

PLANNING COMMITTEE AGENDA

Tuesday, 16 February 2021 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 2nd February 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	App. No. 20 01305 FUL - Braintree College of Further Education, Church Lane, BRAINTREE	6 - 24
5b	App. No. 20 01343 REM - The Garden Field, land South of Western Road, SILVER END	25 - 51
5c	App. No. 20 01391 FUL - Foley House, 115 High Garrett, BRAINTREE	52 - 80
5d	App. No. 20 01452 FUL - Brambles, Collins Road, LITTLE MAPLESTEAD	81 - 100
5e	App. No. 20 01833 FUL - Cherry Tree Barn, Hall Road, BORLEY	101 - 119

PART B

Minor Planning Applications

5f	App. No. 20 01318 FUL - 11-14 Hickford Hill, BELCHAMP ST PAUL	120 - 130
5g	App. No. 20 01404 HH - 42 Rickstones Road, WITHAM	131 - 136
5h	App. No. 20 01490 HH - 70 Silver Street, SILVER END	137 - 143

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

PRIVATE SESSION

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7 Urgent Business - Private Session

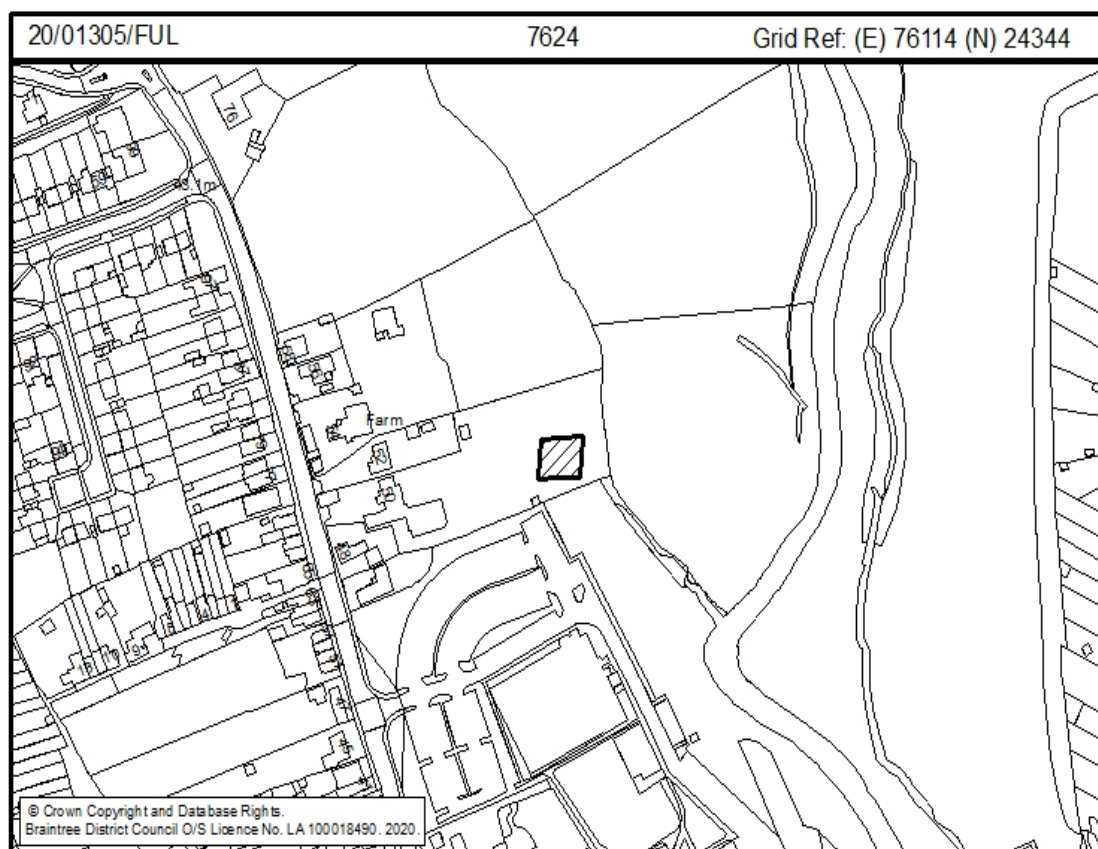
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/01305/FUL DATE: 11.08.20
VALID:
APPLICANT: Mobile Broadband Network Limited
Sixth Floor, Thames Tower, Station Road, Reading, RG1 1LX
AGENT: Waldon Telecom Ltd
Mr Nick Allan, Phoenix House, Pyrford Road, West Byfleet, Surrey KT14 6RA
DESCRIPTION: The installation of a 25.10-metre-high telecommunications lattice tower accommodating 6no antenna apertures, 4no transmission dishes and 9no ground-based equipment cabinets within a secure fenced compound, and ancillary development thereto.
LOCATION: Braintree College Further Education, Church Lane, Braintree, Essex, CM7 5SE

For more information about this Application please contact:
Sam Trafford on:- 01376 551414 Ext. 2520
or by e-mail to: sam.trafford@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEW0TPBF G1200>

SITE HISTORY

02/02225/FUL	Renewal of Application No. 97/00436/FUL - Change of use of land for stationing of 4 Hallam Cabins for a Further 5 years	Granted	07.01.03
76/00151/P	Change of use to showroom	Granted	23.03.76
77/01170/LB	Erection of trade sign	Granted	24.01.78
80/00805/P	Change of use from showroom/warehouse to office.	Granted	22.07.80
82/01205/P	Change of use from office/showroom to showroom/warehouse including wholesale and limited retail outlets for sports, ballet leisure and dance gear.	Granted	06.01.83
76/00209/P	Erection of changing rooms at rear of foundry classroom (CC/1/76)	Deemed Permitted	21.04.76
76/00764/P	Two relocatable classrooms (CC10/76)	Deemed Permitted	24.08.76
81/00995/P	Renewal of temporary permission for provision of two relocatable classrooms. (CC/16/81)	Deemed Permitted	28.10.81
83/00767/P	Provision of four temporary classrooms. (for youth training scheme) (CC/13/83)	Deemed Permitted	
86/01388/P	Continued use of additional teaching accommodation	Deemed Permitted	26.11.86
78/01683/	Proposed provision of 3m high chain link fencing to car park front boundary.	Granted	15.08.79
89/00216/P	Change Of Use To Offices (Architectural Design)	Granted	31.03.89
89/01670/P	Erection Of Extensions And Alterations As Part Of Its Conversion Into A Tertiary College	Deemed Permitted	23.10.89
90/00562/PFBN	Provision Of Two Relocatable Classrooms		02.05.90

90/01803/PFBN	Continued Use Of Four Jack Leg Cabins And Two RI3 Relocatable Classrooms		15.01.91
93/00784/FUL	Erection of double relocatable classroom	Granted	02.08.93
94/00283/FUL	Erection of single storey extension to reception and refectory	Granted	20.05.94
95/00868/TEL	Proposed telecommunications installation on the roof of Braintree College	Permission not Required	22.08.95
95/01427/FUL	Demolition of existing sports hall and temporary classrooms and redevelopment with new sports hall, teaching facilities, offices and ancillaries	Granted	09.04.96
97/00436/FUL	Retention of 4 Hallam cabin classrooms	Granted	13.06.97
98/00486/FUL	Erection of extension to existing music and drama department to form 2 new changing rooms and 1 additional spare/music room	Granted	01.06.98
99/01002/TEL	Installation of replacement cabin - Amendment to application no. 95/868/TEL	Permission not Required	28.07.99
05/02433/FUL	Erection of rear timber canopy to the back of C block	Granted	10.02.06
06/02260/FUL	Provision of 2 no. portacabins to provide additional teaching facilities	Granted	10.04.07
09/00150/FUL	Change of use of land for stationing of 4 no. portacabins - Renewal of expired planning application (02/02225/FUL)	Granted	12.03.09
14/01005/FUL	Retrospective application - conversion to a residential teaching and learning facility.	Part Grant, Part Refused	11.11.14
14/01008/FUL	Natural ventilation upgrade to the existing sports hall fabric.	Granted	17.09.14
15/01377/FUL	Erection of new (STEM) 2 storey teaching	Withdrawn	01.02.16

16/01013/FUL	accommodation block Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. Provision of an external material store to the northern corner of the site	Granted	09.08.16
16/01810/VAR	Application for variation of Condition 2 of approved application 16/01013/FUL (Conversion of existing sport hall to teaching block (STEM Building) including inserting a mezzanine floor. - Amendments include an increase in the size of the substation and alterations to the elevations and site plan including louvre sizes, cycle racks, extension to store and materials store, proposed flue.	Granted	02.12.16
18/00847/FUL	Removal of high level windows, doors and fascias throughout. Installation of new high level windows, full height curtain walling doors and fascias.	Granted	03.07.18
18/01253/FUL	Proposed two-storey STEM (Science Technology Engineering Mathematics) building with associated landscaping including external spaces, car park provision, new gate/barrier, provision of cycle hoops and bin/refuse storage.	Granted	14.11.18
19/00287/VAR	Application for variation of condition 11 following grant of planning permission 18/01253/FUL - to amend the weekday working hours to 0730-1730 hours and to amend Saturday working hours to 0800-1600 hours.	Application Returned	
19/00319/DAC	Application for approval of details reserved by conditions 5 and 9 of approved application	Granted	24.10.19

19/00654/VAR	18/01253/FUL. Application for variation of condition 11 relating to hours of working following grant of planning permission	Granted	19.07.19
19/00676/VAR	18/01253/FUL Application for variation of condition 2 following grant of planning permission	Granted	31.10.19
19/01317/FUL	18/01253/FUL - Alterations to submitted plans to facilitate reduction in building height, change of cladding material, alterations to fenestration, alterations to parking area and relocated and revised capacity of soakaway tank. The installation of a 30 metre high tower supporting 6 no. antennas and 4 no. dishes for EE and H3G and 3 no. antennas and 2 no. dishes for CTIL, and the installation of 8 no. equipment cabinets for EE and H3G and 3 no. cabinets for CTIL, all within a secure compound, and development ancillary thereto.	Refused	07.11.19
19/01743/FUL	Demolition of existing college buildings, structures and facilities and the erection of a 75 bedroom care home and 19 No. age-restricted LifeLong Homes for those 55 years of age and over (and/or those living with, or supporting someone with a disability), alteration to access; supporting site infrastructure including sub-station, visitor parking, hard and soft landscaping, fences, boundary screening and SuDS; new public access to an established open space; widening of	Granted with S106 Agreement	15.10.20

	public footpath along Church Lane to improve pedestrian access.		
20/00006/TEL	Stationing of temporary (Up to 18 months) 30 metre mast	Planning Permission Required	02.03.20
20/00555/FUL	Demolition of block B and extension to hardstanding to form a carpark.	Granted	28.08.20
20/01983/DAC	Application for approval of details reserved by condition 7, 8, 10 and 13 of approved application 19/01743/FUL	Granted	06.01.21

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.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP162	Telecommunications Development

Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements of the Council's new scheme of delegation as it has been called in by an elected Member.

SITE DESCRIPTION

The application site consists a collection of buildings used as part of the Braintree College campus.

The site is situated within the town development boundary of Braintree and Bocking, and adjacent to the designated Conservation Area. The application site is also situated close-by to several listed buildings, two of which are Grade II* Listed.

PROPOSAL

The application seeks full planning permission for the erection of a 25 metre high lattice tower, supporting 6 antennas, 4 dishes, and 9 equipment cabinets, all to be contained within a compound enclosed by a 2 metre high mesh fence, consisting barbed wire atop to prevent unauthorised access, and accessed via 2 metre high double access gate.

The proposed infrastructure would be sited immediately to the rear of the STEM2 College Building.

CONSULTATIONS

Historic Buildings Consultant

Raises an objection to the proposed development, on the grounds that the proposal would give rise to less than substantial harm to nearby heritage assets.

Historic England

No comments to make.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. At the time of writing the report, a total of 5 representations were received, which raise objection to the application on grounds such as the proposed development being out of keeping with the surroundings, being too tall, having an impact on the Conservation Area, health implications of the equipment, and that this location is not suitable for the mast.

REPORT

Background

This application for a mobile telephone mast comes about following information submitted by the applicants which states that they have been served a notice to remove their former telecommunications equipment, atop a 6 storey building formerly part of the Braintree College site. In October 2020, planning permission was given for the redevelopment of the south part of the College site, under Application Reference 19/01743/FUL. This granted permission for the demolition of the former college buildings, and the erection of a care home facility.

With the demolition of the College building imminent, there is a requirement to remove the equipment from the tower building, and to relocate it.

In the interim, two temporary masts have been erected on the site at a height of 30 metres, for a period of up to 18 months from the date they were erected, in order to ensure mobile network coverage is still provided.

In 2019, a planning application (Application Reference 19/01317/FUL) was submitted for a permanent telecommunications mast. This application was for the erection of a 30 metre high mast supporting 12 antennas, 7 dishes, and 8 equipment cabinets, and was proposed to site the tower to the rear of the main Braintree College building.

The application was refused at Planning Committee on the 11 October 2019 for the following reasons:

1. *The proposal, by virtue of its height, size and design, would result in a highly prominent and visually harmful form of development, which would be dominant in views and given its siting would be visible from and in conjunction with the adjacent Conservation Area and listed buildings, situated in a highly sensitive location, being adjacent to the Bocking Conservation Area, and within close proximity to several listed buildings, two of which are Grade II* listed.*

The proposal is considered to be contrary to Policies RLP90, RLP95, RLP100 and RLP162 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, Policies LPP50, LPP55, LPP56 and LPP60 of the Draft Local Plan, and the aims and objectives of the National Planning Policy Framework.

2. *The proposal, by virtue of there being no assessment made against alternative sites for the location of the mast which is not adjacent to a Conservation Area or within the setting of listed buildings, does not justify the need for the mast to be in this sensitive location and at this height.*

The application is therefore considered to be contrary to Policy RLP162 of the Adopted Local Plan.

This application seeks a mast which would be 5 metres lesser in height than the previously proposed mast, with 6 fewer antennas, 3 fewer dishes, and 1 less equipment cabinet. This mast would also be located in a different area of the College site, to the rear of the STEM2 building, which is offset to the entrance to the College site from Church Road.

Principle of Development

The application site is situated within the Town Development Boundary of Braintree and Bocking, where the general principle of the development is acceptable.

Paragraph 116 of the National Planning Policy Framework states that local planning authorities must determine applications for telecommunications equipment on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards.

The National Planning Policy Framework, at Paragraph 112, recognises that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”

However at Paragraph 113, it also recognises that:

“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate”.

Policy RLP162 of the Adopted Local Plan relates to the installation of telecommunications equipment and provides a policy base for how such equipment should be assessed. The policy states that operators should seek to share masts in the first instance in favour of building a new mast. If it can be justified that this isn't possible, then the mast's siting, design, height and any screening should keep environmental and amenity impacts to a minimum; new masts and other installations should be sited and designed to harmonise with any existing structures on the site, especially their height and profile; measures should be taken to reduce the proliferation of structures, including

mast sharing and additional underground or other infrastructure works, are not practicable; and new equipment should preserve or enhance the setting of Conservation Areas and Listed Buildings, and should not conflict with the setting of the landscape.

There is policy support for the proposed development in terms of principle. Other material planning considerations, including the proposal's compliance with the detailed criteria of the aforementioned policies, are assessed below.

Consideration of Alternative Sites

When the previous application was determined, there was no assessment made which considered alternative sites and therefore there was a clear conflict with Policy RLP162 of the Adopted Local Plan.

In order to overcome this element for the reason for refusal, an assessment has now been carried out. It is understood that in order to provide a full coverage, the mast needs to be situated in this locality. The submitted assessment discusses the suitability of 4 sites in close proximity which the applicants have identified as being physically able to accommodate the proposed telecommunications equipment.

These sites include the Braintree and Bocking Recreation Ground, Dorewoods Hall Farm, Land off Tenter Close, and Various locations at Bradford Street.

The potential site at Braintree and Bocking Recreation Ground was found to be unsuitable, due to the applicants' Radio Planner finding that the level of coverage achieved from there would not replicate the existing coverage footprint, due to the distance between the two sites. If the mast were to be installed at the Recreation Ground, a second ground-based mast would be required to the north to fill in any coverage gaps. This would result in one extra mast, which would not accord with the National Planning Policy Framework, and would also result in the use of an additional telecommunications mast. Therefore this option was deemed to be unsuitable.

The site at Dorewoods Hall Farm, which is approximately 1km to the north of the College site, was similarly found to be unsuitable due to the distance from the present mast, and the gaps in network coverage that it would create, which would then need to be filled by additional masts. Therefore this option was deemed to be unsuitable.

A site at Land off Tenter Close was identified as being suitable, which was previously a greenfield plot to the rear of Church Street. However, this site was granted planning permission for residential development (Application Reference 18/01917/FUL), which it is understood is now under construction. Although a mast could still physically fit onto the site, that location would be more prominent and closer to residential dwellings. Therefore this option was deemed to be unsuitable.

It is understood that Bradford Street was explored as a potential location for a smaller, 20 metre tall, mast. However, the applicants note that Bradford Street is within the Conversation Area, and also contains many Listed Buildings. The applicants concluded that Bradford Street is a less suitable location than the College site.

Having considered each of the sites, and the reasons given for discounting the alternative sites, Officers are satisfied that the assessments for dismissing alternative sites which have been identified as being suitable is robust, and Officers are satisfied with the reasons given. It is therefore considered that this element of the reason for refusing the previous planning application made for the replacement mast has been overcome, and the proposal complies with Policy RLP162 in this respect.

Siting, Design, Appearance and Layout

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. 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.

RLP162 also requires that where it can be justified that a new mast is required, then the mast's siting, design, height and any screening should keep environmental and amenity impacts to a minimum; new masts and other installations should be sited and designed to harmonise with any existing structures on the site, especially their height and profile; measures should be taken to reduce the proliferation of structures, including mast sharing and additional underground or other infrastructure works, are not practicable; and new equipment should preserve or enhance the setting of Conservation Areas and Listed Buildings, and should not conflict with the setting of the landscape.

The proposed mast's impacts upon the setting of the Conservation Area and nearby Listed Buildings are assessed below.

It is stated that the proposed mast would provide coverage for a number of mobile operators, reducing the need for multiple masts. This is a factor which weighs in favour of the proposed development.

The proposed mast in this case would be set behind STEM2 building; a recently built facility set to the rear/side of the College site, with a maximum height of approximately 6 metres from ground level. Behind the building there is a collection of trees, beyond which is the wider countryside/landscape toward Broad Road.

The proposed mast would measure 25 metres in height, and be set on a lower ground level than that of the STEM2 building, according to the site elevation plan. Approximately 19 metres of the mast would be visible above the STEM2 building, and would be viewed in conjunction with the trees to the rear of the site. The enclosure area, including the space where the cabinets would be located, would not be visible in the street scene.

Inevitably, once inside the site, views toward the STEM2 building would include the proposed replacement mast, and it is imagined that the mast would be highly visible in these views.

However, views of the mast would not be as prominent from the street scene as those previously assessed, and subsequently refused, in the application made in 2019. This is due to the STEM2 building being somewhat offset from the entrance to the College site.

Although the mast would not be visible directly from the street scene in Broad Road, it likely would be visible in some views across the landscape between Broad Road and Braintree College, where there are public rights of way. The impacts of the mast being in these views would result in harm to the character and appearance of the countryside, however this is somewhat limited by the trees at the College site which would screen some of the mast, and also that the mast would be viewed in conjunction with the edge of Braintree and Bocking, alongside built up development. It is not considered that the mast would have an unacceptable impact to the character and appearance of the countryside which would warrant withholding planning permission on these grounds.

Furthermore it was acknowledged during the assessment of the previous application that *“an alternative design for a mast of a reduced height and bulk may be more acceptable on this site”*. The applicants have taken on board that the previously proposed mast was considered overly large in terms of its height and proliferation of paraphernalia attached to the mast, with this proposed mast being reduced in terms of height by 5 metres, and the number of antennas and dishes attached to the mast also being reduced which in turn reduces its visual bulk and presence.

Although it would remain that the mast itself would not be attractive, such infrastructure is designed to be fit for purpose. Being a lattice tower of 25 metres in height, with 6 antennas and 4 dishes affixed to it, it is acknowledged that there would be a lesser degree of harm to the character and appearance of the street scene than that previously identified, which will need to be considered in the planning balance.

In this regard, Officers consider that the application does comply with the requirements set out in Policy RLP162, excluding impact to the Conservation Area and Listed buildings, which will be discussed below.

Heritage Issues

The application site is situated outside of but close to the Bocking Conservation Area and within close proximity to several Grade II listed buildings and two Grade II* listed buildings.

Paragraph 189 of the National Planning Policy Framework states that in order to ascertain a level of harm to a designated heritage asset, the applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

When the previous application was made, no heritage statement had been submitted. Without this information, it was not possible to ascertain a level of harm to the significance of the nearby heritage assets and therefore the application was refused on this basis.

A heritage statement has been submitted with this application, and both Historic England and the Council's Historic Buildings Consultant were consulted in order to ascertain harm caused to the character and appearance of the Bradford Street Conservation Area and the setting of the nearby Listed Buildings. Historic England did not wish to make any comments on the proposal.

The Historic Buildings Consultant noted that the proposed mast would 'inevitably have a detrimental impact on the setting of numerous designated heritage assets, including Grade II* and Grade II Listed buildings and the Braintree Bradford Street Conservation Area', and that it is 'incompatible with the distinctive historic character of the area and would result in an unacceptable level of less than substantial harm to the significance of numerous designated heritage assets, due to its impact on their setting'. In their response, the Historic Buildings Consultant concludes that any proposal for a telecommunications mast in this location would result in a less than substantial harm to the character and appearance of the Conservation Area, and to the setting of the Listed buildings. They consider this harm to be at the 'lower end of less than substantial'. They also consider that the proposed siting of the mast within this application is the most appropriate location for the mast on this site, given it is furthest away from the Conservation Area, and less visible in the setting of nearby Listed Buildings than other locations on the site would be.

Although not stated in their response, it is considered that as the mast would be lower in terms of its height, and less bulky due to the reduced number of antennas and dishes than was previously refused, the level of harm has been reduced compared to the previous proposal. Furthermore, although the mast would still be seen in views from within and outside the Conservation Area

and in the setting of the nearby listed buildings, given that the revised location for the mast would be approximately 40 metres to the north than the previously proposed mast, there would be a lesser amount of harm caused to the character and appearance of the Conservation Area and to the setting of the Listed buildings.

Paragraph 196 of the National Planning Policy Framework sets out that when a less than substantial harm is identified, the harm should be balanced against public benefits brought about by the proposal.

In this case, there would be public benefits brought about through the proposed development by way of the provision of a permanent and reliable mobile network infrastructure, which would provide a continued coverage to users of the network in the local area.

This position is being commonly reflected in recent appeal decisions for similar telecommunications masts, where harm to heritage assets has been identified.

The applicants have put together a selection of examples of recent appeal decisions, which include ref. APP/L1765/W/18/3197522, for the erection of a 17.5m high monopole in Winchester City Centre, which was allowed at appeal with the Inspector attaching:

“Significant weight to the public benefit arising from the continuation of local service provision.....Having regard to all relevant considerations.. my findings are that the proposal’s public benefit in maintaining and enhancing local telecommunication coverage and capacity would outweigh the limited harm arising to the character and appearance of the area”.

Appeal ref. APP/P4605/W/19/3241791, for the erection of a 20 metre monopole in Birmingham, was allowed at appeal with the Inspector concluding:

“The proposed upgrade would contribute to delivering a modern, advanced, high quality and reliable communications infrastructure... It follows that the upgraded mast would support economic growth and the local community by enabling fast and reliable communication to take place, for example by helping people gain employment, access services, support their health and well-being, whilst also assisting new technologies.

In this case, the proposed development would result in harm to the visual amenity of the area, with particular regard to the proposal’s scale and siting... However, I conclude that this harm would, on balance, be outweighed by the economic and social benefits that would stem from the proposed upgrade which would not be realised whilst reducing the height of the mast”.

In addition, Officers acknowledge that due to the current coronavirus pandemic, public and business reliance on mobile networks is at an unprecedented level, and a reliable network infrastructure has become more fundamental than ever before. There is presently no indication of either if, or when, reliance on mobile networks may return to some sort of normality. It may be that working remotely from offices is likely to be continuous, and not return to pre-pandemic working patterns.

Holding virtual meetings and keeping in touch with friends and family using phone calls, video-calls and social networks are actively encouraged by the Government.

Presently local network coverage for EE and Three mobile networks is provided by a temporary installation which have been deployed to ensure that connectivity is continuous and no coverage gaps are created, at this time of exceptional need. This temporary installation can only be in place for a specific amount of time, up to 18 months. Once this time expires, the temporary installation must be removed, and theoretically the area would be left without network coverage. Therefore, the continued operation of a permanent and reliable network infrastructure is considered a public benefit.

It is noted that the need for a new mast comes about due to the imminent demolition of the 6 storey tower block on the College site, upon which formerly there was telecommunications equipment. This building is not an attractive building, being the tallest building in the vicinity and of poor design and materials. Its removal would result in benefits to the character and appearance of the area. Since the determination of the previous application, planning permission has been granted for the redevelopment of this section of the College site with residential dwellings and a care home, and therefore it is highly likely that this building will be demolished.

However it should be noted that this application does not propose the demolition of the existing tower building; rather the application is only for the erection of a 25 metre mast and associated equipment. Therefore, although it is acknowledged that the removal of the tower will result in marked improvements to the visual amenity of the locality, and in turn to the character and appearance of the Conservation Area and the setting of nearby Listed buildings, it is not considered to be a benefit which would be delivered as a direct result of these proposals and therefore cannot be attributed weight in the overall planning balance.

To conclude in relation to heritage, although the Historic Buildings Consultant has retained their objection to the proposal in respect of impacts to the Conservation Area and Listed Buildings, Officers consider there would be a lesser degree of harm caused to the setting of the heritage assets than previously assessed in the 2019 planning application.

This harm must be balanced with public benefits arising from the proposed scheme. As identified above, there are public benefits, arising, by way of the need for mobile network infrastructure in the area and in part due to the

different set of circumstances that users of mobile networks now find themselves in, whereby there is a far heavier reliance on a reliable network than there was when the previous application was assessed.

Officers consider that these public benefits do outweigh the harm caused to the setting of the heritage assets, and therefore the application can be accepted according to Paragraph 189 of the National Planning Policy Framework.

Impact on Neighbour Amenities

Policy RLP90 of the Adopted Local Plan and LPP50 of the Draft Local Plan state that new development should not result in unacceptable impacts on the residential amenities of neighbouring dwellings. The National Planning Policy Framework seeks to ensure a high quality standard of amenity for existing and future occupiers of residential dwellings.

The proposed mast, at 25 metres high, would not be visually pleasing and it is understood that it would interrupt some views for neighbours; however it should be noted that loss of an attractive view, whilst not preferable for residential occupiers of nearby houses, is not a material planning consideration and therefore no weight shall be given to this when considering the planning balance.

Furthermore, it is noted that the Council's Environmental Health have raised no objection to the application on grounds of environmental health. The application is supported by a certificate which confirms the equipment would full satisfy the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

Officers are satisfied that the application is acceptable in terms of impacts on neighbouring residential amenities.

Highway Issues

There are no highway matters arising from this proposal.

PLANNING BALANCE AND CONCLUSION

The proposals seek full planning permission for a 25 metre high lattice work tower, with 6 antennas and 4 dishes affixed to it, adjacent to 9 equipment cabinet boxes, contained within a compound of 2m high fencing. The need for the new telecommunications mast is to replace existing telecommunications equipment fixed atop of an existing building, which is to be demolished following the grant of planning permission for the redevelopment of the site.

The proposed mast, although not attractive, is designed to be fit for purpose. The need for the infrastructure has been identified in this particular location, and in contrast to the recently refused scheme, this mast has been reduced in terms of its height and proliferation with paraphernalia, as well as being

relocated to a more discreet location on the site, further away from the Conservation Area and other heritage assets.

It is considered in this case, that the proposal would give rise to less than substantial harm to the identified heritage assets, namely to the setting of nearby listed buildings and to the character and appearance of the Conservation Area, although the level of harm has been identified at the lower end of 'less than substantial harm'. However, taking into account the public benefits arising from the proposal, it is considered that the harms arising would not significantly or demonstrably outweigh the benefits. Consequently, it is therefore recommended that planning permission is granted for the proposal.

RECOMMENDATION

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

APPROVED PLANS

Existing Elevations	Plan Ref: 1514876_BRA_76478_CM0744_M005
Existing Site Plan	Plan Ref:
1514876_BRA101_76478_CM0744_M005	
Proposed Elevations	PlanRef: 151876_BRA101_76478_CM0744_M005
Proposed Site Plan	Plan Ref: 151876_BRA101_76478_CM0744_M005
Location Plan	Plan Ref: 151876_BRA101_76478_CM0744_M005

- 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 When the telecommunications apparatus and equipment hereby approved becomes redundant, disused or otherwise no longer operational, the telecommunications apparatus and equipment shall be fully removed from the site and the site restored to its previous condition.

Reason

In order to prevent the existence of an unused telecommunications mast.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

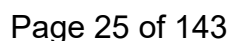
Reason

In the interests of residential amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

For more information about this Application please contact:
Andrew Martin on:- 01376 551414 Ext. 2591
or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QF7R5WBF G5600>

SITE HISTORY

18/00442/OUT	Outline planning application with all matters reserved except access, seeking new residential development of up to 45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and associated development	Granted with S106 Agreement	30.09.19
19/02095/VAR	Variation of Condition 2 (Approved Plans) of permission 18/00442/OUT granted 30.09.2019 for: Outline planning application with all matters reserved except access, seeking new residential development of up to 45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and associated development. Variation of condition would allow for: - Re-positioned access point.	Granted with S106 Agreement	20.07.20
20/01834/DAC	Application for approval of details reserved by condition 3, 5 and 13 of approval 18/00442/OUT varied by approval 19/02095/VAR	Granted	14.12.20
20/00007/PPA	Reserved Matters application for the approval of appearance, landscaping, layout and scale of the outline approval comprising	Pending Consideration	

	45 new dwellings together with associated off-street car parking, garden amenity space, new access from Western Road, public open space incorporating equipped area of play, and associated development as approved by 19/02095/VAR.	
21/00280/DAC	Application for approval of details as reserved by conditions 4, 5 (in part), 6, 9, 10 and 12 of approved applications 19/02095/VAR and 18/00442/OUT	Pending Consideration

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP52	Public Transport
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments
RLP163	Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
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
SP3	Meeting Housing Needs

SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Design Guide (2005)

Essex Parking Standards - Design and Good Practice (2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as the application is considered to be of significant public interest. The Parish Council have also objected to the planning application contrary to the Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is a 2.59 hectare parcel of land, on the south-side of Western Road, which abuts the south-east boundary of the Silver End Village Envelope. To the north of the site, on the opposite side of Western Road,

Redrow are building out a large residential development of 350 new homes, in accordance with the outline planning permission granted by the Planning Inspectorate at appeal, (Application Reference 15/00280/FUL), and the subsequently approved reserved matters, (Application Reference 18/01751/REM). To the east of the site is a former gravel pit, now in use as a fishing pond, and to the south of the site is Public Footpath 67, with open countryside and a flood plain beyond.

The site has a relatively narrow frontage onto Western Road, however, not too far to the south of the Western Road frontage, the site subsequently opens up into a wider, more rectangular area which wraps behind the rear of existing properties within Western Road to the north and Western Close to the west.

The characteristics of the site are fairly typical of an open field located within the countryside on the edge of a village, comprising of rough grassland, with trees and vegetation defining its boundaries. A number of the trees situated within the site boundary are of amenity value, including a large Oak tree, part of a group of four Oak trees subject to a Tree Preservation Order, under reference 10/2019/TPO, towards the north-east corner of the site, along the frontage with Western Road.

The site has a relatively level topography, with only very slight gradient present, resulting in a very modest fall of 2 metres from the highest point in the west to the lowest point in the east.

PROPOSAL

This application seeks approval for the details of all the reserved matters, which are layout, appearance, scale and landscaping, for a residential development of 45 dwellings, with associated public open space and equipped area of play, access, and infrastructure, pursuant to the grant of outline planning permission under application reference 18/00442/OUT which was subsequent varied by application reference 19/02095/VAR on the 20th July 2020.

Application reference 19/02095/VAR varied the access arrangement previously approved under planning application reference 18/00442/OUT, with the purpose being to better accommodate larger vehicle movements, specifically refuse collection vehicles, in light of the Redrow site access and also the new road alignment and traffic island to be introduced in association with that same development.

There were no conditions attached to the outline permission requiring the development of the site in accordance with a parameter plan or indicative layout. The only drawings approved under application reference 19/02095/VAR related to the access details and the site location plan.

The proposed development would consist entirely of two-storey, semi-detached and detached dwellings, ranging in size from two-bedrooms to five-bedrooms. The design rationale underpinning the proposed development is

one of uniformity and simplicity, punctuated by limited instances of variation in strategic locations, to create vistas of interest. This approach is inspired by the prevailing character, appearance, and local distinctiveness of Silver End, primarily in relation to the original Garden Village element of it which is defined by simple, repeated designs, embellished by high-quality materials, architectural detailing, and tree-lined streets.

Some details have been submitted with the application which do not relate to the approval of the reserved matters, but instead relate to other conditions attached to the outline planning permission, namely the detailed drainage strategy (Conditions 9 and 10), a biodiversity enhancement strategy (Condition 4), and a lighting scheme (Condition 15). Whilst the Lead Local Flood Authority and the Council's Ecologist have raised no objections to the documentation submitted pursuant to Conditions 4, 9 and 10, these details do not relate to the reserved matters and are not included within the description of development and therefore they are to be subjects of consideration under a separate discharge of conditions application(s). Likewise, despite the Council's Ecologist requesting additional information in respect of the lighting scheme, the details submitted pursuant to Condition 15 are not recommended for approval under this reserved matters application and will also be subject of consideration under a separate discharge of conditions application.

The scheme before Members has been subject to extensive pre-application and post-submission discussions between Officers and the Applicant, Croudace Homes, with the proposed development having evolved significantly during the course of the application to address a number of concerns raised by Officers and consultees. These concerns, which related to design, residential amenity, highways, and landscaping, have all since been overcome and Officers consider that the significantly improved development proposed would represent a high-quality scheme that is sympathetic to the local distinctiveness of Silver End. This progress has been aided by the willingness of the Applicant to work positively with Officers.

In addition to the usual site layout and elevational drawings, the application is also accompanied by the following suite of documents:

- Planning Statement
- Pattern Book
- Design and Access Statement
- Street Scenes
- Affordable Housing Statement
- Affordable Housing Plan
- Highways Layout
- Landscape Strategy Plan
- Soft Landscape Strategy
- Landscape Management Plan
- Landscape Specification for Planting Works
- Landscape Specification for Ground Works
- LEAP Detailed Plan

- Arboricultural Impact Assessment
- Refuse Tracking Strategy Plan
- Fire Appliance Tracking Strategy Plan
- Surface Materials Plan
- Parking Strategy Plan
- Enclosures Plan
- Lighting and Street Furniture Plan
- Materials Plan
- Parameters Plan
- NDSS and Part M Category 2 Plan
- Biodiversity Method Statement
- Biodiversity Enhancement Strategy
- Community Engagement Statement
- Renewable Energy and Conservation Statement
- Drainage Strategy SUDS Maintenance and Management Plan

As aforementioned, the submitted documents referred to above in relation to the drainage strategy, biodiversity enhancement strategy, and the lighting scheme are not recommended for approval under this application for reserved matters, instead they are to be considered under a separate application(s) for the discharge of Conditions 4, 9, 10 and 15 of application 19/02095/VAR.

Furthermore, the biodiversity method statement submitted, which relates to Condition 3 of the outline planning permission, has already been approved under application 20/01834/DAC, in order to enable the archaeological investigation to commence in accordance with the wording of Condition 5, which was also part-discharged under the same application.

SUMMARY OF CONSULTATION RESPONSES

Two consultations have been completed during the course of the planning application, with the second round of consultation following the receipt of revised drawings and documentation. The revised drawings and documentation were submitted to address various concerns raised by Officers and consultees.

Consultation responses received during the course of the planning application are summarised below.

Anglian Water

No comments to provide, given the submitted surface water drainage strategy does not relate to an Anglian Water owned asset. Recommended that the Council seeks the advice of the Lead Local Flood Authority or the Internal Drainage Board. Lastly, noted that the Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

BDC Ecology

Satisfied with the submitted Biodiversity Method Statement, Biodiversity Enhancement Strategy, and the proposed planting.

Advised that sufficient information has been submitted to enable the Local Planning Authority to demonstrate compliance with its statutory duties, including its biodiversity duty under s. 40 of the NERC Act 2006. It has also been advised that sufficient information has been provided to enable the Local Planning Authority to demonstrate that biodiversity net gains have been secured.

Notwithstanding the above, the Council's Ecologist noted that the 'Lighting and Street Furniture Plan' does not meet the requirements of condition 15 of the outline planning permission.

BDC Housing

Supportive of the application because it provides opportunity for a significant number of new affordable homes to be delivered which will compliment local existing stock and assist the Council in addressing housing need.

BDC Landscape Service

Noted that there are 4 Oak trees subject to a group Tree Preservation Order, reference 10/2019/TPO, to the east of the site access. The Landscape Officer highlighted that they would prefer a more sympathetic treatment to the landscape of the road frontage using native planting, such as Field Maple or Lime, instead of Turkish Hazel.

The Landscape Officer also highlighted that the Landscape Strategy includes the retention of a number of trees within private gardens, something which they consider to be an impractical assessment of the impact on the layout and the expectations of future occupants, particularly in the situations where the existing trees are in proximity to the dwellings, such as around the plots on the northern boundary.

Due to the loss of tree coverage along the western and northern boundaries of the site, the Landscape Officer would prefer to see mitigation by way of a stronger framework of tree planting, using native species that reflect local landscape character, within the public open space along the southern boundary of the site, including the SUDs and the LEAP, where there is scope for using high forest trees, such as Oak, Hornbeam, and Lime, inter-planted with medium sized trees, such as Field Maple and Hawthorn.

No objections raised to the landscape proposals for the street scenes or the Tree Protection Plan details.

BDC Waste Services

No objections raised, but noted that the private and shared driveways will need to be constructed to the same standard as the adopted highway. Where waste operatives are required to access private driveways, the Council requires assurances that it will not be held accountable for damage claims.

Essex Fire and Rescue

No objections raised.

Essex Police

No concerns raised in relation to the proposed layout. Would require finer details, such as proposed lighting and physical security measures, in order to comment further. Opportunity to assist the Applicant in achieving a Secured by Design award would be welcomed.

Historic Buildings Consultant

Due to the separation distance between the application site and the nearest identified designated heritage assets, namely Bowers Hall and the Silver End Conservation Area, the Council's Historic Buildings Consultant has raised no objection to the application. Comments also received noting that the proposed development would not relate well to the character and appearance of Silver End.

Lead Local Flood Authority (ECC SUDS)

Having reviewed the Flood Risk Assessment and the associated documents which accompany the planning application, the LLFA raised no objections to the application.

Natural England

No objections raised.

PARISH / TOWN COUNCIL

Silver End Parish Council

Objects to the application. A summary of the main issues raised in their two consultation responses are set out below.

First response, received September 2020:

- Queried access provision for properties that currently have rear gates accessed from within the site.

- Noted that Refuse Tracking Strategy Plan shows the refuse vehicles approaching from the east, rather than the west, contrary to the plan approved as part of application 19/02095/VAR.

Second response, received December 2020:

- Refuse Tracking Strategy Plan and the Fire Appliance Tracking Strategy Plan highlight that the road network proposed is too narrow, on the basis that if a car was to park on-street it would jeopardise access.
- A shame that the Applicant is only seeking to meet current building regulations in respect of sustainable construction and energy.
- Queried why three of the plots are not indicated as being provided with photovoltaic panels.
- Condition 7 of the outline planning permission requires the upgrade of a pair of bus stops which best serve the development, all details to be agreed with the Local Planning Authority, but the same bus stops were conditioned to be upgraded prior to first-occupation as part of the Gladman appeal decision. The bus stops have yet to be upgraded and clarity is sought on who is to upgrade them and what will become of the money secured from the developer who does not upgrade them.
- Requested that some of the children's play equipment be suitable for children with disabilities.

REPRESENTATIONS

The application was publicised by way of an advertisement in the Braintree & Witham Times. Three site notices were displayed on or adjacent to the application site and neighbour notification letters were sent to properties immediately adjacent to the site.

No letters of representation have been received.

REPORT

Principle of Development

Central to the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. This is reflected in Policy SP1 of the Draft Local Plan.

The application site is located outside of the designated village envelope of Silver End, as detailed in the adopted Development Plan, however, the principle of development has already been firmly established by the Council through the grant of outline planning permission under application reference 18/00442/OUT for the construction of up to 45 dwellings, including access, in September 2019. This outline planning permission was subsequently varied in July 2020 under application reference 19/02095/VAR.

Condition 1 of the outline planning permission, application reference 19/02095/VAR, specifies that an application for approval of the reserved matters shall be made to the Local Planning Authority not later than the 31st March 2021. The Applicant has complied with the condition by submitting this application, which seeks approval solely for the outstanding reserved matters of layout, appearance, scale and landscaping, before the specified date. Consequently, the principle of residential development on this site, including the site access, is firmly established and cannot be revisited under this application.

Design, Layout, Appearance, Scale, and Landscaping

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

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments function well and add to the overall quality of the area. To achieve this developments must be visually attractive as a result of good architecture, layout, and effective landscaping. Moreover, developments must establish 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.

The above principles have more recently been elaborated upon within the National Design Guide (NDG) with a shift in emphasis towards the promotion of beauty. Paragraph 1 of the NDG explains that well-designed places influence the quality of our experiences as occupants or users but also as passers-by and visitors. Paragraph 4 of the NDG establishes that the long-standing, fundamental principles of good design are that it is; fit for purpose; durable; and brings delight.

Policy CS9 of the Adopted Core Strategy, Policies RLP3, RLP10, and RLP90 of the Adopted Local Plan, and Policies LPP37, LPP50 and LPP55 of the Draft Local Plan, all reflect the NPPF and NDG by seeking the highest possible standards of design, layout and landscaping in all new developments, including the need for the overall design of buildings to reflect or enhance the area’s local distinctiveness.

Before moving onto the detailed assessment and consideration of the reserved matters, it is noteworthy that the design of the proposed development has been subject to extensive discussions between Officers and the Applicant, with the Applicant having taken a very positive approach to addressing the concerns raised by Officers at the pre-application stage and during the course of the current planning application. Notable changes made since the application was submitted include:

- Substitution of a large number of house types to increase compliance with the Nationally Described Space Standards (NDSS) from 70% to 100%.
- Revisions to the highways layout, such as the incorporation of additional traffic calming measures, and the re-arrangement of Plots 1 and 2 so that their private driveways are set further into the site, away from the approved site access.
- Significant changes to the appearance of the house types proposed, so that the entire site has a uniform character which responds positively to local vernacular and character.
- Simplified palette of materials for the external finishes and surfaces across the site.
- Inclusion of architectural features and details that enhance the external appearance of the house types, such as chimneys and decorative brickwork.
- Increase in use of brick walls as a boundary treatment for the dwellings where their boundaries would address the public realm.
- Revisions to the soft landscaping strategy, in order to address comments made by the Council's Landscape Officer, as well as to increase the amount of hedge planting proposed throughout the street scenes at the request of Officers.

The above list is by no means exhaustive, but it does go some way to highlighting the positive approach taken by the Applicant, primarily their commitment to working with Officers to address concerns and produce a high-quality development. What follows is a more detailed discussion of the reserved matters under their respective headings of layout, appearance, scale and landscaping.

Layout

The proposed layout seeks to arrange 45 dwellings in a broadly rectilinear manner, with a central spine road branching off into cul-de-sacs and private driveways of various sizes, with public open space, including a Local Equipped Area of Play (LEAP), concentrated towards the southern boundary of the site. The area to be made available as public open space measures 0.451 hectares, excluding drainage features, in accordance with the S.106 agreement engrossed as part of the outline planning permission. Footpaths are incorporated into the public open space and provide multiple points of connection to Public Footpath 67. Permeability throughout the site is to a good standard and there is a logical highway hierarchy, demarked by road widths and surface treatments, with a number of raised tables proposed as traffic calming measures in order to keep speeds down and provide a safer environment for pedestrians and cyclists.

An existing access route to the rear of properties within Western Road and Western Close, situated along the northern and eastern boundaries of the site, to the rear of Plots 28 to 45, has been factored into the layout with lockable keypad gates to be provided at entrance points, so that the pathway is secure and accessible only to intended users. The arrangement was

originally proposed with the existing access route simply open to members of the general public, however, following concerns raised by Officers, in respect of security and the potential for anti-social behaviour, the Applicant has incorporated the lockable gates as requested.

The arrangement of dwellings would be organised to ensure that sufficient separation distances and orientations are provided in accordance with the standards set out in the Essex Design Guide. The vast majority of the dwellings have rear gardens that meet or exceed the minimum standards set out in the Essex Design Guide, however, two of the three-bedroom, affordable housing units do not quite meet the 100sqm standard. The two dwellings which fall short of the standard, at Plots 6 and 11, have a deficit of approximately 10% each and are situated on relatively constrained corner plots that occupy prominent positions within the layout, due to the curvature of the spine road and their situation at the entrance of a small cul-de-sac. There is an acknowledgement within the Essex Design Guide that where the majority of houses comply with the minimum garden size standards 'there may be some houses which, due to their situation in the layout, cannot be provided with a private garden to the required standard'.

The Essex Design Guide goes on to state that such shortfalls in garden size may transpire in situations where dwellings turn corners or are required for townscape reasons, before explaining that 'if the standard were strictly adhered to there would be gaps in these positions, and the whole street scene would be the poorer for their lack'. Therefore, taking into account that two dwellings would only represent a very small proportion of the overall development, in addition to the fact that they would occupy corner plots that serve an important townscape purpose, and also recognising that they would remain functional in size and shape for the enjoyment of future occupants, it is not considered that the degree of their garden size shortfalls would be so harmful in this instance to warrant them unacceptable.

Further to the above, a condition is recommended removing the permitted development rights for the 45 dwellings to be delivered, in order to ensure that they cannot be extended or altered without further consideration by the Local Planning Authority in the interests of residential and visual amenity.

The affordable housing is proposed in two clusters, with six affordable dwellings situated towards the north-east corner of the site, and the remaining seven affordable dwellings provided towards the north-west corner of the site. Each cluster would contain a mix of dwellings available for affordable rent and shared ownership. Clustering the affordable housing into groups is not uncommon, with the Council's Housing Enabling Officer having raised no objection to the configuration proposed. As such, Officers are satisfied that the affordable housing would be suitably integrated into the proposed development and also provided in a tenure blind manner.

Appearance

The appearance of the dwellings has been the subject of much discussion between the Applicant and Officers. Initially, multiple character areas were proposed across the site with a large amount of variation sought in terms of material finishes, architectural detailing, and form. This approach was not considered to be sympathetic to the prevailing character and appearance of Silver End, a historic settlement which was largely developed in the early 20th Century, when it expanded under the direction of Francis Henry Crittall to become a Garden Village influenced by the Garden City Movement and the 'Modern Movement' in architecture.

Positive, unifying characteristics present throughout the historic core of Silver End include the use of simple, repeated dwelling designs, predominantly utilising flat and hipped roof forms, coupled with a simple palette of high-quality materials, and the inclusion of architectural features such as chimneys, decorative brickwork, and flat-roof porches and canopies. There is also a strong landscaping approach with tree lined streets and hedge planting to the front of properties. Following positive engagement with the Applicant, the proposed development has been revised to reflect many of these traits of local distinctiveness, by creating a single character area across the site, which is defined by two-storey dwellings with predominantly hipped roof forms, punctuated by limited instances of gable-ends and pitched roofs, and a simplified palette of materials in the form of facing brickwork, limited instances of render, plain tiles, a slate style finish, and lead to the flat roof features.

Porch and canopy designs have also been revised, so that across the entire site they have a consistent flat-roof design, and the dormers proposed above the garages of Plots 15, 16, 18, and 28 have also been revised to a flat-roof design. Other architectural details which feature across the house types proposed include bay windows, casement all bar windows, soldier course headers, protruding brick headers and details, creasing tiles, and brick banding. Overall, the revisions which have been made to the appearance of the dwellings proposed would facilitate a strong sense of rhythm and coherence across the various street scenes, to the satisfaction of Officers who firmly believe the resulting development responds positively to local distinctiveness.

It is proposed that a number of the dwellings will be provided with photovoltaic panels. These photovoltaic panels will have an integrated design, sitting flush within the roof rather than protruding from roof-planes, so as to ensure they are subtle and do not detract from the aesthetic appearance of the street scenes. The inclusion of photovoltaic panels is a welcome addition that will contribute positively towards the sustainability of the proposed dwellings. A suitably worded condition has been attached securing the approval of the final locations and details of the photovoltaic panels.

Scale

In terms of scale, as aforementioned, all of the dwellings proposed are two-storeys in height. Whilst discussing the scale of the development, it is also considered relevant to refer to the mix of the housing that is proposed, albeit as Members will be aware the Council cannot control the mix of housing through applications for the approval reserved matters. The S.106 agreement requires that 40% of the dwellings are provided as affordable housing and the Council's Housing Enabling Officer has since agreed with the Applicant the mix of the 18 affordable homes to be delivered on the site. This consists of 12 x 2-bedroom, 4-person dwellings and 6 x 3-bedroom, 5-person dwellings, with the tenure split to be 70% affordable rent and 30% shared ownership, representing 13 dwelling and 5 dwellings respectively. The Council's Housing Enabling Officer is satisfied that this mix and tenure split reflects the demand for properties on the Council's Housing Register.

On the matter of internal amenity, 100% of the market and affordable housing would comply with the National Described Space Standards (NDSS), a notable improvement over the original submission which only sought to provide 70% of the proposed housing in compliance with the NDSS, contrary to Policy LPP37 of the Draft Local Plan. As a consequence of this positive change, all future occupiers of the development would benefit from a high standard of internal amenity, something that weighs positively in favour of the reserved matters proposal. Furthermore, a significant proportion of the market housing and all of the affordable housing would be compliant with Building Regulations Part M Category 2, meaning they will be accessible and adaptable.

Landscaping

As has already been noted, 0.451 hectares of public open space is to be provided in accordance with the terms of the S.106 agreement. The public open space is primarily concentrated towards the southern boundary of the site where the LEAP, which includes a bench, ground modelling to add interest, and planting to create areas of shade, is also proposed. An attenuation basin with wetland planting, forming part of the Sustainable Urban Drainage Strategy (SUDS), is also located towards the south-west corner of the site, but this is not included within the calculation of the area to be provided as public open space.

The original outline planning application was accompanied by a Landscape Value Impact Assessment (LVIA) which concluded that the residential development of the site would lead to mostly minor or negligible landscape effects, albeit moderate visual effects were identified in relation to the close range views of the site from the footpath adjacent to the southern boundary. To mitigate against the landscape effects, the LVIA recommended the protection and enhancement of the vegetation along the site's northern, western and southern boundaries in order to maintain a dense and robust

landscape buffer to the site's perimeters, whilst also maximising biodiversity gains and creating an attractive setting for the development.

The proposed development incorporates a strong landscape strategy that incorporates the principles established within the LVIA, providing a dense landscape buffer towards the south of the site, through the planting of native trees and shrubs, whilst also maintaining a defined landscape buffer along the northern and western boundaries, including native tree planting and ornamental planting on either side of the site's approved access. It is acknowledged that the existing tree coverage to the rear of Plots 34 to 43 has been reduced, at the request of the Council's Landscape Officer, but this is due to the fact that it would otherwise have resulted in an impractical arrangement of trees being situated in very close proximity to the proposed dwellings. The degree of canopy cover initially proposed over the rear gardens of Plots 34 to 43 would have also been undesirable in terms of residential amenity.

A really positive and stand out quality of the proposed development is the inclusion of tree, hedge, and ornamental planting within the street scenes. Officers consider that the street scene planting, in addition to the generous amount of planting proposed within the public open space, would provide for an attractive and green setting for the development. The Applicant has also confirmed their agreement to placing the street scene planting, in addition to that within the public open space, into a management company. This will ensure that the planting is secured and maintained for the long-term and it is something that will be resolved through the discharge of the relevant obligations contained within the engrossed S.106 agreement. Moreover, in response to the comments received from the Council's Landscape Officer, the species mix of the planting has been revised with a notable substitution being Turkish Hazel, an imported species, for more instances of Small-leaved Lime, a native species.

To conclude, Officers are firmly of the view that the street scene planting, public open space planting, and the retention of defined landscape buffers to the north and western boundaries, would mitigate against the landscape effects of the development, which would be suitably assimilated into its surrounding. This conclusion also factors in the relatively level topography of the site and the traditional two-storey scale of the proposed development. Furthermore, the high-quality design of the soft landscaping strategy proposed will create an attractive, green, tree-lined development, which will have a very pleasant feel for future residents, visitors and passers-by.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policies SP6, LPP37, and LPP55 of the Draft Local Plan, all emphasise the need to protect the amenity of nearby properties, by preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact. Likewise, the NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

As outlined in the discussions above, Officers consider that the future occupants of the proposed development would benefit from a very good standard of residential amenity, both in relation to internal layouts and external amenity spaces.

Turning to the residential amenity of existing occupants of neighbouring properties, the proposed development responds well to the site's boundaries, with all of the proposed dwellings to be separated from the rear boundaries of the existing residential properties in Western Road and Western Close by 15 metres or more, in accordance with the Essex Design Guide. Back-to-back distances between the proposed dwellings and existing residential properties would also be in compliance with the Essex Design Guide, with separation distances of at least 25 metres, when measured from elevations with rear facing windows. The retention of vegetation along the northern and western boundaries of the site would also provide a degree of visual screen between existing and proposed dwellings during certain times of the year.

Plot 45 would be in close proximity to the rear boundary of No. 65 Western Road, however, the internal arrangement of the proposed dwelling has been carefully designed so that the only first-floor window within its north-facing would serve a bathroom. This bathroom window would be obscured glazed and non-opening below 1.7 metres, with a suitably worded condition recommended to secure this in perpetuity.

Overall, the design of the proposed development has been carefully thought through to ensure that an acceptable relationship will be maintained between existing and proposed dwellings, with no harmful instances of overlooking, overshadowing, or overbearing impact.

Heritage

Policies RLP90 and RLP95 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policies LPP50, LPP56, LPP60 of the Draft Local Plan, all reflect the above statutory duties and national planning policy objectives, by seeking to ensure that developments preserve the significance of heritage assets and their settings. The heritage policies contained within the NPPF also attribute great weight to the conservation of heritage assets, requiring any identified harm to the significance of a heritage to be weighed against the public benefits of the proposal.

The application site is situated 0.5 miles to the south-east of the Silver End Conversation Area. To the north-west of the site is the Grade II listed Bowers Hall, together with its associated curtilage buildings, and to the south-east is the Grade II* listed Rivenhall Place. Having regard to the degree of separation and the limited indivisibility between the application site and the identified heritage assets, the proposed development is not considered to result in any harm to the significance of the heritage assets, a conclusion which was also reached by Officers when considering the application for outline planning permission.

The Council's Historic Buildings Consultant has returned no objection to the proposed development. Nonetheless, the initial comments received from the Historic Buildings Consultant do suggest that the proposal would not relate well to the historic character and appearance of Silver End, but following the revisions made to the proposed development, Officers are completely satisfied that this concern has been addressed with the latest design rationale being very sympathetic to the character and appearance of the village.

Highways Considerations

The application for outline planning permission, (Application Reference 18/00442/OUT), included the approval of the site's access off of Western Road. Following the approval of application reference 18/00442/OUT, it came to light that the previously approved access arrangement needed to be revised, by moving it 1.5 metres to the east, so that it can better accommodate the turning movements of large vehicles, whilst also taking into account the Redrow site access and the new road alignment and traffic island associated with that development. A variation to Condition 2 of the outline planning permission, which related to the approved plans, was therefore granted to address these access considerations under application reference 19/02095/VAR. The approved access is to be the sole vehicular access into and out of the site.

The Parish Council have raised concerns in relation to the acceptability of site's access and also the ability of the highways layout to satisfactorily accommodate larger vehicles, namely refuse vehicles and fire appliances. In terms of the access arrangement, another objection initially raised by the Parish Council related to the fact that the Refuse Tracking Strategy Plan originally submitted with this application illustrated the refuse vehicle approaching and entering the site from the east, rather than from the west as shown on the 'Proposed Access Location and Visibility Splays' drawing approved under application reference 19/02095/VAR.

In response to the concerns raised by the Parish Council, it is very noteworthy that the access arrangement to the site has already been approved. Consequently, this application for the approval of reserved matters does not alter the approved access, with the Applicant having since revised the Refuse Tracking Strategy Plan so that the vehicle tracking is no longer indicated in relation to site's the access for the avoidance of doubt.

Moreover, consultation responses have been received from Essex County Council Highways, Waste Services, and Essex Fire and Rescue, with no objections having been returned in response to the second round of consultation and the revised highway layout. Essex County Council initially requested some modifications to the highway layout, specifically the introduction of additional traffic calming measures and the re-configuration of the access arrangement to Plots 1 and 2, but these modifications were promptly incorporated by the Applicant and, following receipt of the revised

plans, Essex County Council have subsequently confirmed that they have no objections to the proposed development.

Turning to the matter of parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan both require that all new developments are provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards (VPS). For a dwelling with two or more bedrooms the standards prescribe two spaces. Visitor parking is also required at a rate of 0.25 spaces per dwelling, rounded up to the nearest whole. The proposed development would provide allocated and unallocated vehicle parking spaces in accordance with these standards. On-plot parking would be provided to the vast majority of the dwellings and will take various forms including driveway spaces, car ports, and garages. It is acknowledged that the garages do not meet the minimum internal dimensions of 7 metres by 3 metres, however, the dwellings with garages are still to be provided with at least two compliant driveway spaces. The 13 unallocated, visitor parking spaces proposed are considered to be distributed in an acceptable manner across the site.

It is worth re-iterating that, in response to a request by Officers, the Applicant has quite markedly increased the number of dwellings which would benefit from hedging to their frontages, a soft landscaping measure intended to enhance the appearance of the street scenes, but also to soften the visual impact of driveway parking spaces. This is a very noticeable quality of the scheme that reflects the latest recommendations set out within the National Design Guide, which states that 'well-designed parking is attractive, well-landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene', before then concluding that the incorporation of green infrastructure, including trees and other planting, softens the visual impact of cars and helps to improve air quality and contribute towards biodiversity.

With regards to promoting sustainable modes of transport, each dwelling will be provided with secure cycle parking facilities in accordance with the aforementioned adopted parking standards. For dwellings with a garage, this cycle parking will be provided integral to the garage, whereas for the remaining dwellings a secure shed will be provided within each of their rear gardens. In addition, the Applicant has outlined that they will seek to provide electric vehicle charging points to all dwellings which have on-plot parking, so either in a garage, car port, or driveway space adjacent to the dwelling. Sufficient electric vehicle charging infrastructure will be in place to enable future occupants to upgrade to rapid charge speeds, but this will be a consumer choice. A condition has been attached requiring the approval of the electric vehicle charging details prior to the occupation of the development. The level of electric vehicle charging provision proposed by the Applicant is another factor which weighs very positively in favour of the proposed development.

Trees & Ecology

Policy CS8 of the Adopted Core Strategy establishes that all development proposals will, amongst other matters, ensure the protection and enhancement of the natural environment, habitats and biodiversity, and geodiversity of the District. Additionally, Policy RLP81 of the Adopted Local Plan sets out that the Council will seek to protect established trees of local amenity value, whilst Policy RLP84 of the Adopted Local Plan states that planning permission will be refused for developments that would have an adverse impact on protected species. Where a proposed development may have an impact on protected species, Policy RL84 goes on to explain that the developer will be required to undertake and submit an ecological survey, to demonstrate that an adequate mitigation plan is in place to ensure there is no harm to protected species and no net loss of priority species. These objectives are reflected under Policies LPP68 LPP69 of the Draft Local Plan. Paragraph 170 of the NPPF is also explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity.

The site is bounded by a number of existing trees and vegetation along its northern, southern, and western boundaries. There are four Oak trees towards the north-east corner of the site, adjacent to Western Road, which are subject to a group Tree Preservation Order (reference 10/2019/TPO). An Arboricultural Impact Assessment, prepared by SES and dated 1st December 2020, has been submitted for consideration as part of the application and outlines the impact the development may have on the site's trees, as well as the impact retained trees may have on the development. Key conclusions are that 34 individual trees, 8 hedges, and 2 groups of trees require removal to accommodate the proposed development. Two trees are to be subject to pruning and there is potential for incursion into the Root Protection Areas of three trees.

When the application was first submitted, it was proposed that 21 individual trees, 8 hedges, and 2 groups of trees would be removed, however, as aforementioned, in response to comments received from the Council's Landscape Officer, the Applicant reduced the tree coverage to the rear of Plots 34 to 45. This has resulted in an additional 13 individual trees being removed. Notwithstanding this, the Applicant has provided a robust Tree Protection Plan to mitigate against the potential for damage to retained trees as part of the construction process, and there are no works or root protection area incursions proposed in relation to the group of protected Oak trees, or in relation to the Category A tree on site. Furthermore, as part of the submitted soft landscaping strategy, it is proposed to plant 62 new trees alongside a network of new hedges, shrubs, and ornamental planting beds.

The Council's Landscape Officer has not responded to the second round of consultation, however, on the basis that the request for the reduction of tree coverage to the rear of Plots 34 to 45 has been incorporated into the revised scheme, alongside revisions to the mix of species and the substitution of

imported tree species for native tree species, it is concluded that the proposed development would be acceptable in tree impact and landscaping terms. It is also noted that the Council's Landscape Officer had not previously raised a formal objection to the application, but rather highlighted preferences, which the Applicant has since sought to address. If the Landscape Officer responds with further comments prior to the Planning Committee meeting, Members will be updated on the night.

With regards to ecology, the Council's Ecologist has responded to the latest round of consultation raising no objections to the proposed development, as well as confirming that sufficient ecological information has been submitted with the application for determination. Notwithstanding the comments received from the Council's Ecologist, the details reserved by Conditions 4 and 15 of the outline planning permission are to be submitted and determined under a separate application for the discharge of conditions, they are not approved under this application for reserved matters. This is notable given that the ecological advice received during the course of this reserved matters application is that additional information would be needed for the submitted 'Lighting and Street Furniture Plan' to meet the requirements of the Wildlife Lighting Strategy secured under Condition 15 of the outline planning permission.

In addition to the above, as aforementioned, the biodiversity method statement submitted, which relates to Condition 3 of the outline planning permission, has already been approved under application reference 20/01834/DAC.

Flood Risk and Drainage

The application site is located within Flood Zone 1 where there is a low probability risk of flooding. Whilst a detailed drainage strategy has been submitted by the Applicant, with no objections raised by the Lead Local Flood Authority or Anglian Water, the details contained within the drainage strategy seek to address the requirements of Conditions 9 and 10 of the outline planning permission. Therefore, on the basis that this application relates solely to the approval of the reserved matters, the drainage strategy is to be submitted and determined under a separate application for the discharge of Conditions 9 and 10 of the outline planning permission.

Habitat Regulations Assessment (HRA / RAMS)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards off site visitor management measures for the Blackwater Estuary SPA & Ramsar site (£125.58 per dwelling). In accordance with S111 of the 1972 Local Government Act, and as a contribution was not previously secured for this development, the developer has agreed to pay the contribution which equates to £5,751.10, prior to any decision on the application being issued. As such, it is considered that the

development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

CONCLUSION

The principle of the application site's residential development has been established through the grant of outline planning permission. Accordingly, under this application the Applicant is solely seeking the approval of the reserved matters pursuant to Condition 1 of the outline planning permission, which are layout, appearance, scale and landscaping.

There are no objections from the relevant statutory technical consultees and Officers consider that the layout, appearance, scale and landscaping proposed for the residential development are acceptable in planning terms.

The proposed development has been subject to extensive discussions with the Applicant, who has responded very positively to the concerns initially raised by Officers and consultees, with the result being a sustainable scheme that would respond well to the local distinctiveness of Silver End, whilst simultaneously providing for an attractive and high-quality living environment for future occupants. It is therefore recommended that the application for reserved matters be approved.

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

Play Area Plan

Plan Ref: DES-075-505

Arboricultural Report

Proposed Elevations and Floor Plan Plan Ref: DES-075-200 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-201 Version: 3

Proposed Elevations and Floor Plans Plan Ref: DES-075-202 Version: 3

Proposed Elevations and Floor Plans Plan Ref: DES-075-203 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-204 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-205 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-206 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-207 Version: 3

Proposed Elevations and Floor Plans Plan Ref: DES-075-208 Version: 3

Proposed Elevations and Floor Plans Plan Ref: DES-075-209 Version: 1

Proposed Elevations and Floor Plans Plan Ref: DES-075-210 Version: 1

Proposed Elevations and Floor Plans Plan Ref: DES-075-211 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-212 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-213 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-214 Version: 2

Proposed Elevations and Floor Plans Plan Ref: DES-075-215 Version: 3

Proposed Elevations and Floor Plans	Plan Ref: DES-075-216	Version: 3
Proposed Elevations and Floor Plans	Plan Ref: DES-075-217	Version: 2
Proposed Elevations and Floor Plans	Plan Ref: DES-075-218	Version: 2
Proposed Elevations and Floor Plans	Plan Ref: DES-075-219	Version: 2
Proposed Elevations and Floor Plans	Plan Ref: DES-075-220	Version: 3
Proposed Elevations and Floor Plans	Plan Ref: DES-075-221	Version: 3
Proposed Elevations and Floor Plans	Plan Ref: DES-075-222	Version: 3
Proposed Elevations and Floor Plans	Plan Ref: DES-075-223	Version: 2
Garage Details	Plan Ref: DES-075-224	Version: 1
Garage Details	Plan Ref: DES-075-225	Version: 1
Garage Details	Plan Ref: DES-075-226	Version: 1
Landscaping	Plan Ref: DES-075-501	Version: B
Landscaping	Plan Ref: DES-075-500	Version: B
Street elevation	Plan Ref: DES-075-300	Version: C
Street elevation	Plan Ref: DES-075-301	Version: C
Parking Strategy	Plan Ref: DES-075-103	Version: E
Site Plan	Plan Ref: DES-075-101	Version: D
Materials Details	Plan Ref: DES-075-102	Version: D
Enclosures etc	Plan Ref: DES-075-104	Version: D
Refuse Information	Plan Ref: DES-075-105	Version: D
Highway Plan	Plan Ref: DES-075-107	Version: D
Materials Details	Plan Ref: DES-075-108	Version: D
Parameter Drawing	Plan Ref: DES-075-109	Version: D
Affordable Housing Plan	Plan Ref: DES-075-110	Version: D
Other	Plan Ref: DES-075-111	Version: D
Fire Strategy Plan	Plan Ref: DES-075-112	Version: C

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

Reason

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

- 2 Prior to the above ground development of the dwellings hereby approved, samples and a schedule of the materials and finishes to be used on the external surfaces of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved samples and shall thereafter be permanently retained as such.

Reason

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

- 3 Prior to the above ground development of the dwellings hereby approved, the proposed locations and detailing of the photovoltaic roof panels 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 thereafter be permanently retained as such.

Reason

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

- 4 Prior to the above ground development of the dwellings hereby approved, a phasing plan for the implementation of the approved soft landscaping strategy shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include details of the proposed planting timescales for different phases of the soft landscaping. The soft landscaping shall only be implemented in accordance with the phasing plan.

Where the roots of the proposed planting would interfere with services, or have the potential to interfere with services in future, a detailed cellular containment system shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the relevant planting.

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 ensure that the soft landscaping is provided and implemented in an appropriately phased manner in the interests of visual amenity and the character and appearance of the area.

- 5 Prior to the above ground development of the dwellings hereby approved, additional drawings that show the details of the proposed eaves, verges and ridges, in section and elevation, at scales between 1:20 and 1:1, as appropriate, have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and shall thereafter be permanently retained as such.

Reason

To ensure that the detailing has the traditional appearance required for the traditional architecture that been used in the design of the dwellings.

- 6 All of the hard surface areas and parking spaces, as indicated on the approved Surface Materials Plan and Parking Strategy Plan, shall be completed prior to the first occupation of the dwelling to which the hard surfacing and parking relates and shall thereafter be permanently retained as such. The car parking spaces shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

In order to secure the satisfactory development of the site and to ensure

that adequate parking provided in accordance with the standards adopted by the local planning authority.

- 7 The enclosures, as indicated on the approved Enclosures Plan, shall be erected prior to the first occupation of the dwellings to which the enclosures relate and shall thereafter be permanently retained as such.

Reason

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

- 8 The keypad access gates, as indicated on the approved Enclosures Plan, shall be erected prior to the first occupation of plots 28 to 45 and shall thereafter be permanently retained as such.

Reason

In order to secure the satisfactory development of the site.

- 9 Prior to the occupation of the dwellings hereby approved, details of the electric vehicle charging points to be provided for dwellings with on-plot parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in full accordance with the approved details and shall thereafter be permanently retained as such.

Reason

In the interests of promoting more sustainable modes of transport.

- 10 No meter cupboards shall be installed on the principal elevations of the dwellings unless and until details of their location, design, and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and shall thereafter be permanently retained as such.

Reason

In the interests of visual amenity.

- 11 All service intakes to the dwellings, apart from gas, and soil and waste plumbing shall be run internally and not be visible on the exterior of the dwellings.

Reason

In the interests of visual amenity.

- 12 All windows and entrance doors to the dwellings which have glazing bars shall have the glazing bars fixed to the external glazed pane.

Reason

To ensure that the detailing has the traditional appearance required for

the traditional architecture that been used in the design of the dwellings.

- 13 The garages hereby permitted shall only be used for the parking of vehicles or domestic storage associated with the dwellings and shall not be used for living accommodation.

Reason

To ensure that adequate parking and garage space is provided within the site.

- 14 The development shall only be carried out in accordance with the approved Arboricultural Impact Assessment, undertaken by SES and dated 1st December 2020. The approved means of tree protection shall be installed prior to the commencement of the development and shall remain in place until the completion of the development to the complete satisfaction of the Local Planning Authority.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

- 15 The dwelling hereby approved on Plot 45 shall not be occupied until the first-floor window within its north facing elevation has been fitted with obscured glazing, to a minimum of level 3, and no part of that window is openable below 1.7 metres when measured from the finished floor level of the room within which it is installed. The window shall thereafter be permanently retained as such.

Reason

In the interest of residential amenity.

- 16 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, alteration, or provision of any building within the curtilage of the dwellinghouses, as permitted by Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

Reason

In the interests of residential and visual amenity.

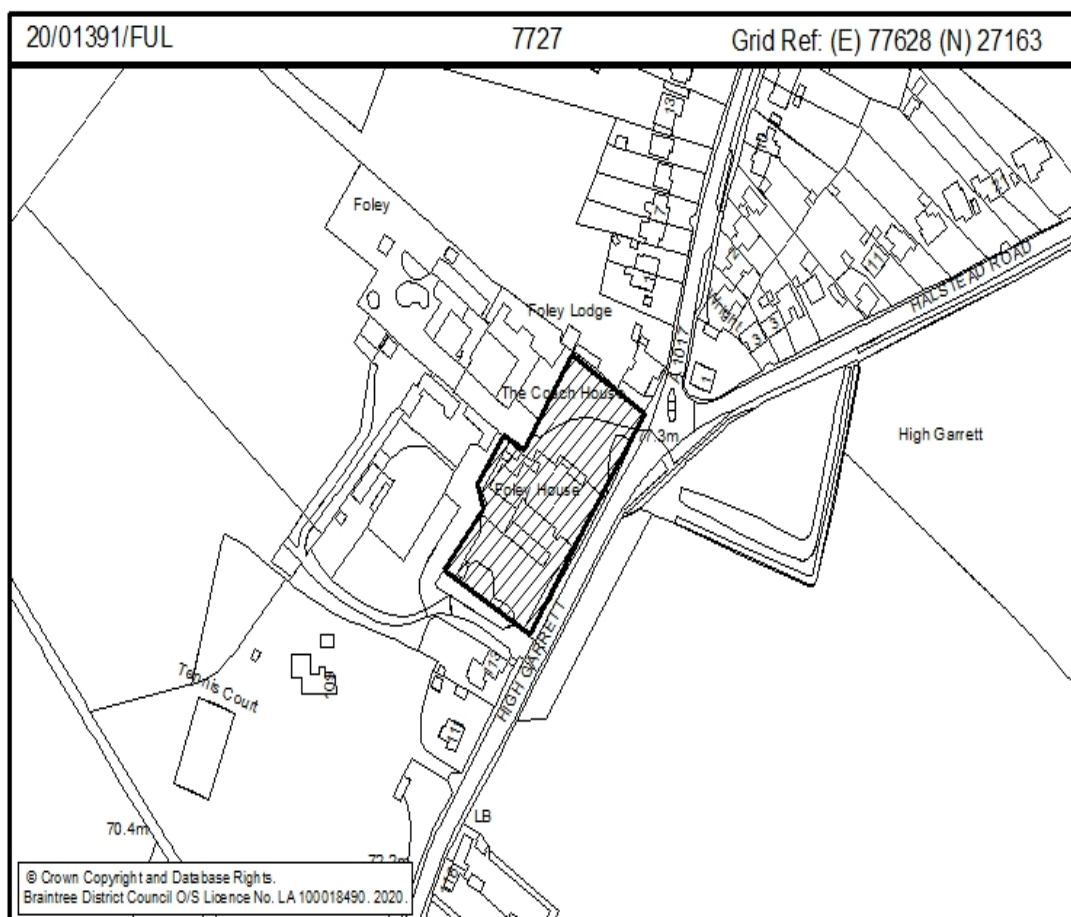
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01391/FUL DATE: 09.09.20
 VALID:
 APPLICANT: Fairfield Holdings Ltd
 Mr Mike Bradburn, C/o Agent
 AGENT: Phase 2 Planning
 Mr Matthew Wood, 270 Avenue West, Skyline 120, Great
 Notley, Braintree, CM77 7AA
 DESCRIPTION: The conversion of the existing building to provide 18 no.
 residential units and associated development.
 LOCATION: Foley House, 115 High Garrett, Braintree, Essex, CM7 5NU

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFKPUBBF G9Z00>

SITE HISTORY

84/00708/P	Change of use by conversion and extension of stables to one residential unit including granny annexe	Granted	10.07.84
84/01395/P	Conversion and extension to existing stables to form single dwelling unit (The Stables)	Granted	13.12.84
87/00297/P	Installation of passenger lift to existing building	Granted	20.03.87
81/00924/	Proposed conversion of former children's home to 12 to 15 bedroom hotel.	Granted	25.08.81
81/01165/	Proposed entrance porch to hotel.	Granted	09.10.81
85/00889/	Change of use from hotel to residential home for deaf and dumb women.	Granted	21.08.85
93/01108/FUL	Erection of single storey extension to form additional bedrooms, bathroom and craft room and first floor extensions to improve facilities	Granted	25.10.93
19/00603/FUL	The conversion of the existing building to provide 21 no. residential units and the construction of 6 no. new dwelling houses along with ancillary access, parking, landscaping and other associated development.	Application Returned	
19/01027/FUL	Conversion, alterations and extension to existing building to provide 22 No. residential units and the construction of 2 No. new dwellings houses along with ancillary access, parking, landscaping and other associated development.	Withdrawn	26.02.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP24	Subdivision of Dwellings
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows

RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the Planning Development Manager considers it to be significant.

SITE DESCRIPTION

The application site contains a locally listed building known as Foley House. The large three storey property is located on the north western side of High Garrett, close to the junction of the A131 and the A1017. Foley House was last in use as a care home, but has been vacant for several years.

The north eastern portion of the site contains two protected trees and a protected group of trees. To the north of Foley House are a group of buildings that originally would have been ancillary buildings when the building was occupied as a single dwelling. These buildings have been converted into a number of dwellings.

The site lies within the countryside adjacent to a development boundary envelope.

PROPOSAL

The application seeks full planning permission for the conversion, alteration and extension of Foley House into 18 market flats. The application also includes parking, landscaping and other associated development, including new boundary treatments, refuse store and cycle store.

The flats have a mix of 1 and 2 bedroom units and three are maisonette properties.

The submitted block plan shows to the north east of Foley House there would be communal amenity space and a cycle store. To the south of Foley House would be refuse storage and 30 car parking spaces and these would be accessed via the main vehicular access that also serves a number of other existing residential dwellings.

CONSULTATIONS

BDC Landscape Services

No objection, tree protection plan should be implemented prior to work starting on the site.

ECC Suds

No objection, conditions suggested.

BDC Environmental Health

No objection, conditions regarding the timings of site clearance, demolition and construction work, no burning and the submission of a dust and mud control management scheme are requested.

BDC Waste Services

Questions what capacity is proposed for refuse and recycling bins.

BDC Ecology

No objection subject to securing:

- a) A financial contribution towards visitor management measures at the Blackwater Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation, in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy; and
- b) ecological mitigation and enhancement measures.

ECC Highways

Providing the proposal is carried out in accordance with submitted drawing SP-01 Rev B, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of a construction management plan, provision of residential travel information plans and improvements to the pair of bus stops to best serve the development, to include a new pole, flag and timetable case.

Anglian Water

No objection.

Essex Police

No objection. The following comments are made:

Care will need to be taken to ensure that any planting are of varieties that will not obscure the natural surveillance over the parking areas, as with all flats consideration will need to be given to the manner of postal deliveries, access and visitor control to ensure that these do not provide opportunities for crime. To comment further we would require the finer detail such as the proposed lighting, boundary treatments and physical security measures

BDC Housing Research and Development

Although this latest application for conversion of Foley House into 18 flats is over and above the affordable housing policy threshold, I confirm we are satisfied the proposal does not qualify for an affordable contribution. If Vacant

Buildings Credit is given weight, as demonstrated in the previous application, it extinguishes any requirement for an affordable housing contribution.

ECC Independent Living/ Extra Care

No comments received.

NHS

Financial contribution sought towards the refurbishment of the first floor of the Church Lane Surgery.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Historic Buildings Consultant

No objections to the scheme as shown in drawings Fhbs-01b, Fhcs-01 a, Pe-01 c, Sp-01 d and Pp-01 b. Details of new doors, windows, rooflights, rainwater goods, hanging club and plain tiles and the slates for the roof of the new extension, will require approval by condition.

ECC Archaeology

No objection, condition requested regarding historic building recording and archaeological evaluation.

Essex Fire and Rescue

No objection.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

One representation received making the following comments:

- Questions raised regarding which trees are to be felled.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated development boundary and as such is located on land identified as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

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

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

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the

imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

SITE ASSESSMENT

Principle of Converting Foley House to Residential Flats

Foley House is located in the countryside beyond the town development boundary of Braintree. Whilst the Council has a planning policy for the conversion of rural buildings, it is considered that this relates more to farm diversification and therefore in this case it is not considered to be applicable.

Officers recognise that the conversion of the building into flats has some merit in terms of sustainability. Furthermore, it should be noted that during its life, the building has always been in some form of residential use, either as a single dwelling, or as a care home.

In addition Members are advised that the re-use and conversion of the building would ensure the longevity of a local listed building. Officers therefore consider that the principle of converting the building into residential flats is acceptable.

Design, Layout and Appearance

The NPPF states that the planning system should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies RLP10 and RLP90 of the Adopted Local Plan seek to protect the existing character of the settlement and the street scene. Policy RLP9 of the Adopted Local Plan states that new development shall create a visually satisfactory environment and be in character with the site and its surroundings. Policy RLP10 of the Adopted Local Plan specifically states that the density and massing of residential development will be related to the characteristics of the site, the layout and density of surrounding development, the extent to which car parking and open space standards can be achieved within a satisfactory layout and the need to provide landscaping for the development. Policy RLP90 states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Following the previously withdrawn planning application (Application Reference 19/01027/FUL), the applicants have engaged positively with the planning department via the pre-application process and the proposals have been significantly amended. The number of proposed units have been reduced to 18 from 22 and significant amendments have been made to the elevational treatment of the building, to address previous concerns raised by Officer's in relation to the previously withdrawn application.

The treatment of the elevations of the existing building are considered appropriate and show sympathetic details which are in keeping with the style of the building. During the life of the application, the details of the proposed

extension were amended and are now considered to be sympathetic to the host dwelling and are of a high quality detail.

Following the amendments, Officers consider that the proposals comply with Policies RLP9, RLP10 and RLP90 of the Adopted Local Plan and the NPPF.

Policy RLP24 of the Adopted Local Plan relates to the subdivision of dwellings and whilst the most recent use of the building was a care home and not a single dwelling, it is considered appropriate as it sets out criteria to ensure that any residential conversion does not have a detrimental effect on neighbouring properties and the locality. The criteria is:

- The provision of car parking, amenity, garden space and facilities for refuse storage in accordance with the Council's standards;
- The likely impact on the immediate neighbourhood including the cumulative effect of the subdivision of dwellings;
- The adequacy of the internal accommodation relative to the intensity of occupation envisaged. Proposals which do not meet these criteria will not be permitted.

Officers therefore consider it appropriate to assess the proposed residential conversion taking account of the above criteria. Policy RLP90 states that the Council seeks a high standard of layout and design in all developments in the District. The policy contains a number of criteria to ensure appropriate development, and the most applicable to this scheme is:

- Designs and layout shall promote a safe and secure environment, crime reduction and prevention and shall encourage the unrelated objective of enhancing personal safety.

A similar sentiment is found in Policy LPP55 of the Draft Local Plan.

Concerns were raised with the previous application with regards the poor level of internal amenity for future occupiers, particularly with reference to the Nationally Described Space Standards, privacy and outlook.

Following lengthy pre-application discussions, the number of flats have been reduced. This has ensured that the vast majority of the flats meet the requirements of Nationally Described Space Standards. Whilst there is some compromise in internal spaces, Officers considered that this should be balanced against the retention of and opportunity to secure the future of the non-designated heritage asset.

Due to the reduction in unit numbers along with the removal of a small outbuilding, the outlook for a number of the flats has improved, in that habitable rooms no longer look out onto a brick wall of the outbuilding. Furthermore amendments have ensured that habitable rooms are either dual aspect, served by two windows or have an improved physical outlook.

Residents of the flats would have access to a large amenity area to the north east of Foley House. This area is considered sufficient in size to adequately serve the 18 flats, furthermore an additional, more formal amenity area is shown to the south of Foley House. Officers are content that the level of outside space for future occupiers is acceptable.

The Adopted Parking Standards require a minimum of 1 off street car parking space for a dwelling with one bedroom and 2 parking spaces for a dwelling with two or more bedrooms. The standards also require 1 visitor space per 4 dwellings.

The proposal includes 11 one bedroom flats and 7 two bedroom flats which creates the requirement for a minimum of 25 parking spaces and 5 visitor spaces.

30 parking spaces, 5 of which would be visitor spaces, are shown to the south of Foley House. This car park would be accessed via the main vehicular from High Garrett to the south of the building.

Officers are content with the car parking layout, including the proposed landscaping directly to the south of Foley House and through the car park. Furthermore, precise details of the landscaping plans are required and will be secured by a suitably worded condition.

It is noted that the Council's waste team question what capacity of bins is to be provided. This information is set out on the proposed plans. The bins store will contain satisfactory provision for non-recyclable waste, all types of recycling and food waste.

Following the significant amendments made by the applicant both prior to the application submission and during the application, Officers consider that the proposals comply with Policies RLP24, RLP56 and RLP90 of the Adopted Local Plan, Policies LPP45 and LPP55 of the Draft Local Plan, the NPPF, and the Essex Design Guide (2005).

Impact on Non-Designated Heritage Asset

Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of the new development making a positive contribution to local character and distinctive.

Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy RLP100 of the Adopted Local Plan relates to alterations and extensions and changes of use to listed buildings, and their settings. This policy does not make a specific reference to local listed buildings or non-designated heritage assets.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development and regeneration.

Policy LPP60 of the Draft Local Plan relates to the development of internal, or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when a number of criteria are met.

Foley House is a detached house built in 1885 under the patronage of Sarah Ann Cawston. For the purposes of planning, the property is a Non-Designated Heritage Asset which has been included within Braintree District Council's Adopted Local List.

The demolition of the outbuilding north-west of the main building is now proposed, in order to improve the outlook and amenity of the new residential units. The outbuilding currently makes a beneficial contribution to the setting of the non-designated heritage asset and enhances its character. Its loss is unfortunate, although on balance its loss, if necessary, is outweighed by the reuse of the principal building.

The new extension to the west of Foley House is sympathetic in height and scale, and during the life of the application amendments were made and Officers are now content that the detailing reflects the character of the historic host building. Therefore the appearance of the new extension and its fenestration is considered to be sympathetic to Foley House and complies with the policies listed above.

The scheme also includes a refuse store and bicycle store and during the life of the application the design and appearance of these two structures were amended and they now have a far more traditional appearance. The cycle store would be located to the north of Foley House and would provide space for 20 cycles, which is considered sufficient for the number occupants in the converted building. The refuse storage building is located close to the main vehicular access onto High Garrett and it is considered that the siting of the refuse store can be serviced by the refuse collection service.

A Heritage Statement has been submitted with the application which provides some information on surviving original fixtures and fittings within the building as well as later additions and alterations. A full historic building record will be required to document the history and evolution of the building and to preserve 'by record' the interior and exterior of the house prior to its conversion. Suitably worded conditions are recommended.

Overall, it is considered that the scheme retains the historic character of the non-designated heritage asset and the proposed development would comply with Policy CS9 of the Adopted Core Strategy, Policy LPP56 of the Draft Local Plan and the NPPF.

Impact on Protected Trees

Paragraph 170 of the NPPF states that decisions should contribute to and enhance the natural and local environment by, amongst other matters, protecting sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan. This is reflected in Policy CS9 of the Adopted Core Strategy.

Policy RLP81 of the Adopted Local Plan and Policy LPP69 of the Draft Local Plan both set out that the Council will protect established trees of local amenity value.

The site area contains several prominent mature trees, especially along the north boundary. It is suspected that these trees were part of the existing woodland located on the opposite side of the road, given their size and species. They are a landmark on that junction and make a significant contribution to the local character as they provide an important screen to Foley House to and from neighbouring properties. The most prominent trees located along the north east boundary are now protected by TPO 17/2019.

The Council's Landscape team have assessed the information submitted with regards the protected trees and no objection is raised. The application complies with Policy RLP81 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP69 of the Draft Local Plan.

A representation received raises concerns regarding which trees would be removed from the site. The tree protection plan sets out that 8 individual trees, 2 groups of trees, a section of hedging and a shrub will be removed to

facilitate the development, particularly the car park required for the new residential units. All the trees to be removed are low value 'C' Category specimens. All the higher value 'B' Category trees located in the northern half of the site are being retained. Provision has been made for new planting at the site including new trees in the southern half of the site. No objection is raised to the loss of this vegetation by the Council's Landscape team.

A condition is suggesting requiring the tree protection plan to be adhered to at all times. A suitably worded condition is recommended.

Ecology Impact

Policy RLP80 of the Adopted Local Plan and Policies LPP68 and LPP71 of the Draft Local Plan states that proposals for 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. All new development will be expected to provide measures for any necessary mitigation of their impact upon wildlife and for the creation and management of appropriate new habitats. Additional landscaping including planting of native species of trees and other flora may be required to maintain and enhance these features.

Policy RLP84 of the Adopted Local Plan and Policy LPP70 of the Draft 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. Where appropriate, the Planning Authority will impose conditions and/or planning obligations to:

- a) Facilitate the survival of individual members of the species;
- b) Reduce disturbance to a minimum; and
- c) Provide supplementary habitats.

The Council's Ecologist is satisfied with the information submitted as part of the application and that subject to the imposition of conditions regarding securing biodiversity mitigation and enhancement measures, no objection is raised.

Surface Water Drainage

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Surface Water Management Strategy Note has been submitted with the application and was based on the original submission.

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, the Lead Local Flood Authority have no objections to the granting of planning permission and recommend a number of conditions be imposed.

It is therefore considered that the application complies with Policy CS8 of the Adopted Core Strategy, Policies RLP67 and RLP69 of the Adopted Local Plan and Policies LLP78 and LPP80 of the Draft Local Plan.

Impact on Neighbour Amenity

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

It is proposed that the North West elevation of Foley House would contain one window above ground level that would serve a habitable room. This window would overlook the private driveway that serves the dwellings located to the north of Foley House. The closest dwelling is located approximately 25m from the side elevation. Whilst these windows would be visible from these neighbouring properties as they would overlook a driveway, it is considered that the relationship between the two is acceptable as a driveway is not private space and is used by a number of nearby properties and therefore complies with the policies outlined above.

Highway Issues

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

With the National Planning Policy Framework in mind, particularly Paragraph 109, the Highway Authority has reviewed the planning application and supporting Transport Assessment against its own Development Management Policies to ensure the proposal site can be accessed safely, any additional trips would not be detrimental to highway safety and capacity.

The site is currently served by 2 vehicular accesses, however the second access close to the traffic lights has not been used regularly for many years.

The main access is located to the south of Foley House and was the main access that served the site when it operated as a care home. This access would serve the car park which contains 30 parking spaces. The secondary vehicular access closest to the traffic light junction on High Garrett is not proposed to be used by motorised vehicles.

The Highways Authority has assessed the revised details for the proposals and is satisfied that the access arrangements for the new residential units is acceptable.

Affordable Housing

Policy CS2 of the Adopted Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development.

Foley House ceased being used a care home in December 2016 and has been vacant ever since. Officers are content that as the conversion of the building would bring it back into use, vacant building credit can be applied to this application.

In this case therefore, whilst additional floor space is proposed within the proposal, this does not exceed the level of floor space to be demolished and therefore it would extinguish any requirement for an affordable housing contribution.

Habitat Regulations Assessment (HRA / RAMS)

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

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

The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling) for delivery prior to occupation. These matters would be secured via a Section 106 legal agreement.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation.

Healthcare – Financial contribution of £6,900 is sought to go towards the refurbishment of the first floor of the Church Lane Surgery.

Open Space – Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for amenity green space.

A financial contribution of £11,371.88 would be sought for outdoor sport (Four Releet Sports Ground) and £7,637.78 for outdoor equipped playgrounds

(Ashpole Road Play Space). There is also a requirement to secure the on-going maintenance of amenity green spaces provided on site.

HRA – The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. A financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling) for delivery prior to occupation would be required.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects.

PLANNING BALANCE AND CONCLUSION

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

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

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

to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

When applying the 'titled' balance and in terms of benefits, it is considered that the development of the site, would lead to social and economic benefits as the proposal would deliver a number of additional market dwellings, which would contribute to the Council's housing land supply and increased economic benefits during the construction/conversion period and thereafter to the local economy.

Further benefits would arise from the conversion and retention of the non-designated heritage asset Foley House. Whilst some of the flats are considered to have floor areas below the NDSS, it is considered that this level of harm is outweighed by the merits of safeguarding the future of the locally listed building.

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

RECOMMENDATION

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

- Financial contribution towards Outdoor Sport - Four Releet Sports Ground (£11,371.88).
- Financial Contribution Equipped Play - Ashpole Road Play Space (£7,637.78).
- On-site open space management plan.
- NHS financial contribution of £6,900 towards the refurbishment of the 1st floor of the Church Lane Surgery, Bocking.
- Financial contribution towards offsite visitor management measures for Blackwater Estuary SPA/Ramsar site (£125.58 per dwelling).

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the

application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: SP-01	
Tree Plan	Plan Ref: AMS _ TPP	Version: 1.9.2020
Tree Plan	Plan Ref: AIA	Version: 1.9.2020
Refuse Information	Plan Ref: FHBS-01	Version: B
Proposed Elevations	Plan Ref: PE-01	Version: C
Proposed Floor Plan	Plan Ref: PP-01	Version: B
Location / Block Plan	Plan Ref: SP-01	Version: D

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

Reason

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

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

Reason

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

- 3 Prior to their use/installation samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained in the approved form thereafter.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the non-designated heritage asset.

- 4 Prior to their installation additional drawings that show details of proposed new windows, doors, facia and sills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be

permanently retained as such.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the non-designated heritage asset.

- 5 The new rooflights shall be of low-profile conservation type, the specification of which shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be implemented in accordance with the approved details and shall thereafter be retained in the approved form.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the non-designated heritage asset.

- 6 The development shall be carried out in accordance with the approved Arboricultural Reports listed above, undertaken by Writtle Forest Consultancy dated 1.9.2020. No alterations or variations to the approved works or tree protection schemes shall be undertaken.

Reason

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

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

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

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

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

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

Reason

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

amenity and privacy.

- 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 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 area.

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

- Limiting discharge rates to 2.8l/s for the 1 in 1 year storm event, 5l/s for the 1 in 30 year storm event and 7.3l/s for the the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Demonstrate that the site is utilising any infiltration potential as much as possible through the use of a permeable liner or no liner (where appropriate).
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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.

- 10 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing, by the Local Planning Authority.

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

Reason

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

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

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

Reason

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

- 12 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to details of the vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway and dust and mud management.

Reason

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

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

- a) Residential Travel Information Packs provided to every new residential unit and in accordance with Essex County Council guidance
- b) Improvements to the pair of bus stops to best serve the development, to include a new pole, flag and timetable case.

Reason

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

- 14 No conversion of the existing building shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has firstly been submitted and approved by the planning authority.

Reason

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

- 15 The approved WSI as required by Condition 14 of this permission shall be fully implemented at the time of development and upon completion of the historic building recording, the applicant shall submit to the Local Planning Authority a report of findings and confirm the deposition of the archive to an appropriate depository (to be submitted within six months of the completion of the fieldwork).

Reason

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

- 16 The development shall not be occupied until the car parking area indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park 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.

- 17 Prior to the commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.

- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by 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).

- 18 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could 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 of the development that are 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 approved 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).

19 Prior to occupation 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).

INFORMATION TO APPLICANT

1 o Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
 o All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
 o All work within or affecting the highway should be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before commencement of the works. An application for the necessary works should be made to development.management@essexhighways.org or SMO1 - Essex Highways, 653, The Crescent, Colchester Business Park, Colchester, CO4 9YQ

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

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

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

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

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

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

4 We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>

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.

5 With regards to condition 3, the LPA would expect the roof tile to be a natural slate.

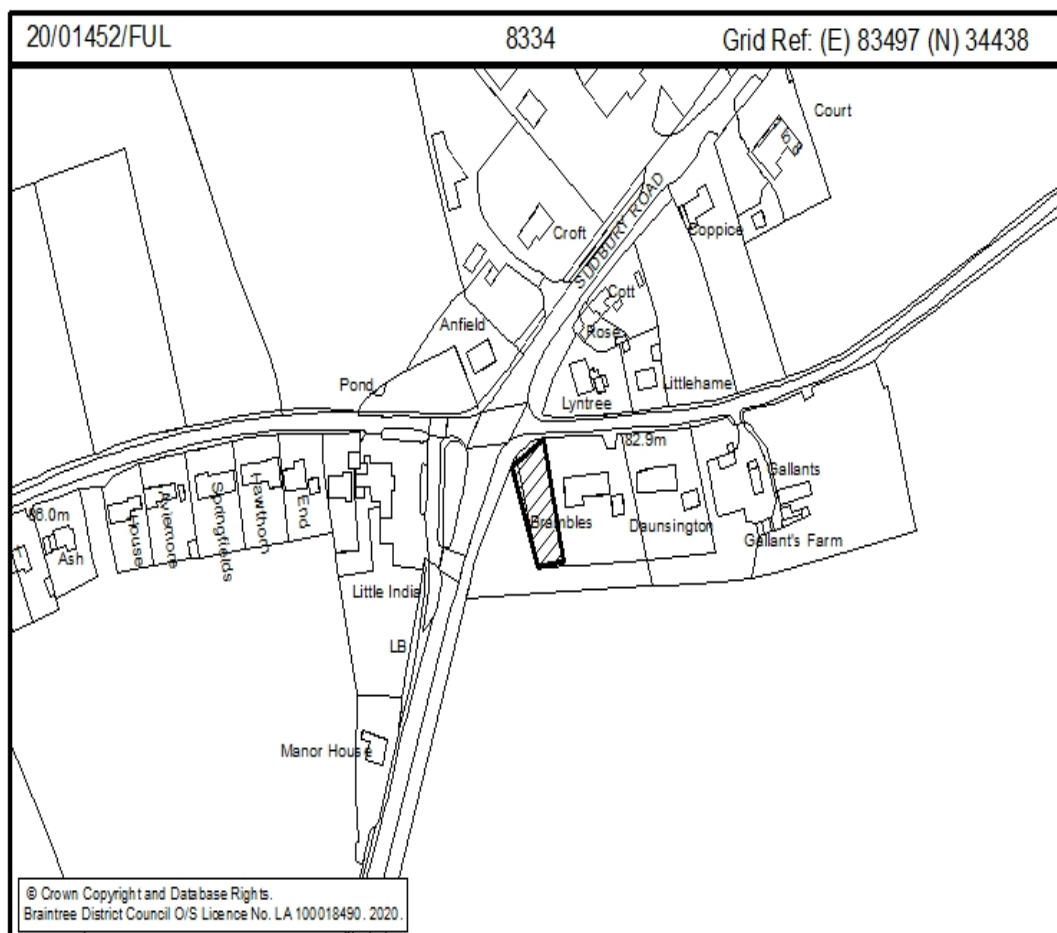
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/01452/FUL
 DATE VALID: 30.09.20
 APPLICANT: Mr Nick Milburn
 The Brambles, Collins Road, Little Maplestead, Halstead,
 CO9 2SG, England
 AGENT: Mr Paul Willis
 66 Lambert Drive, Acton, Sudbury, Suffolk, CO10 0US,
 England
 DESCRIPTION: Erection of 1 No. detached bungalow
 LOCATION: Brambles, Collins Road, Little Maplestead, Essex, CO9
 2SG

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QG2RQ3BFGGF00>

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.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP22	Accessible Housing and Lifetime Housing
RLP52	Public Transport
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP92	Accessibility

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Material Considerations

Essex Parking Standards/Urban Space Supplement

Essex Design Guide for Mixed Use and Residential Areas (2005)
Essex Design Guide Urban Place Supplement (2005)
Parking Standards – Design and Good Practice (September 2009)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site is situated outside of the defined development boundary within the countryside, located close to the intersection of Collins Road with Sudbury Road. The site is situated to the south of Collins Road to the west of a detached bungalow known as 'Brambles'. The site currently forms part of the existing garden for 'Brambles'. There are approximately 5 residential properties situated along Collins Road. To the south of the site is open countryside and to the west of the site is a parcel of overgrown scrub land which separates the site from the A131.

PROPOSAL

The proposal seeks full planning permission for the erection of detached 3 bedroom single storey dwelling. The application also includes a new driveway, associated car parking, amenity space, new boundary treatments and landscaping.

The submitted block plan proposes an 'L' shaped detached dwelling to align with the building line of 'Brambles' situated to the east of the site. The application proposes that the existing access from Collins Road, which currently serves 'Brambles' would be retained with a spur proposed from the existing driveway to facilitate access to the proposed dwelling. To the west of the proposed dwelling two car parking spaces are proposed with a refuse/recycling store to the rear. A new pedestrian entrance and gate to Collins Road is proposed.

CONSULTATIONS

Essex Fire and Rescue

No objection

BDC Landscape Services

No objection

PARISH / TOWN COUNCIL

Little Maplestead Parish Council

Objection – endorse objection representations submitted by local residents.

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified by letter. Two representations have been received objecting to the proposal. In summary the following comments were made:

- Position and access to proposed dwelling is incongruous
- Out of keeping
- Safety concerns regarding the proposed pedestrian access due to proximity with Collins Road and A131
- Considerable removal of vegetation and habitat is proposed
- Increase in traffic using Collins Road
- Concern regarding visibility splays
- Limited facilities in little Maplestead without pavements or street lighting
- Site outside of development boundary
- Setting a precedent for future development
- Concern that further development south of road will affect my adjacent field as there is no mains drainage.

In summary the following comments were made regarding the revised plans:

- Two properties in close proximity not in keeping with existing properties within the vicinity.
- Loss of light into 'Brambles' and impact on amenity

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, a material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

The Development Plan

The application site is located outside of the defined development boundary and therefore countryside policies apply. The proposal is therefore contrary to the Adopted Local Plan, Adopted Core Strategy and Draft Local Plan.

Planning Appeal (APP/Z1510/W/20/3245780) Land adjacent to Kistum Cottage, Cock Road, Little Maplestead, Halstead, CO9 2SE

In September 2020 an appeal was allowed for the construction of a single dwelling on land adjacent to Kistum Cottage, Cock Road, Little Maplestead. This appeal site is situated approximately 40 metres from the application site being considered on the opposite side of the intersection between Cock Road and Sudbury Road.

The Planning Inspector stated in the appeal decision, *'although the wider area is rural in character, this particular intersection seems to be dominated by urban development, which defines its character and appearance. The appeal site is therefore located within an area of transition characterised by a semi-rural appearance with some suburban development alongside open agricultural fields'*. It further states in the appeal decision, *'the rural character of the area has been, particularly along Cock Road, eroded. This is, in no*

small part, due to the significant ribbon development located further along Cock Road which protrudes along Cock Road, which protrudes unduly into the countryside and it is very dominant along the street scene, changing the character and appearance of the area to from rural to semi-rural. The proposed development due to its location and by virtue of being located in front of a restaurant and next to an existing dwelling, would not protrude into the countryside landscape and would not look out of place considering the semi urban character and appearance of the area. For the foregoing reasons, the proposed development would not have a significant effect of the character and appearance of the area.' The Inspectors decision acknowledges that Halstead town is within an easily commutable distance by public transport with a significant level of provision of services and facilities. The Inspector also acknowledges the proximity of an existing bus stop that connects the area to large local centres that are within easy commute of the appeal site is significant.

This appeal decision is a material consideration in the determination of this application. A copy of the appeal decision is included as an appendix to this report for information.

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the

Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

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 the Council will work to improve accessibility, to reduce congestion and reduce the impact of the development upon climate change. This will include requiring that future development be provided in accessible locations to reduce the need to travel and that sustainable transport links will be improved, including provision of and contributions for cycling and walking and quality bus partnership.

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The site is situated outside of the defined development boundary approximately 2.7 miles (according to Google maps via car) from Halstead and approximately 0.7 miles to Little Maplestead and 2.1 miles to Great Maplestead.

Little Maplestead, is the nearest settlement to the site and is classified in the Draft Plan as being within the 'third tier' of the settlement hierarchy. Third tier villages lack most of the facilities required to meet day to day needs, with poor public transport links and travel by private vehicle is usually required.

There is a bus stop in close proximity to the site which provides a service to Braintree, Sudbury and Halstead (services No 89 and F315). These services run approximately once an hour during daytime hours Monday to Saturday. There is no service on a Sunday.

The Inspectors conclusion in the appeal decision at Kistum Cottage, Cock Road gives considerable weight to the provision of the bus service to access services and facilities in the main towns of Halstead and Sudbury stating, *'the existence of a bus line and stop within close proximity of the site to such a significant town centre does demonstrate there is a reasonable alternative to the use of a private car'*. The Inspector states that *'in terms of accessibility, the site is considered to be in a relatively sustainable location and does not identify a conflict with Policy CS7 of the Core Strategy.'*

Given the proximity of the application site to Kistum Cottage, Officers consider that similar conclusions regarding the sustainability of the site due to the bus service should be drawn. The proposal is therefore not considered to be in conflict with Policy CS7 of the Adopted Core Strategy.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP37, LPP50 and LPP55 of the Draft Local Plan seek to secure high quality design in all developments. Paragraph 124 of the National Planning Policy Framework (NPPF) sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'. Paragraph 130 of the NPPF is explicit that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The submitted block plan proposes a single storey detached 3 bedroom dwelling situated approximately 2 metres to the west of 'Brambles' aligning with the building line of the neighbouring property. During the course of the application revised plans have been submitted to address officer concerns

regarding the layout, size and scale of the proposed development. The revised block plan (J57.Milburn. PL03) proposes a dwelling with a width of approximately 11 metres and a depth of approximately 8.5 metres. A rear protruding gable is proposed extending a further 4.5 metres from the rear elevation with a width of 7 metres. A front gable is also proposed with a width of 6.5 metres protruding forwards approximately 1 metre providing the entrance into the dwelling. The front and rear gables reduce the overall bulky appearance of the dwelling a concern previously raised by officers.

The submitted elevations propose a dwelling of modest appearance reflecting the character and materials of the neighbouring dwelling 'Brambles'. The exterior is proposed to be brick, render with weatherboard cladding on the front gable. A single roof light is proposed on rear elevation to provide light and ventilation into the en-suite.

A 1.8metre close boarded boundary fence is proposed providing separation between the proposed dwelling and 'Brambles'.

It is proposed to use the existing access from Collins Road with a new spur from the existing driveway to 'Brambles' providing access to the proposed dwelling. A permeable block drive is proposed. The submitted block plan proposes a new pedestrian entrance and gate onto Collins Road. The car parking spaces proposed are situated to the west side of the proposed dwelling.

The Essex Design Guide 2005 seeks a minimum provision of 100sqm of 3 or more bedroom dwellings. The provision of amenity space for the proposed dwelling and 'Brambles' exceeds this minimum standard.

The proposed dwelling is compatible in appearance with the neighbouring dwelling and is not considered to be harmful to the street scene. Due to the existing boundary treatments and the use of the existing vehicular access the proposed dwelling would not be visible from Collins Road or the A131.

Impact on Countryside

It is noted that the Planning Inspectors decision at Kistum Cottage referred to the erosion of the rural character and stated that, *'this is, in no small part, due to the significant ribbon development located further along Cock Road, which protrudes unduly into the countryside and it is very dominant along the street scene, changing the character and appearance of the area to from rural to semi-rural. The proposed development, due to its location and by virtue of being located in front of a restaurant and next to an existing dwelling, would not protrude into the countryside landscape and would not look out of place considering the semi urban character and appearance of the area'*. Similar conclusions can be drawn when considering this site particularly given the development along Collins Road and the site being situated next to an existing dwelling. The proposed site currently forms part of the garden for 'Brambles' and is situated outside the defined development boundary and is therefore considered 'countryside'. However, due to its existing use and

associated boundary treatments the proposed single storey dwelling would not be overly visible from the surrounding countryside.

To conclude, Officers consider that the proposal is acceptable in terms of layout, appearance, scale and impact on the street scene and countryside setting. The proposal therefore accords with Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP55 and LPP50 of the Draft Local Plan.

Impact on Neighbouring Residential Amenities

Paragraph 128 (f) of the NPPF states that planning decisions should ensure that developments 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. This is supported by Policy RLP90 of the Adopted Local Plan which states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. This is reiterated in LPP55 of the Draft Local Plan.

The nearest neighbouring residential dwelling would be 'Brambles' to the west which is the applicants property. There would be a separation of approximately 2 metres between the properties. The proposed dwelling has been positioned to align with the building line of 'Brambles'. There are no windows proposed on the eastern elevation of the proposed dwelling facing 'Brambles'. A single door is proposed on the eastern elevation providing access to the patio/rear garden.

Due to the layout, scale and appearance of the proposed dwelling and the proposed boundary treatment it is considered that there would not be a material loss of privacy to existing or future occupants of the proposed dwelling. There would not be a detrimental impact upon neighbouring amenity in terms of overlooking, loss of light, overshadowing. The proposal accords with RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan.

Highway Considerations

Paragraph 109 of the NPPF does deal with residual cumulative impacts on the highway network but sets a high bar for the prevention of development on those grounds: impact must be severe. Therefore, whilst having regard to the third party concerns, it is considered that any residual harm arising from the proposed development would not be severe and in terms of highway safety would not warrant refusal of the application on such grounds.

The Council refers to the latest adopted version of the Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance which requires new residential dwelling houses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The submitted plans propose sufficient parking for 2 car parking spaces for the proposed dwelling to accord with the Essex Vehicle Parking Standards. Sufficient car parking provision is also retained for the existing dwelling.

This accords with the Essex Vehicle Parking Standards and therefore complies with Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan.

Landscaping

Policies RLP80 and RLP81 of the Adopted Local Plan and Policy LPP69 of the Draft Local Plan seek to ensure that development integrates into the local landscape and appropriate native species are planted.

There are no detailed landscaping proposals submitted as part of the proposal. The Councils Landscaping Officer has reviewed the application and raises no objection.

Due to the existing vegetation boundary treatment and the positive contribution it makes to screen the site from the A131, Collins Road and the wider countryside a landscaping condition is proposed to ensure that this is retained and enhanced.

Habitat Regulations Assessment (HRA / RAMS)

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

The application site is located outside of the Zone of Influence, and therefore no contribution or assessment is necessary.

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, there are public benefits which would arise from the development. These include but are not limited to: the creation of a new dwelling which would contribute to the Council's housing land supply, albeit this is limited due to the scale of development proposed; and securing a design and layout which would be compatible with the surrounding development and the neighbouring property. The development would also secure jobs during construction.

In terms of environmental harm, while there would be some further encroachment of built form within the countryside, this impact would be limited by virtue of the scale and location of the development. There would also be limited potential harm to neighbouring residential property.

Whilst there would inevitably be a reliance on the private car to access services and facilities, there is a regular bus service nearby to the site which provides an alternative to the car providing access to Halstead and Sudbury.

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 Elevations
& Floor Plans

Plan Ref: J57.MILBURN.PL01 Version: A

Proposed Floor Plan

Plan Ref: J57.MILBURN.PL02 Version: A

Block Plan

Plan Ref: J.MILBURN.PL03 Version: A

Location Plan

Plan Ref: J.MILLBURN.PL04 Version: A

Highway Plan

Plan Ref: J57.MILBURN.PL05 Version: 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 No above ground development shall commence until samples of the materials to be used on the external finishes of the development have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details and retained thereafter.

Reason

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

- 4 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

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

- 5 Prior to first occupation of the development hereby approved the driveway and car parking spaces to serve the development as shown on J57.MILBURN.PL03 rev A shall be laid out and constricted in their entirety and made available for use and thereafter retained in the approved form in perpetuity.

Reason

To ensure a suitable access and car parking for the dwelling in the interests of highway safety and residential amenity.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 30 June 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/Z1510/W/20/3245780

Land adjacent to Kistum Cottage, Cock Road, Little Maplestead, Halstead CO9 2SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Derek Ludlam against the decision of Braintree District Council.
 - The application Ref 19/01845/OUT, dated 8 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is outline planning permission for the construction of a single dwelling house with all matters reserved apart from access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the construction of a single dwelling house with all matters reserved apart from access at Land adjacent to Kistum Cottage, Cock Road, Little Maplestead, Halstead CO9 2SE, in accordance with the terms of application Ref 19/01845/OUT, dated 8 October 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal is for outline planning permission, with all matters reserved except access. The details submitted with the application include Site Location Plan (Ref: 11794 01), Indicative Site Layout (11794 02), Indicative Existing Street Elevation (11794 03), Indicative Proposed Street Elevation (11794 04) and Tree Protection Plan (October 2019), which on all other matters but access, I have considered as a useful guide as to how the site might be developed but purely indicative.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the countryside, particularly the character and appearance of the surrounding area; and
 - Whether the proposal would promote sustainable patterns of development, particularly in regard to location and its relationship with designated settlements and its accessibility to local services by sustainable modes of transport.

Reasons

Character and Appearance

4. The appeal site is located very close to the intersection of Cock Road with Sudbury Road, within the countryside, **outside of a "village envelop" in the hamlet of Little Maplestead**. Opposite the appeal site is what appears to be a **restaurant called "Little India"**. Further along Cock Road, next to the restaurant, are a series of detached and semi-detached two storey dwellings, clearly visible from the highway, facing onto open agricultural fields.
5. Along Sudbury Road, and in close proximity to the appeal site, there are several other residential houses and some commercial developments, generally visible from the highway, but set back from the road.
6. Although the wider area is rural in character, this particular intersection seems to be dominated by urban development, which defines its character and appearance. The appeal site is therefore located within an area of transition, characterised by a semi-rural appearance with some suburban development alongside open agricultural fields.
7. Policy CS5 of the Braintree District Council Local Development Framework Core Strategy (2011) (the Core Strategy) states that development outside "village envelopes" will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character. Policy RLP2 of the Braintree District Local Plan Review (2005) (the Local Plan) re-iterates the Council's approach stating within the justification of the Policy that limits to settlements are intended to prevent extension of ribbon development and sporadic development.
8. These Policies seek to restrict development outside of urban areas in order to protect and enhance the character and appearance of the countryside.
9. The site is a triangular parcel of land, accessed off Cock Road. The proposed development would create a new detached dwelling, of a similar height to Kistum Cottage. This development would border, on one side, Kistum Cottage and, on the other, open agricultural fields. According to the illustrative drawings, notwithstanding all matters being reserved apart from access, the proposed development would be clearly visible from the main highway but in the same building line as Kistum Cottage and slightly set back. In addition, the site is at the moment, partially protected from being directly overlooked from the highway by some relatively mature vegetation.
10. The rural character of the area has been, particularly along Cock Road, eroded. This is, in no small part, due to the significant ribbon development located further along Cock Road, which protrudes unduly into the countryside and it is very dominant along the street scene, changing the character and appearance of the area to from rural to semi-rural.
11. The proposed development, due to its location and by virtue of being located in front of a restaurant and next to an existing dwelling, would not protrude into the countryside landscape and would not look out of place considering the semi-urban character and appearance of the area.
12. For the foregoing reasons, the proposed development would not have a significant effect of the character and appearance of the area.

13. Notwithstanding that there would be no significant effect on the character and appearance of the area, there would, as a matter of fact, be a conflict with Policies RLP2 and RLP80 of the Local Plan and Policies CS5 and CS8 of the Core Strategy as the proposal would result in the development of a new dwelling **outside of a Town Development Boundaries or a "Village Envelope"**. I will deal with this matter in the Planning Balance section of my decision.

Sustainable patterns of development

14. The services provided within the hamlet of Little Maplestead are limited and unable to cater for the day-to-day needs of future residents. Nevertheless, although services are limited, there is a bus stop within easy walking distance of the appeal site.
15. According to the information provided by the Council, the stop is served by buses to Braintree, Sudbury and Halstead. These services run approximately once an hour during daytime hours Monday to Saturday. There is no service on Sunday.
16. Considering the semi-rural context of the area, the existing of a bus stop that connects the area to large local centres that are within easy commute of the appeal site, is significant. Furthermore, there is a dedicated footpath adjacent to the site which provides relatively easy safe access to the bus stop.
17. The town of Halstead is considered to provide the best level of services and facilities within the District and it is located approximately 3.5 km from the **appeal site, according to the Council's own submitted** information. Therefore, future occupants of the appeal site would be within easily commutable distance by public transport of a centre with a significant level of provision of services and facilities.
18. I believe it would not be unreasonable to expect that future residents of the proposal would be, at least for some of their journeys, reliant on private transport. Nevertheless, the existence of a bus line and stop within close proximity of the site to such a significant town centre, does demonstrate there is a reasonable alternative to the use of private car.
19. Taking into consideration the size and character of the location, I find the bus service provides suitable levels of access, by means other than private transport, to a wide range of service and facilities. Consequently, in terms of accessibility, the site is considered to be in a relatively sustainable location.
20. For the reasons set above, I conclude the proposal is in accordance of the Framework and I have not identified a conflict with Policy CS7 of the Core Strategy, which aims to ensure that future development will be provided in accessible locations to reduce the need to travel.

Planning balance

21. There is a disagreement between the parties on whether the Council can demonstrate a deliverable five year supply of land for housing.
22. I have not found it necessary to come to a conclusion on this matter in order to **determine this appeal as, even if I were to take the Council's best position on** this matter as a benchmark for decision-making purposes, which would be that the Draft Local Plan includes a five year supply figure of 5.15 years, the

conventional planning balance would still indicate that the appeal should be allowed. This is in part because, although there would be the development plan Policy conflict identified above, the proposed development would have no significant effect on the character and appearance of the area and would promote sustainable development patterns of development in the context of the area in which it is located.

23. Furthermore, the proposed development would also make a modest, but positive contribution to the overall housing supply in the area and would bring some economic and social benefits to the area as well, mostly resulting from the construction and subsequent occupation of the proposed development. I am mindful that, due to the scale of the development, these benefits would be small, but nevertheless positive.
24. I am also mindful that paragraph 127 of the National Planning Policy Framework seeks to ensure that planning decisions optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development.
25. In summary, therefore, bearing in mind that there would be no significant harm resulting from the development, the identified Policy conflict would be justified given the resulting benefits.

Conditions

26. The Council has prepared a list of suggested conditions which include the standard time limit and implementation conditions. I have considered these in light of government guidance on the use of conditions in planning permissions and made amendments accordingly, including combining conditions.
27. In order to provide certainty, a condition specifying the approved drawings so far as they relate to the details to be approved at this stage, would be necessary.
28. In the interest of highway safety, I have included conditions regarding visibility splays and the surface treatment of the vehicular access.
29. In the interest of conservation and enhancement of biodiversity, I have included a condition which requires works to be carried out in accordance with relevant ecological assessments, as a Preliminary Ecological Appraisal Report has already been submitted.

Conclusion

30. For the reasons given above, I conclude that the appeal should, subject to the identified conditions, be allowed and outline planning permission granted.

Andre Pinto

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (herein called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for the approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in case of approval on different dates, the final approval of the latest such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the following plans so far as they relate to the site boundary and the details of the access arrangements hereby approved:

Site Location Plan (Ref: 11794 01)

5. Prior to occupation of the development the 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 three metres, shall be retained at that width for six metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
6. No unbound material shall be used in the surface treatment of the vehicular access within six metres of the highway boundary.
7. Prior to occupation of the development, all overgrown hedges either side of the vehicular access must be cut back and maintained thereafter behind the highway boundary to prevent obstruction of sight lines onto Cock Road and A131, Sudbury Road.
8. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Open Spaces Landscapes and Arboricultural Consultants Ltd, September 2019) as already submitted with the planning application.

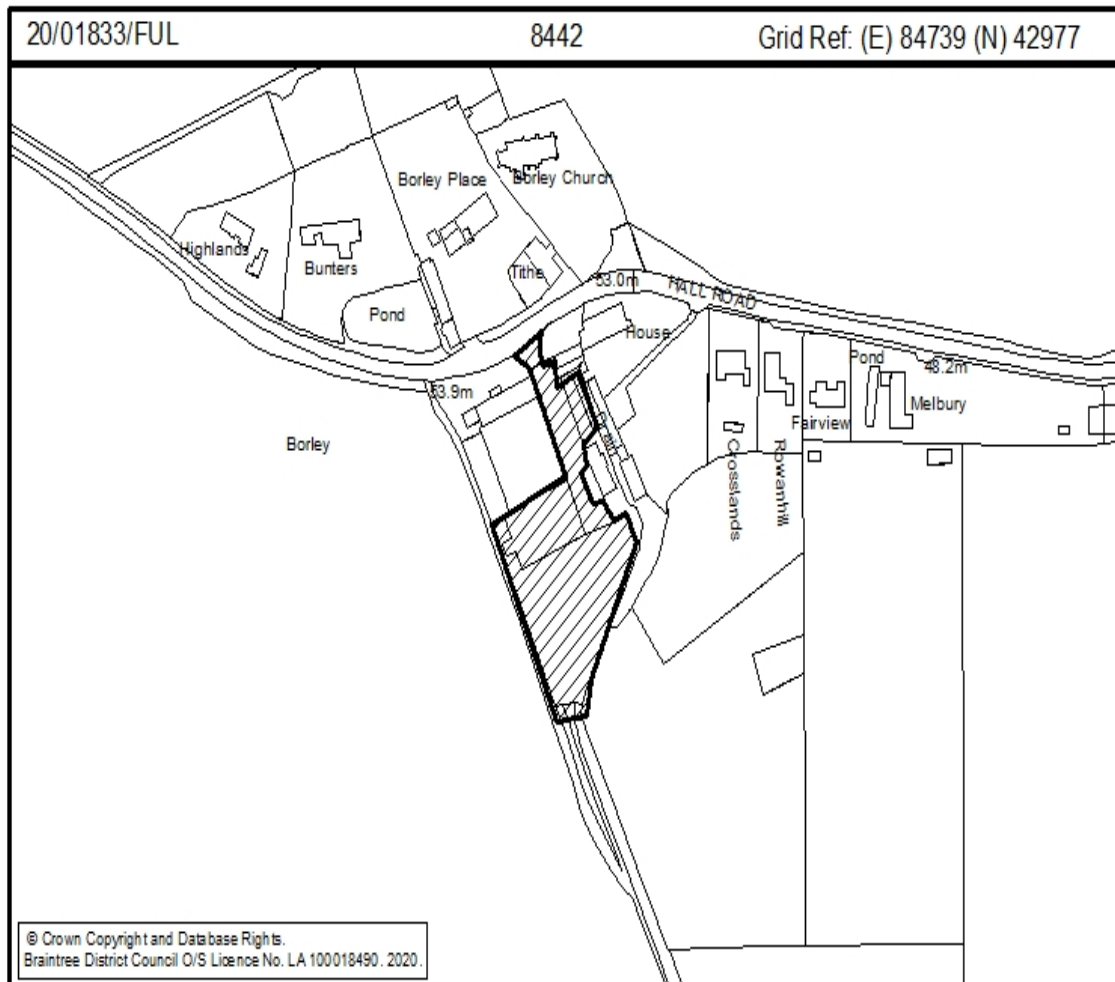
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/01833/FUL
DATE VALID: 06.11.20
APPLICANT: Bryants Building Services Limited
Mr M Bryant, 61 Station Road, Sudbury, CO10 2SP
AGENT: Ben Elvin Planning Consultancy
Mr Ben Elvin, 122 Constable Road, IPSWICH, IP4 2XA
DESCRIPTION: Erection of 1 no. single-storey dwelling, ancillary cart-lodge utilising existing vehicular access and demolition of 3 no. existing barns.
LOCATION: Cherry Tree Barn, Hall Road, Borley, Essex, CO10 7FW

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJDOBBBFHJW00>

SITE HISTORY

20/00350/COUPA	Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 1no. residential dwellings	Prior Approval Required and Given	16.04.20
11/00372/FUL	Conversion of redundant barn and outbuildings to single dwelling and erection of rear extensions following demolition of modern barn	Granted with S106 Agreement	25.05.11
11/00373/LBC	Conversion of redundant barn and outbuildings to single dwelling and erection of rear extensions following demolition of modern barn	Granted	20.05.11
20/00350/COUPA	Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 1no. residential dwellings	Prior Approval Required and Given	16.04.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment

LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP71	Landscape Character and Features

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Borley Parish Council support the proposals contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located in the open countryside to the south of the hamlet of Borley. The application site contains four former agricultural buildings, one larger grain store which is located to the south of the site, and three smaller buildings that are located along the eastern boundary of the site. The most southern of these buildings was the subject of a successful prior approval application (Application Reference 20/00350/COUPA), for conversion to residential.

To the north of the grain store is a range of traditional barns that are currently being converted to a residential use. The largest barn, that fronts the road, is Grade II listed.

To the north of the application site is a group of three Grade II listed buildings and the Grade I listed Borley Church.

PROPOSAL

The application seeks permission for the demolition of three agricultural buildings within the site (the grain store, the COUPA building and a building to the front of the site) and the erection of a new detached dwelling. An existing building to the north of the COUPA building, would be utilised as a cartlodge in connection with the previously approved residential conversion to the north of the grain store.

The dwelling would be served by the existing vehicular access from Hall Road, and would have access to a new cartlodge incorporated into the new dwelling along with a vehicle turning area.

The property is described as a single storey dwelling, and would contain three bedrooms, three en-suite bathrooms, a bathroom, a study and open plan kitchen/breakfast/dining/family room, sitting room, snug and boot room. The property would have a dominant main thatched roof ranged, and smaller ranges to the north and south containing the sitting room and bedrooms.

SUMMARY OF CONSULTATION RESPONSES

BDC Ecology

No objection subject to securing mitigation and enhancement measures.

Dedham Vale and Stour Valley Project

The site lies in the Stour Valley Project Area on the western edge of Borley Hamlet on slightly elevated land (circa 50m) on western slopes of the Stour Valley and Belchamp Brook.

The proposal does not raise any issues of concern and overall it has the potential to deliver positive enhancements within the Project Area around Borley. The design and choice of materials proposed for the construction of the new barn/cartlodge will enable it to sit sympathetically beside Cherry Tree Barn which is listed and within the Melford Sudbury Stour part of the Project Area.

The scale of the new dwelling is such that it will sit reasonably low in the landscape and will be viewed as part of Borley Hamlet. The siting and orientation of the new dwelling will also allow views of Borley Church tower to be retained from PROWS passing close to Belchamp Brook. The Valued Landscape Assessment Report for the Stour Valley Project Area identified church towers as key landmarks that contribute to the special qualities of the Melford Sudbury Stour part of the Project Area. The retention of this view is important to help conserve the special qualities of this part of the Stour Valley.

While substantial glazing is proposed in the rear elevation, the design of the barn is such that light spillage should not be a significant issue.

The proposed removal of C20th agricultural buildings, and other incongruous structures as part of the proposal will deliver further positive landscape enhancements within this part of the Stour Valley which is supported.

We broadly concur with the findings of the Landscape and Visual Impact Assessment (LVIA) and welcome the recommendation for additional landscaping along the western boundary and south eastern boundaries.

This supports recommendations for new hedge and tree planting in the Valued Landscape Assessment Report for the Melford Sudbury Stour section of the Project Area.

If the LPA is mindful to approve this application, the need for a detailed landscape plan should be conditioned. Any new hedges or trees planted should be native species and reflect what is growing locally to help conserve and enhance local landscape character and the special qualities of the Project Area around Borley.

Essex Fire and Rescue

No objection

Historic Buildings Consultant

Whilst there is no objection in principle, I have some concerns regarding the size of the proposed dwelling. It has an extensive footprint and would become a prominent feature within the landscape, particularly in views towards Borley, the Grade I Listed church tower and the Grade II Listed barn, from the west and south-west.

The site is sensitive, due to the potential impact on the setting of the heritage assets and views of the assets within their setting. Whilst there is no objection to the demolition of the buildings as proposed and the construction of a dwelling, of the overall design suggested and using the materials indicated, a slight reduction in size and massing is required in order to ensure the development is not too prominent in views of the heritage assets. The modest amendment to the extensive fenestration of the southwest facing elevation would also help to reduce this prominence. With these amendments, a scheme can be achieved, that fully enhances the asset's setting and contributes positively to the distinctive character of the area, so as to be in line with the guidance of the NPPF.

More detail with regards this matter, is set out later in this report.

ECC Highways

Given the existence and previous use of the site, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Council's adopted parking standards, the proposal is acceptable to the Highway Authority. A condition for a Travel Information Pack is recommended.

BDC Environmental Health

No objections to the proposed development on environmental health grounds.

BDC Landscape Services

No comments received at the time of writing this report.

ECC Archaeology

The Essex Historic Environment Record (EHER) shows that the proposed development lies within a historic site at Borley. To the north of the site lie a number of listed buildings of medieval origin including the 11th century and later parish church, with an Anglo-Saxon nave and the 18th century house at Borley Place which incorporates the remains of a late 15th or early 16th century structure, along with 15th and 16th century barns.

Cherry Tree Barn (formerly Borley barn) which lies within the site is a listed building dating to the 17th century. It may have been associated with a Rectory site which lay to the east of the farm from c.1600 to the late 18th century. By 1841 the barn and its site (stackyards) formed part of Borley Place Farm.

The proposed development lay within the historic farmstead which has been associated with the manorial site and/or rectory at Borley since late medieval time and evidence relating to the use of the farmstead over time is likely to be disturbed or destroyed by the proposed development.

A number of conditions regarding archaeological evaluation are requested.

PARISH / TOWN COUNCIL

Borley Parish Council

The views of those around the barn are most supportive of the new scheme which shows an attractive, low-level building in a better on site location than the barn conversions. This new scheme is far more suitable with regard to the local environment and has the support of the Parish.

REPRESENTATIONS

No comments received.

REPORT

Principle of Development

National Planning Policy Framework (NPPF) 2019

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and

environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

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

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

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

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

The Development Plan

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

The application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Local Plan Review (2005) and the Core Strategy (2011).

Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies will apply. Policy CS5 of

the Adopted Core Strategy specifies that development outside Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

The proposed development is therefore considered to be contrary to the Development Plan and the emerging Draft Local Plan.

Fall-back Position

The application site benefits from an extant 'prior approval' (Application Reference 20/00350/COUPA) to change the use of one agricultural building at the site into a residential dwelling. The prior approval included operational development required to facilitate the conversion of the building into dwelling. The proposals included within this consent must be completed by 16th April 2023.

There is therefore a realistic fall-back position at the site, which shall be afforded weight in the decision-making process. That said, the COUPA permission allows for the conversion of an existing building within the parameters set out in the General Permitted Development Order (GPDO). Although the principle of an additional residential unit on site has been established, this COUPA permission does not alone justify the construction of a new dwelling on site, which would also be sited in a different position. Relevant policies and material considerations are addressed below.

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

SITE ASSESSMENT

Location and Access to Services and Facilities

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify

opportunities for villages to grow and thrive, especially where this will support local services.

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.

The application site is located on Hall Road, Borley and is located a significant distance from the closest village, Bulmer, which does not contain any day to day services for residents. To the north of the site, (2.7km as the crow flies) is the village of Long Melford, which is served by a larger number of day to day services, such as shops, a school, doctors etc. However there are no paved walkways outside of the site which could provide on-foot or cycling access to any services and facilities in Long Melford, and walking or cycling on the road would not be practical or safe given the highway is a national speed limit road and unlit.

Occupiers of the future dwelling would solely reliant on the use of the private car to access even basic goods and services.

Although the site is not isolated in the context of Paragraph 79 of the National Planning Policy Framework, as there are a number of dwellings nearby, the location of the site is not a sustainable location which is capable of accommodating new residential development.

Notwithstanding this, as discussed above there is a realistic fall-back position through the prior approval at the site, which will need to be completed by 16th April 2023, which establishes a principle of residential development at this location for the provision of one dwelling.

On this basis, the unsustainable nature of the location will be attached lesser weight in the overall planning balance.

Impact on Heritage Assets

Paragraph 184 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of the new development making a positive contribution to local character and distinctive.

Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy RLP100 of the Adopted Local Plan relates to alterations and extensions and changes of use to listed buildings, and their settings. This policy does not make a specific reference to local listed buildings or non-designated heritage assets.

Policy CS9 of the Adopted Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to promote the sympathetic re-use of buildings, particularly where they make a positive contribution to the special character of the local environment, and can contribute to the delivery of sustainable development and regeneration.

Policy LPP60 of the Draft Local Plan relates to the development of internal, or external alterations, or extensions, to a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when a number of criteria are met.

There is a cluster of listed buildings to the north of the development site which includes the early seventeenth century, Grade II Listed timber framed barn 100m south of Borley Place and the Grade I Listed medieval parish Church. The development of the site is most likely to have an impact on these two heritage assets, while the impact on the remaining cluster would be negligible. The Listed barn is the nearest heritage asset to the development site, while there is a potential impact on the views of the Grade I Listed church tower, from the proposed building. Both heritage assets are clearly visible along with the development site, in views from the west and south-west.

As an agricultural building, the large modern, industrial barn (Building 3) is perhaps fitting and to be expected, within the rural setting of the listed buildings. However, its size and industrial appearance does not enhance that setting. Its demolition would therefore have a beneficial effect on the immediate setting of the listed barn and the wider setting of the Grade I Listed

parish church. Similarly, Buildings 1 and 2, do not enhance the setting of the heritage assets. In general terms, the removal of Buildings 1, 2 and 3 and the construction of new building in traditional materials and of an appropriate size, would constitute an enhancement of the setting of the heritage assets and the Historic Buildings Consultant would have no objection in principle.

The proposed building does not conform to the orientation of other nearby buildings and it is set back beyond the existing limit of development. The location and orientation of the proposed building would be consistent with the loose-knit positioning of buildings within Borley and the Historic Buildings Consultant has no objection to this aspect of the proposal. However, the setting of the heritage assets is unlikely to be able to support further development in the future, beyond the single dwelling in this location, without a resulting in a detrimental impact.

Whilst the Historic Buildings Consultant has no objection in principle, there are concerns regarding the size of the proposed dwelling. It has an extensive footprint and would become a prominent feature within the landscape, particularly in views towards Borley, the Grade I Listed church tower and the Grade II Listed barn, from the west and south-west.

The traditional materials to be used in the dwelling's construction, including thatch, clay tiles, black feather-edged weatherboarding and a red brick plinth are appropriate for the setting of the heritage assets. The proposed dwelling has a large footprint and in terms of height, it would be below the height of Building 3. Although the height of the new building is restricted to a single storey, the thatched roof of the core of the building necessitates a steep pitch, raising the roof height.

The National Planning Policy Framework (NPPF) recognises that heritage assets are an irreplaceable and finite resource and should be conserved in a manner appropriate to their significance. Paragraph 200 of the NPPF obliges local planning authorities to look for opportunities for new development 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.

The site is sensitive, due to the potential impact on the setting of the heritage assets and views of the assets within their setting. Whilst the Historic Buildings Consultant does not object to the demolition of the buildings as proposed and the construction of a dwelling, of the overall design suggested and using the materials indicated, a slight reduction in size and massing is required in order to ensure the development is not too prominent in views of the heritage assets.

At present, the scheme would result in less than substantial harm to the significance of the building and Paragraph 196 of the NPPF is relevant.

This harm is considered less than substantial and therefore the Council is required to seek to balance this harm against any public benefits which would arise from the proposed.

Design, Appearance, Layout and Impact upon the Character and Appearance of the Area

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

Policy CS5 of the Adopted Core Strategy states that outside development boundaries, development will be strictly controlled to uses appropriate in the countryside. Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change, and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. Policy RLP80 of the Adopted Local Plan states that development which does not integrate in to the local landscape will not be permitted.

The prior approval application determined in 2020 relates to one building (shown as building 1 on the submitted plans). This building is proposed to be demolished as part of this application, however it has recently been re-clad with weather boarding and enclosed, as historically the building was open fronted to the west.

Buildings 1 and 2 present a limited impact to the character and appearance of the countryside due to them being expected structures required at one time for the purposes of agriculture, a use which belongs in the countryside. The previous prior approval application, which proposed to convert one of these buildings into residential dwelling, would have done so in a manner which retained the agricultural aesthetic of the building. There would be an authenticity in the resultant form, with its agricultural origins being clear, and there being a limited domestication of the site through the provision of a tightly drawn amenity space and two parking spaces located directly in front of the dwelling.

Building 3 is a large utilitarian agricultural grain store built in the late 1970's. The building has a larger foot print of 624sqm and a maximum height of 8.7m. This building lies to the south of the existing range of structures on site and the listed buildings in Borley. The land to the south of the site slopes away from the site and Building 3 is visible within the existing landscape when viewed from an existing road to the west. No objection is raised to the demolition of this building, as it is no longer required in connection with an

agricultural trade or business. Furthermore it is considered that the removal of this building would result in betterment for the existing landscape.

The dwelling proposed, whilst described as single storey, has a maximum height of 6.8m and has a steeply pitched roof to accommodate a thatched roof covering. Furthermore it is considered that there would be sufficient space within the roof of the main range to accommodate first floor rooms. The footprint of the new dwelling would be located beyond the existing building line of the agricultural structures it would replace. The existing open paddock to the south of the grain store would be used as the domestic garden for the new dwelling, partly for the siting of the new dwelling and partly as domestic garden for the existing barn conversion known as Cherry Tree Barn. It is considered that by pushing built form and domestic garden further south into the open countryside, this would have a negative impact on the character of the countryside, far more so than the buildings the applicant is seeking to demolish.

Although it is acknowledged that the new dwelling would be smaller in terms of footprint than the total floor area of the existing agricultural buildings to be removed, its scale, height and domesticated layout, would result in a prominent and visually intrusive building in the countryside, which would fail to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous harm to the character and appearance of the countryside. Furthermore the proposed design which includes 'wings' protruding out from the main core of the building, makes for an awkward design, which does not integrate well in to its surroundings. The proposed dwelling would be an unsympathetic addition to this rural area and would fail to integrate with the surrounding countryside in conflict with Policies CS5 and CS8 of the Adopted Core Strategy and Policies RLP80 and RLP90 of the Adopted Local Plan.

The Essex Design Guide 2005 indicates that for 3 bedroom or more dwellinghouses, a garden of at least 100sqm of useable and private space should be provided and the proposed dwelling provides in excess of this garden space.

It is noted that the Dedham Vale and Stour Valley Project raise no objections to the proposal, but recommend a landscaping strategy should permission be forthcoming.

Impacts upon Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP50 of the Draft Local Plan allow for new development where there would be "no unacceptable or undue impact" on neighbouring residential amenities by way of loss of "privacy, overshadowing, loss of light or overbearing impact". The National Planning Policy Framework also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.

Given the remote nature of the site, Officers are satisfied that there would be no unacceptable impacts to neighbouring residential amenities, nor upon the occupiers at the adjacent Cherry Tree Barn.

Highways, Transport and Parking

The Essex Parking Standards Design and Good Practice (2009) Supplementary Planning Guidance requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

Sufficient off street car parking is provided for the new dwelling both on the new driveway and within a proposed cartlodge.

The proposed dwelling would utilise an existing access off of Hall Road. ECC Highways raises no objections to the use of this access for the proposed development.

Habitat Regulations Assessment (HRA / RAMS)

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

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

The application site falls outside of the Zone of Influence, and therefore no contribution or assessment is necessary.

Archaeology

The Essex Historic Environment Record (EHER) shows that the proposed development lies within a historic site at Borley. To the north of the site lie a number of listed buildings of medieval origin including the 11th century and later parish church, with an Anglo-Saxon nave and the 18th century house at Borley Place which incorporates the remains of a late 15th or early 16th century structure, along with 15th and 16th century barns.

Cherry Tree Barn (formerly Borley barn) which lies within the site is a listed building dating to the 17th century. It may have been associated with a

Rectory site which lay to the east of the farm from c.1600 to the late 18th century. By 1841 the barn and its site (stackyards) formed part of Borley Place Farm.

The proposed development lay within the historic farmstead which has been associated with the manorial site and/or rectory at Borley since late medieval time and evidence relating to the use of the farmstead over time is likely to be disturbed or destroyed by the proposed development.

A number of conditions regarding archaeological evaluation would be required if permission was forthcoming.

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).

The proposal would result in some economic benefits, for example the short term construction jobs whilst the existing buildings are being dismantled and the new building is being developed, and the contribution that their future occupiers would make to the local economy. However, these would be very much limited by the small scale of the development.

There would be a social benefit, through the provision of one additional dwellinghouse, and the contribution it would make to the Council's shortfall of five year housing land supply, albeit again limited by the small scale of the development. Furthermore the approved COUPA permission already allows for one dwelling on the site in a more sympathetic manner.

There would be a negative environmental impact, due to the demolition of the existing barn (building 1) and the construction of a new dwelling, opposed to a conversion which has sustainability benefits. Furthermore the proposed design, height and domesticated layout, would result in a prominent and visually intrusive building in the countryside, and would fail to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous harm to the character and appearance of the street scene and the rural character of the countryside. Further harm, due to the scale of the new dwelling, would result in relation to views of the heritage assets to the north of the application site.

There would also be an environmental harm caused by the site's unsustainable location, being set outside of the closest village of Bulmer and Long Melford, and the unattractiveness of the route for walking or cycling to that village, along unlit and national speed limit roads with no paved walkways. There would therefore be a reliance on the use of the private car, which is not a sustainable mode of transport. It is acknowledged however that one dwelling could be created at the site, so this matter is given lesser weight in the planning balance.

When considering the planning balance and having regard to the Development Plan, and having regard to the requirements of the NPPF as a whole, it is concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

RECOMMENDATION

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

- 1 The site is located in the countryside and is located outside of the defined village envelope as identified in the Adopted Local Plan and Adopted Core Strategy. The proposed development, by virtue of its siting, design, height and domesticated layout, would result in a prominent and visually intrusive building in the countryside, which would fail to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous environmental harm to the character and appearance of the countryside. The proposed dwelling would be an unsympathetic addition to this rural area and would fail to integrate with the surrounding countryside of harm to the amenity afforded to it. Furthermore, by reason of its height and design, harm would be caused to the views of the heritage assets located to the north of the application site.

The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposed development would be contrary to Policies RLP2, RLP80, RLP90 and RLP100 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies LPP1, LPP50, LPP55, LPP60 and LPP71 of the Draft Local Plan, as well as the National Planning Policy Framework.

SUBMITTED PLANS

Location Plan	
Topographical Survey	Plan Ref: 20/63/01
Topographical Survey	Plan Ref: 20/63/02
Existing Elevations and Floor Plans	Plan Ref: 20/63/03
Existing Elevations and Floor Plans	Plan Ref: 20/63/04
Existing Elevations and Floor Plans	Plan Ref: 20/63/05
Proposed Elevations and Floor Plans	Plan Ref: 20/63/06
Proposed Elevations and Floor Plans	Plan Ref: 20/63/07
Existing Elevations and Floor Plans	Plan Ref: 20/63/08
Proposed Site Plan	Plan Ref: 20/63/09
Section	Plan Ref: 20/63/10

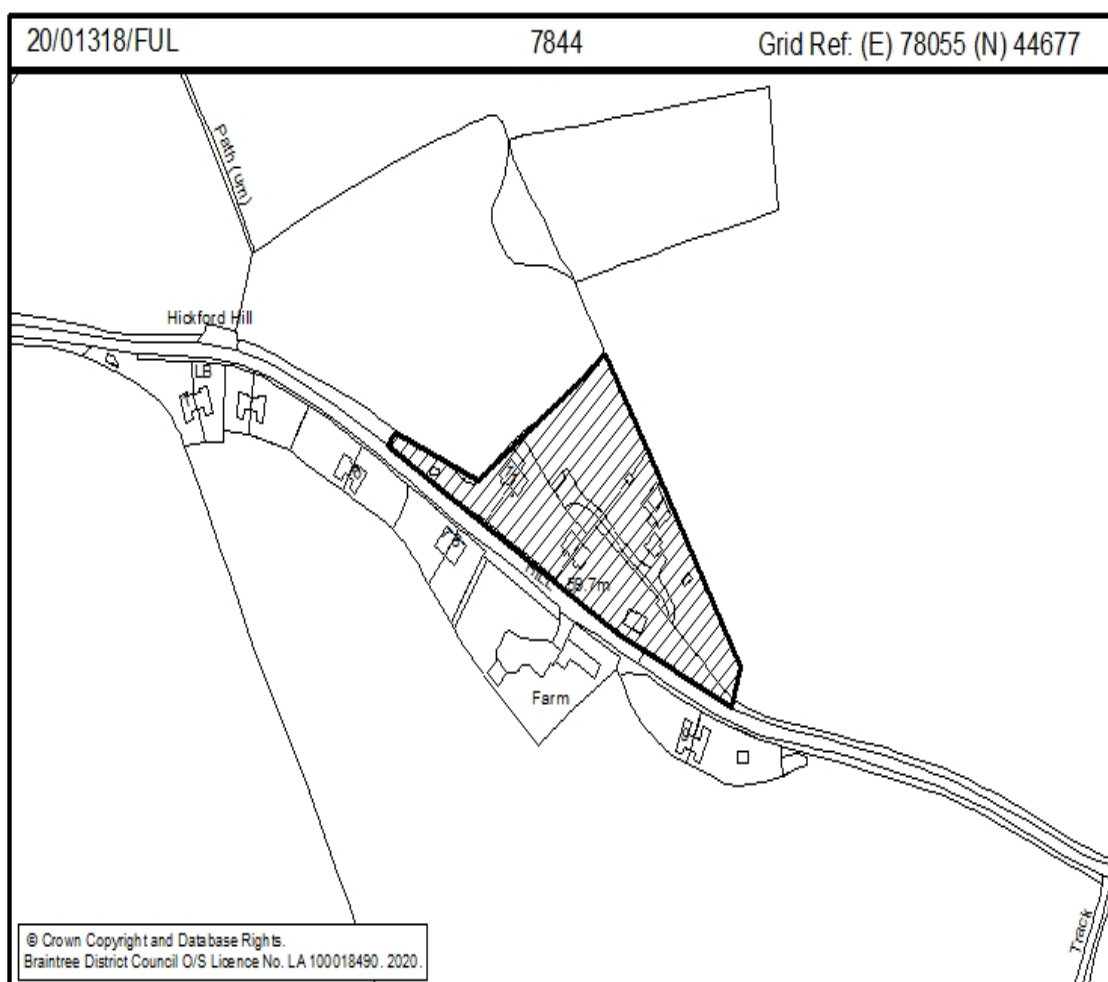
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01318/FUL
DATE VALID: 19.08.20
APPLICANT: Mr and Mrs Pawsey
C/o Agent
AGENT: Dean Jay Pearce Architectural Design
2/3 Milestone, Hall Street, Long Melford, Suffolk, C10 9HE
DESCRIPTION: Alterations to existing vehicular access and erection of a detached cartlodge to serve 4 No. dwellings.
LOCATION: 11, 12, 13 & 14 Hickford Hill, Belchamp St Paul, Essex, CO10 7DW

For more information about this Application please contact:
Jack Street on:- 01376 551414 Ext. 2515
or by e-mail to: jack.street@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEY31GBF00A00>

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.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Belchamp St Paul Parish Council support the proposals contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located beyond any formal development boundaries as defined in the Adopted Local Plan, and thus is formally situated on and designated as

countryside. The application site is located to the rear of the four properties the proposal is associated with: No.11, No.12, No.13 and No.14 Hickford Hill.

Hickford Hill is located in the countryside within the northernmost reaches of the District; situated between Clare, Suffolk to the west and Belchamp St. Paul to the south-east. The settlement shares its name with the highway that elevates as it runs from west to east through the collection of properties that face onto the road on its north and south side. The host dwellings for this application are sited on the northern side of the highway.

The dwellings form two detached pairs, with No.11 and No.12 situated on the west of No.13 and No.14. The properties are primarily shielded from the highway by dense vegetation and foliage that lines the sides of the road, and the properties are generally accessed by foot through elevated paths and steps formed from the highway. A gated vehicular access is currently sited to the east of the dwellings, which provides access to the rear of the properties across the eastern and northern perimeters of the application site, with parking observed in these rear areas.

The properties are generally of a rendered appearance, and of modest proportions. It is notable that, given that the site is located on a hill, a difference in levels is characteristic to the area. As such, the rear section of the dwellings sits atop a higher level given the topography. In this rear area, Officers observed a number of temporary and agricultural structures currently in place. Further north of this area rolls an expanse of open countryside land.

PROPOSAL

The proposal seeks planning permission for alterations to the existing vehicular access and erection of a detached cartlodge to serve 4 No. dwellings.

The alterations to the existing vehicular access would involve the modification of the current arrangement in favour of a wider point of entry where the access meets with the highway. The access would measure a total width of 11 metres, connected as close as practical at a right angle to the highway. The trajectory of the roadway would continue as present, curving toward the west where the access would meet with a proposed pea-shingle driving/turning area that would serve the proposed cartlodge.

It is noted that the works would entail the loss of planted features, though the plans indicate that a new native hedgerow and 5 new trees would be planted to account for this.

The proposed cartlodge would serve the four dwellings associated with this application, and thus would be of four bays. Parking would be provided in front of the cartlodge also, with an additional four bays noted on the eastern flank of the proposed structure to allow for 'overflow parking'. The plans indicate that this area will feature a pea-shingled covering.

The cartlodge is shown on submitted plans to measure a width of 14 metres, a length of 7 metres, and a total height of 5.50 metres measured from ground level to the apex of the proposed ridge of the hipped roof. The roof would be pitched at 35 degrees, and covered with clay pan tiles. The eaves of the structure would be clad in a black painted boarding.

At present, parking is provided on the roadside across Hickford Hill. There was a level of parking provision observed to the rear of properties No.13 and No.14. The proposal is put forth on the grounds of reducing the level of vehicular parking on the roadside, with suggested benefits on highway safety and visual amenity. No information has been provided to suggest the existing parking arrangement is unsafe.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

The proposal as shown on the plans was considered acceptable to the Highways authority.

Dedham Vale and Stour Valley Project Area

No objection.

BDC Landscapes

It was noted that the site does not contain any protected trees or stand within a local conservation area. It was acknowledged that the topographical survey indicates that some vegetation will need to be removed to facilitate the new access, and that the application is not supported by a dedicated tree survey and arboricultural impact assessment (AIA). However, from the opinion of Landscapes, it was not considered that the impact on the local amenity from these proposals to be unacceptable - with the proviso that a suitable landscape scheme is a condition to any approval; to ensure the roadside frontage and quality of the setting are enhanced for the benefit of future amenity.

PARISH / TOWN COUNCIL

Belchamp St. Paul Parish Council support this application, siting an improvement to road safety in this area of the District.

REPRESENTATIONS

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

REPORT

Principle of Development

The application site is sited beyond the parameters of any formal development boundaries or village envelopes as defined in the Adopted Local Plan. The proposal is therefore subject to countryside policies in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan. Policy CS5 of the Core Strategy requires development in these areas to be strictly controlled to uses appropriate to the countryside.

Policies RLP18 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38 and LPP55 outline acceptable design and appearance criteria for developments proposed, with particular note given in this instance to criteria explicit to development within the countryside.

Further to the above, the site is located within the Stour Valley Project Area, with falls within a designated landscape character area. Officers will therefore consider Policy RP79 of the Adopted Local Plan, Policy CS8 of the Adopted Core Strategy and Policy LPP71 of the Draft Local Plan which outline *inter alia* that proposals for new development should be informed by, and be sympathetic to, the character of the landscape as identified in the District Council's Landscape Character Assessments. Development which would not successfully integrate into the local landscape will not be permitted.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, which state that planning permission will be granted subject to the siting, design, and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands. Proposals are also required to be subordinate to the existing dwelling in terms of bulk, height, width, and position.

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.

In the interest of clarity and clear presentation, the two aspects of the proposal are addressed separately below before a concluding section which will consider the overall impact and cumulative effect of the proposal. The assessment will start with the proposed access.

Alterations to existing vehicular access

The changes proposed to the existing vehicular access would alter the appearance and layout of the present arrangement, in favour of a wider point of entry into the site. The present arrangement curves from the roadway as it traverses deeper into the site, whereas the proposed arrangement would meet with the highway at a right-angle. The proposed access would measure a total of 11 metres in width where it meets with the highway.

Officers consider that the existing arrangement is sufficient to allow vehicles to enter into the site, and thus a wider access may be desirable but is not required for occupants of the dwellings. The works would entail the loss of existing planted features, and although the applicant has indicated that new features would be planted to mitigate this loss, it is not thought that the loss of the original planted features is justified given that the existing access is sufficient.

The widening and formalisation of the access would result in a substantial engineering operation which will result in a significant alteration to the street scene and the wider countryside setting, and the proposed justification is not considered to offset these concerns given that the existing access is considered sufficient. This aspect of the scheme is not considered to enhance the countryside setting, and the proposed impacts identified are not considered reasonable and are harmful to the street scene and countryside setting.

For these reasons, the scheme is considered contrary to criteria outlined in Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP55 and LPP71 of the Draft Local Plan.

Erection of a detached cartlodge to serve 4 No. dwellings.

The proposed detached cartlodge would be set to the rear of the host dwellings to this application and atop a significant elevation in the topography of the area. It is noted that the properties are set lower down from the proposed cartlodge, and thus the visual and physical relationship between the two structures would be impacted by the difference in levels.

Due to the nature of the intended purpose of the structure to serve four dwellings, the resultant structure would be significant in its overall size and bulk. Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft

Local Plan outline that outbuildings will be required to be subordinate to the original dwelling in terms of bulk, height and position. It is accepted that a cartlodge intended to serve four dwellings would find difficulty to remain subordinate to any one particular dwelling, though it is noted that its situation atop an elevation in the topography further emphasises its overall prominence. The structure would fail to appear subordinate in any sense.

Further to the above, Policy LPP38 outlines that new outbuildings in the countryside should be well related to the existing development on the site and within the curtilage of the dwelling. The structure would be sited closest to No.13 and No.14, though would not be located within what is considered the properties' curtilage. Further, no link is read between the structure and the dwellings at No.11 and No.12. The scheme would therefore introduce a structure with a tenuous link to the residential dwellings.

It was noted during a site visit that several temporary and agricultural buildings are situated within this section of the site, which was subdivided by a mixture of temporary metallic fences and permanent wooden post and rail fencing across the northern perimeter. The addition of a large structure such as that proposed in this application would add to the level of development currently in place and further rescind the openness in what is a countryside setting.

The structure in conjunction with, but also irrespective to, the adjacent buildings in the rear area of the dwellings would contrast with the surrounding openness of the countryside and thus represent an intrusive addition, contrary to Policies RLP18, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policy LPP38 of the Draft Local Plan.

Cumulative Assessment of Both Aspects

It is accepted that the development would allow cars to park within the site area, limiting the number of cars that have to currently park on the roadside. The applicant has suggested that the scheme would entail improvements to road safety and provide ample off street parking. The works were also stated to reduce the visual harm to the locality caused by an array of vehicles parked on the roadside.

No additional information has been submitted to indicate the works are required on the grounds of highway safety, and no accident or incident reports have been provided. The works would offer a more convenient means for occupiers of the dwellings associated with this application, though the existing arrangement is not evidenced to be unsafe.

The proposed widening and formalisation of the existing access would be more of an understandable premise if it were to provide access to a building for shared parking, that said it would still give rise to harm to the character and appearance of the street scene and wider countryside and is not necessary to access the site. However, Officers have identified that the building would be

overly large, insubordinate to the dwellings and harmful to the openness of the surrounding countryside.

The level of engineering works necessary for the creation of a new access, and the loss of existing natural features this would entail, is not considered necessary to facilitate access by more users when an existing access is currently in effect. As such, it is not considered that the proposal would enhance the countryside setting and would amount to a level of harm deemed unjustified in this instance.

For the reasons listed above, the proposal would be contrary to the abovementioned policy requirements.

Impact on Neighbour Amenity

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

Given the position of the structure and the layout of the associated structures, there would be no unacceptable impact upon neighbouring residential amenity.

Highways Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards, which state that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. The Parking Standards suggest that a house of two bedrooms or more should demonstrate at least two off-road parking spaces.

The application would provide two parking spaces for each of the dwellings listed in the application form. As such, the application would comply with the requirements as listed above.

In addition to the above, it is noted that Essex Highways have raised no opposition to the proposal in terms of highway safety.

CONCLUSION

With regards to the proposed cartlodge, the structure would be sited within a countryside location, whereby the Council is obliged to control encroachment by structures. In this position, a number of outbuildings are already in place, and the application would include the introduction of a further building of a

significant size and scale. Whilst the intended purpose of the structure is acknowledged, its size is not subservient to the dwellings, and is not subordinate to the countryside setting. Its size is asserted by its setting atop an incline in the topography, whereby it appears a prominent addition that dwarfs the properties when viewed from the rear area. The formalised driveway to serve the structure would introduce further encroachment and harm on the countryside. Further, it would be an intrusive addition when viewed from the surrounding area.

The works to the existing access would constitute a significant alteration to the street scene and wider countryside setting, and would entail the loss of existing landscape features. No information has been provided to suggest the existing arrangement is unsafe. The potential impacts of the scheme are not considered to outweigh the benefits, given that the existing access is judged as sufficient to allow users to enter the site. The proposed widening and engineered access is therefore not considered acceptable.

Overall, the scheme would represent a significant modification of the site area. The addition of a large structure that fails to be subservient to the dwellings at the expense of the wider openness of the countryside, the widening of an access at the expense of landscape features, and the formalisation of the access through the laying of pea-shingle represent (cumulatively) an unacceptable encroachment on the countryside and thus this development is not supported by Officers. The application is therefore recommended for refusal.

RECOMMENDATION

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

- 1 The proposed cartlodge would be set atop a significant elevation in the topography and this together with its, bulk, height, width, size and position, would result in a intrusive addition to the site and within the wider countryside setting, poorly related to the dwellings it would serve, failing to be subordinate and of harm to the character and appearance of the countryside.

The proposal would therefore be contrary to Policies RLP18, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policy LPP38 of the Draft Local Plan.

- 2 The widening and formalisation of the access would result in a substantial engineering operation which would result in a significant alteration to the street scene and the wider countryside setting. The widening of this access would entail the loss of natural features and would alter the character of the street scene and countryside in this

position. As the existing access is considered sufficient, it is not considered reasonable to enlarge the access at the expense of existing natural features and given the harm that would arise to the street scene and to the character of the countryside.

As such it is considered that the identified harm outweighs any potential benefits and would be contrary to Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy, Policies LPP1, LPP55 and LPP71 of the Draft Local Plan, and the NPPF.

SUBMITTED PLANS

Topographical Survey	Plan Ref: 20/70/01
Topographical Survey	Plan Ref: 20/70/02
Existing Block Plan	Plan Ref: 20/70/03
Proposed Elevations and Floor Plans	Plan Ref: 20/70/04
Proposed Site Plan	Plan Ref: 20/70/05

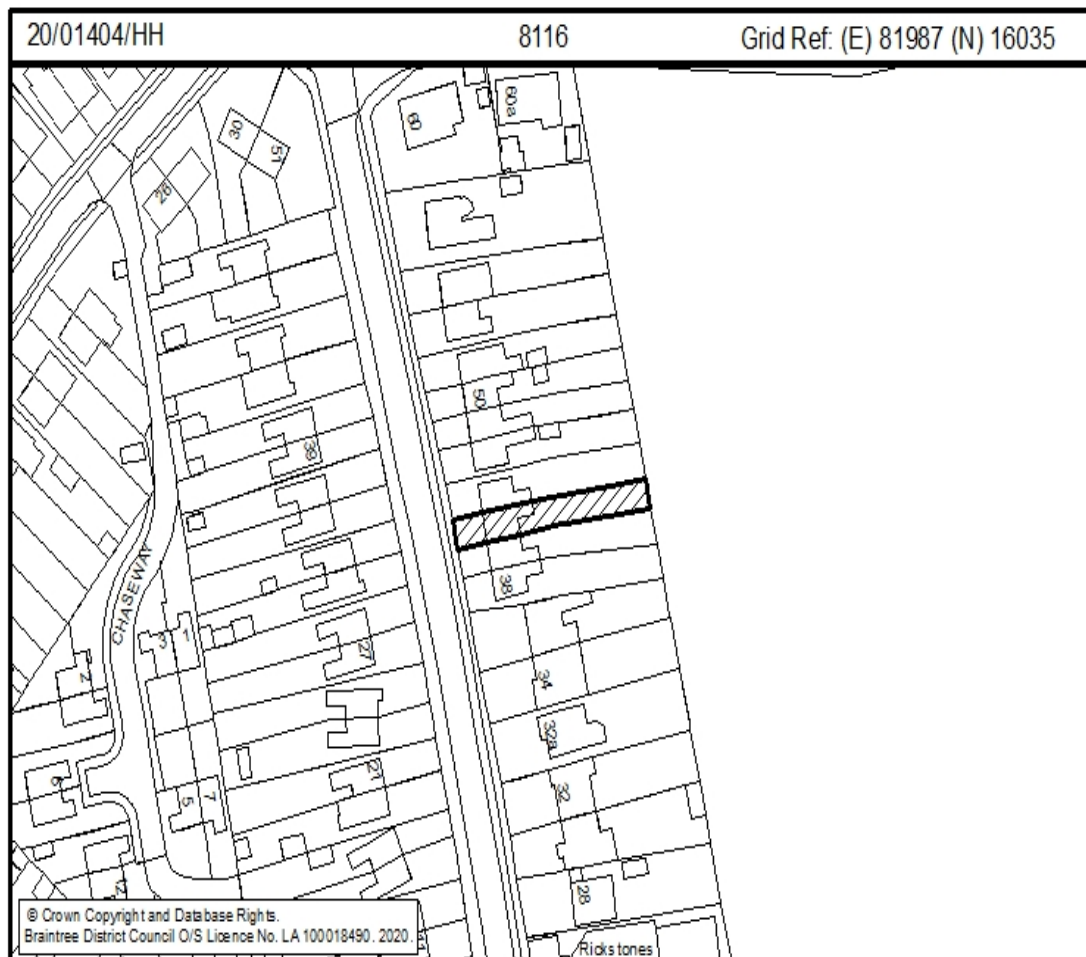
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5g

APPLICATION NO: 20/01404/HH
DATE: 01.09.20
VALID:
APPLICANT: Mr & Mrs Barritt
42, Rickstones Road, Witham, CM8 2NF
AGENT: Essex Extension Plans
Mr Stephen Baggott, 37 Burnell Gate, Springfield,
Chelmsford, CM1 6ED
DESCRIPTION: Single-storey rear extension
LOCATION: 42 Rickstones Road, Witham, Essex, CM8 2NF

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=QFPNH4BFGBH00>

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.

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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
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Braintree District Publication Draft Local Plan 2017

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is a two-storey mid terrace dwellinghouse located within the Witham development boundary. The house has not been previously extended but has an existing single-storey element to the rear of the property which forms part of the original structure of the dwelling.

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

PROPOSAL

Planning permission is sought for the erection of a single-storey rear extension. The extension would measure 3.7m in depth and 4.8m in width being the width of the original property. The rear addition would act as an infill extension as it would be constructed between an existing original single storey element, and the boundary of the site with No.40 Rickstones Road. The extension would include a flat roof with a roof light to maximise internal natural light. Bi-fold doors are proposed to the rear elevation which would open directly onto the rear amenity area. The materials utilised for the addition would be facing brickwork which would be in keeping with the host dwelling.

The proposal has been amended during the life of the application, significantly reducing the depth of the proposal.

SUMMARY OF CONSULTATION RESPONSES

None.

PARISH / TOWN COUNCIL

Witham Town Council

No objection.

Neighbour Representations

One letter of objection was received from 44 Rickstones Road:

- The door proposed in the side elevation of the extension would overlook the garden of No.44.
- The main drain is outside the main rear access gate and will be affected by the works.

REPORT

Principle of Development

The proposal is for a single-storey rear extension. The application site is located within the Witham 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, Appearance and Heritage

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 overdevelopment of the plot, and 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 level of design.

The application is for a single storey rear extension. The application originally proposed an extension which extended in depth by 8.9m from the main rear wall of the dwellinghouse. It was considered that this would have been overbearing to neighbouring amenity and would have created an awkward

relationship between the host dwelling and the extension due to its excessive depth. The extension has been subsequently reduced to 3.7m in depth to overcome design and amenity concerns.

The design of the proposed extensions matches well in terms of its form and style with that of the existing property, utilising appropriate materials to its external facing walls. The resulting extension would be subservient and its modest size would not result in an overdevelopment of the plot or its boundaries.

It is considered that the revised proposal is acceptable in terms of design and appearance with appropriate materials being utilised to match the host property. As the extension is to the rear there would be no impact on the street scene and it is not considered that the proposed development would result in harm to the appearance of the dwelling. Therefore it is considered that the proposed addition to the property complies with the aforementioned policies.

Impact on Neighbouring Residential Amenities

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 garden to the existing property is bound by a 1.8m high timber fence adjoining both No.40 and No.44 Rickstones Road. The initial concerns raised by Officers regarding the scale of the proposal have been addressed by a proposal that has been considerably reduced in scale to prevent an overbearing impact being created. The extension would now project just 3.7m along the boundary with No.40 and would extend no further than the existing depth of the original rear projection along the boundary with No.44.

There would therefore be no loss of light or resulting impact on neighbouring amenity at No.44. To the south at No.40, the nearest habitable window/door would serve the ground floor rear room to the dwelling, the centre of which would be located approximately 1.5m from the proposed extension. Whilst the proposed extension would fail the 45 degree rule in plan form, due to the orientation of the dwellinghouse being located to the south with the rear elevation facing east, there would be no resulting loss of light experienced to this window.

The concerns of the neighbouring property have been taken into account, however it is not considered that the concerns raised would warrant a refusal. The door which is mentioned in the representation has been removed from the proposal and the issue raised regarding drainage is a civil matter and not a planning consideration that could be taken into account when determining the application.

In conclusion, the proposed rear extension would not result in an unacceptable loss of light, privacy, outlook or visual intrusion and is therefore compliant with the abovementioned policies.

Highways

Policy RLP56 of the Adopted Local Plan and Policy RLP45 of the Draft Local Plan states that vehicle parking should be provided in accordance with the Essex Parking Standards.

In this case the dwelling benefits from two off-street parking spaces, and this would remain unchanged due to the nature of development.

CONCLUSION

In conclusion, it is considered that the proposed extension is acceptable in terms of its design and appearance, and would not have a detrimental impact upon neighbouring residential amenity. Consequently, the application is recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans Plan Ref: 6980 Rev A

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

Reason

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

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

Reason

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

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

Reason

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

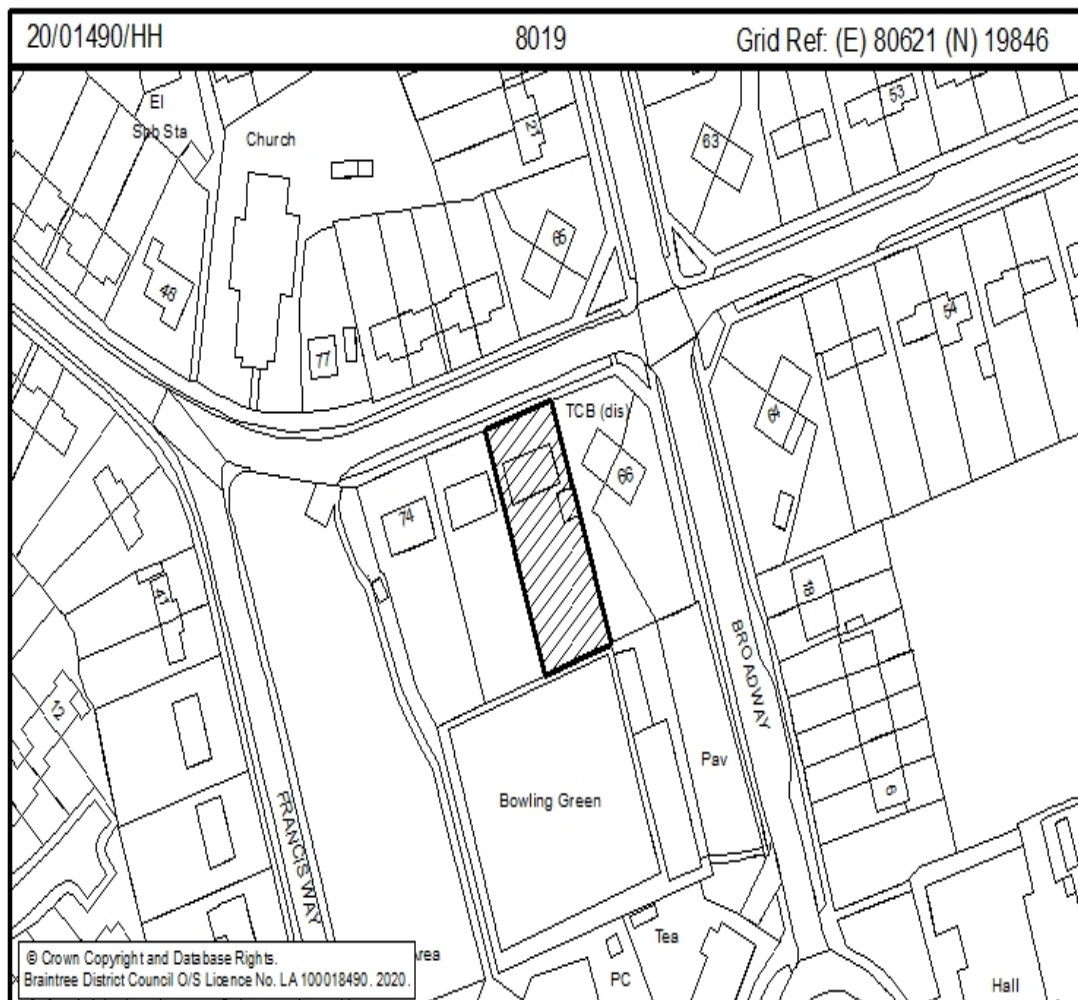
CHRISTOPHER PAGGI – PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5h

APPLICATION NO: 20/01490/HH
DATE: 09.09.20
VALID:
APPLICANT: Mr Stuart Way
70 Silver Street, Silver End, CM7 2QS
AGENT: Bluemanor Windows Ltd
Miss Ruby Zammit, Unit 4, Chilford Court, Rayne Road,
Braintree, CM7 2QS
DESCRIPTION: Replacement of windows to front and side elevations
LOCATION: 70 Silver Street, Silver End, Essex, CM8 3QF

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGE1E1BF GK900>

SITE HISTORY

20/00081/CL	Single-storey rear extension, single-storey outbuilding and single-storey detached garage.		
02/01239/FUL	Erection of two single storey rear extensions	Granted	06.08.02
20/00534/HH	Single-storey rear extension, new garage and outbuilding	Withdrawn	20.05.20
20/00880/PLD	Single-storey rear extension, single-storey outbuilding and single-storey detached garage.	Refused	31.07.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

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

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

Other Material Considerations

Silver End Conservation Area Guide 1999

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

70 Silver Street is a detached bungalow property located in the village boundary of Silver End. The property is located within the Silver End Conservation Area and is situated within the area which is subject to an Article 4 Direction. Amongst other things, the Article 4 Direction requires that planning permission is required for the replacement of windows.

PROPOSAL

The application seeks planning permission for the replacement of five windows on the front and side elevations of the property, and the reinstatement of a window in the western side elevation.

SUMMARY OF CONSULTATION RESPONSES

Historic Building Consultant

The Historic Buildings Consultant provided an initial response to this application, which was an objection. This objection was due to the proposed windows being inappropriately detailed. The Historic Buildings Consultant also stated that the details within the application were insufficient as scaled drawings were not provided.

PARISH / TOWN COUNCIL

Silver End Parish Council

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

REPRESENTATIONS

A site notice was displayed outside 70 Silver Street for a period of 21 days. No neighbour representations have been received.

REPORT

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allow for the extension of an existing dwelling provided that there is no over-development of the plot, and the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

The NPPF states that new development should function well and add to the overall quality of the area, be sympathetic to local character and history, and maintain a strong sense of place. In addition to this, Policy RLP90 of the

Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP50 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

This proposal originally sought to replace the existing windows, and reinstate a side elevation window, with double glazed units with no glazing bars. Following the Historic Buildings Consultants response objecting to the application, revised proposals were submitted which look to replace the windows with aluminium double glazed windows which would mimic as closely as possible, the original Georgian pattern which would have been found on the original windows at the property.

The optimum solution is considered to be steel Crittall style windows with slim-profile double glazed units, and therefore it has been concluded by the Historic Building Consultant that the initial proposals would cause ‘less than substantial harm’ as defined in Paragraph 196 of the NPPF.

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

The use of double-glazed aluminium framed windows in Silver End however, has been established with many previous approvals within the Conservation Area in recent years. It has also been acknowledged that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal looks to try and replicate the Georgian style windows that were originally at the property is considered to be in keeping with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity of the streetscene, it is considered that as future properties in this street and in the wider Conservation Area look to replace their windows, this style would be most appropriate. This would bring back

uniformity and would ensure that the street and wider Conservation Area would be of an appearance that is more in keeping with how Silver End originally looked and was designed. It is therefore acknowledged that what is being proposed, is the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide was published in 1999. In this context therefore every application should be considered on a case by case basis.

Therefore on balance, whilst it is acknowledged that there may be 'less than substantial harm' to the Silver End Conservation Area, it is considered that the harm has been minimised as much as possible at this current time. The Georgian style windows are of a style that mimic as closely as possible the windows that would have originally been on the property and therefore would be in keeping with the original designs for this street. As such the proposal is considered acceptable in this instance.

CONCLUSION

It is concluded that the proposals on balance are acceptable from a design, appearance and heritage perspective. It is considered that the proposals have minimised harm to the Silver End Conservation Area as much as possible at this current time and the Georgian style windows would be more in keeping with windows which were originally found at properties in this terrace.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	
Window details	Plan Ref: POS. 001
Window details	Plan Ref: POS. 003
Window details	Plan Ref: POS. 004

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

Reason

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

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

Reason

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

Conservation Area.

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER