

PLANNING COMMITTEE

AGENDA

Tuesday 18th August 2020 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

Question Time

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

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

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

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

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

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

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

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

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

Documents

Agendas, reports and Minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public 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 via governance@braintree.gov.uk

Data Processing

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

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

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

PUBLIC SESSION

Page

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 4th August 2020.

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|----------|--|--------------|
| a | Application No. 18 02263 FUL – Land at Earls Colne Industrial Park, The Airfield, EARLS COLNE | 6-39 |
| b | Application No. 20 00462 FUL – The Lincoln, New Road TERLING | 40-59 |
| c | Application No. 20 00507 FUL – Black Gables, Dunmow Road, GREAT BARDFIELD | 60-80 |

PART B

Minor Planning Applications

- | | | |
|----------|--|--------------|
| d | Application No. 20 00453 HH – 21 Ashby Road, WITHAM | 81-87 |
| e | Application No. 20 00615 HH – Bramble House, Halstead Road, EARLS COLNE | 88-95 |

- f Application No. 20 00859 ADV – Land West of A131, Horizon 96-106
120, London Road, GREAT NOTLEY**
- g Application No. 20 00860 ADV – Land West of A131, Horizon 107-117
120, London Road, GREAT NOTLEY**

PRIVATE SESSION

Page

6 Urgent Business - Private Session

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

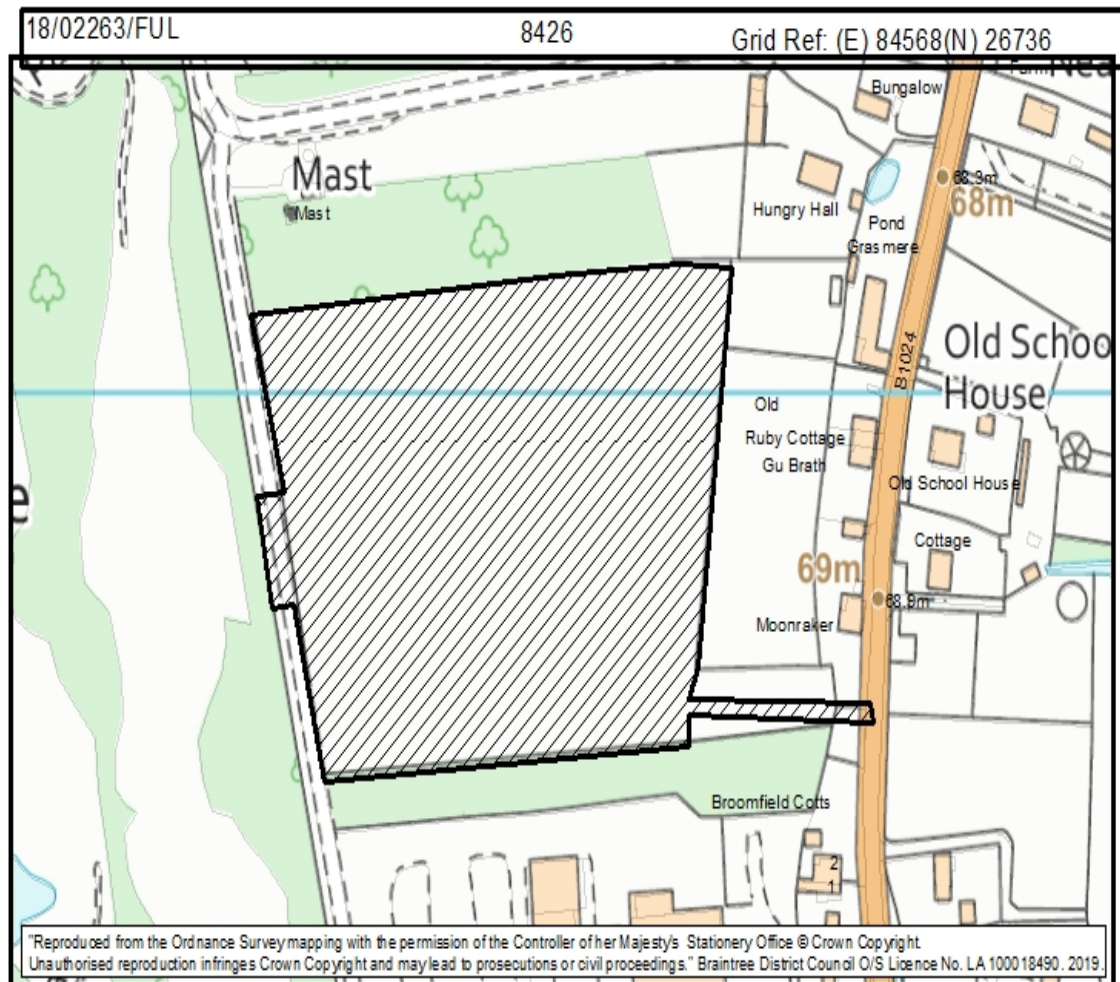
There are no items for Private Session for this meeting

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/02263/FUL
DATE VALID: 18.12.18
APPLICANT: Mr M Hobbs
C/O Agent
AGENT: Mr Andy Butcher
Coval Hall, Rainsford Road, Chelmsford, CM1 2QF
DESCRIPTION: Construction of a 2 storey office building (B1a and B1b), with ancillary Café at ground floor level, with associated access, parking, landscaping and open space.
LOCATION: Land at Earls Colne Industrial Park, The Airfield, Earls Colne, Essex, CO6 2NS

For more information about this Application please contact:
Alison Rugg on:- 01376 551414 Ext. 2522
or by e-mail to: alison.rugg@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJXTWLBFLUX00>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP27	Location of Employment Land
RLP28	Employment Land Provision
RLP30	Diversity of Industrial and Commercial Premises
RLP31	Design and Layout of Business Parks
RLP33	Employment Policy Areas
RLP34	Buffer Areas between Industry and Housing
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS4	Provision of Employment
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
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
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP2	Location of Employment Land

LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

Other Material Considerations

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

SITE DESCRIPTION

The application site is located at Earls Colne Business Park, which is located approximately one mile to the south of Earls Colne village and two miles to the north of Coggeshall. The existing Business Park, covers an area of 23.9 hectares. Earls Colne and Coggeshall are listed as a 'Key Service Village' within the Council's Settlement Hierarchy.

The Business Park comprises a number of different land uses, including a variety of employment uses (B1, B2 and B8), a hotel, a gym, a golf course and leisure club, a flight centre, a cricket ground and a small number of private dwellings, all of which are contained within a secure boundary. The leisure facilities are supported and used regularly by those employed at the Park, with particular regard to the recreational and health facilities. The single point of access to the Park is from Coggeshall Road.

The application site is located outside of a defined development boundary and is therefore located within the countryside for the purposes of planning policy. The site is not located within a Conservation Area, nor is it within close proximity to a listed building. The site is located within Flood Zone 1 (low risk of flooding).

The application site is well contained on its northern and southern boundaries by a dense line of mature trees. To the south of the application site is an existing large employment site containing some 20 businesses. This is well screened from the site by an established tree line. To the east is a line of residential dwellings along Coggeshall Road; however, these are also screened by a line of trees and a separate area of grassland. To the west of the application site is a private internal road from which the new office buildings will be accessed. This western boundary is defined by a hedgerow and is separated from the road by a grass verge.

The area of the application site is approximately 3.0 hectares. The site currently comprises a flat, square area of grassland that is regularly mown.

PROPOSAL

This application seeks full planning permission for the erection of a two storey office building (Use Class B1(a) and B1(b)) with ancillary ground floor café, associated access, parking, landscaping and open space. In summary, the proposal includes the following:

- A two storey building resulting in the creation of 3,138 square metres of B1 office space, including serviced offices;
- The creation of a roundabout and a new access from the private internal road;
- The creation of an internal road system, car and cycle parking;
- Landscape enhancements, including amenity areas; and
- A drainage system including a retention pond, attenuation basin and swales.

The proposal would provide serviced offices that will be furnished with desks, chairs, computer equipment, stationary and other services to allow businesses to occupy the premises and become instantly operational. These services would contain communal facilities together with a receptionist that can direct telephone calls and carry out administrative tasks such as printing for users. It is the intention of the applicant to offer short term leases in this building to provide flexibility to small and start-up businesses that are seeking flexible accommodation, with the option to move into larger and more long term office space once established.

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

- Flood Risk Assessment
- Drainage Report
- Landscape and Visual Appraisal
- External Lighting Impact Assessment

- Lighting Layout Plan
- Market Review of Earls Colne Business Park
- Demand Deliverability Statement
- Charity and Community Statement
- Arboricultural Impact Assessment
- Tree Survey
- Tree Protection Plan
- Transport Assessment and Travel Plan
- Design and Access Statement
- Full set of drawings

PUBLICITY

The application was subject to two consultations.

Date 1st Statutory Consultation Period Started: 27/12/2018

Date 1st Statutory Consultation Period Ended: 24/01/2019

Site Notice: Site notices were erected around the site on 27/12/2018

Date 2nd Statutory Consultation Period Started: 09/03/2020

Date 2nd Statutory Consultation Period Ended: 30/03/2020

Site Notice: Site notices were erected around the site on 19/03/2020

Press Advert: The application was advertised in the Halstead Gazette on 07/03/2019 and 19/03/2020.

Neighbours: Letters were sent to 50 surrounding residents.

Nb. A series of amendments were made to the layout of the building in response to officer concerns. An updated suite of documents were submitted. Full consultation was undertaken.

SUMMARY OF CONSULTATION RESPONSES

ECC Built Heritage

There are no heritage assets deemed to be relevant to this proposal, therefore there is no objection to the proposed scheme.

ECC SUDs

No objection subject to conditions.

ECC Archaeology

No objection confirmed. The proposed development lies within the extent of the WWII Airfield at Earls Colne. Aerial photography has recorded cropmark features depicting the extent of the former runways and loops on the periphery of the airfield which suggests that part of this development would have been disturbed by the airfield construction. This is likely to have removed any

potential archaeological deposits; therefore there is no recommendation for archaeological investigation for the above application.

ECC Highways

No objection. The Highway Authority notes the presence of Footpath 43 Earls Colne however is content the proposal would not be detrimental in terms of the public's ability to continue to use the Footpath safely and therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to an informative in relation to footpaths and the following requirement:

Prior to occupation of the development, if there are 50 or more employees, a Travel Plan (including payment of a £5000 monitoring fee) shall be provided or completed.

Ecology

The mitigation measures identified in the Preliminary Ecological Appraisal Report (EECOS, March 2020) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species. The Preliminary Ecological Appraisal has confirmed that there are no potential bat roost sites on the application site but that the site will be used for foraging and commuting by bats, particularly along the tree boundaries. Therefore to avoid disturbance to a protected species (bats) and other light sensitive wildlife, the external lighting should be installed in accordance with the specifications and locations as set out in the External Lighting Impact Assessment (Loveday Lighting Report ref: LL1144 dated 24/02/2020), Drawing LL1144/001 – Street Lighting Layout dated 07/02/2020. This should be secured and implemented in full if the application is given consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed within the landscape master plan and the Preliminary Ecological Appraisal will contribute to this and its implementation should be secured by condition. To ensure these enhancement features continue to contribute to biodiversity net gain it is also recommended that an appropriate management and monitoring plan is secured by condition if the application is successful. Conditions have been recommended.

Officer comment: Appropriate conditions have been recommended.

Natural England

No objection.

BDC Economic Development

In support of the application. There is a proven need and demand for purpose built offices within the District and there is currently a lack of such within the

rural communities. Braintree District Council supports strong and sustainable economic growth and has seen 900+ new businesses incorporate within the District in the last year, evidencing such demand.

The Braintree District is positively below national average for unemployment levels and with this development, there is an opportunity to create 250 full time jobs, which will help to maintain such low levels of unemployment. It will also boost the more localised economy as consumers.

BDC Landscape Services

No objection. The Arboricultural Impact Assessment Report dated November 2018 is thorough and of good quality. The recommendations contained within 'Section 8 Recommendations' must be adhered to if permission is granted, including the development of a detailed Arboricultural Method Statement to be kept on site and the schedule of supervision. The Tree Protection Plan must be installed on site prior to commencement of development and must remain in place until construction is complete. The Landscape and Visual Appraisal is also of good quality. The Landscaping Proposals take the findings from the LVA into account. If this application is granted permission the AIA Report, LVA, and Proposed Planting Layouts for Phase 1 and Phase 2 should be approved documents. A condition must be added requiring the submission and agreement in writing of a detailed Landscaping Plan in line with the aforementioned Proposed Planting Layouts prior to commencement of development.

Officer comment: Appropriate conditions have been recommended.

BDC Environmental Health

No objection to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents. Conditions are recommended in relation to 1. Hours of operation; 2. No burning of refuse or waste; 3. Dust and mud control strategy; 4. No piling.

Officer comment: Appropriate conditions have been recommended.

PARISH / TOWN COUNCIL

Earls Colne Parish Council have raised no objections to the proposal.

REPRESENTATIONS

No letters of objection were received. 3 letters of support were received for the application. In summary comments were as follows:

- This will continue to provide jobs to the local area and as a light office environment we expect there to be minimal additional noise pollution to us and our children in the garden.
- The application appears to offer benefit to the economy and would appear to create jobs in the local community which we are supportive of.
- This type of commercial development is exactly what the area is lacking at present, and will be extremely beneficial for new start up and existing businesses with the need for easy access office and conference facilities. This development is very sympathetic to the surrounding area and will compliment perfectly to the amount of new housing developments in the vicinity, offering options for people relocating to the area a place to maintain their businesses.

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. The Draft Local Plan recognises the need to make additional employment land provision within the District, however the application site is not identified as an allocated site within the Draft Local Plan. The proposals are therefore contrary to both the Adopted and Draft Development Plan.

At the National level, the NPPF identifies at Paragraph 8a 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. Paragraph 80 of the Framework states that decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Furthermore, at Paragraph 11d the NPPF states that where the Development Plan is absent, silent or out of date planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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. It is therefore necessary to assess the application against the requirements of Paragraph 11d of the NPPF and consider the planning balance.

Employment Use

At present, approximately 1,500 people are employed at the Business Park, which provides employment opportunities in a range of manufacturing and new technology sectors. This proposal provides an opportunity to deliver up to 250 new jobs within a brand new office environment (3,138 square metres of floor space), as well as other benefits to the wider community.

The Council's Vision for the District set out in the Adopted Core Strategy seeks to provide a more sustainable future for all the people and places in the District. The Council has set out a number of Aims and Objectives to underpin this Vision. For employment, the Council's Objective is *"To provide and retain employment to support the District's economy in sustainable locations and to provide local employment opportunities, to seek to reduce travelling outside the District to work and to improve skills attainment"*.

Paragraph 6.4 of the Adopted Core Strategy raises a number of economic issues in the District, which includes the need to provide jobs, broaden business opportunities and reduce unemployment, and the need to develop and maintain a strong rural economy. Paragraph 6.5 of the Adopted Core Strategy recognises that local jobs are more sustainable and allow for more of the money generated to be put back into the District's services and facilities. The current high level of commuting to work out of the District is putting a strain on road and rail infrastructure and contributing to climate change.

Policy CS4 of the Adopted Core Strategy makes a commitment to provide a minimum of 14,000 net additional jobs in the District between 2001 and 2026. A more recent publication by the Council 'Braintree Plan for Growth', reaffirms this commitment by stating that the Council aims to deliver 9,000 jobs by 2026. Within this document, the Council sets out its intention to enable investment and help businesses establish and grow.

Paragraph 4.10 of the Adopted Local Plan sets out the Objectives of the Plan in relation to employment. To provide a range of employment opportunities to meet the needs of the local population, whilst maintaining the environmental quality of the District, the Council will seek to reduce the out commuting of work from the District, by building economic activity on local strengths. Policy RLP40 of the Adopted Local Plan seeks to encourage minor industrial and commercial development in the countryside.

Whilst the proposals would conflict with certain elements of the Development Plan and cannot be described as small scale, the magnitude of harm arising from the development would not fundamentally challenge the strategic approach towards the location of new business development, particularly when other material considerations are taken into account, in order to reach a balanced judgement on the overall acceptability of the scheme. Those material considerations principally arise out of the background to the Business Park, the Council's Business Plan for Growth 2017-2022, the location of the site and the NPPF. These matters are considered further below.

The application site is located just beyond the limits of the 'Earls Colne Airfield' Inset area of the Adopted Local Plan. The existing Business Park has been built out within the limits of the Inset area. It is not feasible to meet the local demand for serviced and conventional office space identified by the applicant and the Council in the Plan for Growth at the Business Park as there are no vacant sites available or suitable for development (due to the planning constraints and conflicting neighbouring uses). Existing units at the Park are all occupied. Evidence of the response to the demand for accommodation at the Park and the Council's pragmatic response in the past that the Business Park can be developed beyond the Inset Area are the two office buildings granted planning permission to the south east of the Inset area through application reference 13/00983/FUL.

In addition to the two office buildings granted planning permission through planning application reference 13/00983/FUL, a further application (17/01157/OUT) was granted planning permission beyond the Inset Area in November 2019, albeit it is acknowledged that this site is allocated within the Draft Local Plan for employment use. This site will be focused on B2 and B8 employment to reflect the nature of the other businesses in this location.

This current application provides an opportunity for an entirely different focus for new office accommodation, including serviced offices. These will be high quality designed buildings that will be locally distinctive, in a landscape dominated environment. This type of accommodation is not currently offered at the Business Park. A report entitled 'Market Review of Earls Colne Business Park' report prepared by Fenn Wright, which accompanies the application, states that there is a general lack of serviced office accommodation within the wider District.

In terms of location, it is also important to acknowledge that there is further employment land beyond the Inset Area at Earls Colne Airfield, including the Blackwell site immediately to the south of the application site. The application proposals would therefore not appear out of context in this setting. The wider Business Park enjoys a range of complementary uses, including a flying school at the airfield, a cricket pitch, a dentist, a golf course and leisure club, with the latter providing a gym, tennis courts, a swimming pool with steam room and sauna, a hotel and conference facilities. The proposals therefore provide and represent a unique opportunity for an office style campus in a linked economic, social and healthy environment, and location.

Growth Plan

The Braintree Plan for Growth document, at page 10, recognises that an inhibitor to growth within the District *“is the lack of grow-on office space for businesses, general employment sites and sites that are at the point of being delivered”*. There is not suitable grow-on space to accommodate growth. It identifies that as a result of this lack *“businesses already in the District either do not grow in order to remain within their manageable spaces, or leave the District to grow elsewhere. This also represents a significant barrier to attracting businesses from outside the area to locate to the District”*.

The proposed development would help to address this shortfall in the District’s employment offer. It is the intention of the applicant to offer short term leases (as little as one month) in building 1 (serviced offices) to provide flexibility to small and start-up businesses that are seeking flexible accommodation, with the option to move into larger and more long term office space (buildings 2 and 3, or elsewhere on the Park) once established. The Braintree Plan for Growth document, at page 8, states that Braintree’s economy is broadly made up of micro businesses (up to 9 employees), with 89.5% of the total business base. Small to medium enterprises also make up 10% of the economy. The proposed office space is therefore a perfect fit for the market.

One of the constraints for the rural parts of the District identified by the Braintree Plan for Growth document is the lack of access to superfast broadband. Whilst Policy LPP49 of the Draft Local Plan seeks to ensure that all new commercial developments are served by a fast and reliable broadband connection, Earls Colne Business Park currently offers superfast broadband through BT Infinity, with their radio transmitted supply also offering speeds up to 200Mbps. The existing office provision on the Business Park totals approximately 60,000sq.ft and the smallest lot size available is in the region of 1,500sq ft. There is full occupancy and no current opportunity to foster smaller and start up businesses who are looking to establish themselves.

The 2017/2018 Employment Skills and Economy Study undertaken for Braintree District Council reveals that of the 7,465 businesses within Braintree District, over 85% (6,390 businesses) are classed as ‘micro’ with between 0 – 9 employees. The proposal will support this category of business.

In conclusion, whilst the application is a departure from the Development Plan, the economic benefits of the proposal must be taken into consideration in accordance with the NPPF. The provision of the new office space could create up to 250 high value jobs. Furthermore, the Braintree Plan for Growth document identifies that the main rise in employment in the District has been in construction and professional services (including lawyers, accountants, architects and engineers). The proposals therefore present the opportunity to provide a high quality, pleasant working environment to service these businesses, as well as provide jobs for local people through the construction and occupation phases of the development. As set out within the accompanying ‘Demand and Deliverability Statement’ prepared by the

applicant, over 80% of the existing 1,500 employees at the Park live within a 15-minute drive, which the applicant hopes to add to after receiving a number of enquiries from local businesses for this type of office accommodation. This will result in direct and indirect social benefits to the local area. In particular, the provision of new office accommodation and jobs in this location will support local services and facilities, helping ensure they remain used and viable, and are sustained for the wider community.

Design, Appearance and Layout

Quality of design lies at the heart of the planning system and is stressed at section 12 of the NPPF where good design is described as a key aspect of sustainable development that is indivisible from good planning, and should contribute positively to making places better for people. It goes on to state that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 127 of the NPPF states that developments should help establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, it goes on to say the developments should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy requires a high standard of design and layout in all developments. Paragraph 5.15 of the Adopted Core Strategy states that securing high quality housing design and layouts is an essential part of protecting the overall environment of the District, promoting social inclusion and securing sustainable communities.

In terms of layout, the office building is proposed at 2 storeys in height, located in the centre of the site, with the entrance and main reception at the core of the building. The shape of the building, that being an 'X' shape, is the key to achieve a proposal that can be built in 2 phases, has an attractive appearance, provides required flexibility and is affordable.

Access into the site will be via a new roundabout created from the internal estate road that runs to the west of the site. On entering the site, there will be an avenue of trees and a large pond in front of the new offices. Some limited parking is proposed to the front of the building for disabled persons, but the main areas will be located to the sides of the building to reduce impact on the appearance of the area and the landscape setting of the building. Whilst not a requirement of the adopted Development Plan, electric charging points are proposed within the car park to encourage future employees to use electric vehicles.

The first phase of the proposal will deliver a total of 1640 m² (GIA) of floorspace on two levels, consisting of serviced offices, café at ground floor, entrance/ reception room, WC's, post room and conference rooms. The entrance will be located at ground floor level off the middle core with two arms projecting east and west off the core. The café will be located to the rear of the ground floor, with entrance to the landscaped area to the rear, providing places for employees to sit out, with informal footpaths for walking and running.

The second phase will deliver the remainder of the floorspace by the delivery of a further 2 x 2 storey east west arms. The middle core of the building will also be extended further to the rear, and the ground floor reconfigured to provide ground floor conference space and larger WC's. The café will also be relocated to the rear of the building so that there is immediate access to the landscaped area to the rear.

In terms of appearance, the building will be constructed using frameless glass to the main entrance and feature area which is the focal point of the building. The wings of the building are constructed using aluminium framed windows with mullions at regular centres to allow maximum flexibility to provide partitions for each office, with partitions that only meet the mullions and not the glazing.

The building will be clad in two tonnes of silver composite panels, which have been agreed with officers, and the external stairwells, located at the end of each wing, will be enclosed by galvanised steel mesh. This will allow for light to penetrate internally, whilst allowing the stairwell to remain free from the elements.

Officers consider that the overall design and appearance of the building and overall principle of the scheme's architectural treatment and material selection is well handled. The simple architectural expression of the building represents a positive response to the surrounding context and is supported in principle.

Impact on Neighbour Amenity and Noise

The NPPF states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The closest residential dwellings are located to the east of the site, approximately 55 metres from the boundary of the site to the boundary of the residential gardens. However, it should be noted that there is an established tree line to both of the boundaries with a field in between. In terms of the location of the proposed building in relation to the boundaries of the properties, the completed building line would be located approximately 80 metres away from the site boundary of the closest residential property.

Whilst there would inevitably be an impact on existing residential amenity in relation to outlook given the green field nature of the site. To ensure that the impact will be minimal, 3 earth bunds have been proposed along the eastern boundary with additional planting of deciduous trees. Along with additional planting and established planting, the impact is likely to be minimal given the distances and 2 storey height of the building. It should also be noted that there have been no letters of objection received in relation to the application from residential properties.

It is unlikely that there will be any impact in terms of noise from the proposal during the occupation stage given the nature of the B1 use during working hours, however, during the construction of the site, the proposal is likely to give rise to noise and dust. This will be short term in nature and appropriate conditions have been recommended.

Landscape

Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised. Policy CS8 of the Core Strategy states that *'the restoration and enhancement of the natural environment will be encouraged through a variety of measures'*. Policy CS8 also states that *development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment*. These aims are supported by Policies RLP80 and RLP84 of the Local Plan Review.

Policy RLP80 states that *'proposals or new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted.'* Policy RLP84 states that *'planning permission will not be granted for development, which would have an adverse impact on protected species' and 'where appropriate, the Planning Authority will impose conditions to: facilitate the survival of individual members of the species; reduce disturbance to a minimum; and provide supplementary habitats'*.

Accompanying this application is a LVA prepared by Wynne-Williams Associates. This study has assessed the landscape in which the proposed development is located and the impact on this landscape and its views.

The LVA confirms that the development is located within a well screened site and that the proposals are sensitivity designed, with the building to have a flat roof to lessen the visibility of the development within the surrounding landscape. The proposed development will be largely unseen from outside the site and new tree planting will help to mitigate views in towards the new buildings.

In terms of landscape character, the LVA confirms that *“the site is well screened, fully enclosed and is small in scale compared to fields typical of the wider area”*. This, when considered alongside the additional screening proposed, means that the proposed development will not significantly affect surrounding landscape character. The roof lines of the proposed office buildings may be partially visible by people in the upper rear rooms of three houses on Coggeshall Road. However, these form a small portion of the view amongst the wider setting. The views will be filtered by the proposed tree buffer in any instance, which will be planted on an earth bund to achieve a higher level of screening.

In the wider context, the building will have a negligible impact on surrounding landscape character, as it will only be partially visible from long distances. The existing structure of tree belts are semi/early mature and are estimated to have a lifespan of at least 20 years. These tree belts and the hedgerows will remain (except where the new entrance is proposed) and the roof lines of the proposed buildings will be seen just intermittently above the existing tree line. In conclusion, the proposed development will not have any significant impact on the surrounding landscape.

Whilst the proposed development will result in the loss of greenfield land, it is important to assess the importance of this site within the wider countryside and the actual harm that will result from the proposals. It should be noted that the application site is not subject to any specific environmental, ecological, landscape or heritage designations. The development of the site would therefore not result in any harm to sensitive areas that are subject to such designation.

In terms of the landscaping proposed on the site, the landscape masterplan submitted with the application outlines the additional hard and soft landscaping proposed. The proposal includes large grassed areas totalling 2.06ha, which is nearly 70% of the whole site area. Two permeable block paving parking areas will be located to the east and west of the site, with natural charcoal blocks to delineate parking spaces. Soft landscaping includes ornamental shrub planting, native tree and hedge planting throughout the site. A large pond with water fountain is located to the front on the site within the entrance approach. Two proposed swales are located to the west of the site entrance.

Landscape Services have assessed the details submitted and raise no objections, subject to conditions.

A number of internal informal footpaths have been proposed for recreational purposes, and a number of outdoor seating areas. To the rear of the building, 9 meeting pods have been proposed within the landscaped setting. These are large glazed, circular pods which will provide outdoor meeting areas to allow companies who reside within the building to have host meetings, lunch or team building exercises. The pods are equipped with power and heating and can therefore be used all year round.

Ecology

Policy RLP80 of the Adopted Local Plan 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 of the Adopted Local Plan encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact upon badgers or protected species. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

The application is accompanied by a Preliminary Ecological Appraisal prepared by EECOS. This report confirms that there are no significant ecological impacts on important habitats as a result of the proposed development, due to the site being regularly managed grassland. However, there could be potential impact on bats from lighting and construction. None of the trees within the site boundary were found to have potential for supporting bat roosts, but there is likely bat activity along the field boundaries for foraging and commuting. New external lighting could have an impact upon bats. Therefore, conditions have been recommended for lighting design to come forward. It has been recommended that sensitive lighting should include the use of hoods or directional lighting, installing light sensors that are sensitive to large moving objects only and having short timers on external lighting. Light spill on to adjacent habitats should be kept to a minimum in order to minimise the risk of causing disturbance to foraging bats.

An Arboricultural report was also submitted with the application. The report identified that the only impact is the short stretch of hedgerow which is to be removed to facilitate the new entrance. There are no other Arboricultural impacts. As a precaution, the report concludes that the trees and groups will be fenced during construction.

A Biodiversity Net Gain calculation has been produced for the proposal. The landscape proposals include a significant amount of tree planting which will take place around the new business centre as well as the creation of swales, a new water feature in front of the building and wildflower meadow areas. The total net change in habitats has been calculated to be +1.25 units which equates to 20.68% gain. The total net change in hedgerows has been calculated to be +0.3 units which equates to 14.37% gain. It is therefore anticipated that the current proposed landscape plans can achieve an overall

net gain in biodiversity (based on current landscape plans and appropriate long-term management of habitats).

A number of precautionary measures for the construction phase of the development, and recommendations for the operational phase are noted within the Preliminary Ecological Appraisal and appropriate conditions have been recommended. The landscape strategy for the site will ensure that there will be a net and important gain in biodiversity through the provision of appropriate species to assist in the creation of new habitats, this will be controlled via way of condition. An appropriate ecological managing and monitoring condition has also been recommended.

Overall, subject to the imposition of conditions requiring compliance of the site wide lighting strategy, details of tree management, submission of a Landscape Environmental Management Plan and Landscape details coming forward, 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. The proposed soft and hard landscaping is of high quality and is well considered. It would create distinct useable open space whilst enhancing the overall architectural setting of the site. The proposed landscaping would have no detrimental impact on existing ecology but seeks to enhance and increase biodiversity, providing an overall net gain, and is therefore supported in principle.

Highways

Part 9 of the NPPF indicates that all development that could generate significant amounts of movement should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Saved Policies RLP54 and RLP55 of the Adopted Local Plan require that a Transport Assessment is submitted with all proposals for major new development, one was submitted at the outline stage.

The application site will be accessed via a new roundabout to be created from a private internal road that runs adjacent to the west of the site. The main entrance to the Park will be via the existing access from Coggeshall Road, which will not be amended as a result of the proposals. Footpath 43 (Earls Colne) runs along the existing internal private road.

Within the application site, a separate access and egress will be provided, with the internal access road leading to a circular driveway providing access to the car park at the eastern side of the site and western side of the site, with a drop off point immediately in front of the reception area. In total, the proposal will provide 104 car parking spaces, including 6 visitor spaces, and an additional 6 disabled spaces located opposite the entrance. 20 electric charging points will also be provided. 55 of the spaces will be included within

Phase 1 of the build out, with the remainder provided within Phase 2. All of the disabled parking and electric charging points will be provided within Phase 1 of the build out.

In addition to car parking, an area has been allocated next to each office building for the provision of covered cycle parking spaces. A minimum of 48 cycle parking spaces will be provided. Precise details of the appearance of the shelters and stands have been secured by way of condition.

The Transport Assessment has been assessed by Essex County Council Highways officers who raise no objection to the details subject to the submission of a Travel Plan and monitoring fee to be secured by S106. ECC Highways also confirmed that they are content that there would be minimal impact on the existing footpath 43, and the proposal would not be detrimental in terms of the public's ability to continue to use the Footpath safely and therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Accessibility

In terms of accessibility there is limited public transport coverage in the vicinity of the site. The nearest service, route 88 operated by Hedingham Omnibus, runs between Colchester and Halstead, via Earl's Colne on an hourly frequency. A twice daily service has previously been provided by Eastern National buses, as part of a commitment by the business park to promote sustainable access, between Earls Colne Business Park and Colchester, this was withdrawn due to the lack of take up. The closest railway station to the Business Park is Kelvedon which is approximately eight kilometres away. The Transport Assessment states that cycling has the potential to substitute for short car trips, particularly those less than five kilometres.

The Essex Golf and Country Club is within 10 minutes' walk from the site. It has an extensive offer of activities, including golf, spa, tennis, gym. There is also a day nursery based within the club, as well as a hotel and restaurant. A cricket pitch is within a 5 minute walk of the site.

Cycle access to the proposal has been considered in detail. For the purposes of cycle accessibility, a cycle time of 20 minutes, which equates to five kilometres at an average speed of 15kph, has been assumed. The five kilometre catchment area of the proposal site includes Earls Colne village centre and Coggeshall village centre with their associated retail facilities and services. There are limited dedicated cycle facilities in the vicinity of the site although access to the site can be gained from Earls Colne village centre by quiet rural lanes.

With respect to pedestrian access, a walk time of ten minutes is generally considered the maximum acceptable to directly access any local facility or amenity and equates to a distance of 800 metres. The existence of the range of facilities and amenities in the Business Park helps to reduce the number of

off-site trips and provides facilities close enough to allow them to be reached on foot by employees and other users of the Business Park.

The draft Travel Plan submitted with the application aims to reduce the use of the car and promote sustainable travel in the form of the following: Separately designated cycle access routes within the site; Integrated shower, changing and storage facilities for cyclists and motor cyclists; Priority car parking spaces for car sharers, Promotion of Bicycle user Groups for the business park, Tax incentivised bicycle purchase scheme for cycle commuters, Guaranteed lift home for car sharers, Provision of a site wide Travel Plan to encourage modal shift and Provision of pool cars. As discussed above, these will be explored further and come forward by way of a Travel Plan secured by way of S106.

Servicing and Waste

The proposed service road runs to the south of the building, to the side of the main entrance. The bin stores are also located along the route, which allow for an appropriate sized vehicle to collect refuse. Conditions have been recommended for a servicing plan and refuse plan to be submitted prior to occupation of the development.

In summary, the development has been laid out in a manner that adheres to the parking standards in terms of quantum and pays regard to the need to plan for sustainable access for all. The application has been assessed by the Highways Authority and no objections have been raised.

Sustainability

The proposal has been designed to minimise heat loss through glazed surfacing. The orientation of the building is designed so that the largest glazed areas are facing east and west, as well as increasing natural light and warmth within winter. Solar heating in summer will be reduced by the proposed louvres above the office windows. The applicant proposes to use Ground-source heat pumps to provide the heat for the building and provide cooling in the summer months.

PV solar panels are proposed on the roof above the office wings, they will help to provide sustainable energy for the proposal. A condition has been recommended for the location of the PV cells to come forward by way of condition.

Heritage

There are no heritage designations within the vicinity of the site. No objections have been raised by ECC Heritage officers.

Archaeology

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

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). There are no Anglian water surface water sewers in the vicinity of the Site. There is a network of land drains and surface water pipes which drain to a 150mm diameter pipe in the northwest corner of the site. The existing private pipe is outside the site boundary but within landowner controlled land and will therefore be utilised as an outfall for the surface water drainage from the development site. A further two swales have been indicated to the north western corner of the site. 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.

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 of the Adopted Core Strategy 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 £56,032 towards the improvements to 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 £5,000.

PLANNING BALANCE AND 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 Draft Local Plan recognises the need to make additional employment land provision within the District, however the application site is not identified as an allocated site within the Draft Local Plan. The proposals are therefore contrary to both the Adopted and Draft Development Plan.

In terms of Paragraph 11 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 proposal would result in some adverse impacts, namely the development of an unallocated site in both the Adopted and Draft Development Plan within an area designated as countryside, and would result in a small area of hedgerow being removed, and some increase in traffic on the local highway network. Notwithstanding, it is acknowledged that the application site is located in close proximity to other employment uses on the business park on allocated sites for such uses. Impacts in terms of hedgerow removal and traffic generation can also be mitigated.

The benefits of the proposal are clear, with the creation of a significant number of jobs post completion of the development, but also some job creation during the construction of the development which cumulatively would stimulate the local and wider economy with associated benefits. The benefits from the creation of a significant number of jobs is afforded significant weight in this case. There are no objections to the proposal from any statutory consultees or neighbours and Officers consider that the application site could accommodate the proposed development in a sustainable manner with a high quality design and layout. The proposals would also incorporate renewables and achieve an over net gain in biodiversity on the application site.

As such it is considered that the adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. 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 (£56,032) towards Formal 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 £5,000).

that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

APPROVED PLANS

Proposed Roof Plan	Plan Ref: 3945_PL11	
Proposed Elevations	Plan Ref: 3945_PL12	
Proposed Elevations	Plan Ref: 3945_PL13	
General	Plan Ref: 3945_PL14	
Materials Details	Plan Ref: 3945_PL015A	
Landscape Masterplan	Plan Ref: 1838/LP/302	Version: P0
Landscape Masterplan	Plan Ref: 1838/LP/303	Version: P0
Landscape Masterplan	Plan Ref: 1838/LP/102	Version: P02
Planning Layout	Plan Ref: 1838/LP/103	Version: P0
Planning Layout	Plan Ref: 1838/LP/104	Version: P0
Lighting Plan	Plan Ref: I11144/001	Version: A
Design and Access Statement		
Flood Risk Assessment	Plan Ref: 184390-01C	
Transport Plan	Plan Ref: Transport Assessment and Travel Plan	
General	Plan Ref: Landscape Visual Assessment	
General	Plan Ref: Preliminary Ecology Appraisal	
General	Plan Ref: External Lighting Impact Assessment	
	Version: LL1144 rev. A	
General	Plan Ref: Street Lighting Design Risk Assessment	
	Version: LL1144 - 001	
General	Plan Ref: Arboricultural Impact Assessment	
	Version: SHA 771 Rev B	
Location Plan	Plan Ref: 3945_PL01A	
Site Plan	Plan Ref: 3945_PL02A	
Proposed Site Plan	Plan Ref: 3945_PL03C	
Proposed Site Plan	Plan Ref: 3945_PL04C	
Proposed Site Plan	Plan Ref: 3945_PL05C	
Proposed Floor Plan	Plan Ref: 3945_PL06A	
Proposed Roof Plan	Plan Ref: 3945_PL07A	

Proposed Elevations Plan Ref: 3945_PL08A
Proposed Ground Floor Plan Plan Ref: 3945_PL09A
Proposed 1st Floor Plan Plan Ref: 3945_PL10

- 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 Phase 2 of the development will commence no later than 5 years from the occupation of Phase 1.

Reason

In the interest of proper planning.

- 4 Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work above ground (excluding demolition) for the relevant phase. The development shall not be carried out otherwise than in accordance with the details thus approved.
 - a) A sample board for all facing materials; to include window frames, ventilation screens and vent pipes, glazing, soffits and cladding
 - b) Façade design and detailing;
 - c) Details of the pods;
 - d) Details of all ground floor frontages including entrance doorways, canopies, soffits, lighting and areas allocated for signage
 - e) Window design: setting out specification of all typical windows including reveals, spandrels, flashing and frame thickness and the location of glazing bars;
 - f) Roof detailing including PV cells;
 - g) Details of all ground surface finishes, including kerbs and manhole covers

Reason

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

- 5 No development shall commence prior to the relevant phase, until details of the means of protecting all of the existing trees, shrubs and hedges to be retained (as identified on the submitted Arboricultural Impact

Assessment SHA 771 Rev B report completed by Sharon Durdant - Hollamby and dated February 2020) 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.

- 6 Prior to the occupation of the relevant phase of development hereby approved, a scheme of landscaping (In accordance with Landscape Masterplan ref: 1838 LL 102 P02) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate.

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

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

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

development whichever is the earlier.

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

Reason

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

- 7 The scheme of landscaping indicated upon the approved plans, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five 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.

- 8 All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users, people with sight impairment

Reason

To ensure that the site is accessible and usable for all.

- 9 Prior to first occupation of the relevant phase of 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 retained as such.

Reason

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

- 10 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (EECOS, March 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

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

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

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

- 12 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior to occupation of the development.

The content of the LEMP shall include the following:

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for

its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

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

- 13 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:
- Final modelling and calculations for all areas of the drainage system, including any flooding within the pipe network.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.

Reason

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

- 14 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. Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

- 15 No phase shall be occupied until the car parking space(s) that are to serve it, as indicated on the approved plans, have been hard surfaced. All parking spaces shall be constructed using porous materials laid on a permeable base. The car parking spaces shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards, and in the interests of sustainability and flooding.

- 16 All service intakes, apart from gas, shall be run internally and not visible on the exterior.

Reason

In the interests of visual amenity.

- 17 All roads/ parking courts which are to be utilised by refuse collection vehicles, shall be constructed to take a load of 26 tonnes.

Reason

To ensure that roads are designed and constructed to a standard that will allow refuse collection vehicles to be able to traverse without damaging the surface.

- 18 External lighting for the site shall be in accordance with approved document External Lighting Impact Assessment (Loveday Lighting Report ref: LL1144 dated 24/02/2020), Drawing LL1144/001 - Street Lighting Layout dated 07/02/2020. All lighting shall be installed, maintained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason

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

- 19 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not reasonably practicable then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason

All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended).

- 20 Prior to the occupation of each Phase a Delivery and Servicing Management Plan (DSMP) for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The approved DSMP shall be fully implemented for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the all aspects of the development to which members of the public will have access are adequately and appropriately managed, maintained and controlled and to minimise any potential impacts on the road network.

- 21 Prior to first occupation of the relevant phase of development hereby approved, details of the refuse/recycling management strategy shall be submitted to and approved in writing by the Local Planning Authority. All refuse/recycling shall be managed in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason

To reduce pollution and the likelihood of infestation.

- 22 Prior to the occupation of the relevant phase of development hereby approved, details of the proposed cycle parking for that phase shall be submitted to and approved by the Local Planning Authority. The cycle parking spaces shall be retained in perpetuity thereafter.

Reason

To ensure that a reasonable provision of cycle spaces is made within the site for the parking of bicycles in the interests of discouraging car use, and improving highway conditions generally.

- 23 The proposed disabled parking bays, shall be used by blue badge holders only and will remain in perpetuity for the lifetime of the development.

Reason

To ensure that the site is accessible and usable for all.

- 24 The proposed 20 electric vehicle car charging points will be provided within Phase 1 of the development, prior to occupation, and will remain in perpetuity for the lifetime of the development.

Reason

In the interest of sustainability

- 25 No development of the relevant phase 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.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 27 No burning of refuse, waste materials or vegetation shall be undertaken on the application site 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 areas.

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

construction process.

Reason

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

- 29 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall be carried out in accordance with the approved details. Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the local planning authority.

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.

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.

INFORMATION TO APPLICANT

1 SUDS

- 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.

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

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

- 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.

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

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

2 Potential footpath diversions are subject to land ownership and requirements of the Town and Country Planning Act. The Public Right of Way (PROW) 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 Footpath 43 Earls Colne should be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

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

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

a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;

c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

4 NESTING BIRDS

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

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

5 PROTECTED SPECIES

Occasionally, protected species, such as Great Crested Newts, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. In the event that this occurs, the developer must stop work immediately and seek the advice of a suitability qualified ecological consultant and/or the relevant statutory nature conservation organisation.

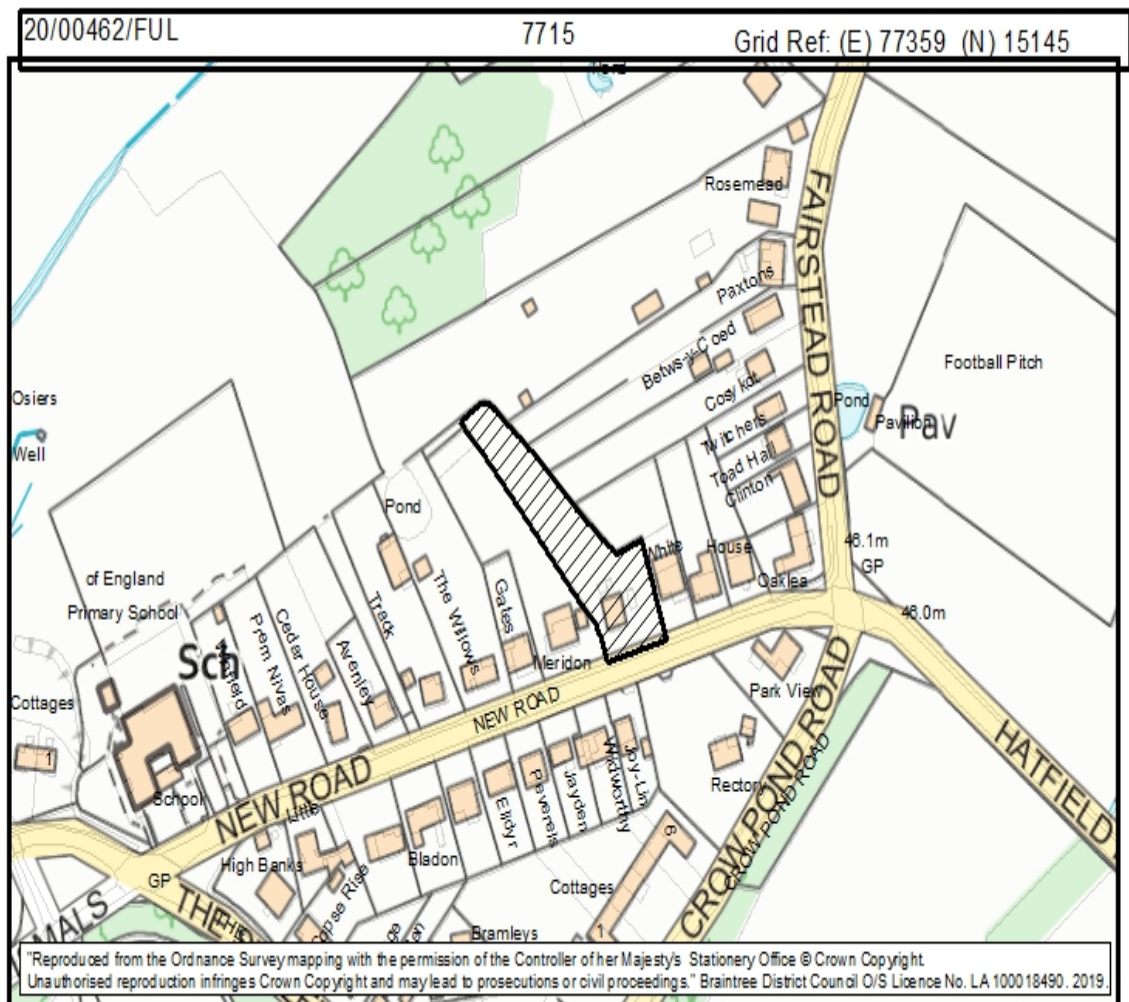
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00462/FUL
DATE VALID: 18.03.20
APPLICANT: Mr Neil Willis
18 Baker Way, Witham, Essex, CM8 1UG
AGENT: Mr Derek Tuttlebury
1 Sycamores, High Easter, Chelmsford, Essex, CM1 4QR
DESCRIPTION: Demolition of bungalow and erection of 2 No. dwellings
LOCATION: The Lincoln, New Road, Terling, Essex, CM3 2PN

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6ZDLZBF00A00>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP81	External Lighting

Terling Neighbourhood Plan

No plan has yet been submitted for consideration and therefore no weight can be attributed.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Terling & Fairstead Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site as existing, comprises a large detached bungalow and is accessed from New Road in Terling. The bungalow is sited in between neighbouring properties 'Meridon' and 'White Gables'. The plot is relatively extensive; one of the largest, if not the largest on the north side of New Road, both in terms of width and length of the garden area. Detached dwellings with relatively narrow plots generally typify the character along New Road.

The site is not located in the Terling Conservation Area and is over 200m away from the closest Listed Building. There are no other identified constraints at the site.

PROPOSAL

The application in this case seeks to demolish the existing bungalow and various outbuildings, and erect two detached, four and five bedroom dwellings. Both of the dwellings would have their own individual access and parking areas at the front with two spaces and landscaping. 'Plot One' would be sited on the footprint of the existing bungalow but be larger in terms of footprint, while 'Plot Two' would be sited adjacent to White Gables. Both dwellings would be gable fronted so that they are slightly narrower, but also slightly longer to achieve the accommodation required. Both dwellings would have private garden space at the rear.

CONSULTATIONS

Landscape Services

No objection.

Essex Highways

No objection subject to a number of conditions relating to the access, no loose materials and provision of travel packs.

Ecology

Initially raised an objection to a lack of ecology survey provided with the application. A subsequent survey was completed, to which the Ecology Officer required additional information. A further ecology report was completed, and the Ecology officer had no objection subject to the addition of conditions.

PARISH/TOWN COUNCIL

Terling Parish Council

Object to the application for the following summarised reasons:

- Both dwellings represent a total 450% increase on the amount of floor space compared to the existing bungalow
- No local need for larger 4 or 5 bedroomed properties – smaller 2-3 bedroom houses are required
- Not adverse to two houses here but need to be proportionate in scale
- No supporting planning statement
- The application fails a number of Local Plan policies
- Juliet balconies could impact on privacy
- Not in keeping with character of the area
- Terling Village Design Statement has not been considered
- Car parking would be tight – could lead to more vehicles parking on the road which is a main thoroughfare
- Unclear what will happen with a power supply pole between the properties
- Other applications for large extensions along New Road refused previously
- PD rights should be removed if allowed

REPRESENTATIONS

7 objections have been received from 5 properties setting out the following summarised concerns (initial and revised plans):

- Unacceptable impact on amenity (White Gables & Meridon) – overbearing, loss of light, loss of privacy and loss of enjoyment of the garden
- Overdevelopment of the site – close proximity to boundaries and out of character with the area
- Much larger than existing bungalow
- Houses built in depth so will project far beyond rear building line

- Boundary fencing should be looked at
- Other similar development refused in the lane – terracing effect
- Plot 2 garden too small
- Insufficient parking
- Boundary lines incorrectly shown
- Overall changes not significant enough to overcome the concerns

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the

Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is located within the village envelope of Terling and as such, in accordance with the above policies, the principle of developing the site for residential is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

In this case, the application site is located in Terling, which is an ‘other village’ in the settlement hierarchy. Other villages are not the most sustainable to concentrate large housing growth, however smaller proposals within the development boundary can still be considered favourably. As there would only be a net increase of 1 dwelling at this site, it is considered that the development would be sufficiently small scale to be able to accommodate one additional dwelling without detriment to the aims of sustainable development. The location of the site is therefore a neutral factor in the overall planning balance, which is set out at the end of this report.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

Terling and Fairstead are also supported by a Village Design Statement (VDS) (2014). Although not formally adopted, the VDS still seeks to ensure that developments, inter alia, provide good external parking, landscaping and materials to be consistent with the established character of the village.

The site in this case is located within a linear row of primarily two storey detached houses on the north side of New Road. Although individual plot sizes vary, what remains consistent is the size of dwellings, which generally comprise of 4+ bedroom properties, with some smaller properties to the south side of New Road. Most of the properties in the area are set back from the road, but in close proximity to their respective side boundaries (through extensions or otherwise). In this case, the plot width of the site is approximately 26m on the highway frontage, which varies further into the depth of the site due to various boundary lines. The total plot size is approximately 0.2ha. The application site therefore comprises one of the largest plots in the locality.

In terms of the existing bungalow, it is approximately 100sq.m in terms of overall footprint. Whilst the bungalow only comprises ground floor accommodation, it is of a sufficient height to be able to facilitate a loft conversion, as the ridge height is not dissimilar to that of the adjacent large two storey neighbouring properties. The bungalow is sited on the west aspect of the plot, with a large gap to neighbouring property 'White Gables'.

The application proposes to demolish the existing bungalow and erect two, two storey detached dwellings, one with 5 bedrooms and the other with 4 bedrooms. In terms of size, 'Plot One' would have a 189sq.m footprint, and 'Plot Two' would have a 121sq.m footprint. 'Plot One' would comprise 170sq.m of ground floor accommodation, and 115sq.m at first floor level, while 'Plot Two' would comprise 104sq.m of ground floor accommodation and 97sq.m at first floor level. Both dwellings would be gable fronted so that they are slightly narrower, but also slightly longer, in depth, to achieve the accommodation proposed. Both dwellings would not however look out of character in the area, being traditional in terms of their form and appearance.

'Plot One' would be sited on the footprint of the existing bungalow but be larger in terms of footprint, while 'Plot Two' would be sited adjacent to the neighbouring property 'White Gables'. In terms of the proximity to the site boundaries, the proposed dwellings would be closer than the existing bungalow, but retain a reasonable gap in order to not appear 'crammed' on the site. Both plots would also be able to maintain a similar set back to the existing bungalow, and facilitate sufficient space for two parking spaces and 6m of manoeuvring space, as required by policy. There would also be the opportunity for landscaping, both in terms of across the frontage as well as in front of the proposed dwellings.

A large number of concerns have been raised in respect to the size of the houses comparatively to the bungalow, and their relationship to the area more generally. However, taking into account the above, Officers are satisfied that the proposed dwellings could be successfully accommodated within the site without detriment to the street scene. Moreover, Officers consider that the proposed two, two storey dwellings would be more in keeping with the existing character of the area than retaining the existing bungalow taking into account the aforementioned character of the area.

In terms of internal amenity, both dwellings would be far in excess of the required standards in terms of floor space. In terms of external amenity, both dwellings would be provided with in excess of 100sq.m of private garden space. It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers.

Overall, from a design, amenity and layout perspective, it is considered that the proposed dwellings are acceptable and not be detrimental to the character and appearance of the area.

Some concerns have been raised in respect to the accuracy of boundary treatments as shown on the plans. Officers are however satisfied that even if this were to be the case there would be sufficient space to satisfactorily accommodate two dwellings on the site. Any boundary dispute would be a civil matter between private individuals and not an issue which could be taken into account in the determination of this application.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

A number of concerns have been raised in respect to the impacts of the proposed dwellings on the amenity of adjoining properties Meridon and White Gables. These concerns relate to loss of outlook, overbearing, overshadowing and loss of privacy.

Firstly, loss of outlook or view, is not a planning consideration that can be taken into account. Secondly, in terms of assessing the impact on Meridon, 'Plot One' would be the closest and the impacts are explored below.

In terms of proximity, 'Plot One' at the very closest point (single storey), would be 1.3m away from the shared boundary with Meridon. The closest two storey element would be 2.5m away from the shared boundary, but increase to 8.5m at the longest point due to the boundary arching towards Meridon. Meridon itself is separated from the site by a single garage, and at the closest point is located 6m away from the shared boundary. To the centre of the nearest window, this would be at least another 1m. Therefore, 'Plot One' would at the very closest point be 8.3m away from a habitable window on the rear of Meridon, but, on average, be further away than 8.3m.

In terms of relative position on the site, 'Plot One' would be stepped slightly further back than Meridon, but project approximately 7m further to the rear at ground floor and 5.3m at first floor. The closet boundary distance as set out above is where 'Plot One' and Meridon are side by side; where 'Plot One' projects further than the rear of Meridon, this distance increases significantly as set out above. It is also worth noting that the building, although deep, has its ridge height sloping towards Meridon, therefore from the top of the ridge this separation distance would be even greater.

Taking all of the above into account, it is considered that 'Plot One' would not have a detrimental impact on the amenity of Meridon by virtue of overshadowing, overbearing or loss of privacy.

Thirdly, 'Plot Two' would have a bigger impact on 'White Gables,' and this relationship is explored below.

In terms of proximity to the boundary, this would at the shortest point be approximately 1.3m, with a further 1.2m separation (approx.) to the closest point from the common boundary to White Gables. In terms of relative position, 'Plot Two' would not project beyond the rear of White Gables, and would marginally project in front of it. Therefore all impacts would be contained within the side of each of the proposed and existing dwelling.

On the main side facade facing 'Plot Two', White Gables has no first floor windows. However, on a smaller front gable, there are some windows which would face in the direction of 'Plot Two'. This gable feature however would be stepped further back, approx. 7m away from the side facade of 'Plot Two'. From the neighbour objection from White Gables, it is understood these windows serve a bathroom and the upstairs bedroom, while there are also other rooms on the ground floor which would be affected. In respect to the first floor windows, it is evident that while one first floor side bedroom window would face towards 'Plot Two', this is clearly one of a number of windows which the room enjoys, as on the front part of the gable there are a further two windows. Thus, this would not be the only primary aspect for the bedroom. Furthermore, White Gables is at a slightly higher level than the site, so any

impacts would be reduced. A bathroom is not a habitable room and thus any impacts would be limited.

In terms of the boundaries between the two properties, unlike on the other side, the boundary is relatively straight for a large section, but then does dog leg around the bottom of the garden for 'Plot Two'. It is understood that this is also in White Gables ownership. There would be approximately a 9m separation from the rear of 'Plot Two' and the rear boundary. This 'dog leg' is not however the most sensitive area of amenity for White Gables (the rear patio area), which would not be affected by 'Plot Two'. While there would be some overlooking of this dog leg area, it would not be so detrimental that it would warrant the refusal of the planning application. In any case, this area appears very much as additional land, as opposed to being residential curtilage of the property.

Taking all of the above into account, it is considered that 'Plot Two' would not have a detrimental impact on the amenity of White Gables by virtue of overshadowing, overbearing or loss of privacy.

Finally, concerns were raised in respect to side windows and Juliet balconies. Any first floor side window would be obscure glazed and non-opening above 1.7m, while Juliet balconies are commonly accepted to not have a detrimental impact on neighbouring amenity.

Highway Issues

The site proposes to utilise two new accesses for the development onto New Road. The accesses would be served by areas of hard standing and parking for both plots, albeit these areas would be separate. A manoeuvring plan was submitted which demonstrated that it is possible to leave the site in a forward gear, and there would be 6m of manoeuvring space between the rear of the parking spaces and the shared boundary which would be created.

Essex Highways have considered the application and raise no objection to the development, subject to a number of conditions. It is recommended that these conditions be imposed.

Ecology & Trees

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact

on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

There is very little by way of mature vegetation within the heart of the site where the dwellings would be located. The Councils Landscape Services team raised no objection to the development.

In terms of Ecology, a report was submitted which indicated that evidence of roosting bats were present within the bungalow. As such, further surveys were required to assess emergence and re-entry. A further survey was submitted and considered by the Councils Ecological Officer, who raised no objection, subject to a number of conditions.

Overall from a landscape and ecology perspective, it is considered that the development is acceptable.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case.

Other Matters

Concerns have been raised that there is no 'need' for larger housing in the village, and smaller housing should be considered. However, the Council is required to make a decision on the submitted planning application. Whilst acknowledging the suggested need, if a proposal is in all respects otherwise policy compliant, then this is not a matter on which the application could be reasonably refused.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect

- current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In this case, the proposal would bring in a number of benefits to the economic and social objectives of sustainable development; including employment during construction, contribution to the vitality of the village and one (net) additional dwelling towards the housing supply, although these benefits are limited given the scale of development proposed.

In terms of environmental harms, the development would have some impacts on neighbouring properties, although these would not be detrimental. In terms of other factors, the site would be located within an 'other village,' but would be within the development boundary and only relate to a net of 1 additional dwelling. It is considered this is a neutral factor.

When considering the planning balance and having regard to the above, the conflict with the Development Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is approved for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans Plan Ref: 2577/3

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

Reason

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

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

Reason

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

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

Reason

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

- 4 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, for sustainable transport (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

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

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

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

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

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

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

Reason

Landscape planting will add character to the development and assist in screening it in wider views.

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

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

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

Reason

In the interests of visual amenity.

- 7 No development shall commence unless and until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction process.

Reason

This condition is required prior to the commencement of development to protect the road network, the safety of residents and in the interests of reducing wider pollution associated with construction.

- 8 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

Bank Holidays & Sundays - no work

Reason

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

- 9 The proposed vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres,

shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner 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.

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

Reason

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

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

Reason

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

- 12 The first floor side windows for Plots 1 and 2 shall be glazed with obscure glass, and non-opening below 1.7m from finished floor level and thereafter shall be so retained at all times.

Reason

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

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of 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.

- 14 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Hybrid Ecology Ltd, July 2020) as submitted with the planning application and agreed in principle with the local planning authority.

Reason

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

- 15 Development shall not be commenced until the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
 - b) a method statement supplied by an individual registered to use a Low Impact Class Licence for Bats; or
 - c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

- 16 Prior to first occupation of the development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason

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

- 17 No above ground development shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason

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

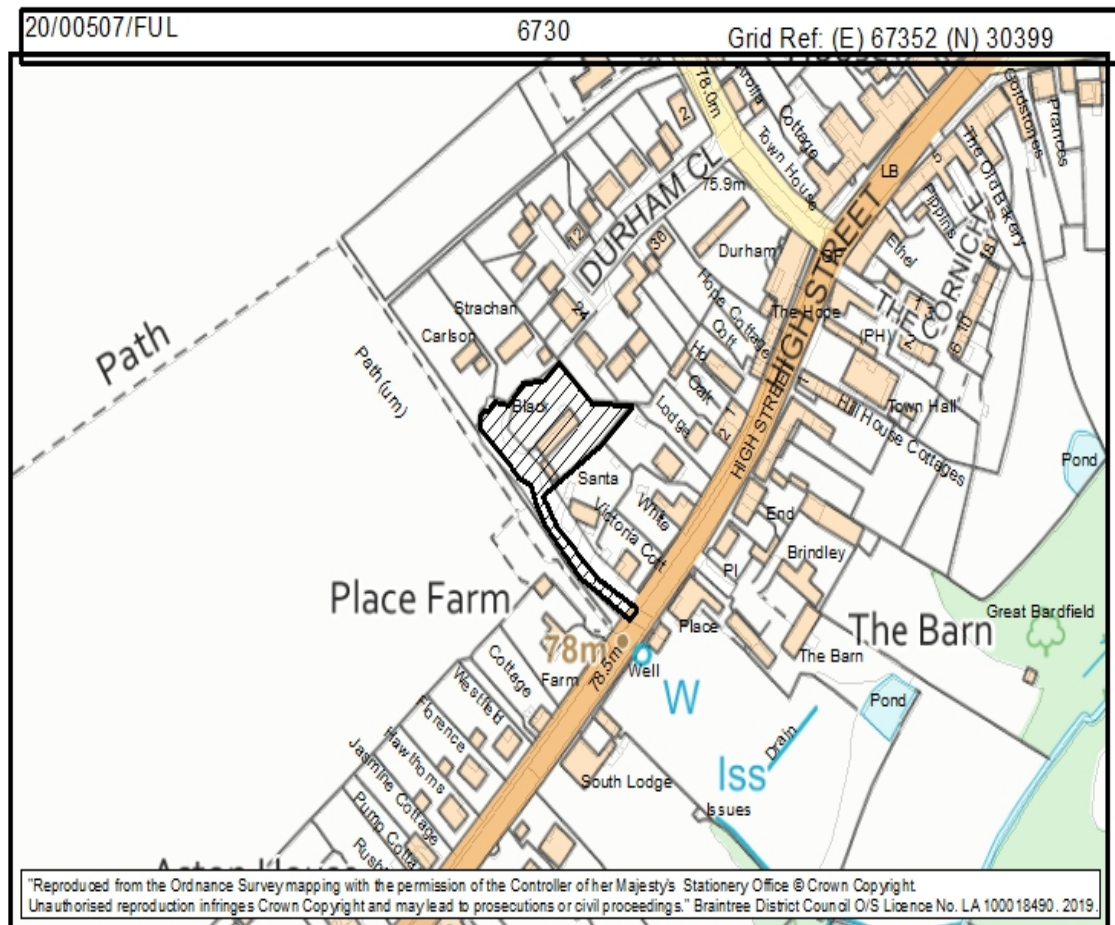
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/00507/FUL
DATE VALID: 18.03.20
APPLICANT: NDR Contracting Ltd
Mr Nick Ridgway, 16 Bradley Common, Birchanger, CM23 5QD
AGENT: GJT Architect
Mr Gary Treadwell, 148 Barrells Down Road, Bishops Stortford, CM23 2SZ
DESCRIPTION: Redevelopment of the site involving the erection of 2 x 4 bedroom, two-storey detached dwellinghouses with attached single-storey garages.
LOCATION: Black Gables, Dunmow Road, Great Bardfield, Essex, CM7 4SD

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7DQ8QBFL EJ00>

SITE HISTORY

13/00199/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Cut back level with fence line 1 Horse Chestnut tree	Granted	03.10.13
-----------------	---	---------	----------

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP92	Accessibility
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

CS7	Promoting Accessibility for All
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

LPP63	Archaeological Evaluation, Excavation and Recording
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP81	External Lighting

Great Bardfield Neighbourhood Plan

While Great Bardfield are working on the first iteration of the Neighbourhood Plan, no plan has yet been submitted for consideration to the Council and therefore no weight can be attributed at this time.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site comprises an existing single storey dwelling known as Black Gables. It is accessed from a private road, off Dunmow Road which serves a total of four other properties in a backland location. These other properties are generally large and detached in nature, with garages and medium sized plots.

The site is also located within the Conservation Area, and is near to PROW (83_35) which runs along the front of the site on the neighbouring parcel of land. There are some Listed Buildings along the High Street.

PROPOSAL

The application proposes to demolish the existing single story dwelling and erect two handed, four bedroom detached dwellings with an attached single garage. The dwellings would comprise a main core element with a large front gable. It also includes small single storey extensions which are to comprise a flat roof with grass on top. Each property would be provided with two plus parking spaces and their own individual access from the private road.

CONSULTATIONS

BDC Landscape Services

Initially raised some concerns about the scale of the proposed dwellings and the likely impacts on trees and hedging at the site. Following the submission of an updated arboricultural report, as well as a Landscape and Tree Protection Plan, the Landscape Officer had no objection to the development.

ECC Historic Buildings Consultant

No objection to the principle of development on the site:

“The site affected by this application is within the Great Bardfield Conservation Area, to the rear of the villages High Street. I have no objection to the redevelopment of the site, which does not actively contribute to significance of the Conservation Area. Unlike other sections of the Conservation Area which feature tight urban development in a linear form, the area surrounding the site is characterised detached houses in large plots, therefore the creation of new detached dwellings will not be at odds with the character of this section of the Conservation Area”.

However, raised concerns with some of the detailing proposed:

“However, the proposed new dwellings will not, I feel, enhance the significance of the Conservation Area as required by section 200 of the NPPF. The design of the buildings is largely traditional but features elements such as the large windows, flat roofed garages and rooflights which are at odds with both the location and the traditional envelope of the buildings. The positioning of the buildings, with large garages and hardstanding to the front, will similarly detract from the prevailing green appearance of the site at present. I am also concerned about the potential impact upon the appearance of the High Street, from which the new dwellings may be visible. I suggest a visual impact study is conducted to understand the visibility of the site from the High Street, to indicate whether the existing sense of space between Victoria Cottage and White House, south of the site will be impacted.”

These comments will be explored in the report.

ECC Highways

No objection to the development due to its scale and availability of parking within the site.

BDC Ecology

No objection subject to a compliance condition which allows for ecological mitigation and enhancement in accordance with the submitted ecological report.

BDC Environmental Health

While no formal comments were received due to workload pressures, informal comments were received which set out no objection, subject to the imposition of a number of conditions (which have been included).

PARISH / TOWN COUNCIL

Great Bardfield Parish Council

Objected to both the initial and revised plans for the following summarised reasons:

- No objection in principle to developing the site – but not a need for larger accommodation in the village
- No issue with design but the proposed dwellings too large for location
- Likely unacceptable neighbouring impacts
- Detrimental impact on the Conservation Area
- Little change in the revised plans

REPRESENTATIONS

5 objections were received across the two periods of re-consultation, detailing the following summarised concerns:

- Private access road of an insufficient size to accommodate further vehicles
 - Proposal would lead to significant increase in vehicular movements using the road
 - No way it can be widened
 - Not enough parking for future occupiers – likely parking on the road
- The access to the site is not suitable to accommodate further vehicles
- Overlooking and overbearing impacts affecting privacy and amenity (Field House & 26 Durham Close)
- Too large for the plot
- General disturbance while the plots are being built
- Hedgerow and trees on opposite side of the road should be retained (*Response: the tree protection plan shows this hedging retained and protected during construction*)

- Neighbours not notified (*Officer Response for clarification: initially no letters were sent due to Covid-19 delays but a full 21 day consultation period, and a further 14 day re-consultation period was completed*)

REPORT

Principle of Development

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is located within the village envelope of Great Bardfield and as such, in accordance with the above policies, the principle of developing the site for residential is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

In this case, the application site is located in Great Bardfield, which is an ‘other village’ in the settlement hierarchy. Other villages are not the most sustainable to concentrate large housing growth, however smaller proposals within the development boundary can still be considered favourably. As there would only be a net increase of 1 dwelling at this site, it is considered that the development would be sufficiently small to be able to accommodate one additional dwelling without detriment to the aims of sustainable development. The location of the site is therefore a neutral factor in the overall planning balance, which is set out at the end of the report.

Heritage

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

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 of the NPPF states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy RLP100 of the Adopted Local Plan supported by Policy CS9 of the Adopted Core Strategy and Policy LPP60 of the Draft Local Plan 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.

Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the of the Draft Local Plan states that the Council will preserve, and encourage the enhancement of, the character and appearance of the designated Conservation Areas and their settings, including inter alia the buildings and historic features and views into and within the constituent parts of designated areas. Proposals within/adjoining Conservation Areas will only be permitted where the proposal does not detract from the character, appearance and essential features of the Conservation Area.

The Historic Buildings Consultant has reviewed the proposal and has no objection to the siting of two new dwellings in this location, as this would be commensurate with the character of the area in this location. The Historic Buildings Consultant however raised some concerns with regard to the detailing of the proposed dwelling such as the large windows, flat roofed garages and roof lights. Concerns were also raised about the size of the garages and amount of hard standing proposed. The Historic Buildings Consultant was also concerned that the dwellings would be visible from the High Street. Overall, the Historic Buildings Consultant did not identify harm in accordance with Paragraph 196 of the NPPF, but did highlight concerns with Paragraph 200 of the NPPF where the Local Planning Authority should look to improve or enhance Conservation Areas.

Officers carefully considered the comments made by the Historic Buildings Consultant. Firstly, in negotiation with the developer, Officers secured the reduction in size of the garage elements, to dramatically increase the separation and hardstanding to the access road to allow for more meaningful landscape planting. This therefore would soften the overall impact of the development.

Secondly, despite their backland location, concerns were raised about the future visibility of the dwellings. Officers in conjunction with the developer, explored this and concluded that the proposed dwellings would not be readily visible from the High Street, owing to the significant amount of vegetation and boundary treatments in between the High Street and the site (outside of the Applicants control). In any case, any views from the High Street would only be fleeting and thus not be so significant to attribute any significant heritage harm.

The proposed dwellings would however have a much higher visibility from the PROW which runs along the adjacent parcel of land at the front. However, views from the PROW are very much in the context of the other modern

backland development accessed from the private drive. As such, whilst features like the juliet balconies and the roof lights may not enhance the Conservation Area, they are certainly not harmful given the localised context. In any case, the proposed roof lights would be set in below the ridge line, therefore from the ground, would not be visible. While the smaller roof lights on the side gables will also have limited visibility.

Overall, the Historic Buildings Consultant does not attribute substantial or less than substantial harm of the development on the Conservation Area, and due to the above, Officers are content that the proposal would be in keeping with the localised context. As such, while the development might not enhance the Conservation Area per se, from a heritage perspective it is considered the proposal is acceptable.

Design, Appearance and Layout

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The application proposes two four bedroom properties. They would be handed, so that they are identical in appearance but their respective gables are at different sides. The dwellings would be traditional in appearance with a brick plinth and white/cream rendered facade. The dwellings, excluding the

garage, would measure 13m in width by 10.9m in length. The garage adds another 3.7m to the overall length. The overall height of the building would be 7.6m to the ridge.

As previously discussed, the initial proposal included large double garages which would have extended the length of these dwellings by a further 3m (and wider too). As well as reducing the size of the garages, Officers did attempt to negotiate further revisions to slightly reduce the size of the dwellings in order for them to fit more generously on the site, however the developer was not amenable to any further changes arguing that the reduction of the garages was sufficient to overcome any previous concerns raised.

The reduction of the garages as aforementioned, significantly reduce the overall bulk and mass of the development. In addition, while the proposed dwellings would be large, they would be able to be reasonably sited within their respective plots, with over 100sq.m of garden space, and internal living accommodation over and above the Nationally Described Space Standards. There would also be sufficient distance between the properties and the neighbouring boundaries to avoid appearing unnecessarily cramped on the plot. Furthermore, the proposed dwellings would not be out of character with the scale and form of other dwellings in this back land location. As such, while further reductions were not secured, owing to the above, and the changes secured to the garages, Officers consider that the proposal would still be acceptable from an appearance, amenity and layout perspective.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Due to the site's backland location, the site is surrounded by neighbouring residential properties to the north, east and south. Concerns were raised by a number of neighbouring properties, and in regards to neighbour impacts, No.26 and Field House. These impacts will be reviewed first.

Firstly, the site would back onto the properties on Durham Close, more specifically No.26 and No.28. No.26 backs onto the site, while No.28 has a side on relationship with the site (with no windows in the side gable elevation). The main impact to consider therefore is the proposals back-to-back relationship with No.26. In this case, both Plots 1 and 2 would comprise a back-back distance of 25m or over to No.26, with nearly 15m from the rear of Plot 2 to the shared boundary with No.26. These distances would all be in accordance with the Essex Design Guide in order to protect neighbouring amenity. Furthermore, there is significant planting on the rear boundary which would assist in screening any views to neighbouring properties (and vice versa) which is due to be retained. As such, taking into account the above, it

is considered that the proposal would not lead to an unacceptable impact on No.26 or No.28 by virtue of overlooking, overshadowing or overbearing. Moreover, even if the rear planting was removed in future, the distances are still considered adequate to enable neighbouring amenity to be protected.

Secondly, the site would be adjacent to 'Field House,' a large detached property. Field House also comprises a large single storey garage which adjoins the southern boundary of the site. A site visit was conducted within the grounds of Field House, as well as the site itself. As existing, Field House is sited in relatively close proximity to the private shared access, as well as being closer to the southern aspect of the plot. The dwelling is also orientated in such a way that it faces towards the site, opposed to facing straight down the plot to which it relates. At the very shortest distance, the main core of the house is approximately 8.5m away from the shared boundary, but if one was to draw a straight line from the first floor rear windows (closest to the site) to the shared boundary, this would be more akin to 14m+. There would therefore be a fair distance between the rear of Field House and the common site boundary as existing. Finally, the existing boundary comprises tall conifer hedging on the application site side.

Plot 1 would be the dwelling that has the most impact on Field House as it is the closest plot to it. Plot 1 would not share the same orientation as Field House, it would instead directly face down its rear plot, and so would be approximately 30-45 degrees clockwise of the orientation of Field House. Due to the above, Field House would have the opportunity to look out onto the side elevation of Plot 1. However, due to the location of Plot 1 further to the side of Field House, any views would not be direct. As such, if one was to take a straight line from the closest first floor window at the rear of Field House, it would only catch the very edge of the rear of Plot 1. In terms of actual separation distances, the main core of Plot 1 would be a further 5m from the shared boundary (so a total of approx. 13.5m) at the very closest point, while in the straight line distance, to the rear corner this would be over 20m cumulatively.

Plot 1 would also comprise two first floor bathroom windows on the side elevation facing Field House. However, it is clearly labelled on the plans that these will be for bathrooms, so will be obscurely glazed and non-opening below 1.7m (of internal floor level). A condition is also recommended to secure this. The side roof lights shown would also not be able to look out onto the garden of Field House.

Taking into account the separation distance, orientation and views, coupled with the relative size of the proposed dwelling and window placement, it is considered that the development would not have a detrimental impact on Field House by virtue of overshadowing, overbearing or overlooking. In any case, the amenity for Field House may actually improve from a daylight perspective as the large conifer hedge which runs the entire boundary would be removed and replaced with a more appropriate boundary treatment.

The final two properties which would be affected by the proposal would be 'Carlson' and 'Strachan House' which are to the north of the site, in closest proximity to Plot 2. The site plan shows the relationship of Plot 2 to these properties, including their respective outbuildings. It should be noted however that the garage for Carlson is not shown in the correct place, as it is instead directly in line, (or very close to) the front gable of Carlson. Both Carlson and Strachan House front onto the proposed site with a separation distance to the main cores of the dwellings being approximately 20m and 15m respectively at the closest point. Plot 2 would be located relatively in the middle of both Carlson and Strachan House, therefore any impact of overbearing would be greatly reduced and shared between the properties. Finally, these properties are also slightly lower in level comparatively to the application site. Taking into account the above, and that any first floor side windows are again to be obscurely glazed, it is considered the impact on these properties would not be detrimental by virtue of overshadowing, overbearing or overlooking.

Concerns were raised in regards to the disturbance during construction, however any impacts would be temporary and thus would not form a reason to be able to refuse the application in this case.

Highway Issues

The site would utilise an existing access from Dunmow Road which also serves the other 4 properties in this location. The private road from the access is relatively narrow but is not overly long. A number of concerns have been raised about the suitability of the access as well as the suitability of the private road to accommodate additional vehicular traffic.

While residents' concerns are noted, Essex Highways have reviewed the proposal and have raised no objection due to the scale of development proposed (net increase of 1 dwelling). There would therefore only be one more dwellings worth of trips to and from the dwelling, which would be a very modest increase. Overall, Officers agree with Essex Highways that the proposal would not be detrimental to the safe functioning of the road or highway safety. In addition, each dwelling would be provided with two+ parking spaces which would accord with the Essex Parking Standards. Overall, from a highways perspective, it is considered the proposal is acceptable.

Ecology & Trees

Policy CS8 of the Adopted Core Strategy specifies that development must have regard to the character of the landscape and its sensitivity to change. Where development is permitted, it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or

on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

The Councils Landscape Officer had initial concerns about the proposal putting undue pressure for the removal of vegetation due to the large increase of built footprint at the site. The developer submitted further evidence to demonstrate that the trees which would require felling were either dead, or of a very low quality. Furthermore, a landscaping scheme has been provided up front which shows the replacement planting proposed, which would look to enhance the landscape and biodiversity in the area.

One of the main issues was the space between the side of the plot boundaries; the conifer hedge and scrub hedging along each respective boundary is to be removed and be replaced by a native hedge either side. After much discussion, the dwellings were relocated further away from the site boundaries, and it was accepted that a 1.5m separation distance at the shortest point was sufficient for the hedge line to grow in the locations shown. Concerns were also raised that one tree which was identified to be felled was shown to be replaced on neighbouring land. This was subsequently rectified through a revised tree protection plan. Overall, the Councils Landscape Officer did not raise an objection to the application. It is considered that the proposal here would therefore be acceptable in this regard.

Furthermore, the Ecological Officer had no objection to the development, subject to a biodiversity enhancement strategy condition. It is considered that these particulars are acceptable.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site.

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case.

Other Matters

Concerns have been raised that there is no 'need' for larger housing in the village, and smaller housing should be considered. However, the Council is required to make a decision on the submitted planning application. Whilst acknowledging the suggested need, if a proposal is in all respects otherwise policy compliant then this is not a matter on which the application could be reasonably refused.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

In this case, the proposal would bring in a number of benefits to the economic and social objectives of sustainable development; including employment during construction, contribution to the vitality of the village and one (net) additional dwelling towards the housing supply, although these benefits are limited given the scale of development proposed.

In terms of environmental harms, the development would have some impacts on neighbouring properties, although these would not be detrimental. In terms of other factors, the site would be located within an 'other village,' but would be within the development boundary and only relate to a net of 1 additional dwelling. It is considered this is a neutral factor.

When considering the planning balance and having regard to the above, the conflict with the Development Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is approved for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Plan Ref: 09.19.01

Landscaping	Plan Ref: SOFT LANDSCAPING PLAN	
Proposed Plans	Plan Ref: 09.19.02	Version: C
Proposed Plans	Plan Ref: 09.19.03	Version: C
Site Plan	Plan Ref: 09.19.01	Version: C
Tree Plan	Plan Ref: TREE PROTECTION 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 No above ground development shall commence unless and until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall 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, a schedule of the exact type, colour and specification of proposed new windows, doors, eaves, verges and cills to be used 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 shall be permanently retained as such.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 5 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, for sustainable transport (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

In the interests of reducing the need to travel by car and promoting

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

- 6 The site landscaping shall only be carried out in accordance with the Soft Landscaping Plan dated 8th July 2020 and Soft landscaping Specification dated 8th July 2020 by Andrew Day Arboricultural Consultancy.

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 assist in screening it in wider views.

- 7 The development shall only be carried out in accordance with the details contained within the Tree Protection Plan dated 8th July 2020 and Arboricultural Report dated 8th July 2020 REV 2 by Andrew Day Arboricultural Consultancy. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

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

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

Reason

In the interests of visual amenity.

- 8 No development shall commence unless and until a dust and mud control

management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to throughout the construction process.

Reason

This condition is required prior to the commencement of development to protect the road network, the safety of residents and in the interests of reducing wider pollution associated with construction.

- 9 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

Bank Holidays & Sundays - no work

Reason

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

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of 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.

- 11 The first floor side windows for Plots 1 and 2 shall be glazed with obscure glass, and non-opening below 1.7m from finished floor level and thereafter shall be so retained at all times.

Reason

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

- 12 Notwithstanding what is shown on any of the approved plans, 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 retained as such.

Reason

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

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (MKA Ecology, March 2020), Great Crested Newt Environmental DNA Survey (MKA Ecology, June 2020), and Preliminary Roost Assessment (MKA Ecology, June 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

Reason

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

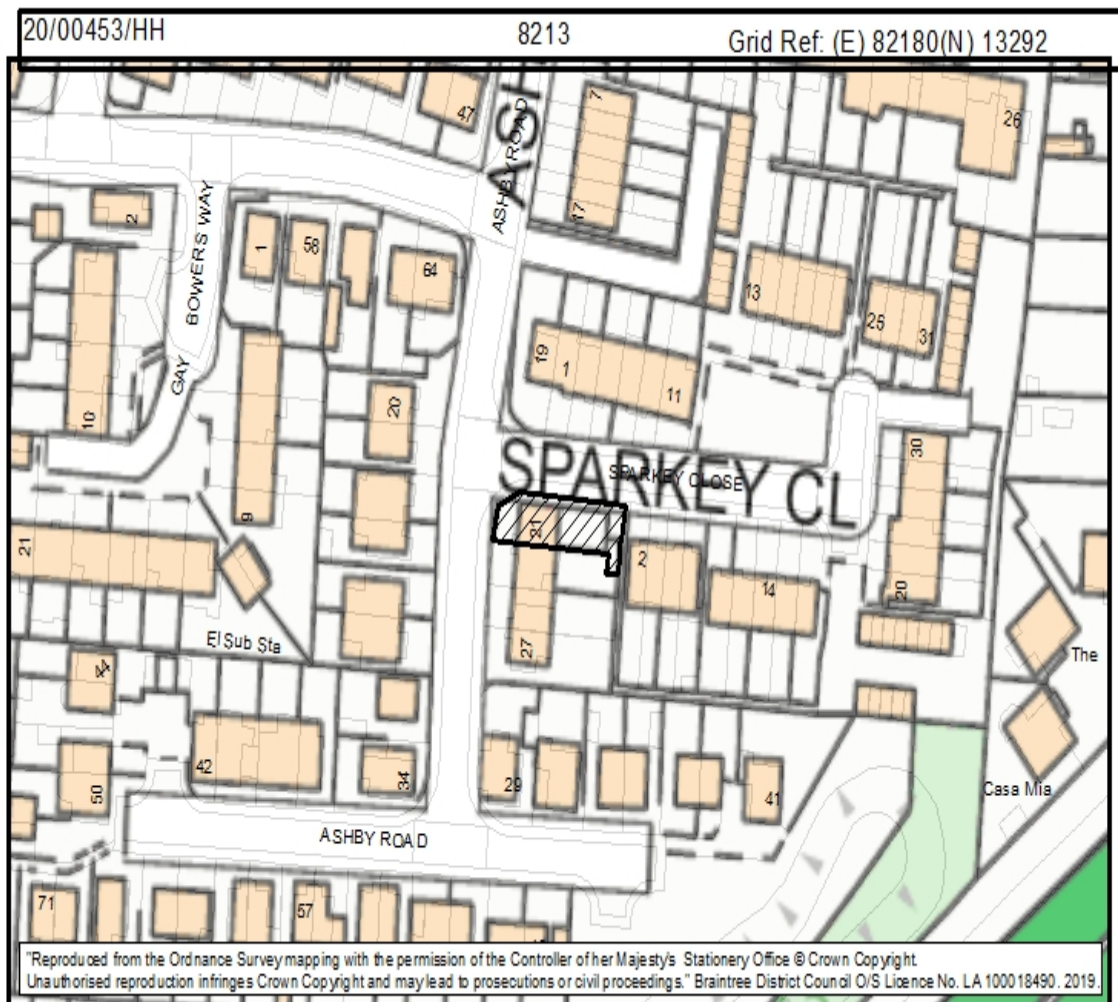
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/00453/HH
DATE VALID: 11.05.20
APPLICANT: Mrs Janet Butcher
21 Ashby Road, Witham, Essex, CM8 1QN
DESCRIPTION: Enlargement of private rear garden and erection of new boundary wall/fence adjacent to pavement.
LOCATION: 21 Ashby Road, Witham, Essex, CM8 1QN

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6YWYEBFL9J00>

SITE HISTORY

89/00429/P	Erection Of Two Storey Side Extension	Granted	21.04.89
79/01813P	Proposed ground floor extension.	Granted	
16/00393/FUL	Erection of single storey rear extension	Granted	06.05.16

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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP25	Garden Extensions within Built-Up Areas
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP43	Garden Extensions
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises an end of terrace dwelling located within the town development boundary of Witham. The dwelling is located in a corner position at the junction of Sparkey Road and Ashby Road, Witham. The dwelling has a 1m section of grassed area, between the existing wall on the north elevation of the property and the boundary to the property. The

boundary of the property is currently defined with a 1m high timber picket fence.

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

PROPOSAL

This application seeks planning permission for the enlargement of the rear amenity area, to incorporate this additional area of land within the private amenity space for the property, and to erect a new boundary treatment to enclose the space, comprising part wall and part fence.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Witham Town Council

Witham Town Council raise an objection to the proposal stating that the proposed wall would have an adverse impact on the street scene contrary to ADM9/RLP17.

REPRESENTATIONS

A site notice was displayed at adjacent the site and letters sent to adjoining properties. No representations have been received in relation to the proposal.

REPORT

Principle of Development

Policy RLP25 of the Adopted Local Plan states the extension of private gardens will be considered in relation to their likely impact on the surrounding area. Garden extensions onto adjoining areas of public, or visually important open space, will only be permitted if:

- There would be no loss of areas of wildlife value;
- It would have no adverse effect on the amenities of neighbouring properties, or the locality;
- It would not take away open areas originally designed, or intended to function as an amenity open space;
- It would not mean the loss of, or adverse effect upon, children's play areas;
- It would not result in the loss of shrub, or tree planting, or flower beds, unless satisfactory arrangements for their reinstatement are agreed;
- There would be no reduction in highway safety or visibility.

It is considered that the proposal is acceptable in principle subject to compliance with the abovementioned criteria.

Design and Appearance

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

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The property is located at the junction of Ashby Road and Sparkey Road, with the rear amenity area for the host dwelling adjacent to Sparkey Road. A 1m strip of un-utilised grassed area is currently located between the existing wall and the low level boundary fence. The erection of the wall on the boundary line of the host dwelling, would enable an increase in the size of the rear garden area, providing the applicants with an enlarged amenity space.

To achieve the enlargement of the rear amenity area, the proposal seeks to remove the existing low level timber fence which is located on the boundary of the property adjacent the pavement and the existing brick wall. In its place, a new boundary treatment is proposed comprising part wall and part fence. The wall (which would be parallel to the pavement) would be a single skin brick wall measuring 1.8m in height and 9.2m in length. The bricks to be utilised would match the host dwelling. The garage and driveway which serve the host dwelling are located at the rear of the property adjacent the amenity area. The proposed boundary treatment would be erected at an oblique angle to facilitate the widening of the driveway.

Witham Town Council have raised an objection to the proposal stating that the proposed brick/timber boundary treatment would have an adverse impact on the street scene. It should be noted that the Town Council have quoted an out of date Policy (Policy ADMP9), however the substance and reasoning of the Town Council's objection is clear. Although these concerns are noted, it is recognised that within the immediate area, there are other examples where the boundary treatment including brick walls extend up to and close to the edge of the pavement. No.5 Ashby Road, No.30 Ashby Road, and No.64 Ashby Road, all include brick walls which extend up to the pavement line. Furthermore, there is an existing brick wall forming a boundary treatment to the host dwelling on the north elevation of the property which is the same height as that proposed. It would therefore be unreasonable to refuse this

application, as it is not considered that the proposed boundary treatment is out of keeping or uncharacteristic for the area and the proposal would still maintain a reasonable degree of openness associated with the original design and layout of this development. The proposal is therefore considered to be acceptable in this regard.

Impact on Neighbouring Residential Amenities

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

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

It is not considered that the proposal would result in any detrimental impacts upon neighbouring residential amenity in terms of overshadowing, loss of light, or overbearing impacts. Furthermore, there have been no representations received in relation to this proposal. Therefore, the proposal is compliant with the abovementioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a new dwelling with two or more bedrooms the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

No parking would be lost as a result of the development and therefore the proposal is compliant with the abovementioned policies.

CONCLUSION

The principle of the proposal is considered to be acceptable. The design, scale and mass of the proposal would be in keeping with the existing dwelling and with the character of the immediate vicinity. The proposal complies with the abovementioned policies and therefore, the application has been recommended for approval on this basis.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan
Proposed Elevations

Plan Ref: 20-0264 D01
Plan Ref: 20-0264 D03

- 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 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.

Reason

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

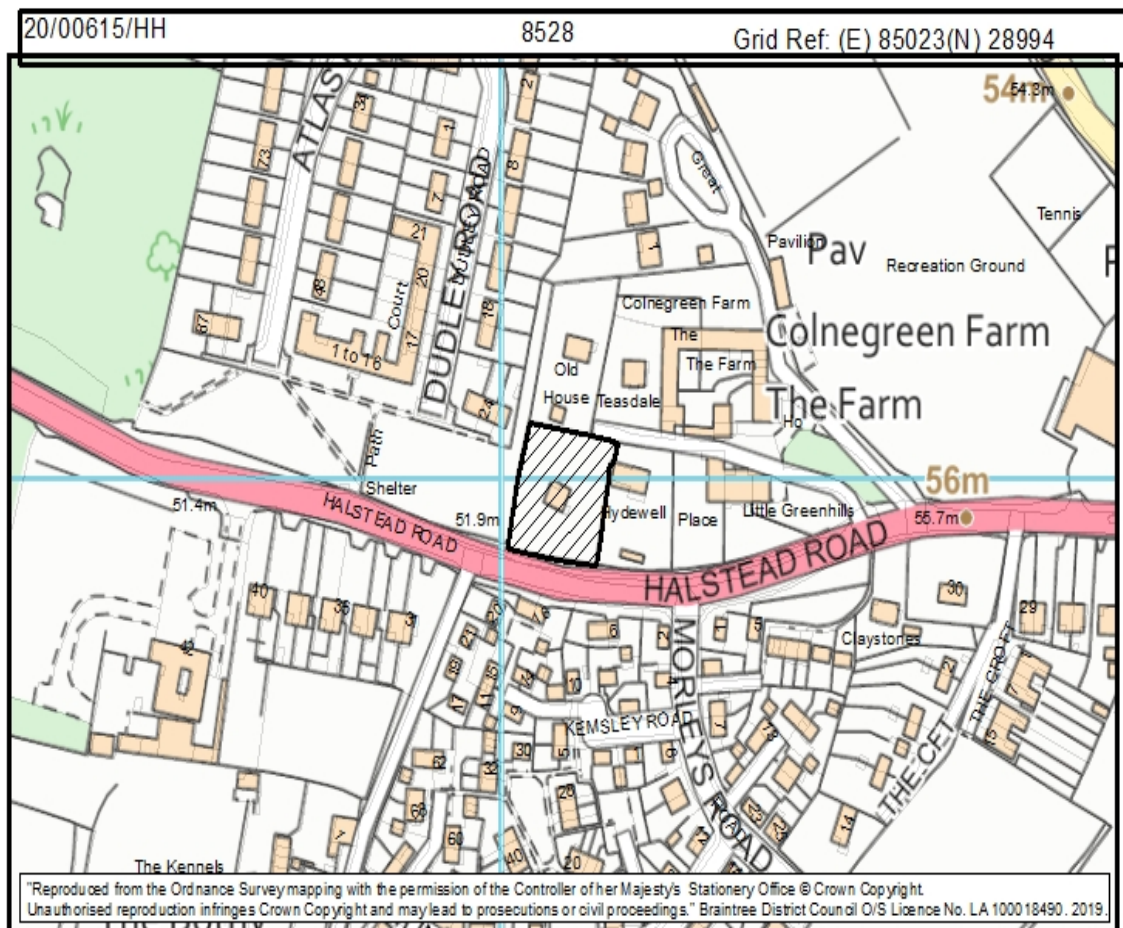
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/00615/HH
DATE VALID: 20.04.20
APPLICANT: Mr D Ruxton
Bramble House, Halstead Road, Earls Colne, Essex, CO6 2NG
AGENT: Gerry Bird Consultants Ltd
Mr Gerald Bird, Canhams, Upper Road, Lt Cornard, Sudbury, CO10 0PA
DESCRIPTION: Erection of a single-storey garage and storage outbuilding to be attached to existing cartlodge
LOCATION: Bramble House, Halstead Road, Earls Colne, Essex, CO6 2NG

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8H000BFLQ100>

SITE HISTORY

17/00054/HOUSE	Proposed dropped kerb and vehicle crossover	Appeal Allowed	15.11.17
00/00536/FUL	Erection of single storey side extension and detached garage	Granted	26.05.00
01/01365/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Reduce in height 20-25% row of fir trees	Granted	24.09.01
76/00462/P	Erection of bungalow and garage	Refused	16.06.76
07/00853/FUL	Erection of first floor extension over existing ground floor extension	Granted	19.06.07
09/01325/FUL	Erection of two car lodge	Granted	25.11.09
10/00498/FUL	Application for a new planning permission to replace an extant planning permission (07/00853/FUL), in order to extend the time limit for implementation - Erection of first floor extension over existing ground floor extension	Granted	15.06.10
13/00421/FUL	Application for a new planning permission to replace an extant planning permission (10/00498/FUL), in order to extend the time limit for implementation - Erection of first floor extension over existing ground floor extension	Granted	10.06.13
17/00363/FUL	Erection of first floor extension over existing ground floor extension	Granted	28.04.17
17/00935/FUL	Proposed dropped kerb and vehicle crossover	Refused then allowed on appeal	18.08.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
-----	--------------------------------

Braintree District Publication Draft Local Plan 2017

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises a detached two-storey dwellinghouse located within the Earls Colne development boundary. The dwelling is sited in the centre of a substantial plot and is located at the end of Great Pitchers cul-de-sac, but can also be accessed directly from Halstead Road to the south. The application site comprises the main dwelling, an existing cart-port (to which this application directly relates) and a number of other ancillary structures.

The site abuts, but is not situated within, the Conservation Area to the south. There are no statutory listed buildings in the vicinity.

PROPOSAL

The proposal seeks planning permission for a single-storey extension to an existing ancillary garage/car-port and storage building. The existing structure has a two-bay open-fronted garage at ground floor and a storage area within the roofspace which is accessed via an existing external staircase on the south flank elevation.

The proposed development would extend the existing building to the north retaining the ridge and eaves height as existing. This would project an

additional 7.5m in length and would be constructed from materials to match. To facilitate the construction a small detached outbuilding would be removed.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

The Parish Council raises objection to the application on the grounds of overdevelopment of the site and the inability to access the building from the property's access on Halstead Road.

REPRESENTATIONS

A site notice was displayed at the property and neighbouring properties were notified in writing. No letters of representation have been received.

REPORT

Principle of Development

The proposal is for an extension to an existing garage and storage building. The application site is located within the Earls Colne development boundary and is therefore acceptable in principle in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to meeting criteria on design, amenity and other material considerations.

Design and Appearance

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

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

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the

Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for the removal of an existing storage shed and the extension of the existing cart-lodge/outbuilding. The extension would provide further storage space at ground floor only with the roof space remaining as a void.

The extension would measure 7.5 metres in width and 6 metres in depth. The proposed ridge line and eaves height would match the existing building and the extension would be clad in black weatherboarding to match. The front elevation would have a garage style roller shutter door situated adjacent to the existing car-port spaces. A window would be inserted at ground floor level along with additional velux roof lights to the east facing roof slope. The rear elevation would have no new fenestration inserted, thus remaining solid. The proposed extension would sit in a slightly larger footprint than the existing shed to be removed.

The proposed extension would be a large addition to the application site with a total footprint of the extended outbuilding comparable in size to the footprint of the main dwellinghouse. Whilst this is substantial, it is not considered to be an overdevelopment of the site and the outbuilding would remain comfortably proportioned in the context of the wider curtilage. The building would remain single-storey in appearance with only the ground floor providing storage space and the roofspace remaining as a void. The lower roof height, horizontal emphasis and contrasting black weatherboard cladding allow the building to continue to be read as a secondary structure to the main dwellinghouse.

Whilst the building may not be subservient in scale/footprint to the main dwelling, on balance it is considered acceptable as a suitable area of amenity space would be retained, sufficient car parking provided and its impact on the character and appearance of the surrounding area would be minimal due to its tucked away position at the end of the cul-de-sac. Substantial trees and vegetation bounding the application site provide sufficient screening.

Concern has been raised by the Parish Council that the building should not be used as habitable accommodation. However in its proposed form and design with a roller shutter door, void roofspace and minimal fenestration it would not lend itself to such purposes and further planning permission would be required for it to be subdivided to form a separate unit of accommodation. Notwithstanding this, the imposition of a condition is recommended to ensure that the space be retained for use as ancillary storage/garage space in connection with the main dwellinghouse.

Impact on Neighbouring Residential Amenities

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan both require that extensions should result in no harm to the amenity of neighbouring residential properties, including no loss of privacy, no increase in overshadowing, or loss of light.

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

The closest neighbouring dwelling would be No.26 Dudley Road situated to the west. The flank elevation of this dwelling faces the application site and has a first floor window which would overlook the proposed extension. Due to the single storey nature of the proposal and separation distance there would be no loss of light experienced. Whilst views from this flank east facing window would change, the proposal would be neither overbearing nor intrusive to existing outlook. There would be no windows proposed on the west elevation and as such no loss of privacy experienced. Sufficient separation distances are retained to all other neighbouring dwellings.

It is therefore considered that the proposal would not have a detrimental impact upon neighbouring amenity in terms of overlooking, overbearing, overshadowing or loss of light.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

One extra undercover parking space would be created as a result of the development which would exceed the above noted standards as this could be provided within the larger garage area by way of the roller shutter door. Furthermore the existing two covered car-port spaces would be retained along with the existing generous area of hardstanding parking to the front of the dwelling. Therefore the proposal is compliant with the abovementioned policies.

Concern has been raised by the Parish Council that the building could not be accessed from Halstead Road. However the proposal does not seek to alter existing access points and the principle vehicle access from Great Pitchers would be maintained for both the main dwelling and the ancillary outbuilding.

CONCLUSION

The principle of an extension to an existing outbuilding within the curtilage of a residential dwelling is acceptable. Whilst the proposed extension would be substantial in footprint; the design, scale and massing would be in keeping with the existing building. No harm to the character or appearance of the area would result and therefore on balance the proposal is considered acceptable and would not result in an overdevelopment of the application site. There would not be any detrimental impacts on neighbouring amenity as a result of

the development and the property would continue to benefit from extensive off street parking options.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: DR/020/003
Proposed Plans	Plan Ref: DR/020/001/A
Roof Plan	Plan Ref: DR/020/003/A

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

Reason

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

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

Reason

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

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

Reason

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

- 4 The outbuilding hereby approved shall only be used for ancillary purposes incidental to the dwellinghouse known as Bramble House, Halstead Road.

Reason

To protect the amenity of neighbouring residential dwellings and in order to enable the local planning authority to give consideration to any alternative use of the building.

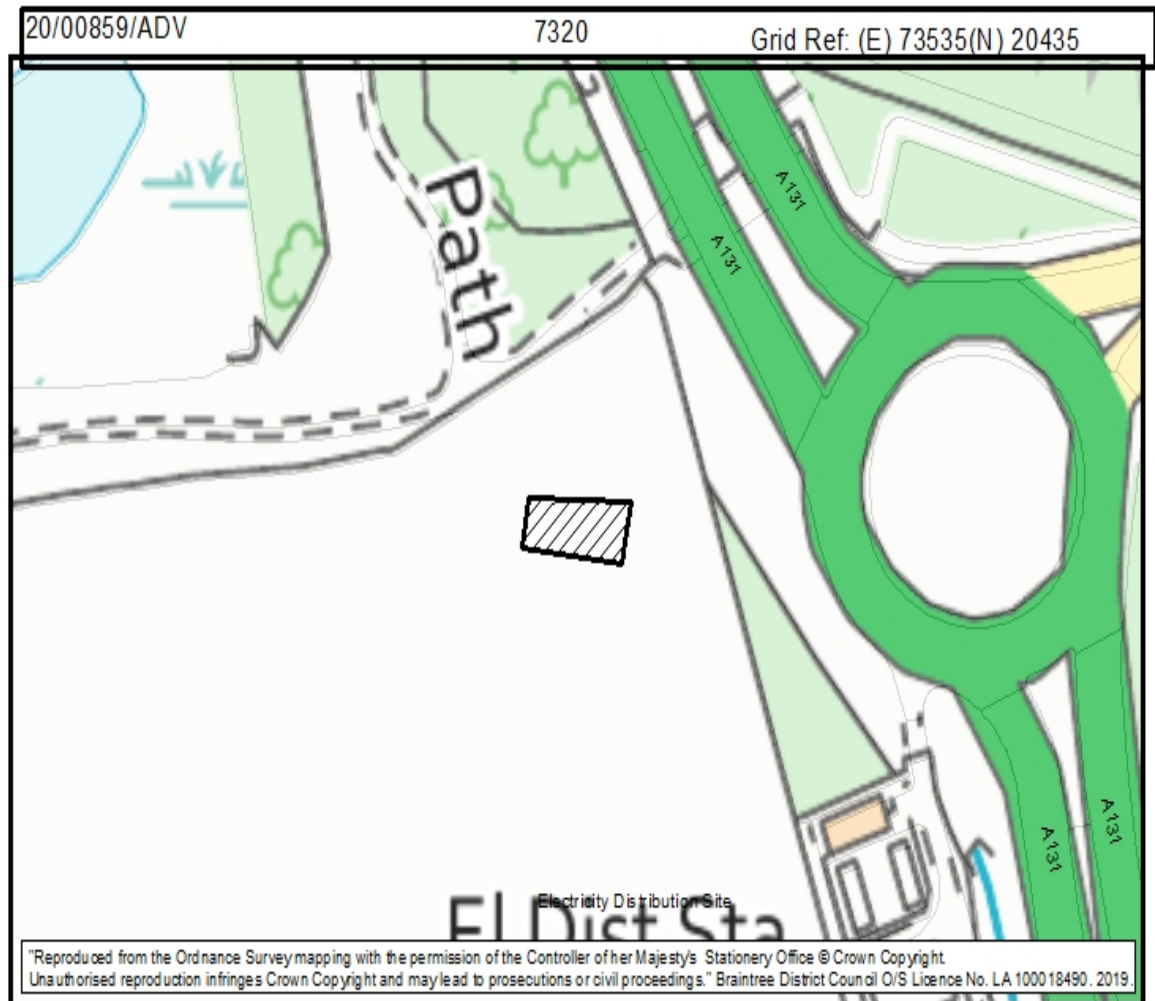
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/00859/ADV
DATE VALID: 12.06.20
APPLICANT: Mr David Warburton
22 The Causeway, Bishops Stortford, CM23 2EJ
AGENT: Mr Graeme Roe
Pappus House, First Floor, Office 14, Tollgate West,
Colchester, CO3 8AQ
DESCRIPTION: Display of double sided site signage
LOCATION: Land West of A131 Horizon 120, London Road, Great
Notley, Essex

For more information about this Application please contact:
Fay Fisher on:- 01376 551414 Ext. 2507
or by e-mail to: fay.fisher@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBAKX1BF0H500>

SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	

17/01235/FUL	2011 - Scoping Opinion Request - Proposed business park Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.	Granted	26.10.17
18/00003/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.		07.08.18
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core	Granted	30.09.19

19/01525/FUL	electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8	Granted	16.04.20

20/00444/NMA	<p>(Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.</p>	Granted	22.05.20
20/00445/NMA	<p>Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.</p> <p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left</p>	Granted	22.05.20

	out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.		
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Pending Consideration	
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Pending Consideration	
20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00860/ADV	Display of double sided site signage	Pending Decision	
20/00898/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL	Pending Consideration	
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

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

SITE DESCRIPTION

The application site is located along the A131 bypass, to the north of the Great Notley Tesco roundabout adjacent to an area of land allocated for commercial development known locally as 'Horizon 120'. The Adopted Core Strategy allocates the site for employment uses. The Draft Local Plan allocates the site as a business and innovation site. The Council approved a Local Development Order (LDO) for the Horizon 120 site in April 2020. The LDO provides planning permission for specific types of development on the site including B1, B2 and B8 employment uses, a hotel and a central facilities hub in a high quality environment.

PROPOSAL

Advertisement consent is sought for the erection of a double sided signage board. Each side will measure 2.4 metres by 2.4 metres and would be erected 2.6 metres above ground level with associated support framing. The signage would advertise the new Horizon 120 site.

CONSULTATIONS

Highways England

No comments to make.

ECC Highways

The Highway Authority confirmed they have no comments to make on this proposal.

PARISH / TOWN COUNCIL

Great Notley Parish Council

No comments to make on the application.

REPRESENTATIONS

None.

REPORT

ASSESSMENT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

In terms of impact on amenity, Paragraph 132 of the NPPF states “the quality and character of places can suffer when advertisements are poorly sited and designed”. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In terms of impact on amenity Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy RLP107 of the Adopted Local Plan permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a proliferation of advertisements on the building/site, issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas. All advertisements should be designed as an integral part of the host building.

This application follows the approval of the LDO for the Horizon 120 site, and would replace the signage originally granted advertisement consent under application reference 19/00950/ADV. Whilst this signage would be higher than the previously approved signage, Officers consider that this alteration would not impact on the character and appearance of the area any more than that previously approved especially when seen in context with the development

being brought forward on the site. The signage is therefore considered acceptable in terms of visual amenity.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 of the Adopted Local Plan which outlines that public safety, including traffic safety, will be accorded a high priority in decision making. No objections have been received from Highways England or ECC Highways in relation the proposal and it is therefore considered that the proposal would not have a detrimental impact on public safety and as such is considered acceptable in this regard.

CONCLUSION

The proposal is considered to be acceptable in terms of visual amenity and public safety and therefore it is recommended that advertisement consent is granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 6761/1101
Signage Details	Plan Ref: 6761/1301
Section	Plan Ref: 6761/1302

- 1 The adverts hereby granted shall be removed on or before the 02/06/2027.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

- 2 The adverts 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.

INFORMATION TO APPLICANT

1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

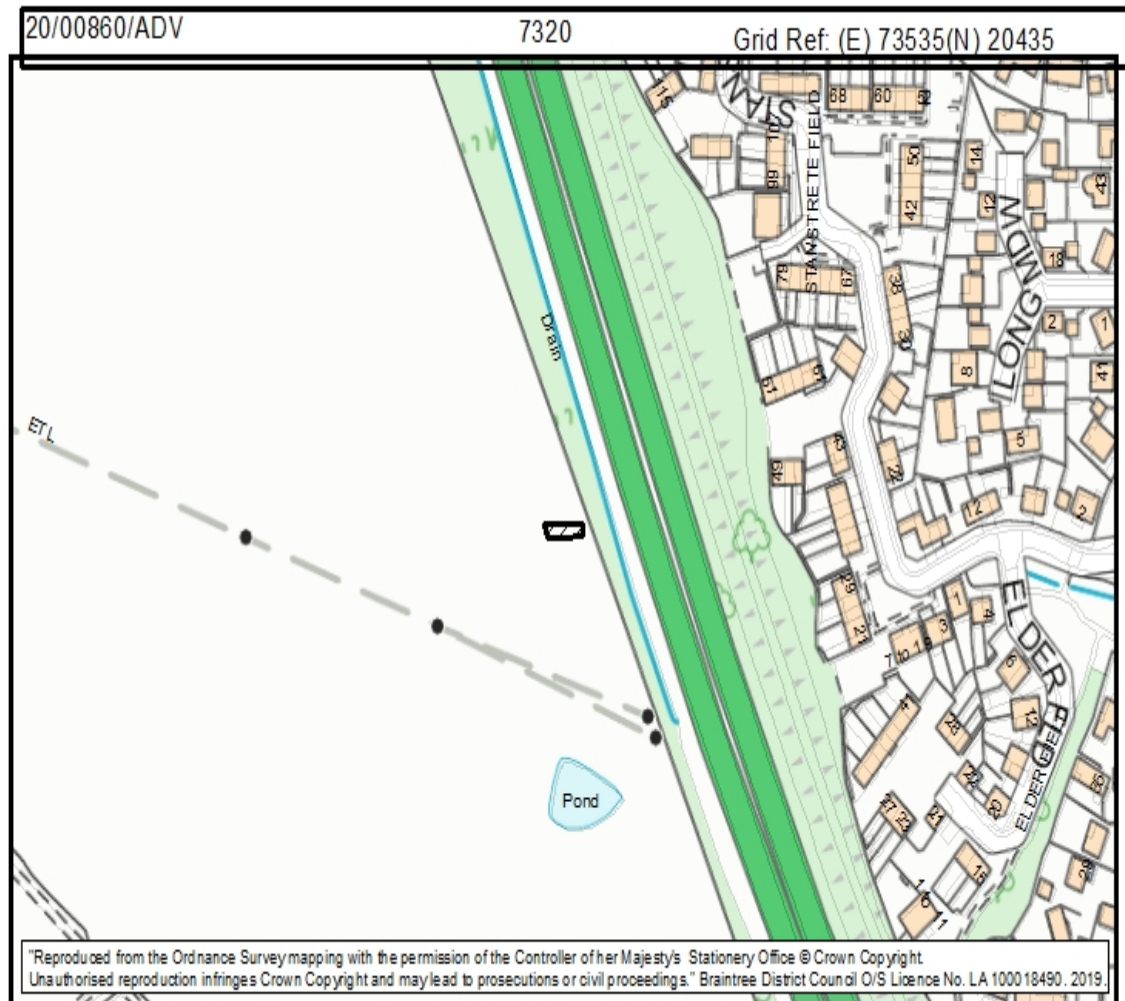
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 20/00860/ADV
DATE VALID: 12.06.20
APPLICANT: Mr David Warburton
22 The Causeway, Bishops Stortford, CM23 2EJ
AGENT: Mr Graeme Roe
Pappus House, First Floor, Office 14, Tollgate West,
Colchester, CO3 8AQ
DESCRIPTION: Display of double sided site signage
LOCATION: Land West of A131 Horizon 120, London Road, Great
Notley, Essex

For more information about this Application please contact:
Fay Fisher on:- 01376 551414 Ext. 2507
or by e-mail to: fay.fisher@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBALBRBF0H500>

SITE HISTORY

89/00641/P	Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development	Granted	12.12.91
97/01430/FUL	Variation of condition 7 of outline planning consent ref P/BTE/641/89 to increase number of dwellings to be commenced on site by 31.12.2000 from 1000 to 1250 and delete phasing restriction at 31.12.2004	Granted with S106 Agreement	20.08.98
12/00003/SCO	Town & Country Planning (Environment Impact Assessment) Regulations 2011 - Request for a formal EIA scoping opinion		13.08.12
15/00015/SCO	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations	Pending Consideration	

17/01235/FUL	<p>2011 - Scoping Opinion Request - Proposed business park</p> <p>Proposed development of an energy storage scheme of up to 10MW capacity, for a temporary period of 30 years from the date of first import/export of electricity from the Grid. Comprising the installation of energy storage containers, inverter stands, DNO substation, customer substation, auxiliary transformer, communication box, general storage container, perimeter fencing, CCTV security monitoring system, lightning protection rods, underground cabling, operation and maintenance access track, landscaping, temporary construction access and associated works and infrastructure.</p>	Granted	26.10.17
18/00003/SCR	<p>Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening Request - Erection of Business Park comprising up to 65,000 sq metres of B1, B2 (light industrial, business and general industrial) and B8 (Storage and Distribution) accommodation, together with C1 Hotel; associated structural landscaping; allotments; and a new access from A131.</p>		07.08.18
19/00632/ADV	Proposed erection of two temporary signage boards.	Withdrawn	30.05.19
19/00950/ADV	Proposed erection of two temporary signage boards	Granted	16.10.19
19/01092/FUL	Proposed development of an Electric Forecourt, comprising of 24 core	Granted	30.09.19

19/01525/FUL	electric vehicle charging points, energy storage, a mix of ancillary dwell facilities, car parking, hard and soft landscaping and access arrangements off the A131, Great Notley. Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works.	Granted	10.02.20
19/01616/FUL	Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL)	Granted	06.12.19
19/01855/DAC	Application for approval of details reserved by conditions 12, 14, 18, 21 and 22 of approval 19/01092/FUL	Granted	28.10.19
20/00132/ADV	9 x internally illuminated fascia signs to exterior of main building, 6 x internally illuminated hanging signs to interior of main building, 2 x internally illuminated totem signs and 14 x non illuminated wayfinder signs.	Refused	30.03.20
19/00001/LDO	Proposed Local Development Order for the creation of a Business and Innovation Park comprising B1(a) (Office); B1(b) (Research and Development); B1(c) Industrial Process; B2 (General Industrial) and B8	Granted	16.04.20

20/00444/NMA	<p>(Storage or Distribution) uses, and within Zone A of the proposed development a C1 (Hotel) (maximum 120 bed spaces); and buildings within the Horizon Hub area where the following uses will be permitted, subject to restrictions on internal floor area: A1 (Shop; maximum 300sq.m); A3 (Restaurant and Café; maximum 100sq.m); D1(a) (Medical or Health Services; maximum 150sq.m.); Early Years Childcare, Day Nursery or Preschool within Use Class D1(b) (maximum 350sq.m); Gymnasium within Use Class D2(e) (maximum 700sq.m.) along with associated structural landscaping and infrastructure.</p>	Granted	22.05.20
20/00445/NMA	<p>Non-Material Amendment to permission 19/01616/FUL granted 06.12.2019 for: Engineering works to re-level the site to provide building plots and the construction of three roads to link into the strategic infrastructure (subject to separate planning application reference 19/01525/FUL). Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.</p> <p>Non-Material Amendment to permission 19/01525/FUL granted 10.02.2020 for: Construction of two access points into the site through a fourth arm from the A131/Cuckoo Way roundabout and a left in/left</p>	Granted	22.05.20

	out junction from the A131. Construction of roads between the two access points within the site and associated drainage, landscape and other engineering works. Amendment would allow: - Change of the timeframe for removal of the dry pond to allow it to be removed whilst the large new pond is being provided.		
20/00473/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01616/FUL	Pending Consideration	
20/00474/DAC	Application for approval of details reserved by conditions 9, 13, 14, 15 & 17 of approved application 19/01525/FUL	Pending Consideration	
20/00548/DAC	Application for approval of details reserved by condition 10 of approved application 19/01616/FUL	Granted	19.06.20
20/00549/DAC	Application for approval of details reserved by condition 10 of approved application 19/01525/FUL	Granted	19.06.20
20/00859/ADV	Display of double sided site signage	Pending Decision	
20/00898/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01616/FUL	Pending Consideration	
20/00901/DAC	Application for approval of details reserved by condition 4 (scheme of landscaping) of approved application 19/01525/FUL	Pending Consideration	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

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

SITE DESCRIPTION

The application site is located along the A131 bypass, approximately 170 metres south of the Great Notley Tesco roundabout adjacent to an area of land allocated for commercial development known locally as 'Horizon 120'. The Adopted Core Strategy allocates the site for employment uses. The Draft Local Plan allocates the site as a business and innovation site. The Council approved a Local Development Order (LDO) for the Horizon 120 site in April 2020. The LDO provides planning permission for specific types of development on the site including B1, B2 and B8 employment uses, a hotel and a central facilities hub in a high quality environment.

PROPOSAL

Advertisement consent is sought for the erection of a double sided signage board. Each side would measure 2.4 metres by 2.4 metres and would be erected 2.6 metres above ground level with associated support framing. The signage would advertise the new Horizon 120 site.

CONSULTATIONS

Highways England

No comments to make.

ECC Highways

The Highway Authority confirmed they have no comments to make on this proposal.

PARISH / TOWN COUNCIL

Great Notley Parish Council

No comments to make on the application.

REPRESENTATIONS

None.

REPORT

ASSESSMENT

Advertisements fall under a separate statutory control from development, the Town and Country Planning (Control of Advertisements) Regulations 2007. In determining applications for express consent the local planning authority may only consider two issues, the interests of amenity and public safety. Amenity refers to the effect upon the visual and aural amenity in the immediate vicinity and public safety refers to the effect on traffic or transport on land, over water or in the air.

Amenity

In terms of impact on amenity, Paragraph 132 of the NPPF states “the quality and character of places can suffer when advertisements are poorly sited and designed”. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In terms of impact on amenity Regulation 3 of Advertising Regulations 2007 under Sub section 3.-(2) (a) states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy RLP107 of the Adopted Local Plan permits outdoor advertisements providing that the advertisement is displayed in close proximity to the activities they are advertising, the area of display of an advertisement should be visually subordinate to the feature of the building on which it is located, there is not a proliferation of advertisements on the building/site, issues of public safety, including traffic safety have been taken into account. Additionally particular importance must be paid to the luminance, design and siting of outdoor advertisements in sensitive locations, such as urban fringes, countryside and residential areas. All advertisements should be designed as an integral part of the host building.

In terms of amenity, it is considered that the proposed signage would not have a detrimental impact on visual amenity in this location particularly when taking into account the designation of the wider site for employment use and the LDO which has been approved for the site. It is therefore considered that the signage can be supported.

Public Safety

The Advertising Regulations 2007 outline that any advertisement should be considered in relation to the safety of a person using a highway. This point is replicated by Policy RLP107 of the Adopted Local Plan which outlines that public safety, including traffic safety, will be accorded a high priority in decision making. No objections have been received from Highways England or ECC Highways in relation the proposal and it is therefore considered that the proposal would not have a detrimental impact on public safety and as such is considered acceptable in this regard.

CONCLUSION

The proposal is considered to be acceptable in terms of visual amenity and public safety and therefore it is recommended that advertisement consent is granted.

RECOMMENDATION

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

APPROVED PLANS

Signage Details	Plan Ref: 6761/1301	
Section	Plan Ref: 6761/1302	
Location Plan	Plan Ref: 6761/1102	Version: A

- 1 The adverts hereby granted shall be removed on or before the 02/06/2027.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

- 2 The adverts 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.

INFORMATION TO APPLICANT

1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the need to comply with the following:

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER