.

- 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

In the interests of residential amenity.

- 15 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 protect the amenities of the occupiers of nearby residential properties and the amenity afforded to the rural location.

INFORMATION TO APPLICANT

- 1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £28 for householder applications and £97 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of

a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.

- 3 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.

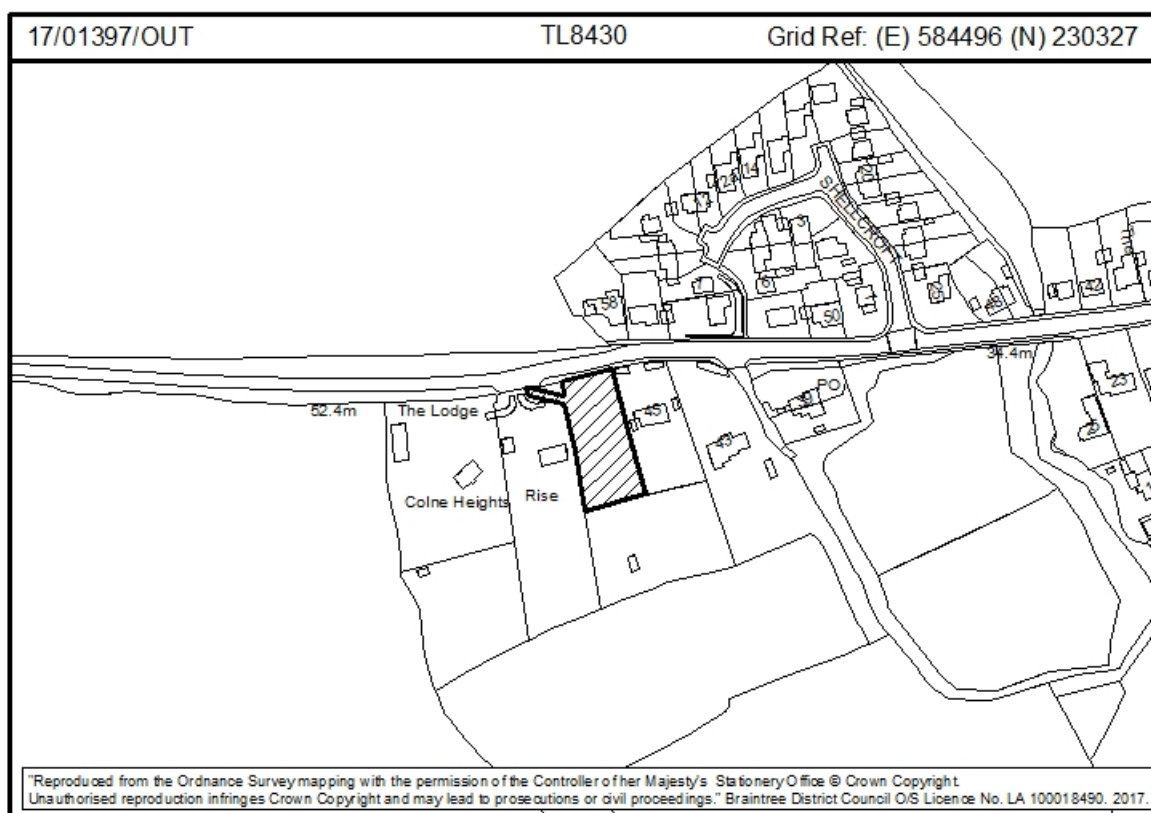
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART A

APPLICATION NO: 17/01397/OUT  
 DATE: 27.07.17  
 VALID:  
 APPLICANT: Mr B Martin  
 41 Brook Street, Colne Engaine, Colchester, Essex, CO6 2JB  
 AGENT: Sue Bell Planning Consultant  
 Sue Bell, Ropers Hall, 9 Lodge Road, Writtle, Chelmsford, Essex, CM1 3HY  
 DESCRIPTION: Application for outline planning permission with all matters reserved - Erection of detached dwelling and garage  
 LOCATION: Land Adjacent Bramble Rise, Brook Street, Colne Engaine, Essex

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



## SITE HISTORY

14/00028/REF	Erection of dwelling.	Appeal Dismissed	08.10.14
14/00030/OUT	Erection of dwelling.	Refused then dismissed on appeal	14.04.14

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017.

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
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
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP44	Sustainable Transport
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

#### SITE DESCRIPTION

The site comprises an area of grassland situated in between two properties on Brook Street in Colne Engaine. It is 'L' shaped comprising a narrower strip from the road frontage and a dog leg around the back of No.45 Brook Street. A row of mature hedgerow fronts the site. The site is relatively open with minimal boundary treatments to the east and west.

## PROPOSAL

The application seeks outline consent with all matters reserved for the erection of a single dwelling.

## CONSULTATIONS

### **Essex Highways**

No objection subject to conditions regarding access visibility and no unbound material within 6m of highway.

### **Parish Council**

No Objections.

## REPRESENTATIONS

Two representations of objection have been received from No.45 Brook Street outlining the following summarised concerns:

- Overlooking
- Possible increased surface water run-off
- Right of way over land- impede access
- Refused at appeal in 2014
- Housing in the village should be located on other sites

Five representations of support have been received from four neighbouring properties including 54 Brook Street, Bramble Rise, 39 Brook Street and 43 Brook Street detailing the following comments:

- No reported problems with surface water
- Add linear approach to village

## REPORT

### **Principle of Development**

#### Site Location and History

The National Planning Policy Framework (NPPF) states in (para 14) that the presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. More specifically, paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development'.

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

The site is located outside of Colne Engaine village envelope and as such is on land designated as 'Countryside' by the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011). Policy RLP2 of the Braintree District Local Plan Review 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 Braintree District Core Strategy specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks to erect a single dwelling unit outside of a village envelope which would be a departure from the adopted Development Plan. Although the National Planning Policy Framework sets out a 'presumption in favour of sustainable development', Paragraph 55 is clear that for development to be considered sustainable in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes unless there are special circumstances such as the essential need for a rural worker to live permanently at the site, where development would represent optimal viable use of a heritage asset, would re-use redundant or disused buildings or the design of the development is of exceptional quality'.

The site in question has previously had an outline application for the erection of a single dwelling dismissed at appeal (application reference 14/00030/OUT). However, since the determination of this appeal, the Council are working on a new Local Plan which in accordance with Paragraph 216 of the NPPF can be given some weight (as set out in policy section above). In the emerging Braintree District Publication Draft Local Plan, the development boundary of Colne Engaine has been amended to encompass the application site, Bramble Rise and Colne Heights in a linear fashion. Emerging Policy LPP1 of the Braintree District Publication Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material adverse detriment to the existing character and historic interest of the settlement. The widening of the development boundary to include the application site must therefore be a material factor in the determination of the application.

### 5 Year Supply

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of

the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing.

The Council's view as at 30th June 2017 is that its forecast supply is 4.31 years. Although there have been a small number of applications approved since this calculation the Council does not consider that it has a current five-year supply, nor one close enough to warrant giving less weight to the fact it does not have a five-year supply.

The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The impact of this is demonstrated at paragraph 14 which states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (Footnote: unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate that development should be restricted (Footnote: for example, those policies relating to sites protected under the Birds and Habitat Directives and/or designated as Sites of Special Scientific Interest, land designated as Green Belt, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).

The lack of a 5 year housing land supply is therefore also a material consideration in the consideration of the planning balance as set out at paragraph 14 of the NPPF. Other aspects of the planning balance are explored below.

## Site Location

The Spatial Strategy outlined in the Braintree District Core Strategy sets out in Paragraph 4.15 that new development should preserve and enhance the character of the rural heartland of the Braintree District, its countryside and villages, by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment and; to concentrate the majority of new development and services in the main towns of Braintree, Witham and Halstead, at new Growth Locations at Braintree and Witham and in the Key Service Villages (Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End).

The Braintree District Core Strategy identifies Colne Engaine as an 'other village', sitting at the bottom of the hierarchy below Key Service Villages and Main Towns. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required.

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

*"5.10 -- All other villages which have a development boundary are considered third tier villages. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village."*

The site in this case is located on the very edge of the existing development boundary for Colne Engaine and is sited between two forms of residential development. The site is not served by a public footpath outside of the edge of the site, but is within the 30mph speed limit. It is located within 800m of a village school, public house, shop, playing fields, a memorial hall and a church. It is approx. 2 miles away from the Key Service Village of Earls Colne where a good range of day-to-day facilities can be provided. The village is served by one bus service but is not frequent.

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

## Economic, Social and Environmental

In addition to the sustainability of the location of the site it is also recognised that sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role (contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation), a social role (supporting strong, vibrant and healthy communities, by providing the supply of housing required, by creating a high quality built environment, with accessible local services), and an environmental role (contributing to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change). These roles should not be considered in isolation, because they are mutually dependant.

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Colne Engaine itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings it would not deliver any benefits in terms of affordable housing or the improvement of public open spaces (as a result of a Court of Appeal decision in May 2016). In terms of the three dimensions of sustainable development, the provision of a small amount of housing would be relevant to the economic and social roles, although these benefits would be limited due to the scale of the development. The scale of the development for 1 No. dwelling would not significantly contribute towards the District's 5 year housing supply.

In terms of environmental considerations, it is considered comments set out by the Inspector in the appeal statement for application 14/00030/OUT are material to this application. Similarly, it is also considered comments made in the Emerging Draft Local Plan are also relevant to explore the rationale for the proposed village envelope widening.

In their report, the Planning Inspector for dismissed application 14/00030/OUT discussed the site context and considered that:

*“9. The development would significantly increase the amount of built development on the site, given its current open character, and the relative narrowness of the front section of the plot and proximity to No 45 and Bramble Rise on either side would create a cramped appearance within the street scene. Furthermore, the removal of a section of the hedgerow along the front boundary would result in a significant erosion of the rural character of the area, contrary to LP Policy RLP16.”*

At the time of this application, the Council considered that it did have a 5 year land supply, and this factored into the Inspector's decision.



The Local Plan Sub-Committee of the 6<sup>th</sup> October 2016 set out the rationale for amending the development boundary. Comments by Officers to Members were as follows:

*“Whilst it is not considered that Colne Engaine is a suitable site for major development, due to the Parish Council and public’s support for a development boundary review of the village along Brooks Street it is considered that a minor amendment could be permissible to include the cluster of properties to the west of the village and incorporate them and part of COLE612 (**the application site**) within the village. The sites cannot be allocated as they are too small for inclusion however a boundary amendment is suggested to include COLE638 and the northern area of COLE612 as the Parish Council had indicated. The inclusion of COLE612 in full would not be favourable; the rear portion of the site if developed would be uncharacteristic of the linear development within the immediate vicinity and it is suggested this would amount to inappropriate backland development. The Parish Council have not indicated their support of the inclusion of the southern element of the site.*

*Colne Heights, the property to the west of COLE612 has been replaced with a significantly larger property recently and it is suggested that this materially changes the perception of the village edge. The site has a suitable highways access and the mature hedging to the front of the site would be retained as the access is from an existing access shared with Colne Heights this enables the impact of the development of the site to be minimal.”*

As set out above, Officers considered at the Sub-Committee meeting that site circumstances have changed since the dismissal of planning application 14/00030/OUT. This includes the replacement of a bungalow on the adjacent to the site (Bramble Rise) to a large part two storey, part single storey dwelling. In addition, the application in this case does not propose to take access from the front of the site to Brook Street. Instead, it proposes to utilise an existing access with Bramble Rise. While access is indicative at this stage, it is considered that safe access can be achieved while retaining the entire existing boundary hedging at the front of the site. As such, it is considered that the material considerations set out by the Inspector relating to openness, street scene and loss of hedgerow are now altered due to the above. Offices at the sub-committee meeting consider that the edge of this side of Colne Engaine has changed the perception of the village edge.

As such, taking into account all of the above, it is considered the site circumstances would be materially different since the previous application refusal and dismissal. The retention of the boundary hedge adjacent to Brook Street will help retain the character of the area, and any dwelling would appear less cramped as a result. It is therefore considered that a dwelling of reasonable size and scale would only now constitute minimal environmental harm as set out in Paragraph 7 of the NPPF.

The above particulars are all material considerations that are concluded with the other below considerations at the end of the report.

### **Design and Appearance**

In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area.

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP 55 of the Braintree District Publication Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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 bedrooms should be provided with 100sq.m or more. Furthermore, policy RLP56 of the Braintree District Local Plan Review requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009. These Standards indicate that for 2-bed+ properties, a minimum of 2 parking spaces, measuring 5.5m x 2.9m, should be provided.

The application is for a new dwelling with all matters reserved. An indicative layout has been submitted with the application which appears to show a large part two storey part single storey dwelling with a detached garage. It would follow the existing bungling line of No.45 and Bramble Rise opposite. It is therefore considered a dwelling of reasonable size could be accommodated at the site. Furthermore, sufficient land is also available to provide parking and garden amenity space in accordance with the standards above. The land identified in Blue does not form part of the application proposal and will remain as ancillary land to any future dwelling at this site (not residential curtilage).

### **Impact on Neighbouring Residential Amenities**

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

The siting of dwelling is only indicative at this stage. As such, it is not possible to fully determine the impacts of the proposal on neighbouring dwellings. However, following Officers site visit, it is considered that a reasonably sized dwelling could be satisfactorily accommodated at the site without causing detriment to neighbouring properties by way of overlooking, overshadowing or overbearing. However this will be an important material consideration at the Reserved Matters stage.

### **Highway Considerations**

An indicative access plan showing visibility splays of 2.4m by 43m have been submitted. Essex Highways are satisfied that the site could accommodate a safe access and as such raise no objection.

### **Landscape Considerations**

Landscape is also a matter reserved for later consideration. However, as discussed above, the hedging at the front of the site would be retained, while there are no other trees/hedges of particular note on the remainder of the site. The submitted plans however do not show the hedge. Officers have requested an updated location plan from the agent showing the hedge for Member's consideration at Planning Committee. A corresponding condition will also be recommended to secure the retention of the hedge for Members to consider.

It is considered all other matters of landscape can be adequately secured at reserved matters stage.

### **OTHER ISSUES**

#### **Surface Water Drainage**

Concerns have been raised with regard to surface water drainage at the site. However, the Braintree District Council Engineer is not aware of any surface water issues that affect the site. Furthermore, the net increase of one dwelling would not lead to excessive water run-off. As such this is not considered to be a significant issue in this case.

#### **Rights of Access**

Rights of access are civil matters between third parties and therefore are not of material planning consideration that would influence the outcome of the application in this case.

## CONCLUSION

As set out above, the development of new housing bring benefits but those benefits need to be weighed against any adverse impacts of residential development and any other considerations. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be afforded less weight if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted as set out in paragraph 14 of the NPPF.

In addition to the above, Paragraph 216 of the NPPF sets out that some weight can be attributed to the Braintree District Publication Draft Local Plan due to its advanced stage through the adoption process. While the site historically has had an appeal dismissed for the erection of a new dwelling, the site circumstances were considered to have changed by Local Plan Officers so that the Publication Draft Local Plan proposes to amend the village envelope for Colne Engaine to include the application site, Bramble Rise and Colne Heights in a linear fashion to incorporate the dwellings into the nucleus of the village.

It is acknowledged that the provision of one market dwelling would provide some economic benefit throughout the construction phase and some support for local facilities. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be limited due to the scale of the development. In addition, one dwelling would only represent a negligible contribution to the District's housing land supply.

With regards to environmental impacts, the proposal would infill a gap between two dwellings and retains a strong boundary feature onto Brook Street. A new dwelling would reduce the openness of the site when viewed from Bramble Rise, but would have a minimal impact on the existing street scene due to the retained hedge and higher land levels. However, while there is a limited bus service available, the site would still be located in an isolated location from day-to-day services and facilities which will require high use of the private car to meet the needs of future residence.

The NPPF outlines that the weight that can be attributed to each of the above elements is for the decision taker. It is acknowledged that there would be adverse impacts arising from the proposed development including the introduction of residential development in an unsustainable location. However, taking into account the draft allocation for the site and the lack of detrimental harm on the character and appearance of the area, together with the limited economic and social benefit of the proposal, it is considered that the planning

balance falls in favour of granting planning permission, and moreover that the draft allocation in this case is the key defining factor that tilts the balance in favour of granting planning permission. Therefore, when conducting the planning balance in the context of Paragraph 7 and 49 of the NPPF, it is considered that the principle of development in this case is acceptable.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan                      Plan Ref: 563:00

- 1 Details of the:-
  - (a) scale;
  - (b) appearance;
  - (c) layout of the building(s);
  - (d) access thereto;
  - (e) 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 3 years 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

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

- 2 The 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 until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

- 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 No development shall commence until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority. The approved dust and mud control management scheme shall be adhered to throughout the site clearance and construction phase of the development.

Reason

During construction, the creation of dust and the displacement of mud is commonplace. These details are required prior to the commencement of development to ensure that a scheme is in place to mitigate the dust and mud created at the site, to prevent it being transferred onto the highway and also in the interests of residential amenity.

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

Reason

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

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-houses / provision of any building within the curtilage of the dwelling-houses / alteration of the dwelling-houses, as permitted by Class A, B, C & 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 the development does not prejudice the appearance of the locality.

- 11 There shall be no discharge of surface water onto the Highway.

Reason

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with Essex Highways Policies.

- 12 The vehicular parking spaces shall have minimum dimensions of 2.9m by 5.5m and shall be permanently retained as such.

Reason

To ensure adequate space for parking off the highway is provided in the interests of highway safety.

- 13 Prior to occupation of the development, the 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. 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.

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

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

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

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

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

**Reason**

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

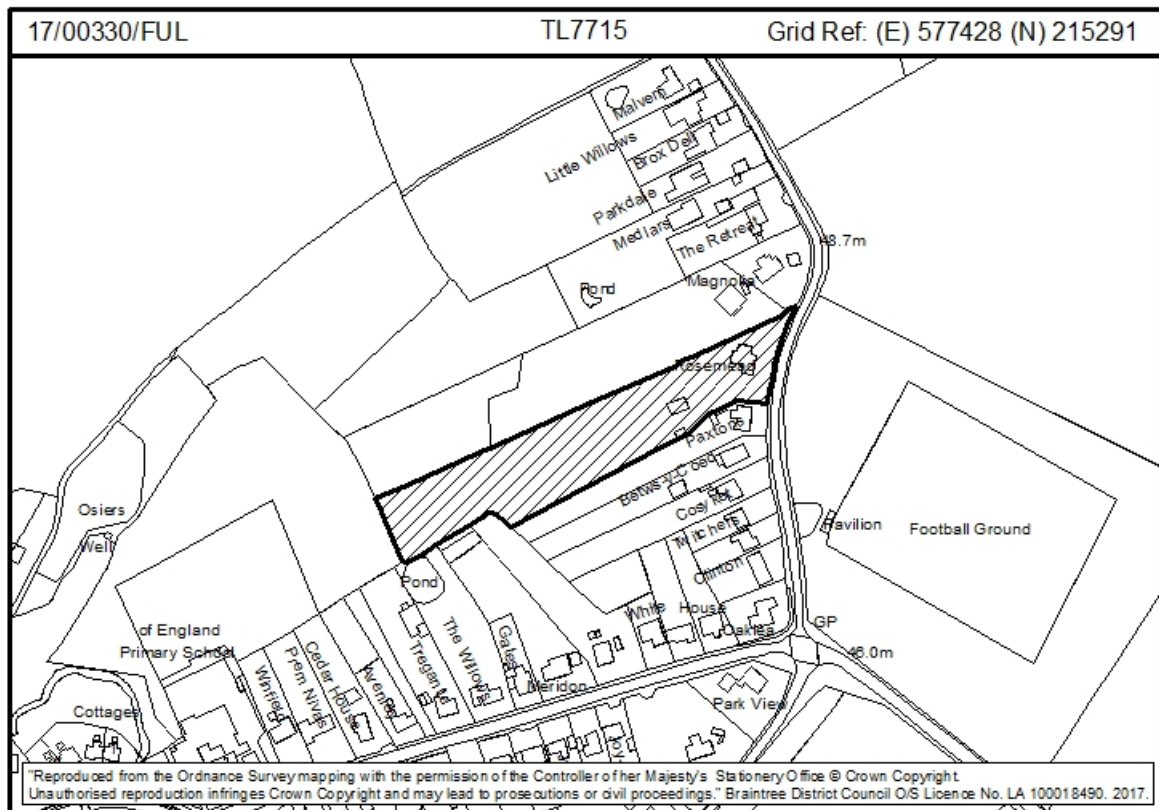
TESSA LAMBERT  
DEVELOPMENT MANAGER



PART B

APPLICATION NO: 17/00330/FUL DATE: 23.02.17  
 VALID:  
 APPLICANT: Mr & Mrs N Cheshire  
 Rosemead, Fairstead Road, Terling, Essex, CM3 2BU  
 AGENT: Ridgeway Building Design Ltd  
 Mr Chris Robards, 40 Top Road, Tolleshunt Knights,  
 Maldon, CM9 8EU  
 DESCRIPTION: Proposed fencing and driveway  
 LOCATION: Rosemead, Fairstead Road, Terling, Essex, CM3 2BU

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



## SITE HISTORY

75/00835/P	Erection of extension	Granted	29.08.75
08/02185/FUL	Erection of two storey extension	Granted	22.01.09
11/01115/FUL	Construction of a new vehicular access and stop-up existing vehicular access	Granted	30.09.11
11/01472/FUL	Application for a new planning permission to replace an extant permission 08/02185/FUL - Erection of two storey extension	Granted	14.12.11
12/01419/FUL	Erection of detached garage and ancillary annexe accommodation	Granted with S106 Agreement	20.02.13
14/01506/FUL	Erection of extensions and refurbishment of house and new garage	Granted	20.01.15
15/00281/PLD	Application for a proposed lawful development certificate - Proposed summer house and shed	Refused	29.04.15
15/00635/PLD	Application for a proposed lawful development certificate - Proposed summer house and shed	Granted	15.07.15
15/00074/NMA	Application for a non-material amendment following grant of planning permission 14/01506/FUL - (Erection of extensions and refurbishment of house and new garage) - Slight increase in soffit height of garage	Refused	27.11.15
15/01505/FUL	Erection of extensions and refurbishment of house and new garage	Refused	17.03.16
16/00788/FUL	Erection of extensions and refurbishment of house and new garage	Granted	25.07.16

## 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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017.

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP56	Vehicle Parking
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

CS9                Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

Rosemead is a detached dwelling set on a very generous plot in Terling. The front curtilage, house and part of the large rear garden are within the development boundary. The remainder of the plot is classified as countryside. The site is not within a Conservation Area or subject to any listing. An extensive refurbishment and extension of the original dwelling permitted under permission 14/01506/FUL and subsequently by planning application reference 16/00788/FUL, has commenced. There is a fairly large detached garage/annexe accommodation to the south of the house and a detached garage to the northeast of the house.

The house is set reasonably well back from the highway close to a bend in Fairstead Road. There is an established Beech hedge at the front boundary with gaps for access at the northern and southern ends. The accesses serve the host and the annexe. A new Beech Hedge has been planted at the southern boundary in the front curtilage. The front curtilage is laid to hardstanding and grass.

## PROPOSAL

Permission is sought to enclose part of the front curtilage with railings, erect vehicular access gates that are to be set within the plot, alter the driveway layout, and erect a gate and railings at the north-eastern corner of the site.

## CONSULTATIONS

ECC Highways - The impact of the proposal is acceptable to subject to condition that no unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Terling Parish Council – Objection (submitted proposal): This is another in a series of planning applications which seeks a revision to landscaping. The proposed scheme separates the annex building from the main dwelling by means of a 2 metre high (6ft 6inch) brick wall and this is fundamentally not acceptable. The proposed design ignores the Village Design Statement paragraphs on boundary treatments which should be hedging. The railings (also proposed to be 2 metres high) being on the outside of the hedging is unacceptable and further demonstrates an urbanisation perimeter treatment of what is a country lane. We also have concerns that the proposed fence is outside of the applicant's boundary, ie on the verge. We feel that this poses a risk to traffic and pedestrian users as the property is situated on a double bend with poor visibility on a narrow country lane. The application also requires an inappropriate 2 metre high brick wall and solid gate at the entrance to the already difficult two house access point on the bend of the road. This will make entry and exit from both the pedestrian access to Rosemead and the vehicular and pedestrian access to the road by the adjoining properties very dangerous.

Another issue is that on the boundary to the right of the property it states that a 2 metre high beech hedge is in existence, this is not the case as this has already been removed by the applicant and has not been reinstated.

Some new lighting has been requested and we would like there to be conditions set on this lighting in terms of a restriction on the times it can be utilised and that it should be in accordance with both BDC planning External Artificial Lighting SPD guidelines, and the Clean Neighbourhoods and Environment Act 2005 ie Obtrusive light problems of sky glow, glare and light trespass, including the effect on wildlife.

The present design is alien to the established street scene and seeks to generate a separate gated confined and enclosed property.

Block paving is also proposed for a large area, to the front of the main building, which is not in compliance with the neighbouring properties or the VDS recommendation for the use of porous material such as gravel in use throughout the village.

The applicant states that the applications are sought for his personal situation, which has a defined period of need. That being so any permission that might be granted should be BOTH temporary and personal to the applicant. To do otherwise sets a precedent which the PC seeks to avoid.

An improved and more sensitive design is commended reflecting the property's location in the street scene.

Terling Parish Council – Objection (revised proposal): We note these revisions are stated as "D" but there is no clear statement in the key to drawing 1989 what they are. We note the photos attached and the suggested height is a

minimum of 1.5 m and over 2.0m in the extreme. This is a very high enclosure.

Such fencing and gates serve to enclose the property and separate it from the annex, which together form a single consented planning unit. This is clearly set out in the formal deed attached to earlier consents.

The height of this proposed enclosure of space is foreign in the street scene and these revisions do nothing to contribute to the amenity and boundary treatments of Fairstead Road.

Worryingly the applicant continues to ignore the supplemental planning guidance of the Terling Village Design Statement as to perimeter treatments. There is no passing correspondence on these revisions.

Please also refer to our comments of 27 March 2017; they continue to stand. We cannot support these amendments and request you recommend to your committee refusal.

## REPRESENTATIONS

A site notice was displayed near the site and neighbour notification letters were sent out to adjacent properties. In response, two letters of representation have been received from C Cutler, Twitchers, Fairstead Road; and A O'Shea, Clinton, Fairstead Road: that have objected to the application on the following grounds:

- Does not comply with the Village Design Statement.
- Hedgerows should be retained as natural habitats and erection of walls and close boarded fences avoided.
- Not in keeping with the area, urbanisation of country lane, Terling is known for its natural hedgerows, and hedges, in and around people's homes.
- Driveways should be porous; block paving not porous.
- Plans show a hedge at the boundary that has been grubbed out and not yet replaced.
- Security concerns noted, consider that a hedge is harder to climb through/over than a metal fence, the plot is extensive with a very secure rear garden, creating a secure front garden as opposed to one secure front door seems totally unnecessary.
- Safety concerns; lack of visibility of children to vehicles entering and leaving the site via a solid gate.
- New lighting should be conditioned and timings of use restricted.
- If additional fencing is required it should be placed inside the existing hedgerows, and the hedge between Rosemead and Magnolia replanted as a matter of urgency, There are a variety of options available to secure the front garden, including fences within hedges, that would do far less to spoil the rural setting.

- The proposed metal fencing is on a narrow section of road at the start of a dangerous bend, with no pedestrian footpath. Making the barrier a substantial metal fence would make this even more hazardous for pedestrians.
- Planning Notice would have been better placed [safer to be placed] on a gate post rather than across the lane.

## REPORT

### Principle of Development

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

### Design, Appearance and Layout

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

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

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

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

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

The submitted proposal sought approval to erect a two metre tall metal fence, a brick wall spanning the depth of the front curtilage and solid wooden vehicular gates, and a brick wall and solid timber gate at the north eastern corner of the site. It was also proposed to block pave the area in front of the main house and gravel in front of the annexe with a wide retaining strip formed from granite sets adjoining the highway. It was considered that the submitted proposal was out of keeping with the character of the area; the fence being overly tall, and it was considered that the brick wall should be changed to railings or a lower wall. It was also considered that the new fence should be located inside the established fence at the front boundary.

Subsequent to a site meeting with the applicant, case officer, and highways officers; a revised proposal has been submitted that has reduced the height of the fence to 1.5 metres, the northeast corner will be enclosed by a metal fence and gate as opposed to the brick wall and timber gate, which is considered to be less visually intrusive than the submitted proposal. The new metal fence (railings) is to sit inside the established hedge. Block paving is to be used in front of both the house and annexe.

The personal circumstances of the applicant and the stated need to secure the front curtilage are noted, this is not however a material planning consideration. The circumstances are not such that a personal consent would be granted, any consent will therefore go with the land and the proposal must therefore be acceptable in planning terms. Representation has been made that the proposal does not conform with the Village Design Statement (VDS). The VDS contains a set of guidelines for the development of the village. The VDS does not carry the weight that would be attributed to an adopted Supplementary Planning Document or an adopted policy. It is a material consideration, which it is for the decision maker to attribute the appropriate weight. It is also material to take into account the enclosures that can be erected under permitted development subject to meeting relevant criteria, and that the applicant could remove the existing hedge under the permitted development regime given that it is not subject to protection.

It is considered that the revised proposal which sites the lower fence inside the established hedge, and seeks approval for a fence to divide the site, as opposed to a solid brick wall is acceptable and in keeping with the character of the area. A Tree Protection Plan has been conditioned to ensure the established hedge is not damaged by the proposed development.

Representation has been made that block paving is not porous. This is not the case if it is laid appropriately. Given the expanse of block paving proposed, it is considered reasonable and appropriate to require this to be laid on a porous base/sub-base; this has been conditioned accordingly. Resurfacing the driveway would be permitted development subject to meeting criteria in respect to materials/drainage.



### Impact on Neighbour Amenity

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a detrimental impact upon adjacent residential amenity.

### Highway Issues

A house with two or more bedrooms is required to provide two off-street parking spaces; no additional dedicated spaces are required for an annexe. There is ample space in the front curtilage to accommodate several vehicles. The vehicular gates are set well in from the road and ECC Highways consider the proposal to be acceptable subject to condition about loose surface materials. The use of gravel is no longer proposed with the driveway being laid only to block paving. It is considered that there are no highways impacts associated with the revised proposal.

### Other Issues

The matter of the previous removal of a hedge between Rosemead and the neighbouring property was considered in respect of application 16/00788/FUL. Local Plan Review Policy RLP81 Trees, Woodlands, Grasslands and Hedgerows states inter alia that *The Planning Authority will encourage (emphasis added) landowners to retain, maintain and plant, in appropriate locations, locally native trees, woodlands, grasslands and hedgerows, and that New planting of appropriate native species will normally be required to replace the loss of any protected trees, woodland or hedgerow.* The hedgerow was not a protected hedgerow nor was it in a Conservation Area. Similarly the Village Design Statement includes guidelines in respect of the retention of hedgerows. The applicant cannot therefore be compelled to replace it. The applicant has however verbally indicated that it is their intention to replace the hedgerow in due course.

Representation has also been made in respect of the subdivision of the plot. Notwithstanding the proposed erection of the fence and vehicular access gates within the front curtilage, the host and annexe will continue to share the vehicular access from the highway and the rear amenity space. And, the use of the annexe is tied to the host by way of planning consent 12/01419/FUL that was subject to an S106 Legal Agreement to that effect.

Representation has been made in respect of the proposed lighting in the front curtilage. Two ground lights are shown, one in front of each pillar respectively. This is not considered to be excessive. Light itself, and minor domestic light fittings, are not subject to planning controls and it is not considered reasonable to condition its use in this case. An informative has been included on the notice to advise the applicant that they should ensure that the intensity and direction of external lighting for security or other purposes does not disturb others eg. ensure that beams are not pointed directly at windows of other houses. Security lights fitted with passive infra-red

detectors (PIRs) and/or timing devices should be adjusted so that they minimise nuisance to neighbours and are set so that they are not triggered by traffic or pedestrians passing outside the property.

## CONCLUSION

In this case, it is considered that the revised proposal is acceptable in terms of design and highway considerations and there will be no detrimental impacts upon neighbouring residential amenity. And it is further considered that the revised proposal would not be sufficiently detrimental to the character of the area to warrant refusal.

## 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

Block Plan

Plan Ref: 1989-01

Version: D

Proposed Plans

Plan Ref: 1989-02

Version: B

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

Reason

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

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

Reason

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

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form except that the vehicle access shall be finished in brick paving not gravel/granite sets.

Reason

To ensure that the development does not prejudice the appearance of the locality, and to avoid displacement of loose material onto the highway in the interests of highway safety.

- 4 Development shall not be commenced until details of the means of protecting all of the existing trees, shrubs and hedges 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.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

The Protection Plan is required prior to the commencement of development to ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 5 All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

Reason

To ensure a satisfactory method of surface water drainage.

INFORMATION TO APPLICANT

- 1 The applicant is advised that they should ensure that the intensity and direction of external lighting for security or other purposes does not disturb others eg. ensure that beams are not pointed directly at windows of other houses. Security lights fitted with passive infra-red detectors (PIRs) and/or timing devices should be adjusted so that they minimise nuisance to neighbours and are set so that they are not triggered by traffic or pedestrians passing outside the property.

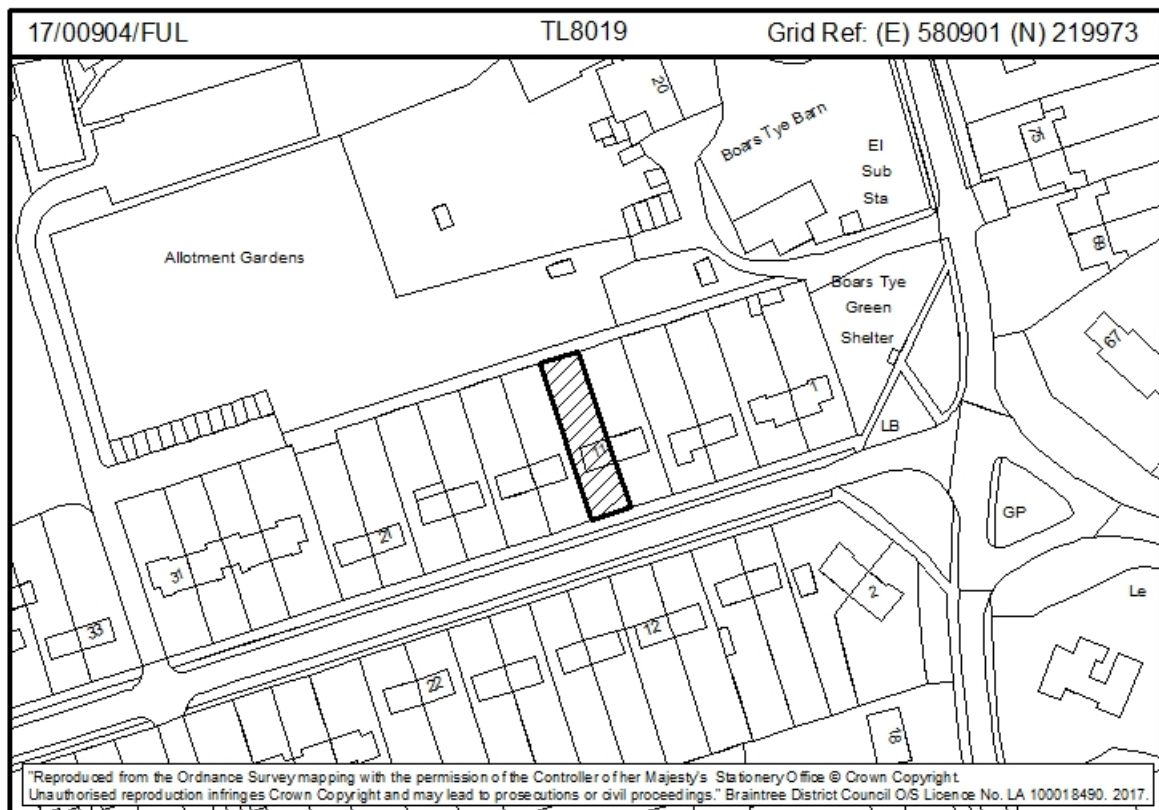
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5g

PART B

APPLICATION 17/00904/FUL DATE 09.06.17  
NO: VALID:  
APPLICANT: Mr Dagan Mansfield  
11 Silver Street, Silver End, Essex, CM8 3QQ,  
AGENT: Design Delta  
1 Braddy Court, Kelvedon, Colchester, Essex, CO5 9JP  
DESCRIPTION: Erection of single storey flat roof rear extension  
LOCATION: 11 Silver Street, Silver End, Essex, CM8 3QQ,

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



## SITE HISTORY

03/01860/FUL	Proposed re-roofing of flat roof, render repairs, redecoration of walls, chimney repairs, window repairs and replacement of rainwater goods with cast iron	Granted	17.11.03
03/01861/LBC	External repairs, re-roofing of flat roofs, overhauling windows and providing secondary glazing	Granted	17.11.03
84/01342/DC	Proposed modernisation - 11,13,21,23,25,27	Deemed Permitted	25.02.85
84/01343/LB	Proposed modernisation - 11,13,21,23,25,27	Deemed Permitted	25.02.85
86/01101/LB	Installation of ventilation units - 11,13,21,23,25	Granted	08.10.86
12/00977/LBC	Renewal of felt flat roofing to match existing	Granted	22.08.12
13/00422/LBC	Take down existing defective central brickwork chimney stack to below roof deck level. Construct new deck over and renew existing roof covering	Refused	01.07.13
13/00099/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Remove Eucalyptus tree	Granted	14.06.13
17/00906/LBC	Erection of single storey flat roof rear extension	Pending Decision	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP38	Residential Alterations, Extensions and Outbuildings
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

## INTRODUCTION

This application is brought before the Planning Committee as the Parish Council has raised an objection, contrary to officer recommendation.

## SITE DESCRIPTION

11 Silver Street is a Grade II listed, two storey, flat roof dwelling house located within the original garden village founded by Crittall Window Company which is a designated Conservation Area, which is also subject to an Article 4 Direction.

## PROPOSAL

The application seeks permission to erect a single storey rear extension. The extension has been designed to be in keeping with the host property which is flat roofed in its design.

## CONSULTATIONS

### Historic Buildings Consultant

The Council's Historic Building Consultant raised no objection in principle to the extension, which is considered can be achieved in a manner which does not **harm the visual and physical prominence of the core of the listed building**, Following the submission of the application, the Historic Building Consultant requested more detailed information regarding the proposed materials. The initial plans proposed the use of UPVC doors, UPVC guttering and roof fascia detail which is an alien and inappropriate material which is not considered to be in keeping with the palette of materials which define the architectural character and significance of the listed building. The Historic Building Consultant also raised concerns regarding the proposed wet room, which would involve reconfiguration of the side elevation in a manner which would alter the visual appearance and architectural character of the property which would be harmful to the design rationale and symmetry for the pair of semi-detached houses. Therefore, revised drawings were submitted which resolved the concerns raised by the Historic Building Consultant. The Historic Building Consultant has responded to the revisions by stating that he is supportive of the proposal.

## REPRESENTATIONS

Silver End Parish Council – objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Guide.

A site notice was displayed at the front of the property however no representations from neighbouring properties have been received.

## REPORT

### Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”.

In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policies LPP 50 and LPP 55 of the emerging Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the emerging Braintree District Publication Draft Local Plan seeks to ensure that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.

Furthermore, when considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Policy RLP100 of the Braintree District Local Plan Review and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan, supported by Policy CS9 of the Braintree District Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss



of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case, there are no objections in principle to the proposal subject to satisfactory design and subject to there being no adverse impacts upon the character and appearance of the Conservation Area and acceptable impact on the heritage asset.

#### Design, Appearance and Layout

The property forms part of a pair of semi-detached houses in 1927 as part of a set piece series of modern movement buildings. The building was constructed in 1927 and is considered to be an exceptional example of modern movement architecture. It is for this reason that the property is listed Grade II. The property also lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. The building also forms an important part of the masterplan and streetscape of Silver End. The building is therefore considered to make a strong positive contribution to the Silver End Conservation Area. The Silver End Conservation Guide (1999) gives details of appropriate materials and designs within this area and is a material consideration in the determination of this application.

It is recognised that the proposed design of the extension and use of aluminium differ from those designs and materials adopted in the Silver End Conservation Guide, however, as referenced above, the use of aluminium have been approved elsewhere in the Conservation Area. As stated previously, the Historic Building Consultant supported the principle of extending the property, but raised concerns regarding the use of UPVC and the reconfiguration of the side elevation. The applicant has submitted revised plans which address these concerns. The applicant proposes to reuse original Crittall windows as much as possible within the proposed extension and any replacement windows doors will utilise aluminium. The choice of materials to be utilised in relation to the roof fascia design and rainwater goods are supported by the Historic Building Consultant. The principle of replacing Crittall windows with windows and doors of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Building Consultant has raised no objections to the proposal from a heritage perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area or designated heritage asset.

#### Impact on Neighbour Amenities

It is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking. Furthermore, no representations have been received from neighbouring properties in connection with this proposal.

### Highway Issues

The existing parking arrangements will remain unaffected by the proposal. It is therefore considered that there would be no highway implications associated with this application as sufficient parking would be retained at the property.

### Conclusion

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	
Proposed Elevations	Plan Ref: DM/01/2017
Proposed Floor Plan	Plan Ref: DM/02/2017
Elevations	Plan Ref: DM/05/2017
Window details	Plan Ref: RG-80-100

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

#### Reason

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

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

#### Reason

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

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

#### Reason

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

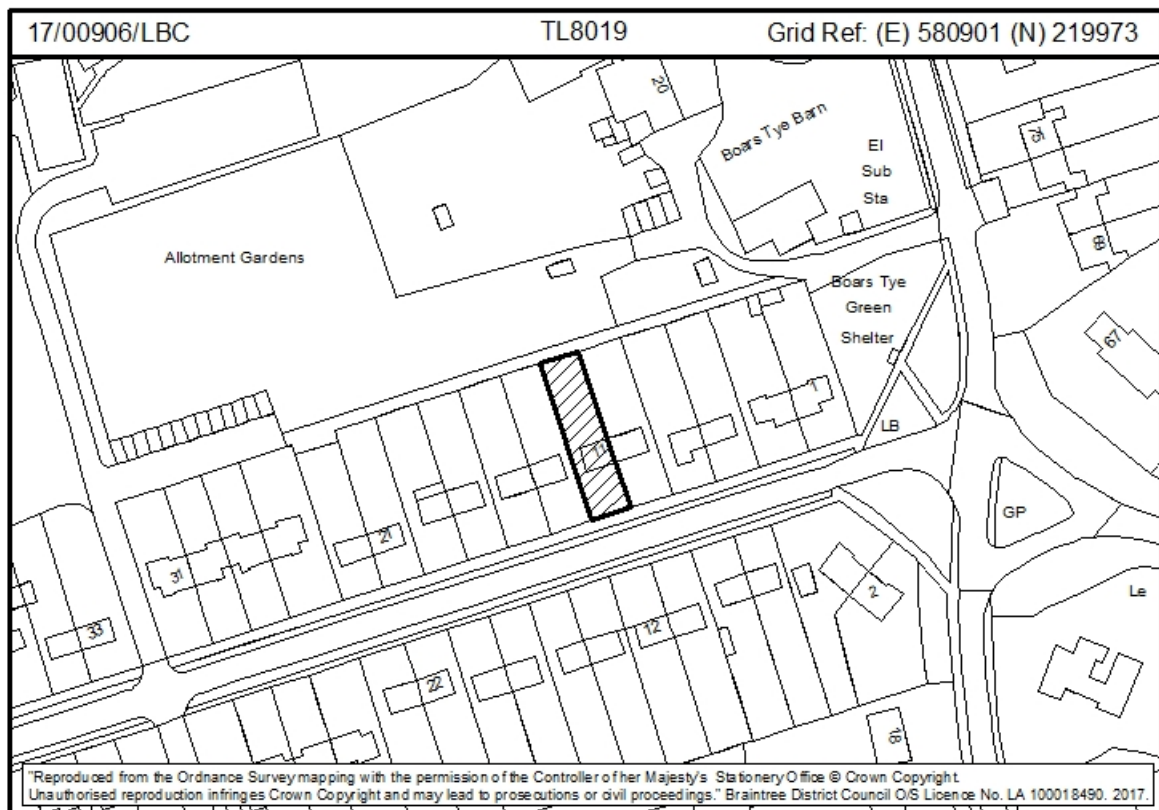
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5h

PART B

APPLICATION 17/00906/LBC DATE 09.06.17  
NO: VALID:  
APPLICANT: Mr Dagan Mansfield  
11 Silver Street, Silver End, Essex, CM8 3QQ  
AGENT: Design Delta  
1 Braddy Court, Kelvedon, Colchester, Essex, CO5 9JP  
DESCRIPTION: Erection of single storey flat roof rear extension  
LOCATION: 11 Silver Street, Silver End, Essex, CM8 3QQ

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



## SITE HISTORY

03/01860/FUL	Proposed re-roofing of flat roof, render repairs, redecoration of walls, chimney repairs, window repairs and replacement of rainwater goods with cast iron	Granted	17.11.03
03/01861/LBC	External repairs, re-roofing of flat roofs, overhauling windows and providing secondary glazing	Granted	17.11.03
84/01342/DC	Proposed modernisation - 11,13,21,23,25,27	Deemed Permitted	25.02.85
84/01343/LB	Proposed modernisation - 11,13,21,23,25,27	Deemed Permitted	25.02.85
86/01101/LB	Installation of ventilation units - 11,13,21,23,25	Granted	08.10.86
12/00977/LBC	Renewal of felt flat roofing to match existing	Granted	22.08.12
13/00422/LBC	Take down existing defective central brickwork chimney stack to below roof deck level. Construct new deck over and renew existing roof covering	Refused	01.07.13
13/00099/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Remove Eucalyptus tree	Granted	14.06.13
17/00904/FUL	Erection of single storey flat roof rear extension	Pending Decision	

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

#### Braintree District Local Development Framework Core Strategy 2011

CS9            Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

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  
LPP60        Heritage Assets and their Settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the Parish Council has raised an objection, which is contrary to officer recommendation.

## SITE DESCRIPTION

11 Silver Street is a Grade II listed, two storey, flat roof dwelling house located within the original garden village founded by Crittall Window Company which is a designated Conservation Area, which is also subject to an Article 4 Direction.

## PROPOSAL

The application seeks consent to erect a single storey rear extension. The extension has been designed to be in keeping with the host property which is flat roofed in its design.

## CONSULTATIONS

### Historic Building Consultant

The Historic Building Consultant raised no objection in principle to the extension, which is considered can be achieved in a manner which does not harm the visual and physical prominence of the core of the listed building. Following the submission of the application, the Historic Building Consultant requested more detailed information regarding the proposed materials. The initial plans proposed the use of UPVC doors, UPVC guttering and roof fascia detail which is an alien and inappropriate material which is not considered to be in keeping with the palette of materials which define the architectural character and significance of the listed building. The Historic Building Consultant also raised concerns regarding the proposed wet room, which would involve reconfiguration of the side elevation in a manner which would alter the visual appearance and architectural character of the property which would be harmful to the design rationale and symmetry for the pair of semi-detached houses. Therefore, revised drawings were submitted which resolved the concerns raised by the Historic Building Consultant. The Historic Building Consultant has responded to the revisions by stating that he is supportive of the proposal.

## REPRESENTATIONS

Parish Council – objection received. The Parish Council object on the basis that the proposed materials contravene the adopted Silver End Conservation Guide.

A site notice was displayed at the front of the property but no representations from neighbouring properties have been received.

## REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Furthermore, Policy RLP100 of the Braintree District Local Plan Review and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan, supported by Policy CS9 of the Braintree District Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The property forms part of a pair of semi-detached houses in 1927 as part of a set piece series of modern movement buildings. The building was constructed in 1927 and is considered to be an exceptional example of modern movement architecture. It is for this reason that the property is listed Grade II.

An objection was raised to the proposed extension by the Historic Building Consultant with regard to the use of UPVC. The use of UPVC within a Listed Building is not supported. It is recognised that the design of the extension and the use of aluminium differ from those design and materials adopted in the Silver End Conservation Guide, however, the use of aluminium have been approved elsewhere in the Conservation Area. The applicant will seek to reuse the existing Crittall windows wherever possible, but where new doors and windows are required the use of aluminium is supported by the Historic Building Consultant.

It is proposed that the single storey rear extension will span the entire width of the building, which is not normally an element of development which is supported when extending a listed building. However, given the built form within Silver End and the simple modular form of extension proposed, the proposal is considered to be acceptable in this instance. The original plans submitted proposed to demolish the entire rear wall of the host dwelling. In doing so, this would remove the ability to understand and appreciate the historic plan form of the building, and thereby harm the ability to understand its architectural form. The Historic Building Consultant requested that part of the original wall would be retained with openings through created, from old to new. This concern has been addressed by the applicant by the submission of revised plans detailing the sections of the original wall which would remain.

The Historic Building Consultant is therefore supportive of the proposals as outlined in the revised plans.

Therefore it is considered that the proposal would not have a detrimental impact upon the character and appearance of the designated heritage asset.

### CONCLUSION

In conclusion, it is considered that the proposals are acceptable and would comply with the aforementioned policies. The application is therefore recommended for approval.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan

Proposed Elevations

Plan Ref: DM/01/2017

Version: REV

Proposed Floor Plan

Plan Ref: DM/02/2017

Version: REV

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

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

Reason

To ensure that the work does not affect the character or setting of the listed building on/adjoining the site.

TESSA LAMBERT  
DEVELOPMENT MANAGER

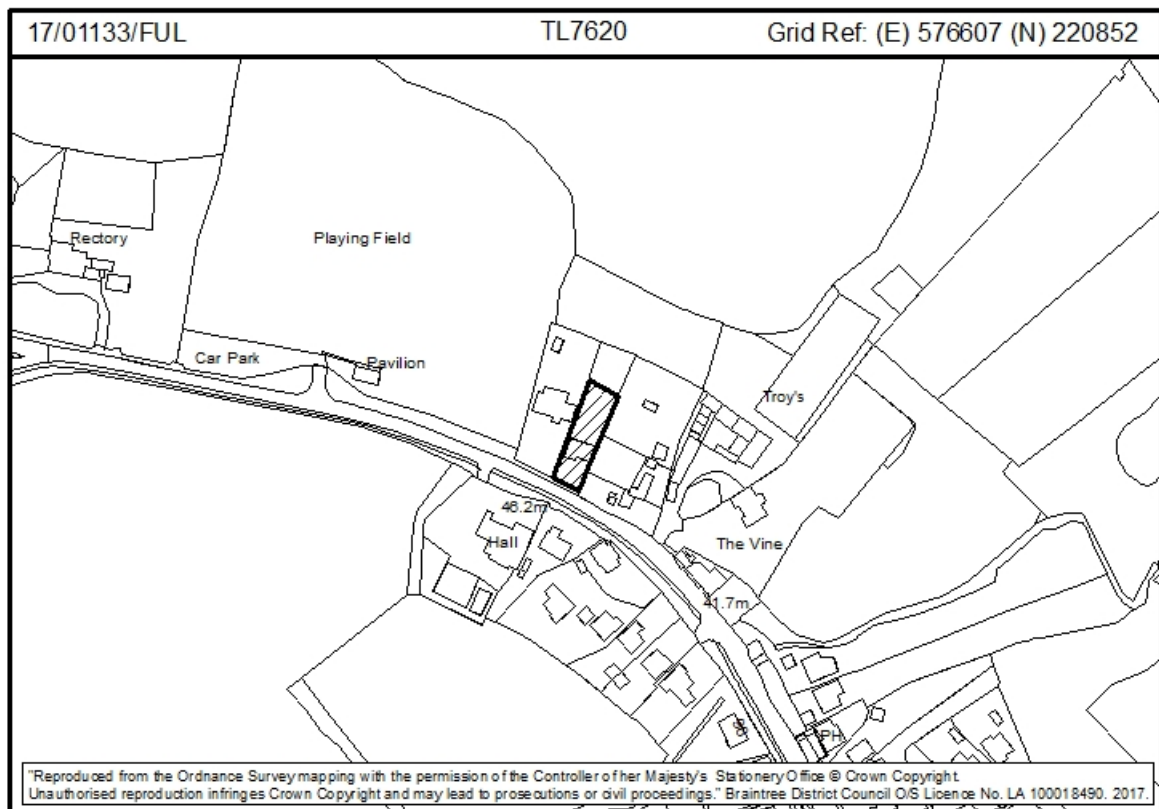


AGENDA ITEM NUMBER 5i

PART B

APPLICATION 17/01133/FUL DATE 26.06.17  
NO: VALID:  
APPLICANT: Mr Robert Hayward  
C/o Agent  
AGENT: ADP Ltd  
Mr Gregory Byrne, Hophouse, Colchester Road , West  
Bergholt, Colchester, Essex, CO6 3TJ  
DESCRIPTION: Erection of front, rear and first storey extensions and  
changes to the exterior finishes  
LOCATION: 91 The Street, Black Notley, Essex, CM77 8LL

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



## SITE HISTORY

81/00147/P	Demolition of cottage and erection of one pair of semi-detached houses and garages	Refused	
81/00413/P	Demolition of cottage and erection of one pair of semi-detached houses and garages	Granted	
81/00965/P	Demolition of cottage and erection of bungalow	Granted	
12/01441/FUL	Erection of single storey infill front extension, two storey rear extension with new floor added to existing footprint	Refused	28.12.12
13/00282/FUL	Erection of single storey infill front extension, two storey rear extension with new floor added to existing footprint	Refused	11.09.13

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

#### Braintree District Local Development Framework Core Strategy 2011

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

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

91 The Street is a two bedroom bungalow located within the Black Notley development boundary. It is not within a Conservation Area or subject to any listing. The bungalow is finished in yellow bricks and concrete roof tiles.

The bungalow sits towards the southern end of a long plot, with the building spanning the majority of the width of the plot except for a pedestrian passageway to the rear garden beside the western boundary, and a gap of less than 1 metre between the building and the eastern site boundary. The bungalow is set well back from the road with the front curtilage laid to parking. There is an integral single garage at the western side of the building. The bungalow sits above the level of the road.

No.89, the adjacent neighbouring one-and-a-half storey property to the northwest, is set further back from No.91. No.93-95, to the southeast, sits closer to the highway than No.91 and sits below the level of No.91. The site sits on a gentle curve in The Street, which drops to the southeast when travelling away from Braintree; the bungalow is generally screened in the street scene by trees and vegetation at the boundary of the playing field when travelling in a southerly direction. It is also not particularly prominent when travelling up the hill due to the position of No.93-95 relative to the highway. There are open fields to the rear of the site.

## PROPOSAL

An existing conservatory at the rear is to be removed and approval is sought for the erection of front, rear and first storey extensions and changes to the exterior finishes. The proposal would result in a one-and-a-half storey dwelling on the plot.

The bedroom accommodation and bathroom would be relocated to the first floor, and two additional bedrooms would bring the total to four bedrooms. The garage would be converted to a snug and the larger ground floor reconfigured to provide an open plan kitchen/dining/living room across the rear of the dwelling, and a new study, hallway and W.C. at the front. It is proposed to finish the altered dwelling in painted brickwork. The front elevation will feature two pitched dormers to serve the new bedrooms, and a porch with pitched roof. At the rear three new gables would be created with half-hipped roofs. The height to the existing ridge is approximately 4.6 metres; the new ridge would be approximately 7 metres.

## CONSULTATIONS

### Black Notley Parish Council – Objection:

It is situated in an area of bungalows and chalet bungalows and on a downward slope above a low rise cottage 95 The Street. The raising of the roof level and insertion of 2nd floor windows will cause lack of privacy to both adjoining neighbours, completely overlooking the rear garden of the cottage No 95 The Street which runs behind the plan, and because of the existing siting of the proposal and the neighbouring chalet bungalow the planned rear 2nd floor window will stare into the existing neighbouring chalet bungalow upper window, causing lack of privacy. The proposal will also take out light from the side of the chalet bungalow.

The Parish Council are keen to retain its bungalow and chalet bungalow stock to provide property for local people wishing to downsize. Both neighbours object to this plan.

## REPRESENTATIONS

A site notice was displayed near the site and neighbour notification letters were sent out to adjacent properties. In response, two letters of representation have been received from M. Steers and A. Johnson, 89 The Street; and Mr and Mrs Hammond, 93-95 The Street: that have objected to the application on the following grounds:

- Concern that the development will undermine the footings of No.89.
- Loss of light to bedroom, office, and utility room of No.89.
- Loss of privacy to bedroom, office, and utility room of No.89.
- Loss of privacy and overlooking to the rear garden of No.95.
- The higher roof will be dominating and overbearing.
- Concerns in respect of the capacity of the sewer to accommodate the load from a larger dwelling on the site.
- If the proposal was to go ahead it would mean another bungalow is lost to the village.

## REPORT

### Principle of Development

The site is located within a development boundary where there is a general presumption in favour of sustainable development.

RLP8 House Types states that the Council will seek the provision of a range of house types and sizes from one development site to another and within individual sites, in order to meet the local needs of the different household types. The mix will however need to meet the necessary amenity space and parking standards. Representation has been made in respect of the loss of the bungalow however there is no policy that requires existing bungalows to be retained as such.

There is therefore no objection in principle to an extension(s) in this location subject to satisfactory design, highway considerations and subject to there being no detrimental impacts upon neighbouring residential amenity.

### Design, Appearance and Layout

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

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

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

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

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

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

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

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

The existing c.1960s bungalow is simple in design and is not considered to be particularly in keeping with the character of the area which is typified by cottage style dwellings, some of which have a greater age to them than others. The brick is also not particularly attractive and again is not considered to be in keeping with the area which predominantly features rendered properties and bricks of a less bright hue. Two previous schemes have been refused which were considered to be detrimental to the street scene. One of which proposed to almost double the height of the roof, and another which proposed a large flat roofed front dormer which would have been a bulky addition to the roof.

The current proposal is considered to be more in keeping with its surroundings, with a cottage style 1½ storey dwelling proposed. The footprint of the building will increase, however it is not considered to represent overdevelopment of this fairly large plot. The bungalow already extends across the width of the plot, and the position relative to the neighbours will avoid the new dwelling appearing to be crammed onto the site relative to the east and western site boundaries and the neighbouring properties. It is considered that the proposal is in keeping with the character of the area and will not be detrimental to the street scene.

#### Impact on Neighbour Amenity

A gap of approximately 5 metres would be retained between the south eastern corner of No.89 and the north western corner of No.91. No direct inter-looking would take place between the proposed new first floor windows at the rear of No.91 and the first floor window in the eastern gable end of No.89. The applicant has provided a drawing to illustrate the views from the new windows. It is acknowledged that there could be some indirect overlooking to the first floor window of No.89 but that this would be limited and not sufficiently detrimental to warrant refusal.

No new windows are proposed in the eastern flank wall. A false window opening with brick infill will add detail to the gable end but will not result in

overlooking to the garden of No.93-95. There is existing overlooking to part of that garden from the window in the gable end of No.89.

Taking into account the position of the dwelling, and having regard to the proposed works, it is considered that the proposal would not have a sufficiently detrimental impact upon adjacent residential properties in terms of loss of natural light, overshadowing, overbearing, or in terms of overlooking over and above the existing situation to warrant refusal on these grounds.

### Highway Issues

A house with two or more bedrooms is required to provide two off-street parking spaces. One substandard space would be lost due to the conversion of the garage however, sufficient space would be retained in the front curtilage for two plus vehicles. It is considered that there are no highways impacts associated with the revised proposal.

### Other Issues

Representation has been made in respect of the impact of the proposed development on the footings of No.89. This not a material planning consideration; development taking place on or near to the boundary is covered by the Party Wall Act 1996.

Representation has also been made in respect of the capacity of the drainage system in relation to the intensification of the site. This is also not a material planning consideration and is a matter that would come under the Building Regulations regime.

### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations, and there will be no detrimental impacts upon the character of the area. Furthermore it is considered that the revised proposal would not be sufficiently detrimental to neighbouring residential amenity to warrant refusal.

### 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 Plans	Plan Ref: 1145.1.005	Version: B
Location Plan	Plan Ref: 1145.L.001	
Proposed Site Plan	Plan Ref: 1145.L.003	



- 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 Prior to installation, samples of the materials to be used on the external finishes shall be submitted to, and approved in writing by, the local planning authority. The development shall only be implemented in accordance with the approved details and retained as such thereafter.

Reason

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

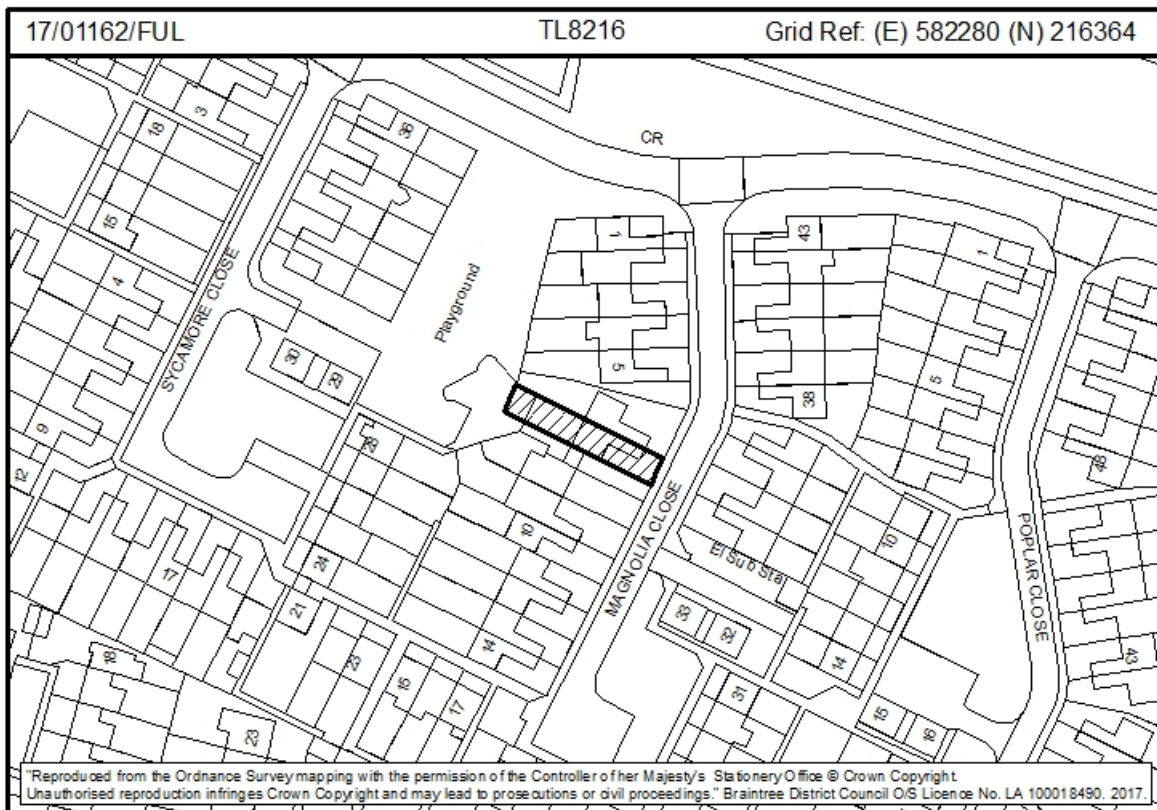
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION 17/01162/FUL DATE 13.07.17  
NO: VALID:  
APPLICANT: Mr Trevor Crew  
12 Sycamore Close, Witham, CM8 2PE, United Kingdom  
DESCRIPTION: Change of use of land to domestic garden and erection of  
fence  
LOCATION: 7 Magnolia Close, Witham, Essex, CM8 2PD

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



## SITE HISTORY

None.

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP90	Layout and Design of Development

## Braintree District Local Development Framework Core Strategy 2011

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

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

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

No.7 Magnolia Close is located within the Witham town development boundary. It is not within a Conservation Area or subject to any listing. There is an area of open space, which is owned by Greenfields Community Housing, located between the rear of the properties in Magnolia Close, and Sycamore Close to the west of the site. There is an alleyway that runs along the site boundary between No.7 and the adjacent property No.8 that gives access to the space from Magnolia Close. The space can also be accessed from Sycamore Close and Forest Road.

The open space is laid to grass except for the corner adjacent to the rear of No.7 which is paved with slabs. There is a mound near to the rear of No.7 which also has concrete surfaces and which the applicant has advised was the base for a slide in the past.

## PROPOSAL

It is proposed to enclose part of the open space that is laid to slabs to extend the rear garden of No.7. The area to be enclosed is approximately 32 square metres; 5 metres long x 6.4 metres wide (the width of the rear garden). It is proposed to erect a 6 foot (1800mm high) fence (1ft concrete gravel board with 5ft fence panel above) around the area to match the existing boundary treatment. The application documents include a copy of a letter from Greenfields CH advising they have no issues with licensing the area of land for the applicant to use as garden land as opposed to communal land.

## CONSULTATIONS

Witham Town Council – Recommends refusal on the grounds that the extension of the garden onto the existing skate park would result in an unacceptable loss of a public amenity.

Environmental Health – No comments

## REPRESENTATIONS

None

## REPORT

### Principle of Development

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

The preamble to Policy RLP4 Prevention of Town Cramming states inter alia that although the overall strategy for housing is to make maximum use of sites within existing urban areas, this should not be at the expense of open spaces and gaps between buildings, which are important in terms of local identity and visual amenity, or for recreation. Such open spaces are important to the character of a settlement by providing a break in an otherwise built-up area. The most important of these are identified on the Proposals Map...In many cases these areas will be in private ownership and there will be no public access. Examples are well-treed gardens adjacent to river walks/linear parks and meadows within villages. The fact that an area within a town development boundary, or village envelope, is not specifically shown for protection does not necessarily mean that it is suitable for development.

Policy RLP4 states that within Village Envelopes and Town Development Boundaries development on open areas, which are important visually, which contribute to the character of the settlement, or which are used for

recreational, social, or community purposes, or which are of importance to nature conservation will not be permitted.

The open space is not allocated as informal or formal open space in the Local Plan Review and is shown as “white land” without any specific designation. The land also has no specific allocation for recreation in the Publication Draft Local Plan. Although the OS Base Map shows the area as a Skatepark the applicant has advised it is not a Skatepark. Indeed there are no metal ramps or concrete bowls such as associated with the Skatepark at Highfields Road, Witham, and other Skateparks in the District, and it is considered that it would have been a poor location for a Skatepark given the proximity to nearby dwellings. The new fence would be roughly level with the gardens at the rear of numbers 1 to 6 Magnolia Close which are longer than that of No.7, and the majority of the “Skatepark” paved area will be retained. There is therefore no objection in principle to the proposal.

#### Design, Appearance and Layout

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

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

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

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

It is proposed to enclose the land with a close board timber fence with concrete gravel boards that would be similar in appearance to the currently boundary treatment at No.7 and the adjacent neighbouring properties. It is considered that the proposal will not be detrimental to the character of the area.

### Impact on Neighbour Amenity

It is considered that the proposal will not be detrimental to neighbouring residential amenity.

### Highway Issues

It is considered that there are no highways impacts associated with the proposal.

### CONCLUSION

In this case, it is considered that the proposal is acceptable in terms of design and highway considerations, and there will be no detrimental impacts upon the character of the area or neighbouring residential amenity.

### 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  
Block Plan

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

#### Reason

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

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

#### Reason

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

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

#### Reason

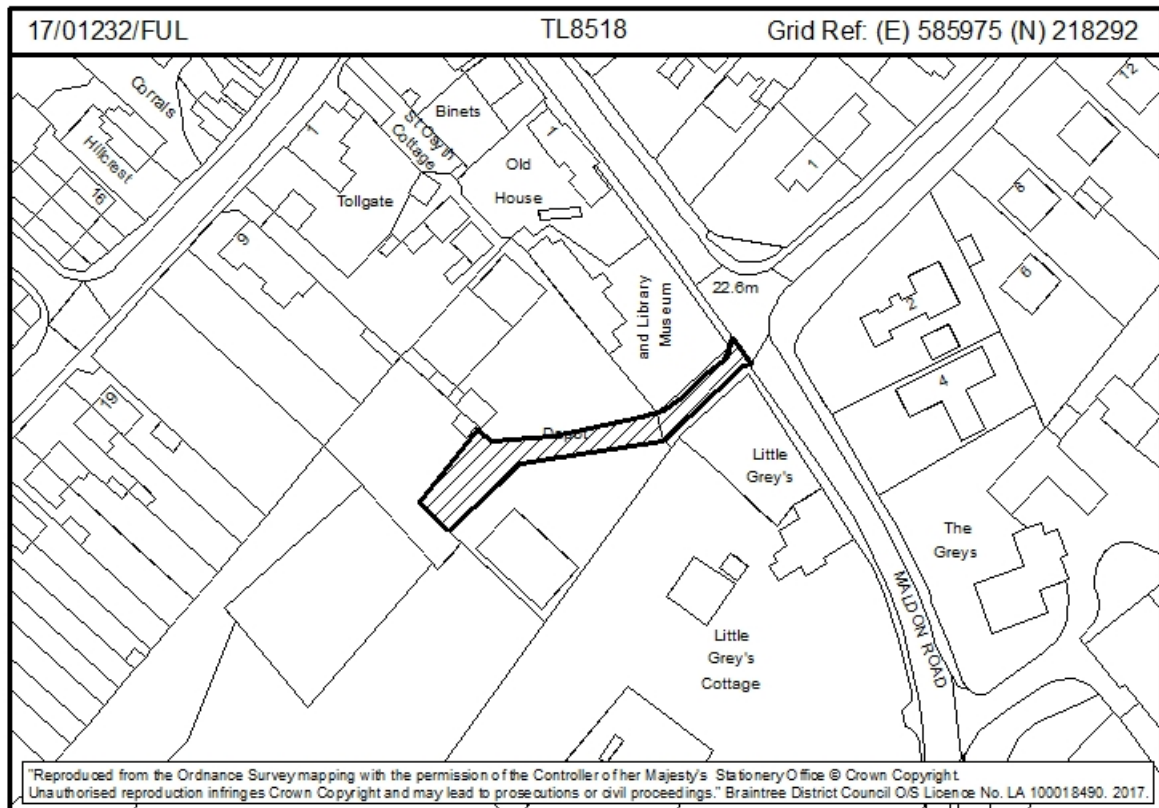
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT - DEVELOPMENT MANAGER

PART B

APPLICATION 17/01232/FUL DATE 17.07.17  
 NO: VALID:  
 APPLICANT: Foster Contracting Ltd  
 Mr Foster, Maldon Road, Kelvedon, Essex, CO5 9BA  
 AGENT: Melville Dunbar Associates  
 Mr Martin Ingham, The Mill House, Kings Acre, Coggeshall,  
 Essex, CO6 1NY  
 DESCRIPTION: Disconnection and removal of 2 existing horizontal bitumen  
 storage tanks, installation of 2 vertical bitumen storage  
 tanks as part of ongoing use of site as civil engineering  
 contractors premises  
 LOCATION: Foster Contracting Ltd, Maldon Road, Kelvedon, Essex,  
 CO5 9BA

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: fayfi@braintree.gov.uk





## SITE HISTORY

15/00606/FUL	Erection of new guard rails and access ladder for maintenance of solar panels and erection of further solar panels on roof of existing workshop	Granted	05.08.15
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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 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017.

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
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
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

#### SITE DESCRIPTION

The site is in an industrial use with a work shop and yard and provides civil engineering services which is accessed via Maldon Road.

The site is within the Kelvedon Conservation Area.

#### PROPOSAL

The proposal comprises the disconnection and removal of 2 horizontal bitumen storage tanks, and the installation of 2 replacement vertical bitumen storage tanks at a height of 8.3 metres.

To support the proposal the agent states that the aged tanks and equipment will be replaced with modern efficient equipment constructed to the latest standards and environmental safeguards which will have additional odour control measures, splutter boxes and condensing valves. The capacity of the tanks will enable more efficient use of tanker deliveries, reducing the number of tanker visits to refill, i.e. a reduction of 1 trip in 5 and they do not consider that the proposal will represent an extension to the scope of activities carried out on the site.

## CONSULTATIONS

BDC Environmental Heath - Initial concerns voiced with regards to odour and a request for additional information was made. After further consultation it was considered that the additional information submitted is sufficient to answer queries on odour control and capacity and subject to the measures indicated in respect of odour control being implemented then they have no adverse comments to make in respect of the proposal.

Essex County Council Historic Buildings Consultant - The proposed new storage tanks will be replacing two existing tanks on exactly the same part of the site. There is therefore no objection from a conservation perspective to the principle, location and quantum of the proposed development, as the principle of what is proposed simply preserves the status quo. However, the tanks in being vertical will be partially visible in views looking across from London Road, and from views looking into the site from Maldon Road. From a conservation perspective they would not object to the amendment to the views from Maldon Road, where the storage tanks will read as part of the existing industrial use of the site. Similarly they would not object to the proposals in regard to the impact on the two listed buildings on Maldon Road, given that the additional tanks are unlikely to further alter the environment in which these buildings are experienced or the contribution which this setting makes to their significance. However the potential intrusion into the views from London Road would be an undesirable intrusion into views when entering into the conservation area from the south, highlighting the existence of an industrial site which is currently not visible on this entrance into the conservation area. The harm to the character and appearance of the conservation area in this instance is however considered to be low, if they are visible or negligible if they are not. Therefore, whilst there would be a preference from a conservation perspective if horizontal tanks replaced the existing tanks, they would not formally object to the application.

## REPRESENTATIONS

Kelvedon Parish Council – The Parish Council submitted two responses in connection with this application. The initial response objected to proposal on the grounds of visible impact upon the Conservation Area. Following the submission of additional information they withdrew their objection.

6 letters of objection have been received in connection with this application and can be summarised as follows: Inappropriate location for proposed development, concerns regarding smell and pollution from new tanks, increase in traffic as result of larger tanks, impact on views from nearby residential gardens given the limited screening surrounding the site, impact on Conservation Area and blight on residential neighbourhood.

## REPORT

### Principle of Development

The site is located within Kelvedon Development Boundary therefore in accordance with RLP2 of the Braintree District Local Plan Review the principle of development is considered to be acceptable in principle, subject to other material planning considerations and compliance with other relevant planning policies. These are discussed in more detail below.

### Design and Appearance and Impact on character and appearance of the Conservation Area and Listed Buildings

The site is located on the periphery of Kelvedon village, which is largely residential in character, with close-knit and historic forms of development along the main High Street. Therefore it is officer opinion that the surrounding area would be sensitive to other forms of development including that which is proposed here.

In this case, the proposal comprises the replacement of two bitumen storage tanks on a currently active industrial site. The current cylinders are in a horizontal position largely hidden from view behind boundary screening and other buildings in existence on the site. They are considered beyond their useful life and as such it is proposed that they are replaced with two new cylindrical tanks, which will be re positioned in an upright vertical position measuring 8.3 metres in height. Owing to the repositioning of the tanks into this vertical positioning, officers consider the main impact of the proposal relates to their individual visual impact and the impact that they would have on the character and appearance of the Conservation Area. It is acknowledged that the replacement tanks would be large structures and would be of a similar height to the adjacent buildings.

In assessing the visual impact of the tanks, officers are mindful of the nature of the use of the site, and consider that equipment and buildings needed in association with the use should be largely expected and this includes the ongoing modernising of out-dated equipment. To mitigate their impact, the bitumen storage tanks shall be painted green, and whilst not invisible over wider views, they will be largely hidden behind a current boundary treatment.

In terms of impact on the character and appearance of the Conservation Area Policy RLP95 of the Braintree District Local Plan Review and Policy LPP56 of the emerging Braintree District Publication Draft Local Plan state inter alia that works will be permitted where they do not detract from the character,

appearance and essential features of the Conservation Area; any new development is situated in harmony with the existing street scene and building line, and is sympathetic in size, scale and proportions with its surroundings; architectural details on buildings of value are retained; and, building materials are authentic and complementary to the building's character.

Furthermore, when considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

Policy RLP100 of the Braintree District Local Plan Review and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan, supported by Policy CS9 of the Braintree District Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

From a heritage perspective the Council's Historic Buildings Consultant accepts that the potential intrusion into the views from London Road from the erection of the tanks would be an intrusion into views when entering into the Conservation Area from the south and would highlight the existence of an industrial site which is currently not visible on this entrance into the Conservation Area. However, the Historic Buildings Consultant considers that the harm to the character and appearance of the Conservation Area in this instance would be low if the tanks are visible and negligible if they are not. Similarly, the Historic Buildings Consultant does not object to the proposals in regard to the impact on the two listed buildings on Maldon Road, given that the replacements tanks are unlikely to further alter to environment in which these buildings are experienced or the contribution which this setting makes to their significance. Officers cannot therefore argue that the proposal would have a detrimental impact upon the character and appearance of the Conservation Area or the setting of the two nearby listed buildings and therefore the proposal is considered compliant with the abovementioned policy criteria.

#### Impact on Neighbouring Amenity

Paragraph 123 of the NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

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

Policies RLP36 and RLP 62 of the Braintree District Local Plan Review and Policy LPP72 of the emerging Braintree District Publication Draft Local Plan states that planning permission will not be granted for development including which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless adequate preventative measures have or can be taken.

Furthermore Policy RLP90 of the Braintree District Local Plan Review and Policies LPP50 and LPP55 of the emerging Braintree District Publication Draft Local Plan state that development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case, and taking into account the location of the tanks away from residential properties, it is not considered that the proposal would have a detrimental impact upon neighbouring residential amenity in terms of overshadowing or loss of natural light.

While the concerns raised within the letters of representation in respect of loss of outlook/view are noted, these are not material planning considerations in this case which can be taken into account. Furthermore, it is considered that the proposal would in large part be screened by the existing vegetation on the site.

Concerns regarding smell and pollution from new tanks and the increase in traffic as result of larger tanks are material considerations in this case. Given the proximity to neighbouring properties the Council's Environmental Health team have been consulted on the proposal, including the additional information submitted by the applicant. Environmental Health have confirmed that they are satisfied that the proposal would not have a detrimental impact upon neighbouring residential amenity.

The proposal is therefore considered to be satisfactory in this regard.

## CONCLUSION

Officers conclude that whilst the replacement bitumen storage tanks will be visible within the Conservation Area, they are unlikely to further alter the environment in which these buildings are experienced in terms of visual impact, to a degree which would have significant detrimental impact to warrant the refusal of the planning permission. Furthermore, it is considered that the proposal would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended on balance for approval.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan	Plan Ref: 1540-PL-01 A
Proposed Site Plan	Plan Ref: 1540-PL-05
Proposed Sections	Plan Ref: 1540-PL-06
Proposed Sections	Plan Ref: 1540-PL-07
Proposed Plans	Plan Ref: 1540-PL-08
Manufacturing Details	Plan Ref: TANK SPECIFICATION

- 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 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 0730 hours - 1800 hours  
Saturday 0730 hours - 1300 hours  
Bank Holidays & Sundays - no work

### Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. TESSA LAMBERT DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5I

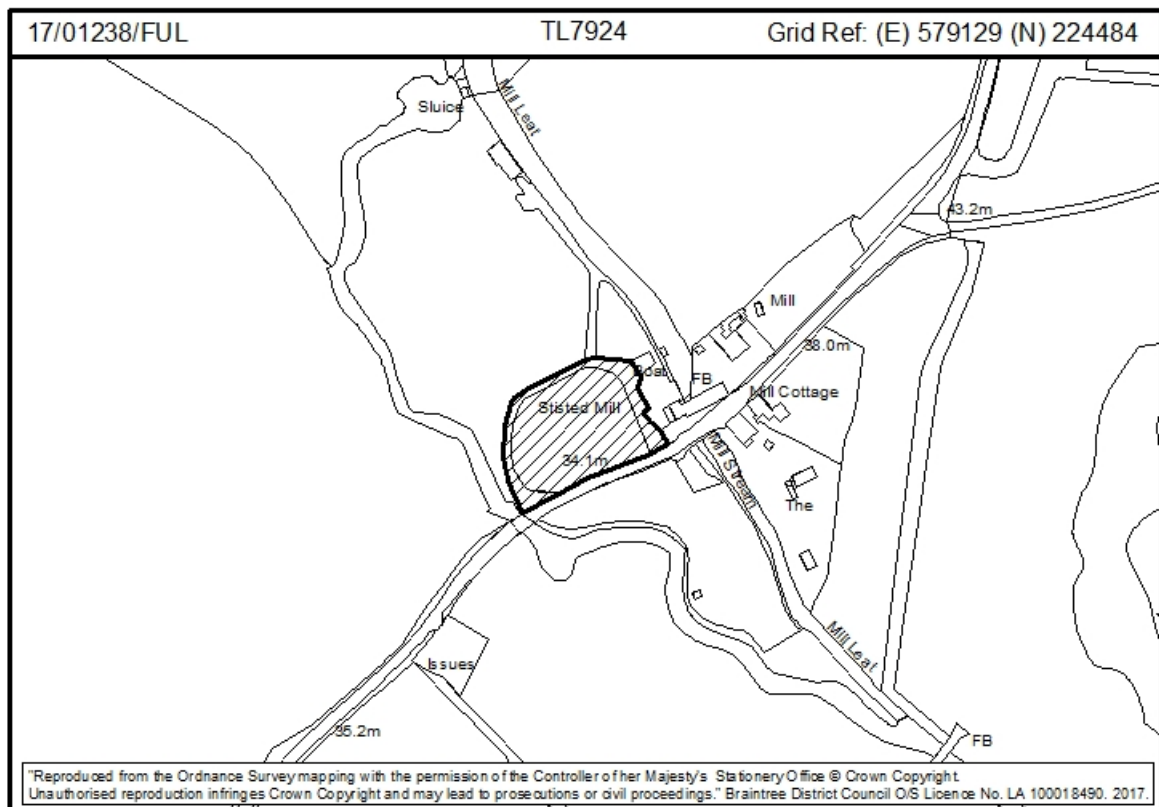
PART B

APPLICATION NO: 17/01238/FUL DATE: 07.07.17  
VALID:  
APPLICANT: Mrs Gladys Miller  
Stisted Mill, Kings Lane, Stisted, Braintree, CM77 8AG  
AGENT: Mr William Dutch  
23 Alderford Street, Sible Hedingham, Halstead, CO9 3HX  
DESCRIPTION: Construction of 2 bar timber post and rail fence along Kings Lane and the road side edge of the paddock, together with two field gates.  
LOCATION: Stisted Mill, Kings Lane, Stisted, Essex, CM77 8AG

For more information about this Application please contact:

Mrs F Fisher on:- 01376 551414 Ext. 2503

or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)





## SITE HISTORY

74/00368/P	Conversion into a dwelling	Granted	27.08.74
76/00021/P	Conversion into a dwelling	Granted	16.03.76
95/00682/FUL	Proposed alterations to existing garage building to side of house	Granted	24.07.95
95/00683/LBC	Proposed alterations to existing garage building to side of existing house	Granted	24.07.95
08/00924/LBC	To alter the existing river control gates (3) operating equipment	Granted	19.06.08

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as Stisted Parish Council has raised objections to the proposal contrary to officer recommendation.

#### SITE DESCRIPTION

Stisted Mill is a Grade II Listed Building, listed for its architectural and historic merit and is located to the South West of the Stisted village. It is outside of any defined settlement boundary, but within the Stisted Conservation Area. Stisted Mill comprises a large site abutting the River Blackwater and enjoys paddocks and a garden area to the side and rear, which extends to the sluice

gates, located approximately 160 metres to the North West of the mill. The sluice gates are also listed in their own right.

## PROPOSAL

A fence has been partially erected without planning permission, and has been brought to the attention of the Planning Enforcement Team.

After seeking advice in relation to the height of the fencing, planning permission is now sought to erect a 1.06 metre high post and rail fence (painted white) along the boundary of the site and incorporate 2No. 5 bar timber gates at the entrances to the site.

Work on the partially erected fence has been abandoned whilst awaiting permission for a fence at the new proposed height.

## CONSULTATIONS

Essex County Council Highways – No highway issues

Essex County Council Historic Buildings Consultant - The fence would be visually prominent where it abuts Mill Lane, however it is considered that whilst the fence would inevitably alter the environment in which the heritage asset is experience, they do not believe it would do so in a manner which is harmful to the significance of the heritage asset, particularly given that the applicant has submitted historic imagery with the application which shows that there is precedent for post and rail fencing demarcating the site boundary. They therefore do not have an objection to the application from a conservation perspective, but would suggest that the fence may relate better to its surroundings if were to be painted white, as opposed to being left its natural colour.

## REPRESENTATIONS

Stisted Parish Council object to the proposal - The property has been without a front boundary fence for many years, to their knowledge. The theft from the store of the property took place many years ago. The proposed fence will not secure the property from unwanted intruders.

They also consider that the fence will impede views, and that this property is in an area of outstanding beauty, where a fence will alter the overall character and interrupt the open vista of the area.

Lastly, there have been incidences of illegal encampments in the Stisted area over recent months, but the Parish Council are unaware of any cases in King's Lane.

In addition, 4 letters of objection have been received as a result of the public consultation and comments relate largely to visual impact, the appearance of the fencing being unsightly, unnecessary and not a typical surround for a

garden. There is also concern that the fence will obstruct visibility, and would not be of any benefit to security. It is also stated that the fence which has been partially constructed is higher than detailed within the application, owing to its erection on a stone bank along the site frontage.

## REPORT

### Principle of Development

The NPPF states that new development should seek to improve “streetscapes and buildings to create attractive and comfortable places” by using design which reflects “local character and history, and reflect the identity of local surroundings and materials”, thereby resulting in a form of development which is “visually attractive as a result of good architecture and appropriate landscaping”. In addition to this, Policy RLP90 of the Braintree District Local Plan Review and Policy LPP 50 and 55 of the emerging Braintree District Publication Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the emerging Braintree District Publication Draft Local Plan seeks to ensure that the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings. These include the open spaces, landscape and historic features and views into, out from and within the constituent parts of designated areas.

Also, when considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

Furthermore, Policy RLP100 of the Braintree District Local Plan Review and Policy LPP60 supported by Policy CS9 of the Braintree District Core Strategy states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure’s historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

In this case, there are no objections in principle to the proposal subject to satisfactory design and acceptable impact on the heritage asset.

### Design and Appearance and Impact on Listed Building

In terms of design, officer's note concerns raised with regards to the appearance of the fence, however it is considered that the post and rail fence is of a typical style for a paddock in a rural location and at a height of 1.06 metres, would look less imposing than what has been partially constructed on site. The same can be said for the 5 bar gates. Officers cannot deny that the fence would be visually prominent within the street, and would be viewed differently from what is currently experienced. However, the erection of a boundary treatment abutting the highway edge is not considered an unreasonable request, as long as the design and appearance of the fencing is acceptable. The Council's Historic Building Consultant is supportive of the proposed fencing and does not consider the proposal to be harmful to a degree that would be detrimental to the heritage asset nor the Conservation Area. It is therefore concluded, on balance, that the proposed post and rail fence, built at 1.06 metres high, would not have a detrimental impact on the heritage asset nor the Conservation Area to a degree which would be significant enough to warrant its refusal.

While the objections raised by neighbouring properties and the Parish Council are noted, it is considered that the reason/justification for the installation of the fencing is not a material planning consideration in this case. Similarly, concerns regarding impact on highway visibility and impact on road users are also noted, Essex County Council Highways have raised no objections to the proposal. The proposal is therefore considered to be satisfactory in this regard.

### Impact on Neighbouring Residential Amenities

Due to the nature of the proposal and the location from neighbouring dwellings it is considered that the proposal would not impact on neighbouring amenity and is compliant with the relevant policies.

### Highway Considerations

Essex County Council has considered the proposal and raise no objections in terms of highway safety. Therefore the proposal is considered acceptable in this regard.

### Conclusion

Officers conclude that the erection of a 1.06 metres post and rail fencing and 5 bar gates along the front boundary of the site would be compliant with the abovementioned policies and can therefore be supported.

## RECOMMENDATION

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

## APPROVED PLANS

Location Plan

Site Plan

Elevations

Elevations

Plan Ref: 004-2017

Plan Ref: 005-2017

Version: Rev a

Version: Rev a

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

Reason

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

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

Reason

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

TESSA LAMBERT  
DEVELOPMENT MANAGER

<b>Monthly Report of Planning and Enforcement Appeal Decisions Received</b>		<b>Agenda No: 6</b>
<b>Portfolio</b> Planning and Housing <b>Corporate Outcome:</b> A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure <b>Report presented by:</b> <b>Report prepared by:</b> Liz Williamson – Planning Technician		
<b>Background Papers:</b>		Public Report
Appeal decisions summary		Key Decision: No
<b>Executive Summary:</b>  This is a regular report on planning and enforcement appeal decisions received with specific analysis of each appeal decision.		
<b>Recommended Decision:</b>  That the report be noted.		
<b>Purpose of Decision:</b>  To note a report on appeal decisions.		
<b>Corporate Implications</b>		
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Safeguarding:</b>	N/A	
<b>Equalities/Diversity:</b>	N/A	
<b>Customer Impact:</b>	N/A	
<b>Environment and Climate Change:</b>	N/A	
<b>Consultation/Community Engagement:</b>	N/A	
<b>Risks:</b>	N/A	
<b>Officer Contact:</b>	Liz Williamson	
<b>Designation:</b>	Planning Technician	
<b>Ext. No:</b>	2506	
<b>E-mail:</b>	lizwi@braintree.gov.uk	

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **August 2017**.

The full text of decisions is available on the planning website under each respective planning application or, in respect of enforcement cases, a copy may be obtained from the Planning Enforcement Team (Ext 2529). **Commentary Text (Inspector's Conclusions) is given only** in respect of specific cases where the planning decision has been overturned.

1.	<b>Application No/Location</b>	16/01728/FUL - Park Farm House, 53 Witham Road, Black Notley
	<b>Proposal</b>	Erection of 3 no. dwellings together with associated access
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP56, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. Whether the proposed development would provide a suitable location for housing, having regard to the character and appearance of the area and the accessibility of local services and facilities.
	<b>Inspector's Conclusion</b>	<p>The Local Planning Authority highlights that the appeal site is located beyond the village envelope of Black Notley and is considered to fall within the Countryside Policy RLP2 of the Braintree District Local Plan Review 2005 and Policy CS5 of the Braintree Core Strategy 2011. The site forms part of the grounds to Park Farm and contains a number of small trees that gives it the character and appearance of an orchard. Black Notley is a small village to the south of Braintree. As part of the grounds to Park Farm, the appeal site makes a positive contribution to the character and appearance of this area. The proposed development would result in three detached dwellings of a similar design spaced together facing Witham Road. While there is nothing objectionable in terms of their design, they would erode the spacious green and semi-rural nature of this area and encroach into the countryside. Thus the development would result in harm to the character and appearance of the area.</p> <p>In terms of access to facilities, Black Notley has a limited range that includes a shop, public house, church recreation ground and village hall. The appeal site is connected to these services and facilities by pavement with street lighting, making it possible to access them by walking. Cycling is also possible, given the 30mph speed limit along Witham Road. There is a bus service along Witham Road is hourly or half hourly depending on the time of day. Based on these considerations, the Inspector concludes that the proposed development would have</p>



		<p>acceptable access to services and facilities within realistic alternatives to private car.</p> <p>The Inspector acknowledges that the LPA cannot demonstrate a five year supply of housing land. The provision of three additional dwellings would provide social benefits in terms of boosting the supply of housing mindful of the current shortfall. It would also result in economic benefits through the construction process and the subsequent investment into local services and facilities from occupiers of the dwellings. The acceptable access to services and facilities counts as a neutral faction in the overall balance.</p> <p>In conclusion the Inspector states that while the proposed development would provide acceptable access to local services and facilities, it would not have an acceptable effect on the character and appearance of the area. In these circumstances, it would not provide a suitable location for housing and therefore, it would not accord with Policy RLP2 of the Local Plan Review or Policy CS5 of the Core Strategy which seek to restrict development outside of village envelopes in order to protect and enhance the countryside.</p>
2.	<b>Application No/Location</b>	16/01932/FUL - Long Fen, Church Street, Great Maplestead
	<b>Proposal</b>	Erection of a passivhaus type dwelling in garden of existing house
	<b>Council Decision</b>	Refused at Committee – RLP2, RLP56, RLP69, RLP74, RLP80, RLP81, RLP86, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. Whether the proposed development would provide a suitable location for housing, having regard to accessibility of services and facilities and the character and appearance of the area.
	<b>Inspector's Conclusion</b>	<p>It is acknowledged that the site fails outside the village envelope and therefore countryside policies apply. Policy RLP2 of the Braintree District Local Plan Review and Policy CS5 of the Braintree Core Strategy 2011 restrict development outside of village envelopes to protect the countryside and non-renewable and natural resources.</p> <p>There are few services and facilities within Great Maplestead other than the primary school, church and village hall/playing fields. These are a short distance from the appeal site and are safe to walk along a pavement and a 30mph road. Nearby settlements that offer a greater range of services and facilities are beyond a reasonable walking distance along roads that contain national speed</p>

	<p>limits and lack of pavements or lighting, which also makes cycling less attractive.</p> <p>A bus service between Sudbury and Halstead stops near to the appeal site and provides an alternative to the private motor car but is not particularly frequent and the service is due to be withdrawn later in 2017. Thus there is a reliance on the private motor car which would result in negative environmental effect in terms of the use of natural resources and negative social effects in terms of accessible local services. As a consequence, this would be contrary to Policy RLP2 of the Local Plan Review and Policy CS9 of the Core Strategy.</p> <p>In terms of effects on the appearance and character, Great Maplestead is a small village surrounded by open countryside. The proposed development would have a very contemporary design and would be large property. Nevertheless it would not look out of place in terms of its appearance as it would be located next to a run of properties along Church Street and would not be physically isolated from the rest of the village or encroach into the countryside. There would be no adverse effect on the setting of the nearby listed building Barretts Hall to the south-west of the appeal site.</p> <p>It is recognised that the Council cannot demonstrate a five year supply of housing land. The erection of one dwelling would make limited contribution to addressing the housing land supply deficit, thus, the Inspector can only afford modest weight in favour of the proposal in relation to housing land supply.</p> <p>The Inspector considers that there would be negative environmental and social effects arising from the reliance on the private motor vehicle and the functional isolation of the dwelling. The only special circumstance that has been advanced in terms of this appeal is the design of the dwelling being of exceptional quality or innovative nature. There is little evidence to suggest that the design of the dwelling would be truly outstanding or innovative and would significantly enhance its immediate setting. Therefore no special circumstances have been demonstrated on this proposal.</p> <p>Therefore in conclusion, the Inspector states that the proposal does not accord with Policy RLP2 of the Braintree District Local Plan Review and Policy CS5 of the Core Strategy. For the reasons given and having regard to all matters raised, it is concluded that the appeal should</p>
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		be dismissed.
3.	<b>Application No/Location</b>	17/00150/FUL - 53 Station Road, Sible Hedingham
	<b>Proposal</b>	Erection of cart lodge
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP17, RLP56, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	1. The effect of the proposed development on the character and appearance of the area
	<b>Inspector's Conclusion</b>	<p>The proposed cart lodge would be a large structure along the side boundary but would be subservient in size to the main house and less than half the width of the plot. The development would be prominent in views due to the location and elevated ground levels. However, given its proportions and siting in relation to the house and plot, and the variety of structures and landscaping within front gardens of properties at Nos 35-53, it would not be unduly conspicuous.</p> <p>The proposed materials would be simple and sympathetic to the street scene while proposed railings and plantings would help reduce the effect of the development. As the plot width at No 53 is larger than its neighbours, it is unlikely to set a precedent for similar sized structures on the narrower plots at Nos 35-51.</p> <p>In conclusion the Inspector states that the development would have an acceptable effect on the character and appearance of the area. For the reasons given and having regard to all matters raised, it is concluded that the appeal should be dismissed.</p>
4.	<b>Application No/Location</b>	16/02020/FUL - Land South of East End, Fairy Hall Lane, Rayne
	<b>Proposal</b>	Erection of 2 no. detached dwellings, garages and associated works
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP6, RLP9, RLP10, RLP56, RLP69, RLP70, RLP74, RLP76, RLP80, RLP81, RLP84, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. Whether the proposed development would provide a suitable location for housing having regard to the character and appearance of the area and the accessibility of services and facilities
	<b>Inspector's Conclusion</b>	It is acknowledged that the appeal site is adjacent the village envelope for Rayne and is located within the countryside. Policy RLP2 of the Braintree District Local Plan Review 2005 and Policy CS5 of the Braintree District

	<p>Core Strategy 2011 restricts development outside of village envelopes in order to protect the countryside. The proposed development would maintain the linear arrangement of properties either side and would reflect the large and spacious nature of houses opposite. It would not be isolated in a physical sense. The two properties would match in design terms, but the proportions and detailing would echo the architectural details of existing properties on the lane and would not be particularly suburban or contrived.</p> <p>The removal of the existing hedge and grass verge along the front boundary and the widening of Fairy Hall Lane to form a passing bay would result in the loss of a substantial green boundary and would suburbanise this section of the lane. Although the passing bay would provide space for users of the lane, it would significantly alter its narrow and semi-rural nature. The effect would not be adequately mitigated by replacement hedging along the front boundary of each property, as this would do little to address the increased width of the land. Thus, there would be harm to the character and appearance of the area.</p> <p>There are a number of locations within the village that provide day to day needs. There is an hourly bus service between Braintree and Stansted Airport seven days a week from early morning until late evening which offer a realistic alternative to the private car for accessing services and facilities beyond the village. As a result, the proposed dwellings would not be isolated in the functional sense.</p> <p>It is recognised that the Council is unable to demonstrate a five year supply of housing land. Considering the benefits of development, the provision of two houses would contribute towards local housing supply mindful of the current shortfall. However, the proposal would make a limited contribution in addressing the housing land supply deficit. The development would erode the narrow and semi-rural qualities of Fairy Hall Lane by widening the land and removing the mature hedgerow. This would have a significant negative effect on the character and appearance of the area and would not be adequately mitigated by replacement planting. Although the design and layout of the houses would be acceptable given the surrounding building form, this does not diminish the harm identified in terms of the lane itself.</p> <p>For the reasons given and having regard to all matters</p>
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		raised, the Inspector concluded that the appeal should be dismissed.
5.	<b>Application No/Location</b>	17/00031/FUL & 17/00032/LBC - Round House, Howe Street, Finchfield
	<b>Proposal</b>	Erection of a single storey rear extension replicating plan form of removed structure, minor landscaping works and alterations to create access from host accommodation.
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP18, RLP56, RLP90, RLP100
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	1. Whether the proposal would preserve the grade II listed building known as The Round House or any features of special architectural interest that it possesses
	<b>Inspector's Conclusion</b>	<p>The building derives its significance from its architectural composition, simple symmetry and historical association with the Spains Hall Estate. Whilst much of the internal layout has been reordered and previous alterations have affected some of the external façade, the overall integrity of the plan shape, simple form, ordered elevations and openings and thatched roof make important contributions to the significance of the architectural expression of the style.</p> <p>The building has undergone some alterations and additions. The list description includes reference to a previous single storey extension which has now been removed. The appellants suggest that the proposed extension would replace that previous extension with a more compatible and better integrated extension.</p> <p>The previous extension that has been removed does not provide strong justification to allow this new extension. The previous extension, although on the building at the point of listing, was a modern addition and did not add to the significance of the building. The previous extension does not therefore provide good reason to allow a new extension now. The Inspector accepts that the proposal would not directly result in the loss of historic fabric by the opening of the access between the main building and the proposed extension as this is at a point where there had been a previous extension. The proposal would affect the overall shape and form of the building by an addition to only one face of the six, this would amount to less than substantial harm in the terms of the National Planning Policy Framework. Whilst modern living has increased the reasonable demands on facilities that are required these must be carefully considered and accommodated, where possible, within the context of the historic building and</p>

		<p>those aspects that contribute to its significance. The suggestion that the continued use as a dwelling will not be maintained if the extension is not accepted has not be robustly justified.</p> <p>On balance, therefore, the Inspector concludes the benefits of the scheme argued by the appellant, do not out-weigh the less than substantial harm to the listed building that has been identified and to which has been given great weight and importance.</p> <p>In conclusion the Inspector states the appeal is dismissed as it does not comply with the aforementioned policies.</p>
6.	<b>Application No/Location</b>	16/00899/OUT - 41 Colchester Road, White Colne
	<b>Proposal</b>	Erection of detached bungalow, lay out parking and amenity areas, construct private drive with new vehicular access onto Colchester Road, form retaining walls, and alter parking and amenity areas to existing dwellings.
	<b>Council Decision</b>	Refused under delegated authority – RLP2, RLP3, RLP9, RLP10, RLP56, RLP90
	<b>Appeal Decision</b>	DISMISSED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the development on the character and appearance of the area;</li> <li>2. The effect on the living conditions of future occupiers of the dwelling with respect to outlook, of occupiers of neighbouring dwellings with respect to outlook and noise and disturbance; and</li> <li>3. Whether the proposal would provide adequate vehicle access to the site.</li> </ol>
	<b>Inspector's Conclusion</b>	<p>No. 41 Colchester Road is a modern house in a loosely vernacular style, which with a similarly styled and more recently constructed house, sits behind and set above a large parking area adjoining the highway. The appeal site is to the rear of the pair, and accessed by an unmade track running along the flank of No. 41 and sloping up from the road. The proposal is for a bungalow to be set roughly in the centre of the rectangular site leaving space to either side and set close to the boundaries to front and rear. The access track would be altered, curving across the area which is currently used for parking for no, 41 and leading to a parking area next to the proposed bungalow. The front parking spaces for no. 41 lost as a result of this change would be replaced with spaces set behind that dwelling, taking up around half of what is currently the rear garden. The proposed dwelling would have a relatively small space to either side and very little space to front and rear, and would as a result appear cramped within its site, which would also be uncharacteristic in the generally more</p>

		<p>open setting of the area.</p> <p>By reducing significantly the open frontage of no. 41 would create a cramped appearance to the front of the site. For these reasons the Inspector concludes that the appeal development would have an alien and uncharacteristic form which would be harmful to the character of the area.</p> <p>Although the appellant has pointed out that the site to the rear would be concealed by the frontage houses, it would nonetheless be glimpsed between those houses as a built element and visible from adjacent properties and from the site itself, where its cramped nature and consequent harmful effect on character would be visible.</p> <p>In relation to living conditions the proposed dwelling would fail to comply with Policy RLP90 of the Braintree District Local Plan Review by having an unacceptable impact on the amenity of nearby residential properties, particularly in respect of outlook, which would also be harmful for future occupiers of the dwelling itself.</p> <p>The proposed access drive would fail to provide manoeuvring space which would meet the space standards required by policy RLP56 of the Braintree District Local Plan Review and would fail to meet the advisory width set out in the Essex Design Guide.</p> <p>Therefore, the proposal does not meet Policies RLP3, RLP56 and RLP90 of the Braintree District Local Plan Review 2005 and Policy CS9 of the Local Development Framework Core Strategy 2011 and therefore the Inspector states the appeal is dismissed.</p>
7.	<b>Application No/Location</b>	17/00233/FUL - Sennen, Queenborough Lane, Braintree
	<b>Proposal</b>	The application sought permission for corrugated dark grey roof and dormer windows to artist's studio in rear garden (existing) without complying with a condition attached to planning application 16/01099/FUL.
	<b>Council Decision</b>	Refused under delegated authority – RLP3, RLP17, RLP90
	<b>Appeal Decision</b>	ALLOWED
	<b>Main Issue(s)</b>	<ol style="list-style-type: none"> <li>1. The effect of the development on the character and appearance of the area; and</li> <li>2. The effect of the development on the living conditions of the occupiers of neighbouring dwellings with respect to overlooking and privacy.</li> </ol>
	<b>Inspector's Conclusion</b>	The condition in dispute is No 2 which states that: <i>The development hereby permitted shall be carried out in</i>

	<p><i>accordance with the approved plans listed above. Within six months of the date of this permission, the dormer windows shall be removed and replaced with a velux window and the existing roof cladding shall be removed and replaced with slate in accordance with the approved plans listed above.</i></p> <p>The reason given for the condition is: <i>For the avoidance of doubt and in the interests of proper planning.</i></p> <p>The structure which is the subject of the appeal has already been built.</p> <p>Sennen is a substantial dwelling in yellow brick and timber cladding. It sits in a modern housing development, Great Notley Garden Village, comprising other large houses in a variety of styles and materials loosely echoing local vernacular and polite architectural traditions. The appeal building, an outbuilding, sits within the garden area of Sennen.</p> <p>The outbuilding has a relatively modest footprint, akin to that of an average shed. It is neatly constructed and clad in timber weatherboarding painted white, with a pitched gable roof covered in a dark corrugated material. As a result of the design and materials it does not appear to be harmfully solid or substantial, or overbearing in relation to the host building. From a site visit the Inspector ascertained that the roof could not be used for accommodation and the purpose of the roof dormer is primarily to provide additional light rather than headroom.</p> <p>While slate or artificial slate are in use, there is a variety in the roofing materials in the area, with many of the houses and subsidiary buildings making use of concrete roof tiles. The substantial corrugated roof material is modest in appearance, and echoes the traditional use of corrugated iron in agricultural and functional buildings. Due to its dark colour and matt appearance it is not particularly obtrusive</p> <p>Although an outbuilding rather than an extension, the appeal building nonetheless does not conflict with the aims of RLP17 which requires a compatibility with the original dwelling and seeks to avoid any material impact on the scale and character of the area, and RLP90 which seeks development which can take place without material detriment to the existing character of the settlement.</p> <p>The garden of Sennen is bounded by a high brick wall and backs onto a parking area relating to houses to the rear.</p>
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		<p>The dormer window, which looks out from an uninhabitable roof space, would not as a result give rise to any harmful overlooking of the rear garden of Sentosa or of any other neighbouring properties.</p> <p>The development does not therefore conflict with Policy RLP90 of the Braintree District Local Plan Review which seeks development with no undue or unacceptable impact on the amenity of nearby residential properties.</p> <p>For the reasons stated and taking into account matters raised, the Inspector concludes that the appeal should be allowed.</p>