

PLANNING COMMITTEE AGENDA

Tuesday, 24 October 2017 at 07:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

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

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

A WRIGHT
Acting Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

Documents: There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via www.braintree.gov.uk

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

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

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

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

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

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 10th October 2017 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Application:-

5a	Application No. 17 01354 FUL - 112 Colchester Road, WHITE COLNE	5 - 19
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PART B

Minor Planning Applications:-

5b	Application No. 17 01133 FUL - 91 The Street, BLACK NOTLEY (Deferred from previous meeting)	20 - 29
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5c	Application No. 17 01263 FUL - 9 Francis Way, SILVER END	30 - 35
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5d	Application No. 17 01601 REM - Land rear of Enterprise Centre, Sringwood Drive, BRAINTREE	36 - 43
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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.

7 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.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

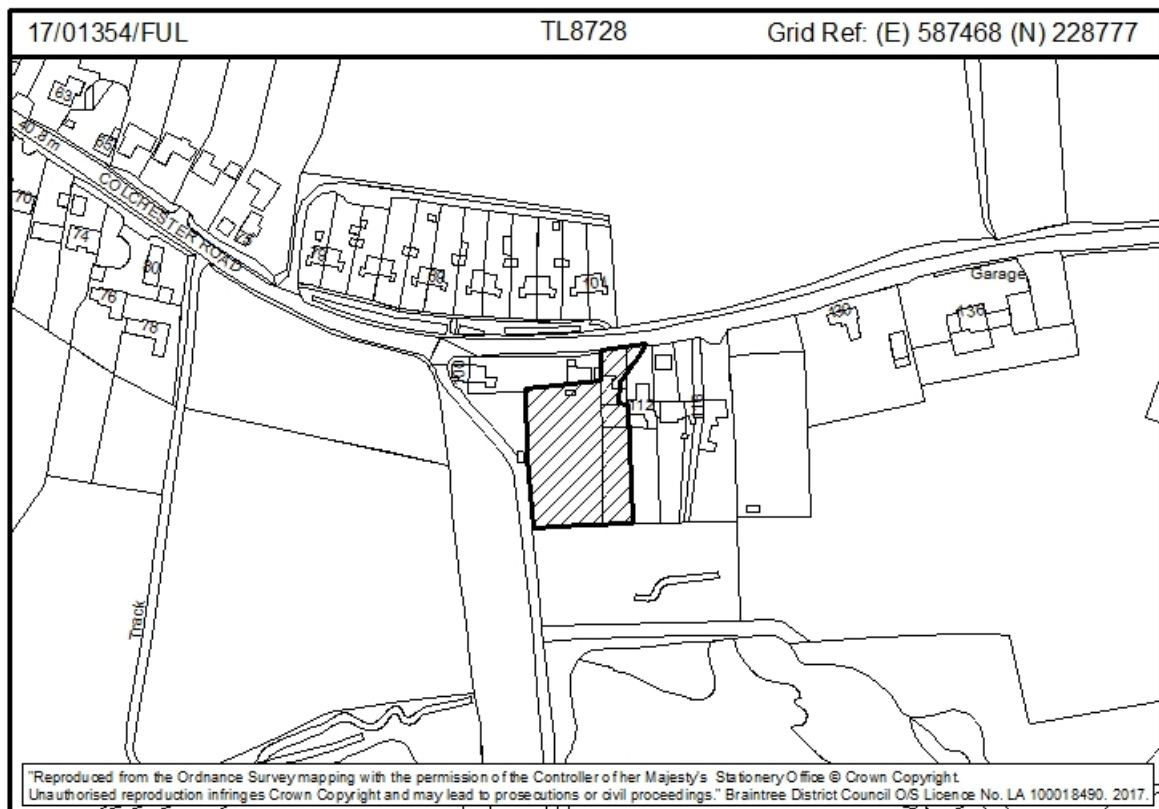
8 Urgent Business - Private Session

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

APPLICATION NO: 17/01354/FUL DATE: 21.07.17
 VALID:
 APPLICANT: Mr & Mrs M Adlem
 c/o Agent
 AGENT: Springfields Planning & Development
 Mr Chris Loon, 15 Springfields, Great Dunmow, Essex,
 CM6 1BP
 DESCRIPTION: Erection of 4 bedroom detached dwelling complete with
 garage/office and related infrastructure, including an altered
 vehicular access
 LOCATION: 112 Colchester Road, White Colne, Essex, CO6 2PP

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



SITE HISTORY

17/00049/NONDET	Erection of a 4 bedroom detached dwelling complete with garage/office and related infrastructure, including an altered vehicular access	
16/02187/FUL	Erection of a 4 bedroom detached dwelling complete with garage/office and related infrastructure, including an altered vehicular access	Pending Decision

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin

work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP16	Hamlets and Small Groups of Dwellings
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP41	Infill Developments in Hamlets
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features

Supplementary Planning Guidance/Other Documents

Essex Design Guide
ECC Parking Standards – Design and Good practice
White Colne Village Design Statement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee in accordance with the Council's Scheme of Delegation due to a call in by a Ward Councillor.

SITE DESCRIPTION

The application site consists of a semi-detached dwelling with a large area of associated curtilage which includes a detached outbuilding. The plot fronts onto Colchester Road (A1124) from which vehicular access is currently taken. No.114 Colchester Road directly adjoins the applicant's dwelling to the east whilst No.102 Colchester Road is situated to the north-west. To the south and west lies open countryside. The topography of the land slopes downwards from the road. The site lies within a small cluster of ribbon development on land designated as Countryside in the Adopted Local Plan.

The outbuilding to be demolished is a part two storey part single storey structure positioned adjacent to the main dwelling house and currently used as a home office and garage.

PROPOSAL

The proposal in this case is to demolish the outbuilding and to erect a part two storey, part one and a half storey detached dwelling. The two storey gable element would project approx. 13m in length, while the one and a half storey main body of the house would measure approx. 10.3m in length. The proposed dwelling would be 14m wide and have a footprint of approx.189sq.m.

The proposal also includes widening the existing vehicular access and the erection of a detached garage on the western aspect of the site (measuring 57.6sq.m in footprint with a first floor home office). The proposed garage would be sited further into the site than the proposed house. It would be adjacent to the boundary of No.102 Colchester Road (to the north). The garage would comprise two parking spaces below with a home office in the roof, with two dormers facing in a southwards direction. In addition, the proposal also includes the erection of a greenhouse in the rear of the garden with a footprint of 14sq.m.

This application is an identical resubmission of an earlier planning application reference 16/02187/FUL which was appealed for non-determination. Application 16/02187/FUL is at an early stage of the Appeal process and a decision will not be issued prior to the application being considered by Members at Committee.

CONSULTATIONS

Essex County Council Highways Officer

No objection subject to conditions if approved relating to:

- Requirement for access to be constructed in accordance with the submitted plan
- No unbound material within 6m of highway boundary

Landscape Services

No objection. There is an opportunity to add a built in bat box to the fabric of the building, bat bricks are inexpensive and fit in to the brickwork providing a biodiversity gain from the development.

Recommend condition for Tree Protection Plan.

Recommend condition for further bat survey (year after current one completed)

White Colne Parish Council

Submitted comments not supporting or objecting to the application just reminding Officers to take the Village Design Statement into account in any decision it makes.

REPRESENTATIONS

One objection has been received from 101 Colchester Road detailing the following summarised comments:

- Significant impact on streetscene
- More vehicles entering busy section of A1124
- Character of village affected by ongoing development
- If approved, a max of one and a half storeys should be allowed

Seven letters of support have been received from 46 Coggeshall Road (Earls Colne), 20 Swallow Field (Earls Colne), 16 Maltings Close (Bures), 6 Oxford Court (Earls Colne), Hayhouse Road (Earls Colne), Molens, Bures Road (White Colne) and 18/20 Colneford Hill (White Colne)

- 8 dwellings approved near to site – no reason to refuse this single dwelling on brownfield site
- House would serve special family circumstances
- Eco-friendly house
- Growing need for housing
- Pre-application history on the site

REPORT

Principle of Development

Overview

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

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

The site is located outside White Colne's village envelope and as such is on land designated as 'Countryside' by the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy. Policy RLP2 states that new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply. Policy CS5 of the specifies that development outside of Town Development Boundaries and Village Envelopes will be strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

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

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

would re-use redundant or disused buildings or the design of the development is of exceptional quality'. In a recent appeal an Inspector noted that the NPPF does not define or limit the meaning of 'isolated' but considered that there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.

Policy RLP16 of the Local Plan Review provides an exception to the above policies of rural restraint, stating that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings, exceptions may be made to Policies RLP 2 for the filling of a gap, for a single dwelling, between existing dwellings, in hamlets and small groups of dwellings. It is outlined however that policy will not apply to proposals for individual isolated dwellings, or the extension of ribbon development, and will not apply to gaps, which could accommodate more than one dwelling. Proposals which would set a precedent for the consolidation of sporadic or ribbon development, or for the further infilling of large gaps, will also be resisted.

The application site sits between two dwellings; however its overall width is much greater than that which would accommodate a single dwelling. Furthermore, the proposal would constitute the extension and consolidation of ribbon development at the edge of White Colne. In these terms, the proposal would not comply with the policy criterion set out in Policy RLP16. This is reiterated in Braintree District Publication Draft Local Plan Policy LPP41.

The NPPF requires that Councils seek to boost significantly the supply of housing, and contains policy guidance to support this. Under paragraph 47 of the NPPF the Council is obliged to have plans which "... meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%. The Council is specifically required to produce and demonstrate its building trajectory to show how there can be the delivery of a five-year supply of housing. Members will be aware that the Council currently have a forecast supply prediction which indicates a shortfall in supply.

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

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

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

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

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

Site Location.

In addition to the Settlement Hierarchy outlined above, Para.71 of the Core Strategy states that one of the core objectives is to “reduce the need to travel by locating development in sustainable locations where it will enable people to access employment, housing, retail provision, public transport and key services; such as education, healthcare, recreational facilities and open space”.

The site in this case is located on the edge of White Colne where there are some local services/businesses within 1km of the site including bus stops, garage car repairs and sales, fishing, wedding venue, care home, village hall, pub and restaurant and garage car repairs as identified by submitted plan 1609-PP-21A. The site is however 2+km away from the day-to-day services and facilities offered in Earls Colne, which is a Key Service Village that includes a convenience store, post office, doctors etc. Due to the 2km distance, it is considered the site would not be within reasonable walking distance to the services offered by Earls Colne. As such, it is considered the site is functionally isolated as future residents will be reliant on travelling to larger centres such as Earls Colne or beyond for many of their day to day needs.

Colchester Road is a main road that forms a link between the Main Town of Halstead and Colchester, serving both Earls Colne and White Colne. There are fairly regular bus services available which could be utilised by future occupiers of the proposed development. However, while the bus service would provide some connectivity, due to the limited facilities in White Colne, most journeys to services in higher order settlements would realistically be required to utilise the private car. Notwithstanding this, it is considered bus

connectivity on its own merit would not be enough to determine that this site or White Colne in general would be a sustainable location for new housing development. The site remains on the edge of White Colne in a functionally isolated location from day-to-day services and facilities.

The sustainability of the location as disused above is a material factor when applying the planning balance, which is concluded below.

Economic, Social and Environmental

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

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within White Colne itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings the Planning Practice Guidance indicates that the Local planning Authority should not generally seek to secure community benefits (e.g. affordable housing, public open space improvements) through the planning obligations. In terms of the three dimensions of sustainable development, the provision of one dwelling would be relevant to the economic and social roles, although these benefits would be very limited due to the scale of the development. The scale of the development for 1 No. dwelling would represent a negligible contribution towards the District's 5 year housing supply.

In terms of environmental considerations, whilst the village envelope can only be attributed limited weight, it is nonetheless a useful starting point in considering the relationship between a development proposal and the built form of a defined settlement and the character of the countryside. The site in this case is located within a cluster of existing development approx. 140m from the development boundary on the south side of Colchester Road, and 18m from the edge of the development boundary of the north side of Colchester Road. The site therefore is located in a cluster of ribbon development on the edge of White Colne forming the gradual transition to the countryside. It would therefore not be physically isolated from the existing cluster of development, but physically isolated from the existing edge of White Colne on the South side.

The Planning Statement submitted with the application identifies the land as 'Brownfield' in accordance with the High Court decision, and it is of note that paragraph 17 of the NPPF encourages the re-use of land that has been previously developed provided that it is not of high environmental value.

No.102 Colchester Road is a semi-detached property which has an unusual garden arrangement which spans across some 40m from the house along Colchester Road. The boundary treatment comprises a 1.8m close boarded fence in relatively close proximity to Colchester Road. The fence signifies a gap in the built form which marks the transition from the main core of the village to a loose-knit form of ribbon development. From Officers site visits, it is evident that the existing outbuilding at the site is not visible above the fencing from the road heading in an easterly direction. The existing dwelling at 112 Colchester Road is however visible and being taller and closer to the road than its neighbours, provides something of a 'bookend' for this short run of residential properties. When approaching closer to the site in an easterly direction, the existing house and outbuilding are more prominent due to the sloping land topography when viewed in both an easterly and westerly direction. The existing outbuilding however appears as an ancillary low key single storey building in comparison to the existing two storey dwelling at the site.

The application proposes to demolish this low-key outbuilding and instead erect a taller part two storey part single storey detached dwelling, garage and greenhouse. The proposed dwelling would be stepped further back behind the footprint of the existing outbuilding and further westwards to be partially located behind a single storey flat roof outbuilding associated with No.102 Colchester Road. It is considered the proposed dwelling, while stepped back, would be visible above the fence from Colchester Road in easterly views due to its height and positioning. In addition, the existing outbuilding, while not of particular architectural merit, would still be appropriate to the historic character of this part of the countryside ancillary to the existing dwelling.

While built form North of Colchester Road continues close to a similar position to the site, the existing dwellings occupy a much higher position in the street scene and are stepped back. These dwellings therefore have much less visual prominence from Colchester Road unlike the application site.

As such, taking into account all of the above, it is considered a new dwelling in this location by virtue of its location, scale and height would reduce the openness of the site and intensify existing ribbon development on the edge of White Colne, eroding the transition between the core of the village to the open countryside to the detriment of the character and appearance of the area. It is therefore considered the proposed dwelling would cause harm, contrary to the environmental strand of sustainability as anticipated by Paragraph 7 of the Framework.

Design, Appearance and Layout

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

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

The proposal comprises a four bedroom detached dwelling. It has been designed as a one and a half storey dwelling with a two storey projecting gable, and a further smaller two storey rear gable addition. The projecting gable mimics the neighbouring dwelling at No.112 but the dwellings substantial width and depth result in a dwelling of significantly greater bulk. As discussed in the principle section, the overall location, scale and height of the dwelling would not be appropriate in this context as it would intensify existing ribbon development on the edge of White Colne.

The proposed garage would be sited further into the site than the proposed house. It would be adjacent to the boundary of No.102 Colchester Road (to the north). The garage would comprise two parking spaces with a home office in the roof, with two dormers facing in a southwards direction. The garage would constitute a further domestication of the site, and again intensify the existing ribbon development on the edge of White Colne. However, if taken in isolation, the garage would be of a reasonable size. In addition, the proposed greenhouse would be sited in the rear of the garden and would be small in scale and not uncharacteristic for dwellings with larger plots on the edge of settlements. As such, it is considered this element of the proposal would be acceptable.

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

of garden or more. The proposed dwelling would be provided with a substantial garden far in excess of 100sq.m in accordance with Essex Design Guide requirements.

Impact on Neighbour Amenity

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

The site would be located behind the corner of land associated with No.102 Colchester Road. It would partially overlook an outbuilding associated with No.102 but would be limited in views into more sensitive garden areas of No.102. This would be due to the buildings siting and the topography of the land which slopes downwards from Colchester Road. The proposed dwelling would also be sited approx. 43m away from No.102 Colchester Road. As such, it is considered the proposed dwelling would not have a detrimental impact on No.102 with regard to loss of natural light, overshadowing, overbearing or in terms of overlooking.

No.112 Colchester Road is a two storey building with a large single storey rear extension. The proposed dwelling due to its positioning adjacent to No.112 would therefore be mitigated from wider impacts from other properties to the east of the site (No.114 and 116 Colchester Road). As such, it is considered the proposed dwelling would not have a detrimental impact on these properties with regard to loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

The Council's Adopted Parking Standards: Design and Good Practice (2009) state that for two or more bedroom dwellings at least two off street car parking spaces should be provided. A parking space for new residential development should be 5.5m by 2.9m. Two spaces should be provided for a unit of 2 bedrooms or more.

The application proposes revised arrangements for the existing access at the site to facilitate two parking spaces to be retained for 112 Colchester Road while facilitating two spaces at 5.5m by 2.9m for the proposed dwelling. The access from Colchester Road would also be made more formalised than the current more informal arrangement.

Concerns have been raised with regard to the safety of intensifying the current access to the site. However, the Highways Officer has no objection to the proposal in light of the above access alterations, with these details to be secured via condition. As such, it is considered that the access could reasonably serve an additional dwelling without detriment to highway safety.

Landscape & Ecology

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

The Landscapes Officer has no objection to the proposal subject to a tree protection plan condition to ensure existing trees are protected during development.

No roosting bats were found at the site, but due to the age of the report a further report would be required to ascertain that there are still no bats roosting in the barn. This could be secured via condition in this case if the application was recommended for approval.

Other Considerations

Application 16/02124/OUT

References have been made in representations to a recent planning approval to the West of the site (application 16/02124/OUT) for the erection of up-to 8 dwellings. That application is however materially different to the application site; it is closer to the existing development boundary of White Colne and proposed to develop a larger parcel of land situated between two sets of built form and opposite linear development on the other side of Colchester Road. It also included up to 8 dwelling, a new footpath at the front of the site and proposed to relocate the existing bus-stop further into the village core. As such, in accordance with the Paragraph 14 of the NPPF, Officers concluded in this case that the harm of residential development within the countryside, its functionally isolated location and its location adjacent to the settlement boundary would not have significantly and demonstrably outweighed the aforementioned benefits. As such, the planning application was approved.

CONCLUSION

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

indicate development should be restricted as set out in paragraph 14 of the NPPF.

In this case, there is not considered to be a specific policy in the NPPF that indicates that development should be restricted (as set out in the Footnote to Paragraph 14). Accordingly, the “tilted” balance of the assessment against paragraph 14 applies.

It is acknowledged that the provision of one market dwelling would provide some economic benefit throughout the construction phase and some support for local facilities. Such benefits would be consistent with the social and economic dimensions of sustainable development; however they would be limited due to the scale of the development. One dwelling would also contribute to the housing shortfall in the district, but again would only represent a very limited contribution.

With regards to its impacts on the countryside, it is considered that the proposed dwelling by virtue of its location, scale and height would reduce the openness of the site and intensify existing ribbon development on the edge of White Colne, eroding the transition between the core of the village to the open countryside. In addition, while there are some bus services available, the site would still be located in a functionally isolated location from day-to-day services and facilities which will require high use of the private car to meet the needs of future residence.

As such, due to all of the above, when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the environmental harm of residential development within the countryside and its functionally isolated location would demonstrably outweigh the limited economic and social benefits which have been discussed above. Accordingly, refusal is recommended.

RECOMMENDATIONS

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

- 1 The site lies outside the development boundary for the village of White Colne in a location where there is a presumption against the introduction of new development unrelated to rural uses appropriate in the countryside. The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Council does not accept that the proposal would be sustainable development within the meaning of the NPPF, having regard to the following factors. In this case, the proposal would comprise a new isolated dwelling within the countryside with poor

access to facilities, being located over 140m from the very edge of the defined settlement boundary of White Colne (on the south side) and approximately 2+km away from the nearest shops and day-to-day facilities. Although there is a bus service available, development in this location would consequently place reliance upon travel by private car by reason of distance to services and facilities. Moreover, the proposed dwelling by virtue of its location, scale and height would reduce the openness of the site and intensify existing ribbon development on the edge of White Colne, eroding the transition between the core of the village to the open countryside.

As such, due to all of the above, when considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the environmental harm of residential development within the countryside and its functionally isolated location would demonstrably outweigh the limited economic and social benefits. The proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policy RLP2 of the Braintree District Local Plan Review (2005) and Policy CS5 of the Braintree District Core Strategy (2011) and Policies SP1, SP3, LPP50, LPP55 and LPP71 of the Braintree District Publication Draft Local Plan (2017).

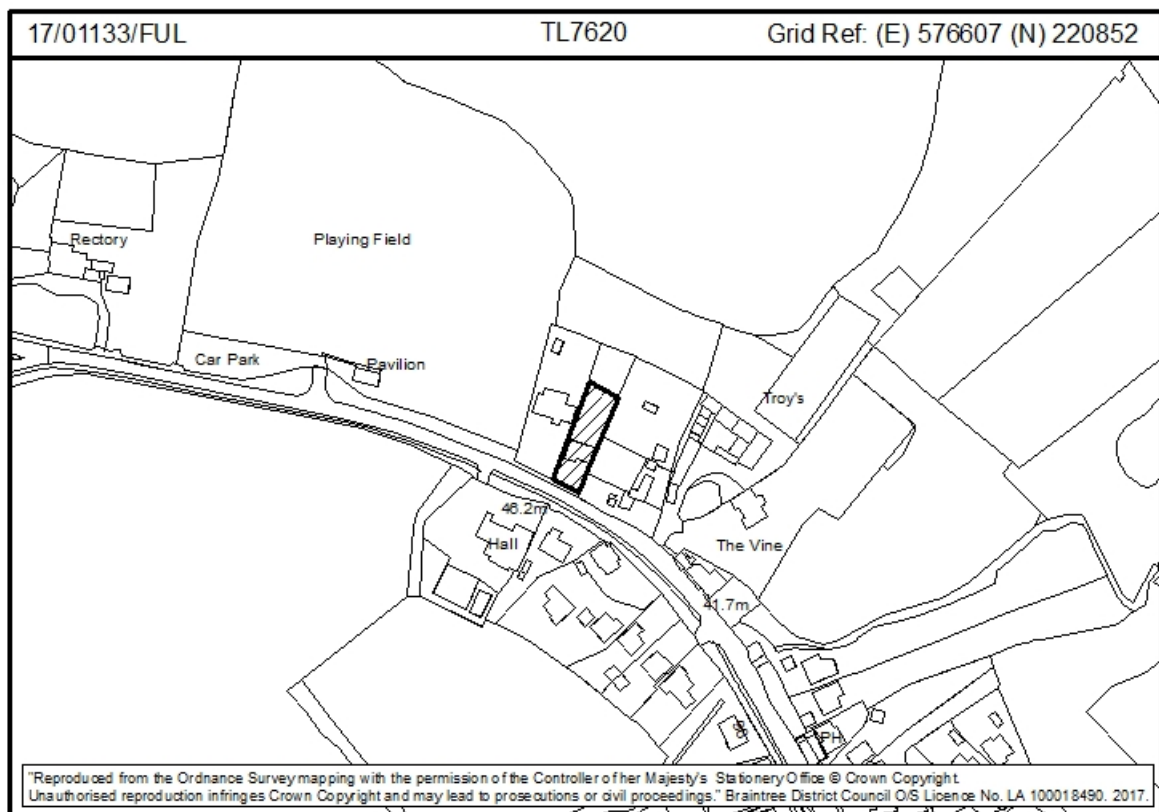
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART B - DEFERRED ITEM

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

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



SITE HISTORY

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

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

APPLICATION UPDATE

The application was deferred at the Planning Committee meeting of 10th October 2017 due to a land ownership query that was raised during Question Time by the neighbour at No.89. The query had not been included in the representation that had been received from the neighbour at No.89 and the Case Officer had no knowledge of this matter prior to the meeting. Whilst land ownership is not necessarily a material planning consideration, it was considered appropriate to defer the application to seek further information as to the validity of Certificate A, and the Declaration which had been completed in respect of the application.

The neighbour queried the matter of land ownership and the red line boundary of the application. The applicant's agent has subsequently submitted a Land Registry Title Plan (reference EX617952) to substantiate the red line plan. The proposed extensions to the dwelling would not move the footprint of No.91 sideways on the plot to be closer to the western site boundary. The grant of planning permission does not in itself confer permission for the encroachment of development onto land outside an applicant's ownership or control. In this case it is considered that any outstanding land ownership query that the neighbour may have is a legal matter as opposed to a material planning consideration, and it is not therefore considered reasonable to recommend refusal in this regard. Informatives in respect of encroachment and the Party Wall Act are recommended for inclusion on the Decision Notice. Material planning considerations in respect of this case are set out below as per the report that was included on the agenda for the meeting of 10th October 2017.

SITE DESCRIPTION

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

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

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

PROPOSAL

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

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

CONSULTATIONS

Black Notley Parish Council – Objection:

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

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

REPRESENTATIONS

A site notice was displayed near the site and neighbour notification letters were sent out to adjacent properties. In response, two letters of representation have been received from M. Steers and A. Johnson, 89 The

Street; and, Mr and Mrs Hammond, 93-95 The Street: that have objected to the application on the following grounds:

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

REPORT

Principle of Development

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

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

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

Design, Appearance and Layout

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

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

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

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

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

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

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

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

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

proposed a large flat roofed front dormer which would have been a bulky addition to the roof.

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

Impact on Neighbour Amenity

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

No new windows are proposed in the eastern flank wall. A false window opening with brick infill will add detail to the gable end but will not result in overlooking to the garden of No.93-95. There is existing overlooking to part of that garden from the window in the gable end of No.89.

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

Highway Issues

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

Other Issues

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

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

CONCLUSION

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

RECOMMENDATIONS

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

APPROVED PLANS

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

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

Reason

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

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

Reason

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 Permission is not given for the encroachment of this development onto land outside the applicant's ownership or control, including any eaves, guttering or in respect of its foundation. If such works are required it will be necessary to obtain the landowners consent before such works commence. Furthermore, if you intend carrying out works in the vicinity of the site boundary, you are also advised to refer to the requirements of the Party Wall Act 1996.

- 2 Your attention is drawn to the provisions of the Party Wall etc Act 1996, which relates to work on existing walls shared with another property or excavation near another building. An explanatory booklet is available on the Planning Portal website at <https://www.gov.uk/party-wall-etc-act-1996-guidance> or can be inspected at the Council offices during normal office hours.

TESSA LAMBERT
DEVELOPMENT MANAGER

SITE HISTORY

16/01711/FUL	Install replacement windows and doors	Withdrawn	27.01.17
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POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

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

INTRODUCTION

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

SITE DESCRIPTION

The property falls within the Conservation Area of Silver End, where an Article 4 Direction is in place. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of who, when into meticulous detail when designing the houses, down to the design of doors and windows. 9 Francis Way is a detached dwelling which is considered to make a positive contribution to the character and appearance of the Silver End Conservation Area.

PROPOSAL

The properties in the area were installed with Crittall windows some of which have been replaced with aluminium framed windows which have been established as being acceptable within the Conservation Area by various approvals for similar applications. The application seeks permission to replace the following 4 no. existing Crittall windows with aluminium windows.

- 1 no. first floor window on the left hand upper side elevation
- 1 no. first floor window on the right hand upper side elevation
- 2 no. windows either side of the front door on the front elevation

The original drawings submitted with the application failed to provide detailed information to support the proposal. Subsequently, additional information has been submitted by the agent, providing details of the proposed replacement windows.

CONSULTATIONS

Historic Buildings Consultant

The Council's Historic Building Consultant raised no objection to the proposal in principle, but requested more detailed information. The Historic Building Consultant stated in the consultation response that windows with appropriately detailed aluminium or steel frames had been approved for use elsewhere within the Conservation Area and that in principle the replacement of the existing Crittall windows have been considered acceptable. Therefore no objection would be raised in principle to the proposal.

REPRESENTATIONS

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

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

REPORT

Principle of Development

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

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

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

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

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

Design, Appearance and Layout

The property lies within the Silver End Conservation Area, which is subject to Article 4 direction which removes certain householder permitted development rights. The building also forms an important part of the masterplan and streetscape of Silver End. The building is therefore considered to make a strong positive contribution to the Silver End Conservation Area. The Silver End Conservation Guide (1999) gives details of appropriate materials and designs within this area and is a material consideration in the determination of this application.

It is recognised that the proposed replacement windows with the use of aluminium differ from those materials adopted in the Silver End Conservation Guide, however, as referenced above, the use of aluminium have been approved elsewhere in the Conservation Area. The principle of replacing Crittall windows with windows and doors of a similar material has become established as acceptable within the Silver End Conservation Area. The Historic Building Consultant has raised no objections to the proposal from a heritage perspective. As such, it is considered that the proposal will not have a detrimental impact upon the character and appearance of the Conservation Area.

Impact on Neighbour Amenities

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

Highway Issues

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

Conclusion

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

RECOMMENDATIONS

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

APPROVED PLANS

Location Plan

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

Reason

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

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

Reason

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

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

Reason

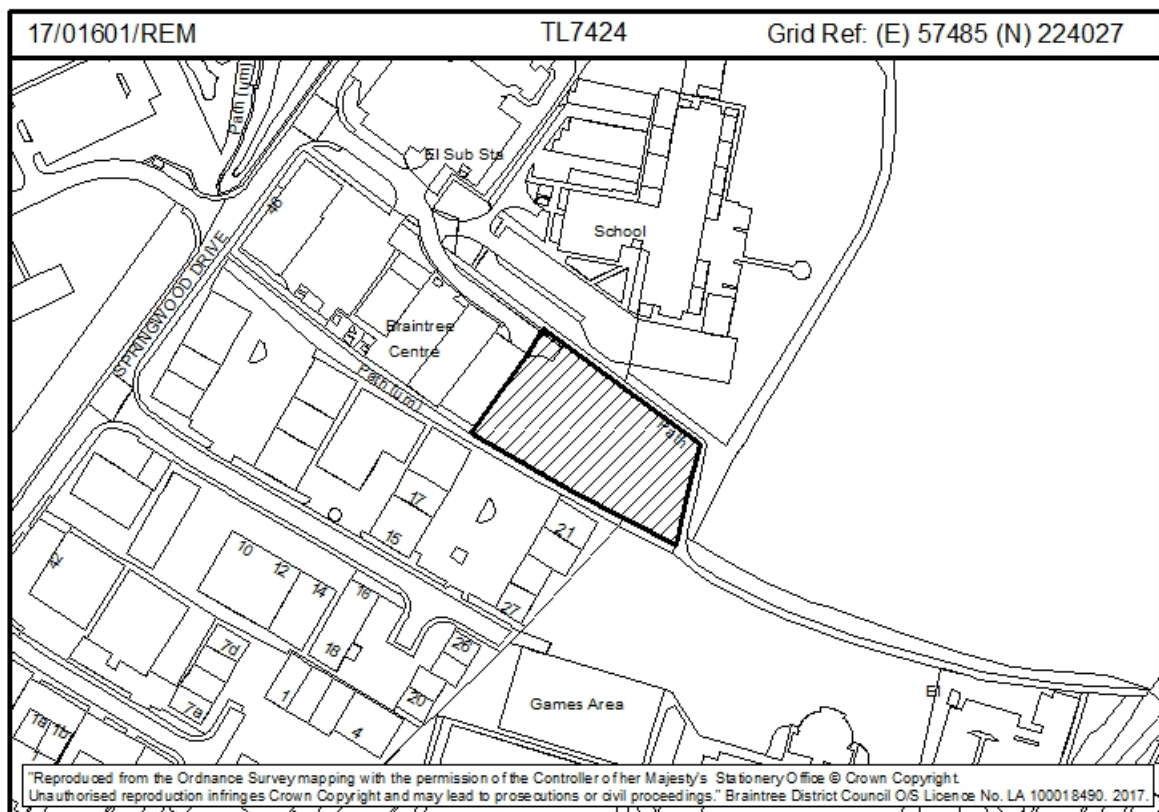
To ensure the use of appropriate materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION NO: 17/01601/REM DATE: 06.09.17
 VALID:
 APPLICANT: Braintree District Council
 Causeway House, Bocking End, Braintree, CM7 9HB
 AGENT: Richard Horley
 John Finch Partnership, 88 Broomfield Road, Chelmsford,
 CM1 1SS
 DESCRIPTION: Application for approval of reserved matters following
 outline approval 17/01063/OUT - Application for Outline
 Planning Permission With Some Matters Reserved -
 Erection of 4 no Industrial Units (B1, B2, B8) and
 associated car parking
 LOCATION: Land Rear Of Enterprise Centre, Springwood Drive,
 Braintree, Essex

For more information about this Application please contact:
 Mrs Fiona Bradley on:- 01376 551414 Ext. 2519
 or by e-mail to: fiona.bradley@braintree.gov.uk



SITE HISTORY

16/01790/FUL	Erection of 4 no Industrial Units (B1, B2, B8) and associated car parking.	Granted	12.01.17
17/01063/OUT	Application for Outline Planning Permission With Some Matters Reserved - Erection of 4 no Industrial Units (B1, B2, B8) and associated car parking	Granted	03.08.17

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP28	Employment Land Provision
RLP36	Industrial and Environmental Standards
RLP41	Employment Allocation, Springwood Drive, Braintree
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP7	Design and Layout of Employment Policy Areas and Business Uses
LPP45	Parking Provision
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

SITE CONSIDERATIONS AND CONTEXT

Site Description

The site consists of a vacant plot of land located to the rear of some existing Commercial units, known as Braintree Enterprise Centre, positioned to the north of Springwood Industrial Estate. The eastern part of the site is enclosed by mature trees and vegetation. To the south western side of the site is a public footpath which is located on higher ground. On the opposite side of the footpath is the recently constructed Edith Borthwick School.

Description of Development

This application seeks reserved matters permission for appearance, landscaping and scale for the erection of 4 industrial units (B1, B2, B8) laid out within two single storey blocks of two units each with associated parking spaces. Site layout and highway access were considered as part of the outline planning application.

In terms of layout (drawing 3160:01 Rev C) the units would be located in a right angle configuration on the western side of the site. A total of 49 car parking spaces are proposed, the majority of which (33) would be provided to the west of the proposed buildings with the remaining 16, including disabled spaces, being provided in front of and to the rear of the buildings. The existing access which serves Braintree Enterprise Centre would be utilised and extended to serve the new units.

The buildings are at a 90 degree angle to one another and contain 2 units each. The buildings measure 22.9m in length and 10.1m in width and 21.8m in length and 9.77m in width respectively. The design is such that they would have a sloping mono-pitch roof measuring approximately 6 metres to the rear and 4 metres at the front with roof lights and a roller shutter door on the front elevation. The external materials would comprise plasticol coated steel cladding panels to the roof and walls above a cream buff brick plinth. The front elevations would include a roller shutter door, personnel door and windows.

SUMMARY OF CONSULTATION RESPONSES

Statutory Consultee(s)

None

Internal Consultation

Environmental Health Officer: No objection.

Parish Council

No Comment

Neighbour Representations

One letter received raising an objection to any increase in traffic within the locality.

ASSESSMENT

Principle of Development

As indicated above, a reserved matters planning permission is sought for the erection of two single storey industrial units to be used for Class B1, B2 or B8 uses within an area already allocated for such uses in the adopted Local Plan and also in the Draft Local Plan.

A full planning permission (16/01790/FUL) was also granted on this site for a similar scheme. However, a high pressure water main was identified as crossing the site resulting in the outline application to take this into account and reposition the development accordingly to provide easement to the water mains which was subsequently approved. Therefore the principle of the proposed development has already been established being in accordance with adopted and emerging policy. Furthermore, the site is located on an existing industrial estate and adjacent to other commercial premises. As before, it would therefore be considered appropriate that a condition be imposed to restrict the use of the units to Class B1, B2 and B8 use if outline permission is granted.

Design and Appearance

As already indicated, the proposal comprises 4 commercial units, within 2 buildings, with parking and also an area of overflow parking in between the existing and proposed commercial units with the general layout of the site, as indicated, considered to be acceptable. The site is located on slightly higher ground level than the units to the west. However there would be no significant changes to the ground levels and having regard to the likely scale of the proposed single storey buildings, it is not considered that they would have an adverse visual impact.

The units have been designed for their intended purpose and would not appear out of character in the context of the industrial estate. The external materials are considered acceptable, subject to a condition requiring details of the colour of the cladding to be used.

Impact on Neighbouring Residential Amenities

There are no residential properties in close proximity of the site. Given the distance of any residential from the site it is not considered that conditions to protect residential amenity would be necessary.

Highway Considerations

The site would be served by an existing access and a turning head for larger vehicles would be provided within the site. Vehicle and cycle parking provision would be in accordance with the Council's adopted Parking Standards.

There is an existing public footpath/cycleway on the northern and southern sides of the site which provide access to the site by sustainable modes of travel.

Details of the surfacing of the car parking area and access have been submitted with the application and are considered acceptable.

Other Issues

Landscape/Ecology Considerations

A Phase I Ecology Survey undertaken by 'Skilled Ecology Consultancy Ltd' and dated December 2015 has been resubmitted with this application and indicates that no evidence of protected species was found at the site and that the site is unlikely to support such species. However it notes that there are orchids on site, but cannot identify the species. Certain species of orchid are protected under European law and require a licence to be able to disturb them; others are protected by Section 13 of the Wildlife and Countryside Act 1981 and will require suitable mitigation.

In this respect, an up to date Botanical Assessment of the site was commissioned from 'Skilled Ecology Consultancy Ltd', dated 6th June 2017 and submitted as part of the outline application. This indicated that no orchids or any other species of botanical interest were identified during the survey visit but the November 2015 survey did find some 15 – 20 orchid plants, probably Bee Orchid (*Orphrys apifera*) to be present centrally within the site but these had disappeared by the time of the June 2017 survey. However a seed base for this species is still likely to be present within the soil and, subject to suitable environmental conditions, for instance, ground disturbance, may reappear again. Bee orchids are identified within the report as being one of the most common and widespread orchid species within Essex and the UK generally and, as such, are not specially protected. However, all wild plants are generally protected from uprooting and destruction under Section 13 of the Countryside and Wildlife Act 1981 (as amended). The report recommended that in order to retain the orchid seed-base and potentially to allow for future flowering, the top 20cm topsoil should be re-used in areas of soft landscaping which has been confirmed on the submitted landscape plan.

In respect of the Arboricultural Impact Assessment dated 11th December 2015, this remains unchanged from the previous submissions. The Council's Landscape Officer previously advised that the tree report was acceptable highlighting the number of trees to be removed to facilitate development.

It is anticipated that the development would result in the removal of 5 trees and 4 groups of vegetation of low quality together with the removal of 3 trees which are not worthy of retention due to their poor condition. The report also indicates that the impact of the proposed works is considered to be low and can be compensated for by a suitable landscape scheme within the site, which ideally should include native hedgerow planting along site boundaries for screening purposes. A suitable Landscaping Plan would therefore be conditioned in the reserved matters to include tree planting to mitigate for the loss identified and re-use of top soil in soft landscaping.

Conclusion

The site is allocated for the employment uses within the adopted Local Plan and draft Local Plan. The design and layout of the proposed development is acceptable and adequate parking would be provided.

RECOMMENDATIONS

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

APPROVED PLANS

Drainage Plan	Plan Ref: 17-6104 300
Proposed Plans	Plan Ref: 17-6104 304
Proposed Plans	Plan Ref: 17-6104 306
Location Plan	Plan Ref: 3160 A
Site Plan	Plan Ref: 3160:01 C
Landscaping	Plan Ref: 7108/210
Proposed Plans	Plan Ref: 3160:03 B
Proposed Plans	Plan Ref: 3160:04 A

- 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 first occupation of the building/s hereby approved details of the siting, design and external finishes of any external refuse storage shall be submitted to and approved in writing by the local planning authority. The refuse storage shall be implemented and maintained in accordance with the approved details.

Reason

To ensure the appropriate siting and design of any external storage areas.

TESSA LAMBERT
DEVELOPMENT MANAGER