

PLANNING COMMITTEE AGENDA

Tuesday, 17 December 2019 at 7.15pm

**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)
www.braintree.gov.uk

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 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

Members of the public wishing to speak 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 to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

PUBLIC SESSION

Page

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 3rd December 2019 (copy previously circulated).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	Application No. 18 00408 FUL - Land off Water Lane, (South of Freezes Farm), STEEPLE BUMPSTEAD	6 - 44
5b	Application No. 19 00604 FUL - The Bird In Hand, Coggeshall Road, EARLS COLNE	45 - 59
5c	Application No. 19 00998 OUT - Gosfield Tennis Club, Braintree Road, GOSFIELD	60 - 79
5d	Application No. 19 01222 REM - Land North East of Inworth Road, FEERING	80 - 106
5e	Application No. 19 01230 FUL - 55 Braintree Road, WITHAM	107 - 126
5f	Application No. 19 01698 FUL - Land adjacent to Kingsmead, School Road, WICKHAM ST PAUL	127 - 141

5g	Application No. 19 02042 PIP - Land at Forest Nursery, White Ash Green, HALSTEAD	142 - 154
5h	Application No. 19 02057 FUL - Sauls Bridge Sports Ground, Riverview, Maldon Road, WITHAM	155 - 166

PART B
Minor Planning Application

5i	Application No. 19 01805 HH - 18 Brain Valley Avenue, BLACK NOTLEY	167 - 173
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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

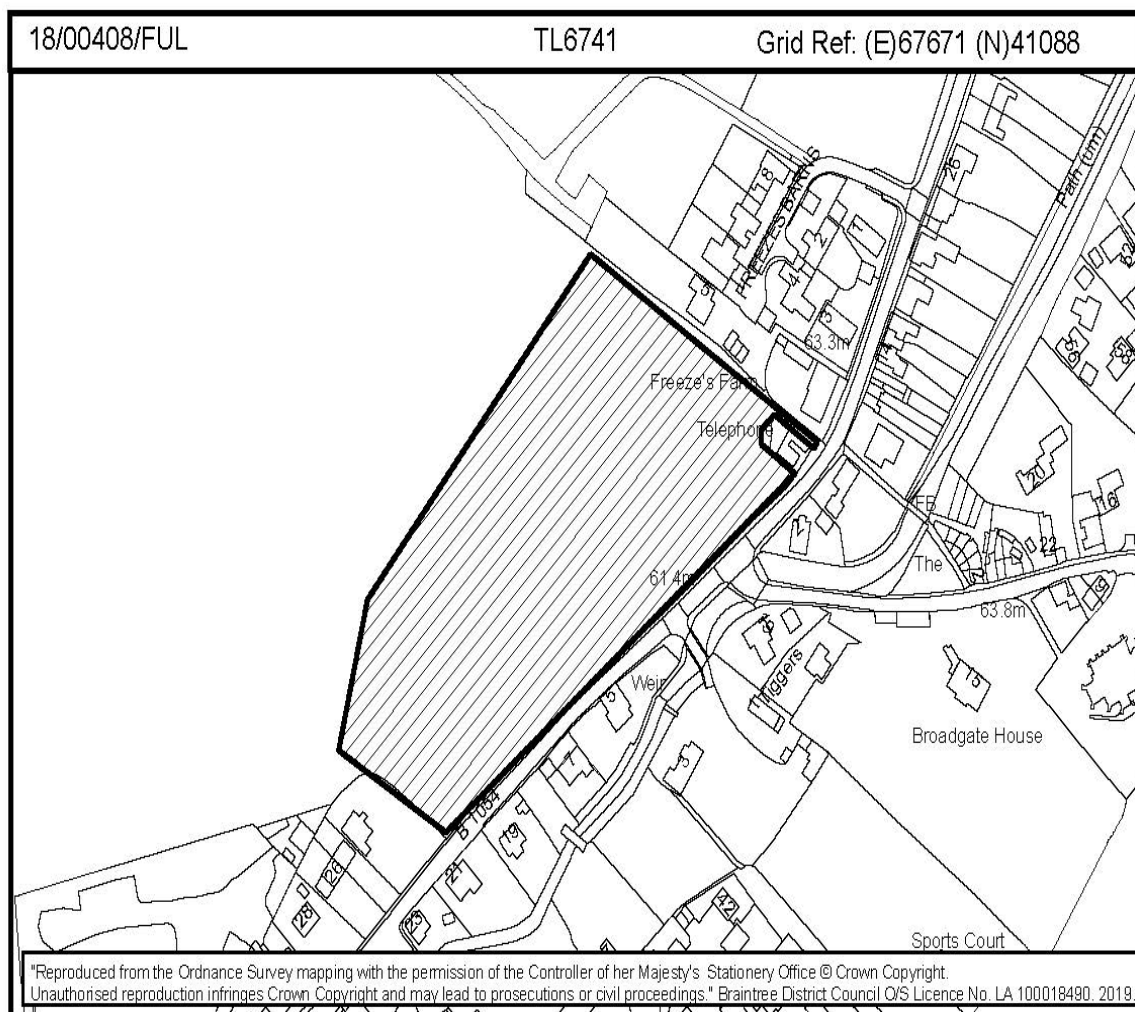
- 8 Urgent Business - Private Session**
 To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PARTA

AGENDA ITEM NUMBER 5a

APPLICATION NO:	18/00408/FUL	DATE VALID:	21.03.18
APPLICANT:	Enterprise Property Group Ltd C/o Agent		
AGENT:	Ms Kimberley Brown Carter Jonas LLP, One Station Square, Cambridge, CB1 2GA		
DESCRIPTION:	Erection of 28no. dwellings and associated works including landscaping and access		
LOCATION:	Land Off Water Lane (South Of Freezes Farm), Steeple Bumpstead, Essex		

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4WSAWBF0CY00>

SITE HISTORY

None

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP36	Industrial and Environmental Standards
RLP49	Pedestrian Networks
RLP55	Travel Plans
RLP50	Cycleways
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP88	Agricultural Land
RLP90	Layout and Design of Development
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP106	Archaeological Excavation and Monitoring
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
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
SP2	Spatial Strategy for North Essex
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP38	Residential Alterations, Extensions and Outbuildings
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP71	Landscape Character and Features
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest. In addition, the application has been called in by Cllr Garrod.

SITE DESCRIPTION

The site is 1.5ha in size and is located to the north of Water Lane on the western edge of the village of Steeple Bumpstead. The village is located to the north of the District and lies approximately 5.4km to the south of Haverhill.

The site currently forms part of an agricultural field which is in arable use and there is no physical marker defining the proposed northern boundary of the site. There is existing residential development to both the north east and south west of the application site in the form of predominately two storey detached properties on relatively substantial plots that front the road.

The site's southern boundary is formed largely by an existing hedgerow to Water Lane and existing residential development, of the same scale, which sits on the opposite side of Water Lane.

A public footpath runs along the north east boundary of the site.

The village has a designated Conservation Area which includes land along the site's southern boundary. There are also a number of listed buildings in the village and in the vicinity of the application site.

PROPOSAL

The application has been amended significantly since it was originally submitted in March 2018. The number of dwellings has reduced from 31 to 28, however the application site has been increased in size, beyond the draft allocation to accommodate a revised outward facing layout.

This application seeks full planning permission for 28 dwellings and associated works including landscaping and access.

The development includes a mix of 1 and 2 bedroom flats and 2, 3 and 4 bedroom dwellings. The development would include 11 affordable housing units (40% of the total). The proposed layout also includes an area for surface water attenuation and public open space.

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

- Design and Access Statement
- Planning Statement
- Tree Survey and Arboricultural Impact Assessment
- Ecological Impact Assessment
- Phase I Habitat Survey
- Geo-Environmental Assessment
- Transport Assessment
- Flood Risk Assessment and Drainage Strategy
- Heritage Statement and Impact Assessment
- Statement of Community Involvement
- Utility Report

CONSULTATIONS

Essex Police Architectural Liaison

BDC RPL90 (viii) states - Designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. We would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award. From experience pre-planning consultation is always preferable in order that security, landscaping and lighting considerations for the benefit of the intended residents and those neighbouring the development are agreed prior to a planning application.

Natural England

No comments.

Environment Agency

No objections.

Health and Safety Executive

No objections.

National Grid

No objection, informative note for the applicant is suggested.

Highways England

No objection.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

“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”.

Wastewater Treatment - The foul drainage from this development is in the catchment of Steeple Bumpstead Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into

a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Historic England

We acknowledge that the revised scheme has improved the scheme overall, but Historic England maintain our objections to the application on heritage grounds due to the harmful impact the proposed development would have on the Conservation Area. Currently, the open field comprising the application site positively contributes to the Conservation Area through revealing the historic relationship between the surrounding countryside and the settlement.

We consider that the revised application still does not meet the requirements of the NPPF, in particular Paragraph 193.

NHS England

Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.

ECC Archaeological Services

The site lies adjacent to the historic settlement and Conservation Areas of Steeple Bumpstead. The village dates back to at least the medieval period and the 11th century church lies opposite the site off Church Street. Small excavations behind Broadgates have revealed evidence for medieval occupation and crop processing. The site is undeveloped and has a high potential for preservation of archaeological deposits associated with the historic settlement. Conditions are recommended.

ECC Education

Financial contribution requested of £25,175 towards secondary school transport.

ECC Highways

All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the

submission of the Construction Management Plan, provision of visibility splays, travel packs, upgrade of bus stops and warning signs.

ECC SUDS

Following the submission of additional and revised drainage information, no objection is raised and a number of conditions are suggested.

Historic Buildings Consultant

Development of the application site is considered to inflict a high level of harm upon the Conservation Area and cumulatively to a number of those heritage assets within it. As raised during pre-application discussions, the proposed would cause harm to the Conservation Area by enclosing the historic village core thus altering how the settlement is experienced and interpreted as well as detracting from its character and appearance. This would be perceivable when approaching from the south west, when traveling down Church Street, when using the public footpath from the north-west as well as from the Camping Close Recreation Ground. The value and contribution of these views has been outlined earlier in the consultation and it is to these qualities that the proposed would be of detriment. The scheme is also considered to adversely impact upon the setting of numerous heritage assets. Though it is noted that the level of harm to these individual assets is not high, this cumulative harm to numerous heritage assets must be considered holistically as widespread harm upon the historic environment further to that upon the Conservation Area.

The proposals would, in the opinion of the Historic Buildings Consultant, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also, in the opinion of the Historic Buildings Consultant, fail to preserve the special interest of numerous listed buildings, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

With regards to the Framework (2019), the level of harm is considered less than substantial and therefore this harm should be weighed against any public benefits of the proposal (Paragraph 196). When considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the conservation of these asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (Paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Paragraph 194). Given the proposal would also have a detrimental impact upon the significance of a non-designated heritage asset, the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset (Paragraph 197). The scheme would also, in my opinion,

fail to make a positive contribution to local character and distinctiveness (Paragraph 192c).

BDC Environmental Health

No objections and suggests conditions restrictive hours for site clearance, demolition, construction work, no burning, dust and mud control management scheme and no piling.

BDC Housing Research & Development

This application seeks detailed approval for a scheme of 38 residential dwellings including 11 affordable homes. This is compliant with affordable housing Policy CS2 of Adopted Core Strategy.

Following amendments to the mix and tenure of the dwellings, Housing Research and Development raise no objection to the proposals based on the table below:

	No.	Affordable Rented Tenure	Shared Ownership Tenure
1 Bed Flat - 2 person	2	2	0
2 bed Flat - 4 person	2	2	0
2 Bed House – 4 person	5	4	1
3 Bed House – 5 person	2	0	2
Total	11	8	3

BDC Ecology

An Ecological Impact Assessment (Green Willow Associates, September 2017) has been submitted with this application. The report has been prepared by a suitably qualified ecologist, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups.

The site is in the main arable land with the most important ecological features being the boundary features, hedges and trees which should be retained where possible. Consideration must also be given to the location of the brook adjacent to the development site to protect it from potential pollution. No further survey work has been deemed necessary.

There are no objections to this development provided conditions are applied to ensure the ecological protection and enhancement of the site.

Bat survey will be required if any works are to be undertaken with to trees with PRFs.

BDC Waste

The communal collection points for the houses need to be within 20 metres of the point at where the private driveways meet the adopted road. The flats will need communal bins, as opposed to individual bins for each property.

BDC Landscape Services

Landscape Setting:

- Background - Steeple Bumpstead nestles within a relatively shallow valley landscape, presenting itself as a small rural settlement with strong visual links to the surrounding countryside. The agricultural/cultural connections to the land are apparent to resident and visitor alike.
- The proposed development occupies slightly elevated and rising land on the northern edge of the watercourse and 'riverine' corridor of Bumpstead Brook and abuts the boundary of the Conservation Area.
- It is acknowledged that the edge of the Conservation Area in this part of the village contains buildings and contemporary features that diminish the character and setting of the listed buildings but this would not seem a justification to make matters worse by creating a suburban style development of modern houses that will only serve to separate the link between the historic core and the countryside.
- The proposed development will obstruct the partial views of the open field-scape from the settlement and completely change the views into the village when approached from Helions Road where the view of the assemblage of mature trees around the medieval church will be surrendered to the visual mass created by a significant number of new houses; it is considered that the new development will inevitably detract from the vista of the settlement from this approach into the village.
- The verified views endorse the impression that the impact and appearance of these houses will create a discordant and somewhat suburban tone to this part of the village, diminishing the links with the surrounding landscape and detracting from the character of the Conservation Area.

PARISH / TOWN COUNCIL

Steeple Bumpstead Parish Council are very concerned that the footpath that runs through the development does not follow a line along parallel with the road as was agreed in principle right at the start of the project.

The Parish Council has always seen the provision of a direct footpath as an essential benefit to the village when the land was originally included in the BDC 'call for sites' as part of their developing Local Plan.

This requirement has strong local support which has been demonstrated at two open meetings with the developers, the PC and members of the community.

Despite being fully aware of our need for a direct footpath the developers have proposed what is considered an impractical pedestrian route through the development on what will be private land.

From the number of objections listed you will see that practically all of them refer to need for a direct footpath.

If this could be obtained by means of a condition, we would have no other objections to BDC granting this application.

REPRESENTATIONS

Two rounds of neighbour consultations have been carried out resulting in 49 representations making the following comments:

- Support application if Water Lane is widened to remove the bottle neck and install a footway alongside the road and not through the development.
- Objection to position of access and it close to a bend in the road and acceptability is not good
- Footway should not be through the development
- Retaining the hedge as a reason for not providing the footway next to the road is unacceptable
- Original aspirations of the Parish Council have been ignored
- Increase flooding in the area due to increased housing in the area
- Loss of agricultural land
- Insufficient infrastructure for extra houses
- Development could result in more parked cars in the village
- Development is not served by public transport and is therefore not a suitable location
- Short sighted not to take the opportunity to link the village with a footway
- Further extension to the village envelope would be a real threat to the protection of the countryside
- The hedge should be removed to make way for a footway, it does not enhance the village
- Concerns about the layout of the development
- Do not want a footway outside the front of No.24 Water Lane
- Footpath link is a flawed idea as it would not link up with an existing footway
- Concerns about certain documents not viewable online, such as Highways, Conservation England and architects report.
- Increase in house numbers from the cap of 25 as stated in STEB395
- Concern about impact on Freezes Barn
- Application is premature as the site is outside the village envelope as the new plan has not been adopted
- Concern about the new footpath through the site won't be adopted by ECC

- Layout now proposed is completely different from the one shown at the public consultation
- The application site is located in an allocation site with the emerging Local Plan but is not adopted and therefore carries little weight
- The DAS fails to identify that the application site is distinctly visible from the south of the village when entering from Finchingfield Road, which is elevated above the village
- Harm to setting of the Conservation Area
- The open character of the CA, once developed upon, cannot not be so easily restored.
- Concern that the drainage system proposed is not appropriate.
- Concern about the safety of the vehicle access, as it is on a blind bend and should be relocated.
- The new road should be adopted by Highways
- Object to the new footpath that will end abruptly on Water Lane and does not connect with another footway.

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.

Approximately two thirds of the application site is proposed for allocation for residential development in the Draft Local Plan, STEB395 refers. Policy LPP1 of the Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and therefore development is acceptable in principle.

However, as application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis

of how the 5 year housing land supply is calculated. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The

Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

Site Location and Designation

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

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

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

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise

sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

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".

The majority of the site has been allocated for residential development in the Draft Local Plan reference STEB 395 (Publication June 2017) at Local Plan Sub-Committee on Wednesday 31 October 2016.

The Officer's recommendation stated: *'After careful consideration of all points made regarding potential issues relating to STEB395 such as an increased risk of flooding, pedestrian access and highways issues it is the Officer's view that all concerns could adequately be addressed through a planning application. The site was allocated for development in the 2014 SADMP and no further substantive evidence has been put forward to suggest the site is now not appropriate for development; notably no concern raised by the Environment Agency'*. Local Plan Sub-Committee Agenda, Wednesday 31 October 2016.

Members are advised that there are unresolved objections to this allocation.

Within the Draft Publication Local Plan it suggests that the site could accommodate up to 25 dwellings. The application site area currently under consideration is larger than the draft allocation and proposes 28 dwellings.

This must be a factor in the overall planning balance which is concluded below.

Sustainable Development

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

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

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

The 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. Steeple Bumpstead is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Draft Local Plan classes the village as 'second tier'. Second Tier villages are described as: *'those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Villages. Development of a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village'.*

It is necessary to consider the proposal having regard to the NPPF in terms of sustainable development and to assess whether there are any other material planning considerations and benefits arising from the proposed development (such as helping the District Council meet demand for housing supply and the provision of Affordable Housing) that are outweighed by any identified adverse impacts of the proposed development.

The population of Steeple Bumpstead is 1,627 (Census 2011) living in 666 households. This proposal would deliver a further 28 dwellings. It is not disputed that the village is served by a range of facilities. As a village, Steeple Bumpstead benefits from a doctor's surgery, pre-school, primary school, petrol station which also has a post office and general store, two public houses, two churches and a small business centre. As outlined above the majority of the site has been allocated for housing within the Draft Local Plan

Given the recent allocation, to conclude, in terms of the settlement hierarchy in both the adopted Development Plan and that emerging, the site would be considered a sustainable location for residential development. This must be a factor in the overall planning balance which is concluded below.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering applications for planning permission there is a duty to

have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

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

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

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

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

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

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

The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Practice Guidance identifies setting as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed*

and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

The site of the proposed lies, in part, within the Steeple Bumpstead Conservation Area. Whilst there is no Character Appraisal for the designation, the site's positive contribution to the character, appearance and significance of the village settlement is multifaceted. The site also makes a positive contribution to setting of numerous heritage assets within the Conservation Area and assists in how we are able to experience and interpret the significance of these assets within their historic context.

The proposed scheme seeks to erect 28 dwellings together with associated works including landscape and access. Development of this land is considered by the Historic Buildings Consultant to inflict less than substantial harm upon the Conservation Area and cumulatively to a number of those heritage assets within it. The proposal would cause less than substantial harm to the Conservation Area by enclosing the historic village core thus altering how the settlement is experienced and interpreted as well as detracting from its character and appearance. The scheme is also considered to adversely impact upon the setting of numerous heritage assets. Though it is noted that the level of harm to these individual assets is not high, this cumulative harm to numerous heritage assets must be considered holistically as widespread harm upon the historic environment further to that upon the Conservation Area.

For the purposes of planning this harm is considered less than substantial. As such, the local planning authority are required to balance this level of harm against any public benefits which may arise from the scheme. This is concluded below.

Landscape Impact

Paragraph 170 of the NPPF is a policy firmly aimed at protecting the environment, landscape character and biodiversity of 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 that would not be successfully integrated into the local landscape will not be permitted. These policies are relevant when considering the landscape impact of this proposal.

The Draft Local Plan includes policies which are relevant to this site. Policy LPP1 of the Draft Local Plan seeks to control development outside of development boundaries to uses appropriate to the countryside to protect the intrinsic character and beauty of the countryside. Policy LPP72 of the Draft Local Plan seeks to protect defined areas between settlements and requires proposals to demonstrate that the development is located on an area which has the least detrimental impact on the character of the countryside and does

not reduce the visually sensitive buffer between settlements or groups of houses.

The application does not lie within a landscape character area within the landscape character assessment.

The application site is part of an agricultural field that lies to the west of the village of Steeple Bumpstead. The land rises up from Water Lane and is bounded to the north by a public right of way. It is acknowledged that the proposal would alter the landscape in this part of the village, however development on the site has been specifically re-designed to ensure that a significant gap, devoid of built form, has been included within the layout. Officers encouraged the applicant to incorporate this landscaped gap within their re-designed proposals to ensure that a connection will remain between the village and the agricultural land to the west of the site.

Officers consider that the proposal would comply with the policies outlined above.

Design, Appearance and Layout

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

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

Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local

Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

This application is for full planning permission and therefore the details of the proposed layout and appearance of the dwellings have been provided as part of the submission.

As discussed above the application was initially submitted proposing 31 units. Following extensive discussions with Officers a revised layout for 28 dwellings has been submitted. Whilst the number of dwellings has reduced the site area has increased to accommodate sufficient open space to create a well laid out scheme that would complement the village. Officers sought a larger site area in order to ensure a better layout and improved quality of development could be secured.

All 28 dwellings are accessed from the single access off Water Lane and the majority of the houses would be served by private drives that have shared surfaces.

Two large areas of public open space are provided within the scheme, which also create space for the surface water drainage attenuation. The amount of open space significantly exceeds the requirements as set out in the Open Space SPD. The layout of the proposal is considered to complement the existing development along Water Lane. Longer views of the site from Church Street to the east, would be of both the new housing but also one of the large open spaces between plots 1-4 and 5-9, which provides a connection with the agricultural land beyond.

The dwellings and layout provide a scheme with architectural variation, yet overall it is a cohesive scheme which has an appropriate rural character for this edge of village location. The proposed flats have been designed so that they appear as detached two storey dwellings.

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

Significant amendments have been made to the layout and the design of the dwellings to ensure that the development would sit comfortably in the existing streetscene along Water Lane and within the context of the nearby heritage assets.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three or more bedroom dwellings should be provided with 100sq.m or more. The guidance also indicates that flats should have a minimum garden space of 25sqm.

To ensure that these relationships and garden spaces are maintained, it is recommended that a condition removing permitted development rights for extensions is attached to any grant of consent.

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

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

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

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

Impact on Neighbour Amenities

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

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

To the north east of the application site lies a small residential development known as Freezes Barns. A 15m gap is shown between the rear of the Plots 2, 3 and 4 and the side boundary of No.5 Freezes Barns. This gap is considered sufficient to protect the amenities and outlook currently enjoyed by the occupiers of No.5 Freezes Barns.

To the south west of the application site lies a chalet style house known as May Tree House. A gap of 25m is shown between the corner of the closest dwelling (Plot 19) and the corner of May Tree House. This gap is considered sufficient to protect the amenities and outlook currently enjoyed by the occupiers of May Tree House.

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

Drainage and Flood Risk

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Paragraph 165 states that major application should incorporate 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.

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

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

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

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 and to ensure as far as possible the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

Having reviewed the Transport Assessment, the Highway Authority is content with its conclusions.

The Highway Authority has also used its own knowledge of the highway network and information it holds in this regard to ascertain whether the network would be able to accommodate the proposal, further what, if any, improvements would be needed. Subject to the content of its recommendation as detailed above, the Highway Authority is satisfied the proposal would not be detrimental to highway safety.

A number of letters have raised concerns regarding the safety of the new junction onto Water Lane and the impact the additional vehicular movements will have on it.

Although there are many objections from third parties regarding the safety of Water Lane, the Highway Authority has confirmed that the proposals are acceptable from a highway and transportation perspective and the proposals are therefore considered to be in accordance with Policy RLP53 of the Adopted Local Plan and Policy LPP44 of the Draft Local Plan.

Many of the comments from neighbours along with the representations from the Parish Council make reference to the aspirations of the local community to have a footway link to be created along Water Lane, along with the widening of Water Lane, adjacent to the application site. Whilst this is noted by Officer's, the provision of a footway link has never been requested by ECC Highways who are satisfied with the proposal as it currently stands. It should be noted that even if a footway were to be constructed along part of the road frontage of the application site, it would not connect to an existing footway and pedestrians would have further 56m to walk along the road before they were able to join a footway to the south west of the site. Therefore it would be somewhat nonsensical to require a footway which would not link to an existing and would therefore serve little purpose.

The application does however show a pedestrian link through the site that would be available for both new and existing residents to use.

Trees and Ecology

Policy RLP80 of the Adopted 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 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.

An Ecological Impact Assessment (Green Willow Associates, September 2017) has been submitted with the application. The report has been prepared by a suitably qualified ecologist, provides details of survey dates, times and environmental conditions, details methodology used in accordance with best practice guidance and details records sourced from appropriate records office/groups.

The site is in the main arable land with the most important ecological features being the boundary features, hedges and trees which should be retained where possible. Consideration must also be given to the location of the brook adjacent to the development site to protect it from potential pollution. No further survey work has been deemed necessary.

There are no objections to this development provided conditions are suggested applied to ensure the ecological protection and landscape enhancement of the site.

PLANNING OBLIGATIONS

Paragraph 56 of the Framework 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, if it were proposing to grant it permission.

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 40% affordable housing provision on sites in rural areas. Subject to confirmation from the Council's Housing Enabling Officer on the mix, this could be secured through a S106 Agreement if the application were acceptable in all other respects.

Education – Essex County Council has requested a contribution of £25,175 towards Secondary School transport.

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 informal and amenity open space.

A financial contribution would be sought for outdoor sport and allotments, and this equates to £45,065.49. The provision/ contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site. These aspects could be secured through a S106 Agreement.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects. The applicants have indicated that they would be prepared to enter into an agreement to provide the appropriate infrastructure mitigation, and currently an agreement is being negotiated upon. A verbal update on this will be provided at committee. Subject to a suitably worded agreement the proposal would satisfactorily mitigate the impacts of the development on local infrastructure in accordance with the abovementioned policies.

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.

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

Loss of Agricultural Land

Paragraph 170 of the Framework states that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land”. BMVL encompasses land within grades 1, 2 and 3a. The Agricultural Land Classification map for the Eastern Region identifies the grade of the agricultural land is 2. The vast majority of agricultural land within this part of Essex falls within Grade 2 agricultural land and this site is likely to fall within the classification of Best and Most Versatile Agricultural Land (BMVL). However, it is inevitable that some development of such land will be necessary in order to meet the significant housing requirements.

Contaminated Land

The Geoenvironmental Report submitted to support the application confirms that the intrusive investigation identified low levels of both organic and inorganic contamination within soils underlying the site. No concentrations exceeded Generic Screening Criteria for residential land uses and therefore these chemicals do not present a risk to the proposed development. It is not considered that the proposed development would trigger a requirement for remediation.

Foul Drainage

A report submitted with the application indicates that foul water drainage for the system will be constructed and connected to the existing public sewerage network which is owned and operated by Anglian Water. Anglian Water has advised that existing sewerage system at present has available capacity for these flows.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

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

It is considered that the development of the site, would lead to social and economic benefits in terms of additional 11 affordable and 17 market dwellings, which would contribute to the Council's housing supply.

It is also recognised that there would be some economic benefits during the construction process and after the occupation of the dwellings through residents using local facilities. These benefits are applicable to housing development generally and given the scale of the development these benefits should only be given limited to moderate weight. In addition to the above and as set out in this report, the majority of the application site has been included as a draft allocation within the Draft Local Plan (2017), where the principle of development is identified as being acceptable.

In terms of the environmental objective, following the reduction in dwelling numbers from 31 to 28, it is considered that the scale of development in this case can be accommodated on the site in a satisfactory manner without detriment to the character and appearance of the locality. Satisfactory vehicle access can be achieved.

Paragraph 196 of the NPPF states that where a development proposal will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, as set out earlier in this report, it is concluded that the public benefits of the proposal would outweigh the less than substantial harm that would be caused to the nearby listed buildings and the Conservation Area.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, the design and layout of the dwellings would provide a high quality

residential development and a good level of amenity for future occupiers. It is considered that these public benefits would in Officers' opinion outweigh the harm to the heritage assets identified above and the current conflict with the Development Plan and that the resulting planning balance, which is finely balanced, falls in favour of granting planning permission.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

- **Affordable Housing:** 11 units comprising tenure of 8 x Affordable Rent & 3 Shared Ownership.
- **Public Open Space:** On site provision of public open space. Management Company be appointed for the maintenance of the proposed open space. Financial contribution in accordance with the Town Council and Open Spaces Action Plan for:

Sports - £45,065.49 to the provision of Outdoor Sports facilities within Steeple Bumpstead Parish.
- **Education:** Financial contributions for Secondary education transport cost- £25,175.

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.

APPROVED PLANS

Title	Plan Ref	Version
Location Plan	1596-P-900	A
Existing Block Plan	1596-P-901	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-003	A
Proposed Plans	SBA-XX-ZZ-DR-A-002	B
Access Details	H004	1
Visibility Splays	HO10	

Proposed Site Plan	SBA-XX-ZZ-DR-A-500	B
Proposed Plans	1596-SBA-XX-ZZ-DR-A-501	B
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-004	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-005	A
Proposed Elevations & Floor Plan	SBA-XX-ZZ-DR-A-006	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-007	A
Proposed Elevations & Floor Plan	SBA-XX-ZZ-DR-A-008	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-009	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-010	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-011	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-012	A
Proposed Elevations & Floor Plans	SBA-XX-ZZ-DR-A-002	B
Site Layout	SBA-XX-ZZ-DR-A-500	B
Waste Management Strategy Plan	SBA-XX-ZZ-DR-A-501	B

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

Reason

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

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

Reason

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

- 3 Construction of any buildings shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such.

Reason

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

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in

writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- a scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours.
- details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

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

Reason

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

- 5 No development shall commence unless and until the following information has been submitted to and approved in writing by the local planning authority:

- A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
- Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

Reason

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

- 6 No development or preliminary groundworks shall commence unless and until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning

authority.

Reason

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

- 7 No development or preliminary groundworks shall commence on those areas containing archaeological deposits unless and until the satisfactory completion of fieldwork, as detailed in a mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

Reason

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

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

Reason

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

- 9 Prior to the commencement of development a lighting design strategy (pre and post construction) for bats shall be submitted to and approved in writing by the LPA. The Strategy shall;

- i. Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites, and resting places or along important territory routes used to access key areas of their territory, for example foraging; and

- ii. Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the LPA.

Reason

To ensure there is no harm or disturbance to a protected species.

- 10 Prior to the commencement of development, including vegetation clearance and ground works, a method statement for badger/small mammal protection during construction shall be submitted to and

approved in writing by the Local Planning Authority. The measures may include:

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

Once approved the works shall be carried out in accordance with this statement.

Reason

To protect badgers and other mammals from becoming trapped or harmed on site.

- 11 Prior to the commencement of development, including vegetation clearance and ground works, a construction method statement for pollution control of the brook during construction shall be submitted to and approved in writing by the Local Planning Authority. The method statement should also include the proposed sensitive vegetation clearance methods for consideration of the protection of hares and hedgehogs.

Reason

To protect the brook from all forms of pollution and to ensure that priority species are not disturbed or harmed.

- 12 Prior to the commencement of works above ground level details of the proposed ecological enhancement of the site shall be submitted to and provided in writing by the LPA. It should include new habitat creation, detail the proposed habitat improvement/retention including buffer zones, and green infrastructure/wildlife corridors (including treatment of gaps in hedging to allow continuous foraging commuting routes for bats and badgers and provision of dark areas),. The provision of bird nesting and bat roosting boxes which where appropriate should be integrated into the building design and must include integrated swift bricks/boxes. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.

Once agreed the works shall be carried out in accordance with these details.

Reason

This information is needed prior to commencement of the development, in the interests of habitat and species protection and achieving enhanced biodiversity through a range of measures.

- 13 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has

been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Demonstrate storage features half empty in less than 24 hours
- 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 of 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.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

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

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

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

Reason

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

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

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

Reason

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

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

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

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

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

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

Reason

To enhance the appearance of the development.

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

Reason

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

- 19 To avoid disturbance to nesting birds vegetation removal should take place outside of the bird nesting season (between 1st March to 31st August inclusive) or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified ecologist. Any active nesting sites found must be cordoned off and remain undisturbed until young birds have fledged. (This should include ground nesting birds also).

The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built.

Reason

To ensure there is no harm or disturbance to breeding birds.

- 20 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.

- 21 A Bat survey will be required to be undertaken and the results submitted to the LPA if any works are to be undertaken to trees (or removal) that have been identified as having Potential Roosting Features.

Reason

To ensure there is no harm or disturbance to a protected species.

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

Reason

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

- 23 No occupation of the development shall take place until the following have been provided or completed:
- a. The site access as shown in principle on the planning application drawing, H004 rev 1. Access shall include but not be limited to a clear to ground visibility splay with dimensions of 2.4 metres by 39 metres to the north and 2.4 metres by 39 metres to the south, as measured from and along the nearside edge of the carriageway.
 - b. Residential Travel Information Packs
 - c. The upgrade of the pair of bus stop that would best serve the development. (Upgrade to include poles, flags and timetable frames, and if possible raised kerbs.) Details to be agreed with the Local Planning Authority
 - d. Provision of two 'pedestrian in road' warning signs for the southern end of the site, details to be agreed with the Local Planning Authority.

Reason

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

INFORMATION TO APPLICANT

1 Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588

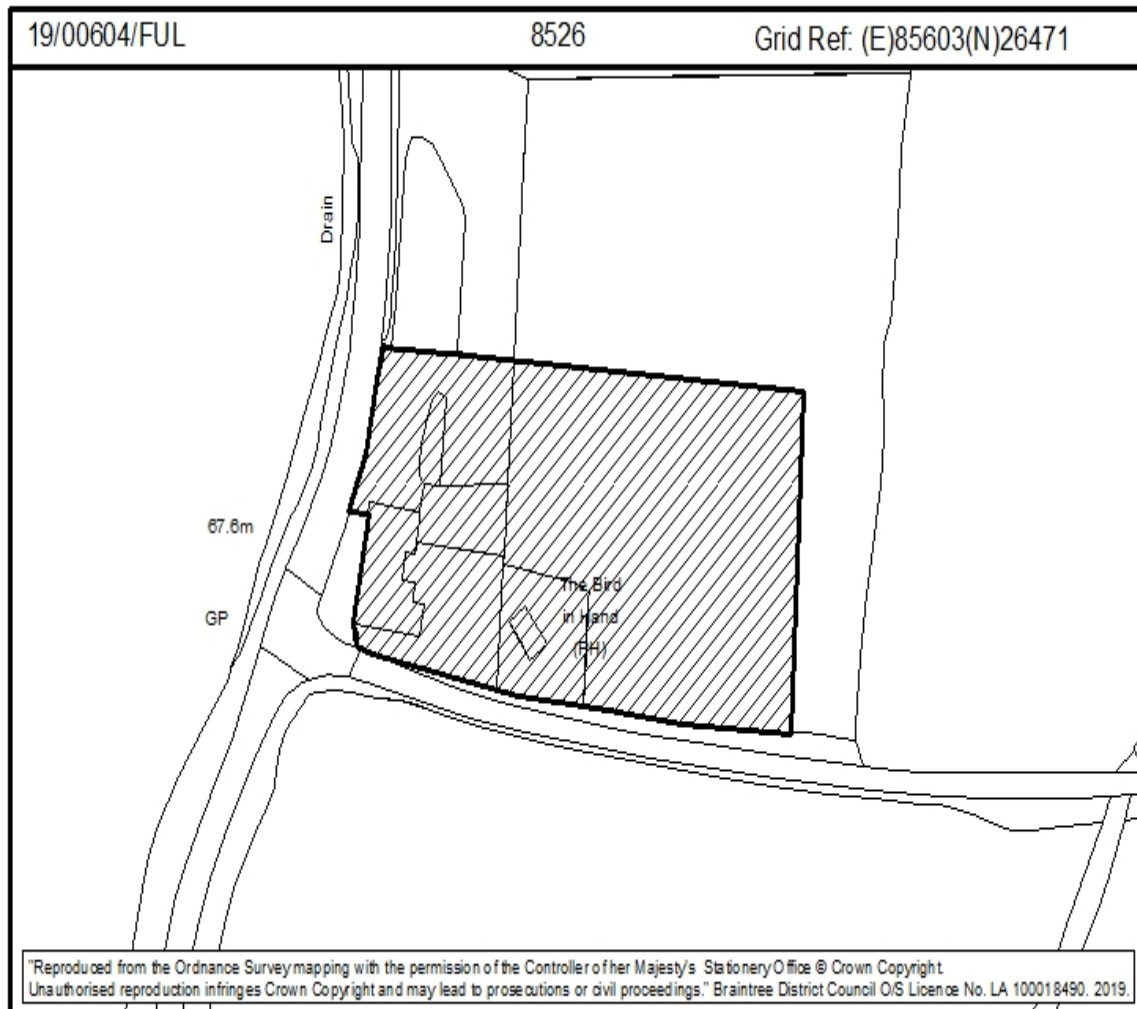
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 19/00604/FUL
DATE: 23.05.19
VALID:
APPLICANT: Mr Kent
The Brands House, Kings Road, Halstead, CO9 1HA
AGENT: Mr Robert Pomery
Pappus House, Tollgate West, Stanway, Colchester, CO3 8AQ
DESCRIPTION: Demolition of Public House and Erection of the Office Building (828 sqm) with Car Parking.
LOCATION: The Bird In Hand, Coggeshall Road, Earls Colne, Essex, CO6 2JX

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPAFBDBFFV700>

SITE HISTORY

03/01592/COU	Change of use of public house to single dwellinghouse	Withdrawn	08.12.03
06/02347/COU	Change of use of car park to hand car washing facility	Refused	16.01.07
07/00404/COU	Change of use of car park to hand car washing facility	Granted	24.04.07
10/00037/FUL	Retention of hand car washing facility (previous permission 07/00404/COU expired 31/12/09)	Granted	25.02.10
13/00309/FUL	Retention of hand car washing facility (previous permission 10/00037/FUL expired 31/12/09)	Granted	23.05.13

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. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP4	Providing for Employment and Retail
SP6	Place Shaping Principles
LPP8	Rural Enterprise
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chair and Vice Chair of the Planning Committee. In addition, Earls Colne Parish Council have also objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site comprises a public house known as the 'Bird in Hand'. It is located in a prominent corner position adjacent to the junction between Coggeshall Road and America Road. The built extent of the public house is limited to the front part of the site adjacent to Coggeshall Road; comprising a car parking area and former car wash. The wider land behind the public house by comparison is open, and is understood to have been used as paddocks.

The site is surrounded by agricultural fields to the west, south and east. To the north, there is an area of managed green land utilised in connection with Olivers Plants Limited. Planning permission has recently been granted to extend the car park and built footprint of the Olivers Plants site, however a gap would still be maintained between that site and the application site. Further north, there is a cluster of both business and residential properties which have grown over time. Further west from the site, is the Earls Colne Airfield and business area.

PROPOSAL

The application in this case proposes to demolish the Public House and erect an office building (Use Class B1) with a footprint of 828sq.m. The building would be single storey in a 'U' shaped arrangement. It would comprise 8 business units, and general offices, function rooms etc for the applicants business and sister businesses.

Car parking would be at the front of the site, with access from Coggeshall Road. The rear of the site would comprise an open area used as gravel hard standing for the display of storage containers. Another new access would be created in this area. It is understood these containers would usually comprise shipping containers. A 2.4m high security fence is proposed to encircle the entirety of the site.

CONSULTATIONS

BDC Environmental Health

No objection subject to conditions if approved.

BDC Economic Development

Support proposal due to job creation.

BDC Landscape Services

No objection subject to conditions in relation to a tree protection plan and implementing visual mitigation outlined in the landscape assessment.

BDC Ecology

No response received.

ECC Archaeology

No objection subject to building recording of public house.

ECC Highways

Raised no concerns in respect to the proposed accesses, however required further justification in respect to the level of parking required.

Anglian Water

Unable to determine impacts, so suggest conditions and informative for the developer should the application be approved.

PARISH / TOWN COUNCIL

Earls Colne Parish Council object to the proposal for the following summarised reasons:

- Proposed parking does not comply with parking standards
- Proposed footprint is considerably larger than existing footprint
- Development of this type would be better located at one of the existing business parks
- The proposed building design does not match the planning statement – no reference to self-contained office units.

REPRESENTATIONS

6 objection comments and one general comment have been received from residents setting out the following comments/concerns:

- Bird in hand intrinsically linked to history of the area (airfield etc) – should not be demolished – should be explored for similar uses
- Development on a greenfield site in countryside location–
 - Wrong location – should be located within the Earls Colne airfield area or other estates like Bromfield park or Bradwells
 - Contrary to development plan policies
- Much larger building footprint and area (6 times more land)– aimed at rental market as well as applicants business
- Obtrusive in the landscape due to location, size and car parking
- 2.4m high palisade fence unsightly and will not be screened adequately by hedging – due to land level difference the fence will actually be 3.5m high from the road
- Unclear what ‘storage container area’ at rear is
- Unacceptable levels of car movements
- No access via public transport
- Where is surface water to be drained? Possible issues

REPORT

Principle of Development – Loss of Public House

Paragraph 83 of the NPPF states inter alia that planning decisions should enable “the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

Policy RLP151 of the Adopted Local Plan states that proposals that would result in the loss of key community facilities (such as public houses), or services, outside the urban areas, will be resisted, unless sufficient evidence is provided to demonstrate that they are not economically viable and that all other options for their continuance have been fully explored, or they are replaced in an equally good, or more sustainable, location. This is echoed in Policy CS11 of the Adopted Core Strategy.

Policy LPP65 of the Draft Local Plan states that the Council will seek the retention of all existing community facilities and services where they meet an identified local need. In addition to community facilities as specified in the NPPF’. The supporting text to this policy states at Paragraph 7.56:

‘Applications for the change of use or loss of a community facility will be expected to be accompanied by a marketing and viability appraisal which will be independently verified at the cost of the applicant before the application is determined’.

The application in this case proposes the demolition of the Bird in Hand in order to facilitate the office development. The Bird in Hand is understood to have a longstanding history as a public house, with airman using it when a formal RAF base was in operation at Earls Colne airfield. However, in recent times the public house has struggled and remained vacant for a number of years. The applicant has provided evidence showing that the public house has been marketed for a period of time without concrete or tangible interest

coming forward. As such, while the application would result in the demolition of a community facility, it is considered that the supporting evidence demonstrates that the Bird in Hand is no longer viable as a public house. It is also apparent that no further uses have been propositioned to bring the site forward.

Taking into account all of the above, it is considered that the principle of demolishing the public house and the loss of the community facility would be acceptable in this case subject to an appropriate re-development of the site being presented.

Principle of Development - Offices

The NPPF states in Paragraph 83 inter alia that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

The NPPF in Paragraph 84 also states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It also states that in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The site is not identified as being within a development boundary in the Adopted Local Plan and as such is on land designated as 'countryside' where there is a presumption against new development. Policy RLP2 of the Adopted Local Plan states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Outside these areas countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development outside of defined boundaries will be strictly controlled to uses appropriate to the countryside in order to protect and enhance landscape character, biodiversity, geodiversity and the amenity value of the countryside.

Policy CS8 of the Adopted Core Strategy indicates that where development is to take place in the countryside it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment. The policies set out above seek to protect the countryside and direct new development to sustainable locations.

Policy RLP27 of the Adopted Local Plan states that development for employment uses shall be concentrated on suitable sites in towns and villages

where housing, employment and other facilities can be provided close together. Development for business, commercial and industrial use shall be located to minimise the length and number of trips by motor vehicles.

Furthermore, Policy RLP40 of the Adopted Local Plan states that new industrial and commercial development in the countryside is acceptable providing it is on a small scale compatible with the surrounding area. Policy LPP8 of the Draft Local Plan echoes the above and states that where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.

The application in this case proposes to demolish an existing Public House and erect a large office building measuring 828sq.m. In accordance with the above policies, there are numerous interlinked tests set out in the NPPF and local policies which the buildings are required to meet to be considered acceptable in principle. These are broadly separated out into the below sub-headings, with a conclusion paragraph at the end.

Justification of Need

The applicant has set out that the purpose of locating the office here is twofold; providing enough space to accommodate the applicants company and sister/subsidiary companies, while also locating it in a 'central' location for existing employees who are spread out in different offices across the District/adjoining Districts. It is set out that there is no available office space currently on the market for the size that they require. However, no evidence of sustained investigation has been provided to monitor the market for a long period of time. Similarly, while the Applicant seeks to consolidate his businesses into one place, other options do not seem to have been fully considered.

Concerns have been raised that the proposal includes 8 separate units to be let out separately. It has been confirmed that this is not the applicants intention, however if planning permission was granted in the form as shown on the submitted drawings there would not be any future way of controlling the occupation.

In any case, while some evidence of need has been provided, it is not comprehensive. Furthermore, the proposal is still required to conform to other criteria as discussed below.

Location

The site is not located within a development boundary and as such is located in the countryside. In accordance with the above policies, that does not

automatically make the proposal unacceptable. However, the site in this case is primarily greenfield, surrounded by agricultural fields on three sides. It is also remote from any settlement; 1.7km away from the very edge of Earls Colne by road, and 3.4km from the very edge of Coggeshall. There are a small cluster of business/residential units north of the application site, however these would not cater for the needs of any future employees of this site. There are also no bus stops in the vicinity of the site.

Furthermore, Coggeshall Road from which the site is accessed also does not have a footpath and is unlit, through national speed limit country lanes. In addition to this, no evidence of public transport connectivity has been provided. While the use of the private car should be expected to some degree in any development, national and local policies dictate that business uses should be located within one of the many employment areas across the District where they would have good accessibility to public transport, services and facilities to achieve sustainable economic development. As set out above, the site in this case is physically and functionally remote from other settlements, services and facilities. Although the existence of the ribbon development to the north is acknowledged, this site would be remote from it due to separation distances.

As such, taking into account the site's location and setting, it is not unreasonable to expect employees at this site to utilise the private car as the only realistic means to access the site. There would also be no real opportunities to make the location more sustainable taking into account the above circumstances.

Design, Siting, Scale, Appearance & Landscape

In addition to the policies set out in the principle section, Paragraph 124 of the NPPF states inter alia that Good design is a key aspect of sustainable development. In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

As existing, the public house occupies the southern tip of the site on the junction with America Road and Coggeshall Road, while the parking area and former car wash area extends northwards. The overall depth of the previously developed area is approximately 26m, and spans a total length of approx. 80m. The extent of the previously developed area is therefore linear, primarily fronting onto Coggeshall Road. The remaining land to the east is undeveloped and open, and is understood to formerly have been used in a paddock capacity.

In order to accommodate the Office building, the proposal would significantly extend the developable area of the site eastwards into the former paddock, to a depth of 95m measured from Coggeshall Road. The proposal would not however include all of the former area of parking associated with the public house; leaving approximately 500sq.m of hardstanding outside of the red line of the site. It is unclear what will happen with this remaining hardstanding; it may be sought as a car park extension in future. In any case, it is considered that the proposed development would predominantly use greenfield land to accommodate the new office building.

In terms of the size of the proposed building, it would measure 828sq.m. It would be 'U' shaped, facing towards Coggeshall Road, with the core element at the rear of the site. Each projecting 'leg' would measure a total length of 41m, with a width of 8.2m. The core element at the rear would be shorter, approximately 37m in length, with the same 8.2m width as the projecting 'legs.' The proposal would therefore create a courtyard area in between the two legs of the 'U' shape.

In terms of scale, the building would be single storey, with varying gable features. Taking the above into account, it is considered that the building would be of a substantial size due to its overall footprint, especially comparatively to the existing public house which only measures 225sq.m in footprint (just under four times the amount of footprint), although the public house is two stories in height. Taking into account the above, it is considered that the proposal cannot be considered 'small scale' in order to comply with Policy RLP40 of the Adopted Local Plan.

In terms of other general layout particulars, the parking area would be at the front of the site, while a gravelled area at the rear of the building would contain storage containers. The development also proposes a 2.4m high palisade security fence around the entire boundary. Finally, two new accesses would be created; one from Coggeshall Road and one from America Road.

In terms of assessing the overall impact of the development, the applicant refers to the development further along Coggeshall Road and contends that this sets a precedent for allowing this development. Furthermore, the application is supported by a Landscape Visual Appraisal (LVA) document. It sets out that the development would have 'barely discernible change to the wider landscape,' and that "the character of the immediate site will not change from rural setting of a public house and portion of pasture field to a low density, discreet office development..." The LVA concludes that "...while there will be a minimal effect on the landscape and visual receptors there will be a formalisation of the site and loss of open ground..."

In this case, Officers disagree with the findings of the Applicant & LVA. Firstly, it is considered that the built development further northwards would not be visually or physically associated with the proposed development site. This is because a green gap would be retained in-between the car park of Olivers Plants and the site, while the main cluster of more built up development is concentrated further up the road. When one traverses in a northerly direction

past the Public House, it is evident that one enters into a more built up area sometime after passing the public house. Similarly, coming from the built up area in a southerly direction, one appreciates leaving the more built up area and the transition back to open countryside. As such, while the existence of the more built up area is acknowledged, it is considered that this is not seen or associated with the application site, which firmly remains a sensitive site in the countryside.

Furthermore, Officers disagree with the conclusions of the LVA, and consider that developing a large area of the site would have significant landscape and visual implications in the wider area. The existing Public House is in a highly visible location, but would not be unexpected on a main thoroughfare between two key service villages (Coggeshall and Earls Colne). What is proposed instead would comprise a highly formalised parking area with clinical rectangular hedging which would be highly visible from Coggeshall Road. This impact would only be exacerbated by the incongruous 2.4m high palisade fence which would be hard up against Coggeshall Road. The development would also facilitate views into a much formalised courtyard and large building, whereas views more generally are open or enclosed by natural landscaping (other than the existing public house). The development if approved would therefore irreversibly change the character of this part of the site from that of open countryside to formalised business.

The site is also elevated from America Road by approximately 1m. The proposed palisade fence here would also be very close to the boundary, at a height of 3.4m from the road level. This would not be rural in character and would only serve to again exacerbate the impact. The fence may be able to be screened to some extent by hedging, however the requirement of it around the entirety of the site does bring into question the suitability of such a use in this countryside setting. Furthermore, the site is surrounded by open countryside on three sides, and a green buffer area to the cluster of development to the north. As such, it is considered that the building at the size and scale proposed would look wholly out of character in this area. Landscaping may assist in the medium to longer term to screen the building, however its scale is significant and permanent, whereas landscaping could be removed at any moment.

In terms of appearance, the building would include various gable/fenestration features in order to try and retain some form of agricultural appearance. However, it is considered that there are too many inconsistent elements that do not appear harmonious as a building. The part formal part rural cosmetics are neither cohesive nor coherent. Soldier course headers are used over some windows whilst gauged arches are shown on others; this cannot be considered good design. The mix of barn like elements and formal projecting gables with brick, render and boarding reinforces these issues. The proposed building would not therefore be 'well designed' as required by the NPPF.

Taking into account all of the above, the erection of the large building in this prominent location would detract from the rural character of the area and instead would appear more akin to the entrance to an industrial estate to the

detriment of the wider area. The development therefore cannot be considered to be sensitive to its surroundings as required by the NPPF.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy RKO45 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

Taking into account the siting of the proposed building, coupled with the separation distances to other development, it is considered there would not be a detrimental impact on the amenity of neighbours by virtue of overlooking, overshadowing or overbearing.

In addition to the above, the Council's Environmental Health Officer has no objection to the development from a noise and activity perspective in relation to the business proposed.

Highway Issues

Policy RLP56 of the Adopted Local Plan states that off-road vehicle parking should be provided in accordance with the Council's adopted vehicle parking standards. The Council adopted its current parking standards in September 2009 which state for a B1 use there should be a maximum of 1 space per 30sq.m. Essex Highways Development Management policies also focus on parking provision but also include vehicular access. This is again supported by Policy RLP36 of the Adopted Local Plan.

The public house had no formalised single aspect onto Coggeshall Road. It instead comprised an open area where vehicles could drive in and out at various points. This proposal seeks to formalise this into one access to Coggeshall Road, and also introduce a secondary access for the storage containers from America Road. Essex Highways have considered the proposed access onto Coggeshall Road and consider it would be an improvement. This is because it would be correctly aligned from the highway, rather than the large dropped frontage which currently exists which has the potential for dangerous egress in both directions. Furthermore, Essex Highways have no objection to the new access onto America Road due to the visibility splays which could be achieved with land ownership.

In terms of parking, 24 spaces are shown, however the maximum requirement in accordance with the Parking Standards would be 27 spaces. The proposal should be as close as possible to the maximum standard, however an under provision by 3 spaces would not be so deficient that it would justify attributing a significant level of harm in this case. The development would however have 39 employees and Essex Highways required further justification as to why the parking standard would be lower. At the time of writing this justification is being provided, and an update will be provided to Members at Planning Committee.

Ecology & Trees

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

The application was supported by a bat survey which found no evidence of bats, and did not require any further surveys. While the building is in a poor state, it would not be open or provide opportunity for bats to enter into. Thus it is considered that the findings of the surveys are acceptable and no further surveys are required. In terms of tree protection, a subsequent plan has been provided on the request of the Landscape Officer, however he has not reviewed these additional plans. As such, if the development was approved it is likely these details would remain as conditions.

CONCLUSION

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 terms of benefits, the proposal would introduce additional employment floor space in the District, and reportedly would enable the Applicants businesses to all be located in one place with job creation and expansion potential. However, while some level of justification has been provided, it is considered that further robust justification is required to justify the size and scale of the new building. As such, it is considered that this benefit is moderate in nature overall.

In terms of harms, the site would be functionally and physically remote from any existing settlements. It would not realistically be able to be accessed other than by the private car, with little opportunities to provide access by non-car means. The proposed commercial building would be of a large size that would not be sensitive to its surroundings and introduce clinical hedging and fencing that would only serve to exacerbate the impact. The building would also would is also of a poor and incoherent design with numerous inconsistent features. All of the above would contribute to a detrimental impact on the open countryside. The development would not therefore be sensitive to its surroundings and these impacts would amount to significant harm.

In the planning balance, taking into account the above, it is considered that the harms of the development would outweigh the benefits. As such, the development would not amount to sustainable development and should be refused.

RECOMMENDATION

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

- 1 The proposed B1 building would be of a large scale that would not be sensitive to its surroundings or be well designed to the detriment of the rural character of the area. It would also be located in a remote location, physically and functionally isolated from services and facilities resulting in an overreliance on the private car. Accordingly, the proposal would therefore be contrary to the provisions of the National Planning Policy Framework, contrary to Policies RLP2, RLP27 and RLP40 of the Braintree District Local Plan Review (2005) and Policies CS5, CS7 and CS9 of the Braintree District Core Strategy (2011) and Policies SP1, LPP8 and LPP50 of the Braintree District Publication Draft Local Plan (2017).

SUBMITTED PLANS

Location Plan	Plan Ref: 01
Existing Block Plan	Plan Ref: 02
Proposed Block Plan	Plan Ref: 03
Proposed Floor Plan	Plan Ref: 04
Proposed Elevations	Plan Ref: 05

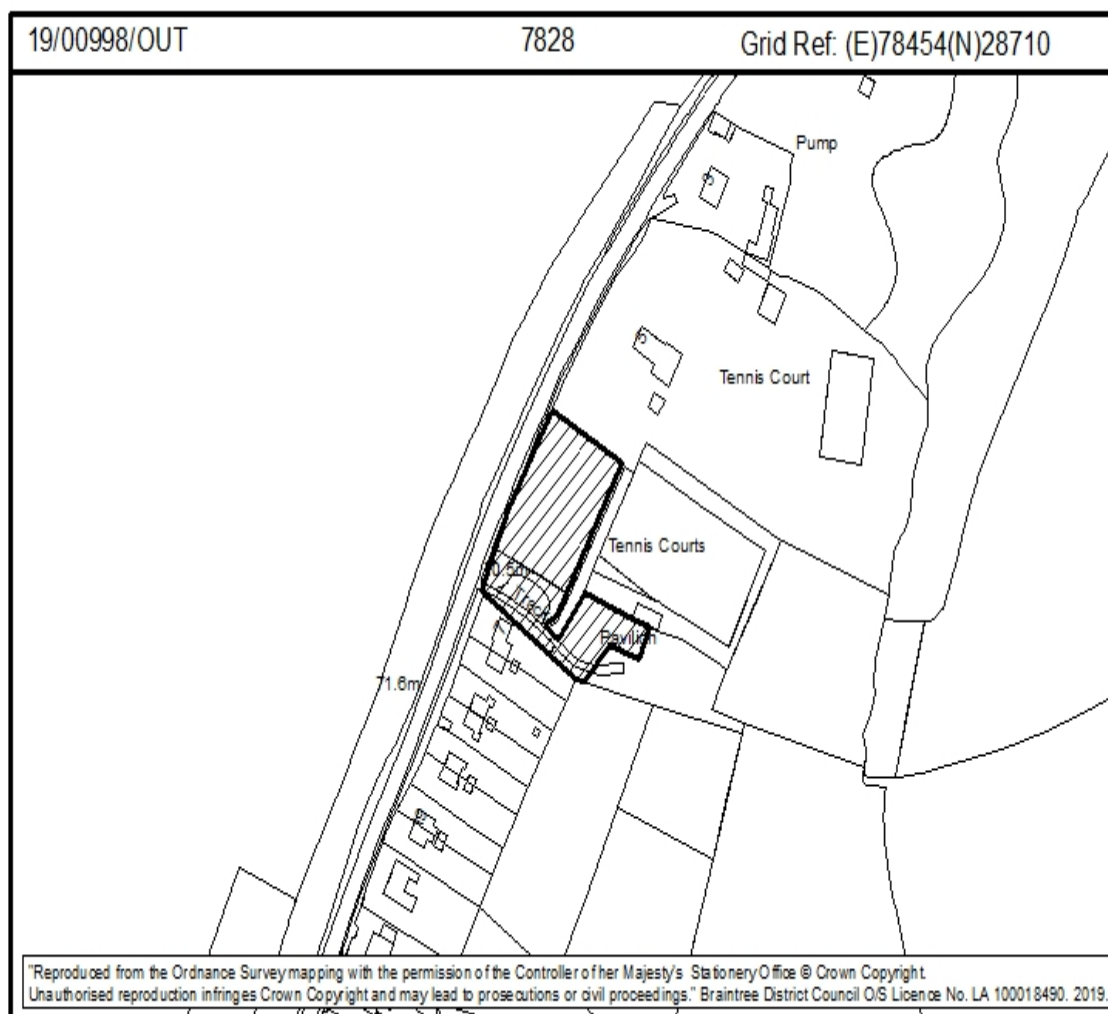
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00998/OUT
DATE: 13.06.19
VALID:
APPLICANT: Mr Doherty
C/O Agent
AGENT: Mr Robert Pomery
Pappus House, Tollgate West, Stanway, Colchester, CO3 8AQ
DESCRIPTION: Erection of 5no. Dwellings with access and car park for Tennis Club.
LOCATION: Gosfield Tennis Club, Braintree Road, Gosfield, Essex

For more information about this Application please contact:
Mrs H Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSKXWLBFGU100>

SITE HISTORY

83/00547/P	proposed residential development(2 dwellings)	Refused	01.08.83
81/00568/P	proposed residential development	Refused	10.06.81
97/00182/FUL	Demolition of existing timber pavilion and construction of new pavilion	Granted	17.06.97
15/00051/ADV	Erection of 2 faced sign board on posts	Granted	15.04.15
17/00634/FUL	Proposed new tennis floodlighting to 2 centre tennis courts including the erection of 8 no. LED lighting columns measuring up to 8 metres in height and associated development	Withdrawn	24.05.17
17/01865/FUL	Proposed new tennis floodlighting to 2 no. centre tennis courts including the erection of 8 no. LED lighting columns measuring up to 8 metres in height and associated development	Withdrawn	20.11.17
18/00027/FUL	(Re-submission of planning application ref: 17/00634/FUL withdrawn in May 2017) Proposed new tennis floodlighting to 2 no. centre tennis courts including the erection of 9 no. lighting columns, with a total of 10 LED lights, measuring 6.7 metres in height, the construction of a concrete footpath between the car park and pavilion, and associated development	Granted	14.06.18

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP71	Landscape Character and Features

INTRODUCTION/REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site is located to the south of Gosfield and is located outside of a development boundary and therefore within the countryside for planning purposes.

The site comprises a piece of land, largely rectangular in shape which directly fronts Braintree Road and measures approximately 68 metres in width along Braintree Road and 35 metres in depth. The site also extends to the rear. The wider site ownership edged in blue comprises Gosfield Lawn Tennis Club, which is a private members club with 4no. outside floodlit tennis courts with wire mesh fence surrounding, which is located directly behind the site. Adjacent the tennis courts is also a caravan/camping area. The development area currently comprises an informal car park for use by the Tennis Club and an allotment area, together with an additional piece of land which would project further into the site and would provide replacement parking for the Tennis Club.

The site is bounded by a hedgerow along the road frontage, and the wider ownership area has a tall conifer hedge along the northern boundary, a tall tree screen along the upper west boundary and open to the lower west and south boundaries.

Neighbouring uses include a row of established semi-detached residential properties immediately to the south of the site and a detached dwelling (No.5 Braintree Road) immediately to the north of the site with open countryside to the west and south of the site.

An access road to No.5 Braintree Road runs through the site between the tennis courts and the allotments.

PROPOSAL

Outline planning permission is sought for the erection of 5no. dwellings with access and car parking for Gosfield Lawn Tennis Club. The applicant seeks permission for access only, with matters of appearance, landscaping, layout and scale to be reserved.

The access to the site would utilise the existing access to the Tennis Club with a 5.5 metre wide internal road and the existing hedging along the site frontage is indicated to be removed and replaced.

An indicative block plan has been supplied showing the siting of 5 dwellings in a staggered row – 1no. detached and 2 pairs of semi-detached dwellings with parking to the side of the properties and an access road close to the site frontage. An indicative refuse collection point is also identified to the front of the site.

CONSULTATIONS

ECC Highways

Request a plan showing the extent of the highway boundary.

ECC Historic Environment

Archaeological trial trenching condition recommended.

BDC Environmental Services

No comments received at the time of writing this report.

BDC Landscape Team

The existing hedgerow at the frontage should be retained as far as possible, taking account of visibility splays. An arboricultural survey should have been submitted as part of this application.

BDC Ecology

No ecological documents have been provided with the application. However in this case the impact on species can be predicted. No objections subject to

conditions in respect of ecological enhancements, lighting and good practice in formatives.

PARISH / TOWN COUNCIL

Gosfield Parish Council support the application, subject to Highways and archaeology and would like the application to go to Planning Committee. The Parish Council suggest the 30mph speed limit be extended to just beyond the layby after Petersfield Lane.

REPRESENTATIONS

A number of residential neighbours have been notified and a site notice displayed at the front of the site. 5 letters of objection have been received, summarised as follows:

- Some of land identified is not within applicant's ownership (No.5 Braintree Road)
- Entrance is dangerous and blind
- Road is fast and dangerous
- Volume of traffic would increase
- Removal of hedgerow would affect ecology
- Entire hedgerow would need to be removed to allow for visibility splays
- 30mph should be implemented
- Planning permission has previously been sought and refused
- Argument for vitality of rural communities is questioned – sports/recreation and allotments are better than housing
- Enabling role of housing to provide essential funding for tennis club questioned - £20k just spent on floodlighting
- Access to own existing paddock may be obstructed
- Parking for new homes may potentially spill into other areas causing obstruction

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 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 policies set out above seek to protect the countryside and direct new residential development to sustainable locations. The proposal in this case seeks planning permission to erect 5 dwellings on land outside of a

Development Boundary which would represent a departure from, and therefore be contrary to the Adopted Local Plan.

5 Year Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the

subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

SITE ASSESSMENT

Location and Accessibility to Services and Facilities

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

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

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

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 location, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities.

The site is located in the countryside with the centre of village of Gosfield being approximately 0.5km away. Gosfield is identified in the Draft Local Plan

as a 'Third Tier' village, defined as '..... the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village'.

Officers do acknowledge, however, that Gosfield does have some facilities, including 2 schools, a pub, a village shop and leisure facilities at Gosfield Lake. Petersfield Farm, which is approximately 0.6km from the site itself, has also diversified in recent years and provides a small level of retail facilities and farm shop. In addition, the village and the site itself is located along the A1017 and a relatively regular bus service is provided.

It is acknowledged that Gosfield is not a village the Council considers sustainable for housing development in the overall spatial strategy, taking into account the settlement hierarchy and it does not offer the range of services and facilities that would be found in a key service village. However, taking the site on its merits in considering this application, Officers consider that the range of amenities and services available for existing and future residents is such that daily needs and recreational activities could be met within the village to some partial degree. It is appreciated that residents are unlikely to seek employment within the village and for example, weekly food shopping would have to be undertaken in a larger town, such there will undoubtedly be reliance on travel by car in order to carry out such activities. The use of a private car should be expected, especially within a District such as Braintree which is predominantly a collection of villages in a rural setting. The need to use a car to access services and facilities does not necessary suggest that a village does not provide the opportunity for its residents to take sustainable means of transport, shop locally or utilise recreational activities within walking distance.

It is noted that a metalled footway exists from outside the site to the village and the road is lit (with somewhat sporadic street lighting) and although the distance from the site to the edge of village is 0.5km it is reasonable and possible that the occupants of the new dwellings may wish to walk or take public transport into the village.

Officers are aware of recent planning permissions and appeal decisions on the periphery of Gosfield for small scale residential developments and although all applications are assessed on their individual merits, Officers are mindful of these decisions which lean towards Gosfield and those areas close to the village edge, being considered an appropriate and sustainable location for small scale residential development. Planning permission has been granted under 17/00119/OUT for 8 dwellings on land at New Road, Gosfield; in terms of its location, although it has been recognised that it is not most sustainable location, it is close to some local services including Gosfield Farm Shop and buses. Permission has also been allowed on Appeal on sites at 'Canberra' (17/01854/FUL) to the north of Gosfield for 2no. dwellings and 'Octavia House' (16/01982/FUL) to the South of Gosfield for 1no. dwelling. In the case of Canberra this site is only slightly closer to Gosfield centre than the

application site. In both these cases the Inspector considered that they were well connected to the village facilities with provision of a lit footpath from the sites to the village and would make a modest contribution to the 5 year housing land supply.

Officers do not object to the proposed development in terms of its location and suggest that it would fulfil the social and economic role of sustainability in this regard. In Officers opinion, a reason for refusal based on the suitability of the location would prove difficult to defend.

Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy requires the Council to promote and secure the highest possible standards of design and layout in all new development. Policy LPP55 of the Draft Local Plan also seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

This is an outline application where design, layout and landscaping are reserved matters. The application includes a Proposed Block Plan (drawing no. GTC/02 Rev A) that shows an indicative layout with parking, road layout and refuse collection point. The block plan also shows access which is the subject of consideration.

The illustrative plans relating to the layout of the proposal has little sympathy for the layout and strong character of the existing linear development. The existing character is one of linear dwellings showing a definitive building line – set back from the road frontage with a mix of landscaped front gardens and/or off-street parking defining local distinctiveness. The illustrative layout shows the access road and turning head serving the properties would be sited along the frontage of the site with a refuse collection point and the 5no. dwellings would be located in a staggered row. The provision of the road along the frontage would visually dominate the development and the dwellings would not respect the existing pattern of linear development, resulting in a scheme

which does not accord with local distinctiveness and would appear as a contrived and disparate scheme, failing to take the context of the existing pattern of development into account. Furthermore, the proposal would not result in a scheme that successfully integrates into the street scene, taking account of the countryside location and rhythm of linear development adjacent the site, conflicting with Policies RLP90 of the Adopted Local Plan, Policy CS9 of the Core Strategy and Policy LPP55 of the Draft Local Plan.

In terms of layout relating to parking, the scheme would rely on the limited space between dwellings to accommodate 2 parallel parking spaces for all but 1 of the dwellings. The perceived 'cramming' of parking spaces into the limited space between the dwellings, would result in a cramped and contrived scheme, out of character with the pattern of surrounding development and in conflict with the abovementioned policies.

In terms of the layout of the site in relation to the Tennis Club itself, the proposed dwellings would be located with their rear elevations directly facing the tennis courts where floodlighting has recently been installed under planning permission 18/00027/FUL. As part of that application, careful consideration was given to the impact of floodlighting in the countryside location, and the impact of potential glare and obtrusive light on the neighbouring properties. It was concluded that given the distance of neighbouring properties, the light impact would not be such as to warrant refusal of the floodlighting application. In this case, the proposed dwellings would be significantly closer to the floodlighting and there may be a detrimental impact on the amenity of future occupiers in terms of glare and obtrusive light. Although this is an outline application, it is considered fundamental to ascertain the impact of the existing floodlighting on the site, on the amenity of future occupiers of the dwellings as it may, notwithstanding Officers other concerns with the proposed development, prejudice the development of the site for residential purposes. No lighting assessment has been provided with this application for Officers to fully consider this impact.

The proposals also include the formalising of car parking for the Tennis Club with the provision of 12no. car parking spaces adjacent the existing Tennis Club pavilion, within a hard surfaced car park, served by the access road which would extend substantially into the site. The site beyond the current informal unmetalled car park is largely laid to grass and is an integral part of the countryside setting. The new parking would result in a marked increase in the provision of hard surfacing within the site which is considered to be an inappropriate addition within this sensitive rural setting.

To conclude, it is not considered that 5no. residential units could be accommodated on the site in a manner which is appropriate for the location, taking account of the strong pattern of existing linear residential development adjacent the site. The proposal would result in a small enclave of housing that is contrived in its layout, poorly related to its surroundings and visually intruding into the countryside, in conflict with the policies referred to above.

Countryside and Visual Impact

The NPPF states as a core principle that planning must take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.

Policy CS5 of the Adopted Core Strategy seeks to protect the countryside from, for example, urban sprawl and ribbon development. It is generally accepted that one of the founding principles of the planning system has been to prevent urban sprawl and avoid unplanned coalescence between settlements and this is one of the principles that underpins Policy CS5.

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 that would not be successfully integrated into the local landscape will not be permitted.

The site comprises land in front of Gosfield Tennis Club, with the club itself and tennis courts sited directly behind the site. The frontage of the site reads as an undeveloped part of the countryside, with hedgerow sited along the majority of the frontage. Given the strong character of the existing ribbon development, which it should be acknowledged is itself located within the countryside, the site provides a contrast and clear break from the built development into the countryside and is considered to be an important part of the break between this relatively small range of rural dwellings and Gosfield village envelope, located approximately 0.5km to the north of the site. Views from the A131, travelling north from the site to the edge of Gosfield presents an attractive countryside setting with a continuous substantial tree lined hedgerow on the western edge and on the eastern edge, broken occasionally with sporadic single dwellings on large plots; some of which are obscured by hedgerow.

Although the site may not have an intrinsic value of its own in landscape terms, it forms a piece of the jigsaw of the wider landscape which plays a critical function in preventing the consolidation of sporadic development within the countryside and ensuring the ribbon development adjacent the site remains separate and does not coalesce with Gosfield.

The development of this site would further erode this important stretch of the countryside with the potential to set a precedent for additional development along this part of Braintree Road, which would result in the coalescence of the existing linear development and Gosfield village itself, to the detriment of the intrinsic character of the countryside in this location.

In Officer opinion the proposal fails to appreciate the intrinsic value of the countryside and the function it plays in this particular location and would result in a detrimental impact upon the character and amenity of the countryside contrary to Policy RLP2 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy, Policy LPP1 of the Draft Local Plan and the NPPF.

Highway Issues

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

The Highways Authority have considered the application and cannot determine whether the access is satisfactory without the provision of a revised drawing showing the extent of the highway boundary. The agent has been contacted for this detail however at the time of writing this report, it has not been received.

Without the presence of this information, the Highway Authority are unable to fully assess the proposal and as such, Officers recommend that the lack of information will need to form a reason for refusal on grounds of insufficient information to fully determine whether a suitable access can be provided.

In terms of neighbour objections concerning a request to reduce the existing speed limit of 40 mph, this goes beyond the remit of this planning application.

Arboriculture and Ecology

The submitted drawing indicates replacement hedge planting along the front boundary, on the basis that the existing hedgerow is proposed to be removed. It is unclear to what extent of the hedgerow would be required to be removed to allow for visibility splays as no arboricultural information has been provided with the application.

The Council's Landscape Officer has stated that the minimum amount of hedgerow should be removed for visibility splays and there is insufficient information supplied to ascertain this extent – this element ties in with the Highways issues identified above.

The Council's Ecology Officer comments that no ecological documents have been provided. However, given the scope and scale of the proposed works are minor, the impacts of development to designated sites, protected species, priority species and habitats can be predicted. As a result, the Ecology Officer is satisfied that there is sufficient ecological information available for determination and raises no objection to the proposed development, subject to conditions being imposed relating to ecological enhancements and a lighting strategy and good practice informatives.

Enabling Development

The submitted planning statement states that there is a need to raise funds to bring facilities up to date with improvement to access and the WC for those with disabilities and wheelchairs, to promote the club and improve membership numbers and to provide ongoing maintenance of the courts and clubhouse to stop them falling into disrepair.

The planning statement states that the granting of planning permission on the application site, which is an area of land they seldom use, would allow the opportunity for the club to sell the site and raise significant funds – 100% of the money would be re-invested in the Club and establish a Trust Fund.

There is nothing submitted with the application to indicate that the club is in decline, neither has any evidence been submitted to demonstrate alternative fundraising measures have taken place and Officers are aware that funds have recently been spent on the provision of floodlighting.

In any event, Officers do not accept the 'enabling development' argument, as this is reserved solely for cases of heritage assets and cannot be used to justify such a development in the countryside which has been identified to cause harm to the character of the countryside, which is contrary to protective countryside policies.

Impact on Neighbouring Residential Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

Residential neighbours' objections are noted, however they largely relate to highways related impacts. It is recognised that the development would intensify the use of this site and there would be a notable increase in vehicular movements and general usage of the site. In terms of the resultant built form impacting on existing neighbours, although this is an outline application, the general layout has been indicated. There is a relatively good separation distance between the proposed detached dwelling and the existing neighbouring property at No.7 Braintree Road. In terms of overbearing and overshadowing issues, it is unlikely that there would be notable impact which would warrant refusal of the application on these grounds alone, based on the layout put forward. In terms of overlooking and the existing neighbouring property at No.7 Braintree Road its boundary along the side boundary is particularly open and with the proposed detached dwelling sited behind the existing dwelling, there may be a new level of overlooking introduced on private rear amenity space. However, this is an outline application and these are matters that cannot at this stage be fully assessed.

In terms of potential obstruction to existing accesses from additional parking, this goes beyond the jurisdiction of planning, although were the application

considered to be acceptable, informatives could be placed on the decision notice advising that the granting of planning permission does not convey acceptability to obstruct existing accesses.

Land Ownership Query

The residential neighbour at No.5 Braintree Road has identified a discrepancy with the plans, relating to land ownership. Having checked the site plan, Officers are satisfied that the site plan does reflect the same site ownership, in terms of 'omitting' the access through the site to No.5 and is the same (in this respect) as the revised drawing submitted and approved for the floodlighting application reference 18/00027/FUL. Comments are noted in relation to the 'right of access' which runs northerly along the west edge of the site. As above, were the application considered to be acceptable, informatives could be placed on the decision notice advising that the granting of planning permission does not absolve the applicant from legal requirements relating to rights of access.

Previous Refusals

Neighbour objections identify previous attempts to obtain planning permission for dwellings on this site. Planning permission was refused under planning application references 83/00547/P and 81/00568/P, however, it is considered that very little weight can be applied to these planning decisions, given the duration of time lapsed and current planning policy has changed considerably since this time.

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.

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is 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. There

is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

It is considered that the development of the site, would lead to marginal social and economic benefits in terms of the provision of 5 No. new dwellings which would contribute to the Council's housing land supply and increased economic

benefits during the construction period and after the development was occupied.

However as indicated earlier in this report, the proposal as submitted is unacceptable and would result in environmental harm, including detrimental visual impact on the existing countryside as the proposed dwellings would represent a further encroachment of development into the countryside. Furthermore no arboricultural information has been provided with the application and an undetermined amount of existing hedgerow would need to be removed, to the detriment of the countryside. Furthermore the illustrative plans relating to the layout of the proposal does not respect the existing pattern of linear development with the access road dominating the site frontage and the dwellings sited in a staggered arrangement which does not represent the locally distinct character of the strong uniform building line of existing dwellings.

In addition, insufficient information has been provided to determine whether the access can be provided to a satisfactory standard.

When considering the planning balance and having regard to benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposal is unacceptable and does not comply with Policies RLP2, RLP9, RLP10, RLP16, and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy and Policies LPP1, LPP37, LPP50, and LPP55 of the Draft Local Plan.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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 falls outside of the defined village envelope as identified in the Adopted Local Plan and Draft Local Plan.

The proposal would introduce sporadic development in to the countryside, extending ribbon development and compromising the clear distinction between the settlement and the countryside and erode the function of the settlement boundaries to control inappropriate development within the countryside, with the character and nature of the countryside diminished as a result.

Furthermore the proposal fails to secure a high quality design, resulting in an enclave of housing, unrelated to its context and

failing to respect or enhance local distinctiveness or the character of the countryside location. Moreover the loss of the existing hedgerow to provide clear visibility splays for access, the extent to which is undetermined, would only exacerbate the detriment to the rural character.

In addition no information has been provided with the application to ascertain the likely impacts of the existing floodlighting at the adjacent Tennis Club on the residential amenity of future occupiers.

Cumulatively the adverse impacts of the development are considered to outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies CS5, CS8 and CS9 of the Adopted Core Strategy, Policies RLP2, RLP80, RLP90 of the Adopted Local Plan and Policies LPP1, LPP55 and LPP71 of the Draft Local Plan.

- 2 In sufficient information has been provided to determine whether the applicant is in control of sufficient land in order to provide a safe and suitable access with adequate visibility splays. The proposal is contrary to Policy DM1 of the Highway Authority's Development Management Policies (2011) and Policy RLP90 of the Adopted Local Plan which promotes safe and secure designs and layouts and Policy LPP55 of the Draft Local Plan which seeks to ensure highway safety.

SUBMITTED PLANS

Location Plan
Block Plan

Plan Ref: GTC/01
Plan Ref: GTC/02

Version: A
Version: A

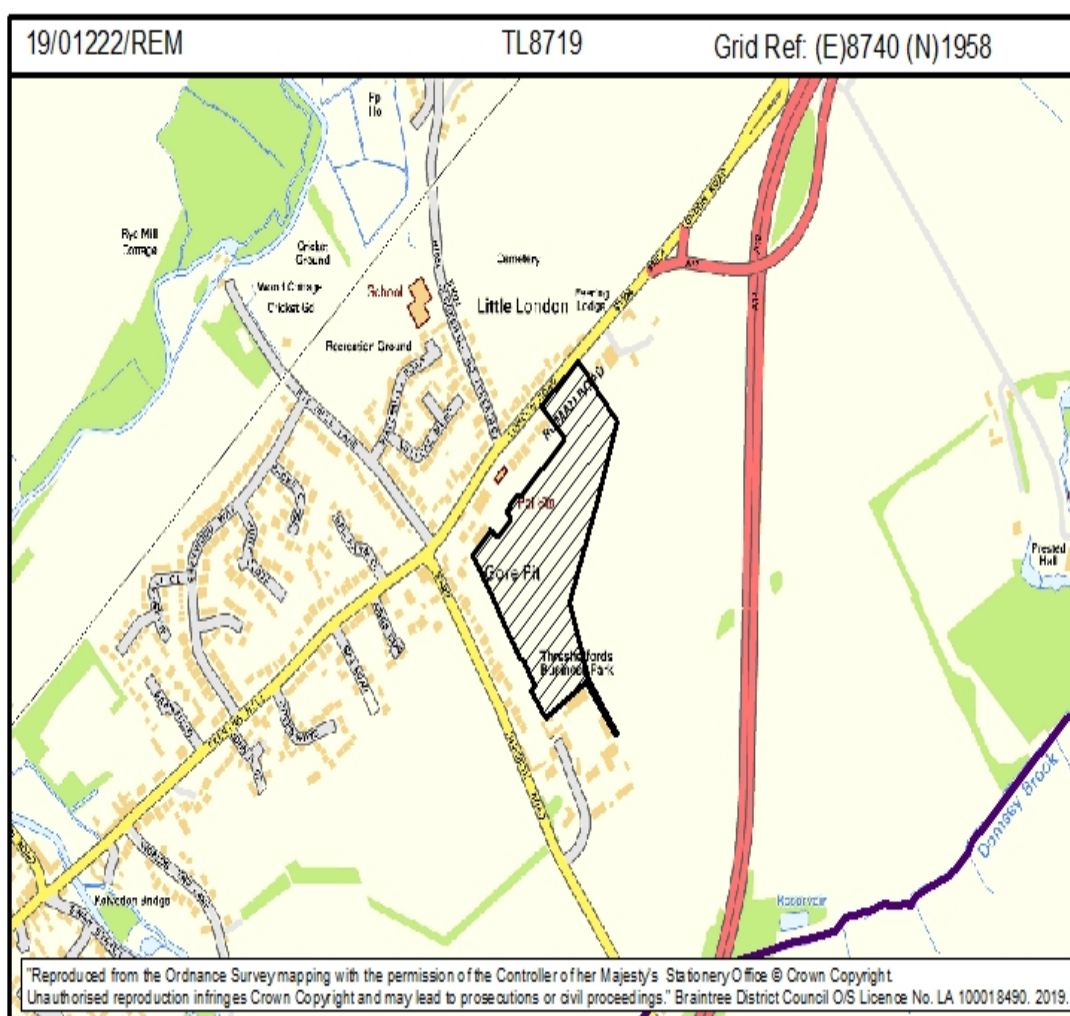
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 19/01222/REM
 DATE VALID: 09.07.19
 APPLICANT: c/o Agent
 AGENT: Mr Giuseppe Cifaldi
 33 Margaret Street , London, W1G 0JD
 DESCRIPTION: Application for approval of reserved matters following outline approval 16/00569/OUT - Approval of Reserved Matters (layout, scale, appearance, and landscaping) comprising the construction of 162 dwellings, new public open space, car parking and associated infrastructure works
 LOCATION: Land North East Of, Inworth Road, Feering, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUDRACBFHE200>

SITE HISTORY

15/00012/SCR	Town & Country Planning Act 1990 (as amended), Town & Country Planning (Environmental Impact Assessment) Regulations 2011 - Screening & Scoping Opinion Request - Residential development comprising of 180 dwellings.	Screening/ Scoping Opinion Adopted	02.10.15
16/00569/OUT	Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved.	Granted with S106 Agreement	19.12.17
19/00013/DAC	Application for approval of details reserved by condition no 3 of approval 16/00569/OUT - Outline planning application to include up to 165 dwellings (C3), vehicular access from London Road, public open space, landscaping, associated infrastructure, drainage works and ancillary works. Detailed approval is sought for access arrangements from London Road, with all other matters reserved.	Granted	29.05.19
19/01437/DAC	Application for approval of details reserved by condition 5 of approved application 16/00569/OUT	Part Grant, Part Refused	06.09.19
19/01438/DAC	Application for approval of details reserved by	Granted	11.10.19

	conditions 6 and 13 of approved application 16/00569/OUT	
19/01439/DAC	Application for approval of details reserved by conditions 9, 12 and 14 of approval 16/00569/OUT	Pending Considerati on

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP52	Public Transport
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

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
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity

SP6	Place Shaping Principles
LPP17	Housing Provision and Delivery
LPP22	Strategic Growth Location - Land at Feering
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
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
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Feering Neighbourhood Plan

The Feering Neighbourhood Plan is at the very early stages (pre-regulation 14). As such, it is considered that no weight can yet be attached to it in decision making.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the application is considered to be of significant public interest. The Parish Council also object to the application contrary to Officer's recommendation of approval.

SITE DESCRIPTION

The application site comprises an irregularly-shaped, but broadly triangular, area of arable land of about 5.5ha. The site lies to the east of Gore Pit Corner at the junction between London Road and Inworth Road. Most of the north western boundary of the site follows the rear boundaries of the builder's merchant and houses in London Road but the site has a frontage to London Road of about 86m between Holmfield House and Exchange Court. This is marked by a hedgerow with field access at its north eastern end.

The south west boundary of the site follows the rear garden boundaries of houses in Inworth Road with a short south east boundary with Threshelfords Business Park. The longest (eastern) side of the site stretches from the corner of the business park to a point to the rear of Exchange Court. This boundary cuts diagonally across fields and does not follow any defined boundaries. The site also includes a narrow strip of land along the north east boundary of the business park that links the site with the public footpath that runs from the rear of the business park to the pedestrian bridge across the A12. The land drops gently from London Road towards the business park with an overall fall of about 4m.

PROPOSAL

Outline planning permission (Application Reference 16/00569/OUT) was approved at the site for the erection of up to 165 dwellings, which included the access to the site. This application considers the other detailed matters reserved for consideration, namely: Layout, Appearance, Scale, and Landscaping.

As part of the conditions for application 16/00569/OUT, a 'Site Wide Strategy' was required to be submitted before a reserved matters application could be submitted (Condition 3). The purpose of the Site Wide Strategy was to establish a set of core principles which this site, and the remaining wider strategic allocation, would need to conform to at the detailed stage of development. The Site Wide Strategy document was approved on the 29th of May 2019.

The reserved matters application is therefore required to accord with the core principles of the Site Wide Strategy and this will be explored throughout the report. It should be noted that the development has gone through a number of iterations since initial submission in order to address concerns raised by Officers and members of the public as appropriate.

In respect to 'Layout', although the outline application gained approval for up-to 165 dwellings, the development now proposes 162 dwelling units (including 65 Affordable dwelling units) in order to provide a higher quality layout. The roads are divided up into their respective hierarchies as agreed in the Site Wide Strategy; Access is taken as agreed from London Road in the 'Boulevard hierarchy', which will form the main route through to the other

parcels of development if/when they come forward. The boulevard would comprise dwellings accessed via private drives, footways and symmetrical banks of trees. The 'Street' hierarchy would primarily contain footways but on a standard carriageway, and include parking in tandem at the side of houses accessed from the road directly. The 'Lanes' would comprise shared surface roads with parking either at the front or at the side of each dwelling. The 'Green Lanes' would comprise a one sided footpath with a stronger concentration of 2½ storey houses. Finally, the affordable housing would be concentrated primarily in two areas on the western and south western aspects of the site.

In respect to 'Appearance,' the aforementioned character areas define the style and appearance of each of the dwellings, as well as their respective boundary treatments. For example, the 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing, while the 'Streets' would introduce a mixture of brick and render, and the 'Green Lanes' would introduce some weatherboarding onto the house types.

In respect to 'Scale', the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings. The main scale is 2 storey, while the instances of 2½ storey are primarily concentrated in areas overlooking public open space. The 3 storey flat buildings have been moved further away from the boundary of Inworth Road and now directly back onto the Ridgeon's industrial site.

In respect to 'Landscaping', the layout also includes two areas of open space and tries to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that comes forward for development. It is therefore aiming to be holistic in its approach and not prejudice the wider allocation.

CONSULTATIONS

Historic England

Do not wish to offer any comments. Suggest seek views of local Historic Buildings Consultant.

Historic Buildings Consultant

The Historic Buildings Consultant considers that the proposed three storey flat block would cause less than substantial harm to the setting of the Listed Building 'Cobham Oak Cottages'.

Highways England

Offer no objection.

Essex Police

No apparent concerns with the layout – recommend developer try and achieve secure by design award.

ECC Archaeology

No comments until discharge of condition application is submitted. No further conditions needed.

Essex County Council SUDS

Initially raised an objection to the discharge of conditions 12-14 on the Outline consent. However further information was provided and the SUDS Officer had no objection.

ECC Ecology

No objection subject to an additional condition in relation to a biodiversity enhancement strategy. A reptile mitigation strategy is required through the discharge of condition process.

BDC Waste Services

No objection; initially raised concern with respect to the location of the bin store for Plots 123-131, however this has since been resolved.

BDC Strategic Housing Officer

No objections subject to some minor amendments to the house types which have been completed.

BDC Landscape Services

No objection to the development. Suggest more information is requirement on the management of the public open space areas, but outlines this could be covered by the Landscape and Ecological Management Plan of Condition 11 from the Outline Consent.

PARISH / TOWN COUNCIL

Feering Parish Council

Feering Parish Council accept the principle of residential development at the site but have the following summarised objections to the initially submitted layout:

- Plans not consistent with character of Feering

- Little variation across the site
- Missed opportunities with the layout – mews development, terraces etc
- No examples of three storey buildings - harm to heritage asset
- Development at the front of the site should overlook near access/or future roundabout
- Edge to Threshelfords Business park poorly articulated
- No right of way behind dwellings on Inworth Road
- Affordable housing too concentrated in one area of the site
- Severe impact on highway network
- Not sufficient services or facilities in village to meet the needs of residents
- Not sufficient amount of unallocated parking
- Domination of private frontage parking in 'Lanes' character
- Open spaces will be attenuation basins for SUDS and therefore not useable
- Green spaces poorly integrated to built form
- Boulevard missed opportunity to provide regular tree planting and wider verges
- Greater opportunity to provide more trees throughout the development
- No clarification on hedge work at the front of the site
- The Parish Council maintain their objection to the revised scheme considering that the plans do not go far enough to address their concerns

Kelvedon Parish Council

Kelvedon Parish Council accept Principle has been established however still has the following summarised concerns:

- Significant strain on the highway network
- Many other developers in area also now granted consent which will add additional traffic
- Other undetermined applications which will also add traffic

REPRESENTATIONS

The initial submission documents received 37 objections including one petition with a number of signatures. There were also two general comments received. The revised plans received a further 21 objections (at the time of writing) and a comment from the Ramblers Association. The representations set out the following summarised concerns / objections:

- Infrastructure not sufficient - unacceptable impact on traffic until new A12 slips are built
- Numerous major developments occurring in Feering/Kelvedon & Tiptree which would only increase pressure on the roads
- Access to the station too far from the site for walking
- Services and facilities not sufficient to cope with demand
- Three storey out of character with village and could set precedent

- Overly urban features such as railings
- Monotonous designs & inadequate landscaping – street scenes misleading
- 165 dwellings too many for size of land
- Harm to setting of Grade II* Listed Building – the heritage statement submitted late in process not comprehensive or accurate
 - To approve would be contrary to law protecting listed buildings
- Different design to outline approval – overdevelopment, too dense and lack of imagination
- Insufficient back-to-back distances
- Overlooking, loss of amenity and light – contrary to policy
- Lack of visitor parking – and poorly distributed
- Road sizes inadequate and not accord with policy – footpaths are also too small
- Development requires sufficient off road parking & cycle parking
- Access to the site insufficient – cars traversing over speed limit already – accident since ground works for archaeology started on site
- Roundabout or T-Junction?
- No supporting employment provision – no capacity in existing villages
- Potential problems with contractors parking on high street during construction
- No safe walking route on Inworth Road from houses to Threshfords Business Park
- Poor pedestrian permeability across the site
- No safe walking route from development to local schools – crossing should be updated and footpaths widened
- Development premature to wider allocation and neighbourhood plan – doesn't confirm to design code being prepared
- Strip of land at rear of houses on Inworth Road is now a wildlife haven
- Moving hedgerows should not be allowed
- Other wildlife will now be harmed – land not been farmed for 16 years
- Developer using out of date ecology report
- Insufficient drainage/sewage capacity at the site
- Sea level rise- need to retain all green land
- Climate emergency – developer should provide full analysis of Co2 emitted from development
- Public Right of Ways incorrectly shown
- Building on part of land they do not own
- Development doesn't confirm to DAS
- Does not deliver sustainable development
- Very little has changed on the revised plans
- Drainage issues from hardstanding
- No lifts in 3 storey flats – not good for people with limited mobility
- No electric charging points
- No equipped play space
- No information on lighting

(As of 4th December 2019 12pm)

Any further responses received after this date will be circulated as late representations in advance of the planning committee.

REPORT

PRINCIPLE OF DEVELOPMENT

The principle of developing this site for residential has been established through the grant of outline planning permission (Application Reference 18/00121/OUT). Matters of Access have also been previously approved. As such, this proposal considers matters reserved for consideration at the outline planning application stage, namely: Appearance, Scale, Layout and Landscaping. These particulars are explored below.

SITE ASSESSMENT

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Governments 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

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

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

Following the grant of outline planning permission, the proposed development has gone through numerous iterations following discussions at pre-application and application stage. These discussions sought to improve the overall quality of the layout and design of the development, while adhering to the agreed Site Wide Strategy. The development now proposed is therefore a reflection of successful negotiations between the Council and the Developer.

Quantum, Mix and Scale

In respect to the overall quantum of development, the outline application gained approval for up-to 165 dwellings. However, in order to address design and layout concerns, the development now proposes 162 dwelling units which includes 65 affordable dwelling units. In terms of the Unit mix breakdown:

Market units	Affordable (Social Rented)	Affordable (Shared Ownership)
<ul style="list-style-type: none"> • 13 x two bed • 37 x three bed • 47 x four bed 	<ul style="list-style-type: none"> • 9 x 1 bed flats • 6 x 2 bedroom flats • 21 x 2 bed dwellings • 7 x 3 bed dwellings • 2 x 4 bed dwelling 	<ul style="list-style-type: none"> • 14 x 2 bed • 6 x 3 bed
Total: 97	Total: 45	Total: 20

In respect of scale, the development comprises a mixture of 1, 2, and 2½ storey dwellings, and two 3 storey apartment buildings. The 2½ storey dwellings are primarily concentrated in areas overlooking public open space, while the development is predominantly 2 stories in height. The one storey bungalows (2 in number) would be on the south western aspect of the site.

A large number of concerns have been raised about the principle of three storey development in Feering, stating that it is out of character with the village. Firstly, in respect to the principle of three storey buildings, while perhaps not clearly shown in the indicative layout submitted with the Outline application, three storey was not ruled out in its entirety, with the Officer commenting that:

“The Masterplan indicates a mix of detached, semi-detached and short terraces and the Planning Statement (PS) indicates that most of the houses would be 2 to 2.5 storeys with an opportunity for some three storey buildings as “landmarks”.”

This application proposes two three storey apartment buildings, totalling 15 flat units. These buildings have been moved since the application was first submitted away from boundaries with existing neighbouring properties, and been designed so that they form terminating features across some vistas in the ‘Lanes’ character area. The three storey flat blocks now back onto the Ridgeon’s site, which comprises large industrial buildings as existing. The

positioning of these buildings would largely screen the rear of the flat blocks from views across London Road into the site. In any case, should the Ridgeon's site come forward for development at a later date, a scheme would likely comprise frontage development which would also still protect to a large extent the views of the flat buildings.

Secondly, while it is acknowledged that three storey buildings are not typical of Feering as it currently exists, Officers must ensure that any development here would not prejudice the wider allocation coming forward. If the principle of three storey development is resistant here, it could have significant implications on the remaining strategic allocation by resisting 3 storey development. That said, Officers would not accept a large number of three storey buildings as that would be wholly uncharacteristic and not appropriate in this edge of settlement context. In this case, with the revisions to the siting and design of the two flat blocks, it is considered that their impact would not be so significant to justify refusing the planning application. Instead, they will assist in setting a good precedent for the remainder of the wider allocation due to the number, size, scale and design. As such, while residents' concerns are noted, due to the above it is considered that the proposal is acceptable.

Layout & Affordable Housing

In terms of general layout particulars, the development would aim to positively respond to its existing context by backing onto development on London Road and Inworth Road, while internally creating its own character with blocks of houses backing on to each other, and some dwellings fronting onto open space. The layout also fulfils an objection on the outline permission to provide a potential footpath link from the development through to the Ridgeon's site. The layout also provides a footpath connection to join up to the existing Public Right of Way adjacent to Threshfords Business Park.

The development would comprise two areas of open spaces. Some of the open space would act as attenuation basins as part of the SUD's features. However, these areas would primarily not be deep unusable spaces, rather they are designed to be at a slightly lower level than the surrounding area, and would be useable most of the time. The site also retains a strip of land to the rear of the properties on Inworth Road providing an established right of access from their rear gardens. The development as proposed would respect this access.

The affordable dwelling units would be concentrated primarily in the north-west and west corner of the site with a mixture of affordable rented and shared ownership in a 69:31 respective split. Clustering the affordable housing in groups is not uncommon, and the Councils Housing Enabling Officer had no objection to this configuration. As such it is considered that the location of the affordable housing is acceptable in this case.

Character Areas

In respect to the character areas, the approved Site Wide Strategy proposed four different character areas on the site; the 'Boulevard,' the 'Streets,' the 'Lanes,' and 'Green Lanes.' The aim of each character area is to provide a street hierarchy which is notably different as one would transverse through each area of the development. It is expected that these character areas would be contained through in the remaining wider allocation if/when that is to come forward. This site acts as Phase 1 of the wider allocation, and it is therefore extremely important to secure an appropriate and successful street hierarchy through the agreed Site Wide Strategy.

Reviewing each character area in turn, the first and perhaps most important character area is the 'Boulevard.' The strategic allocation is expected to accommodate over 750 new dwelling units when it comes forward. It is therefore important to establish a definitive character which will form the spine road throughout the wider site. The 'Boulevard' would therefore comprise wide verges, a wide 6.75m road, a 2m footpath on one side and a 3m foot/cycle path on the other side. Dwellings would be detached and semi-detached and accessed from private shared surface drives from the boulevard. Trees with a 75-100 year life expectancy would be included along the boulevard and planted at regular intervals in order to create an appropriate sense of place and arrival into the development. There is also some visitor parking within the verges but these are generally more limited in number. In this development, the overall area of 'Boulevard' would be limited as it would go through the top part of the site, but would comply with the principles as set out in the Site Wide Strategy. Concerns have been raised by residents about the urban nature of the layout; however the development due to its size has to create its own character and sense of place for future occupiers. As such, to accommodate the total number of dwellings proposed across the entire allocation, a more urban solution is appropriate to provide the necessary character variations and sense of place.

Moving into the 'Streets' character area, this is the next tier down in terms of the street hierarchy. It would comprise more traditional 5.5m wide roads with footpaths either side, this is more characteristic of most modern cul-de-sac development. It would also include a minimum of 2m frontage for each dwelling with low railings to enclose this space, and assist in providing its own character as one traverses through the site. Dwellings would either be detached or semi-detached. In the layout, the 'Street' character area comprises two elements; the main link road which would comprise the above features (railings etc), but also a subsidiary shared surface road which would come off of this.

This shared surface road within the 'Street' character area does not conform to the principles agreed in the Site Wide Strategy completely. Rather, it has been deliberately designed to identify that it is not the main route through to the site, but instead a dead end to signal that that it is not the correct way to proceed further into the development. It does however propose a pedestrian

route through this area to ensure permeability across the site. In any case, this area has similarities to the 'Street' character area by virtue of the design of the houses and also the tandem parking. As such, the area will not look out of keeping within the 'Streets' Character area, and would instead be an appropriate design solution. Overall, it is considered that the proposed layout would largely conform to the 'Street' character area in the Site Wide Strategy and provide a suitable variation in character from the main boulevard area.

The site then moves logically into the remaining two character areas; the 'Lanes' and the 'Green Lanes.' Both these character areas are similar in their characteristics, although include key subtle differences. Starting with the 'Lanes,' these comprise a 6m shared surface road with a predominance of frontage parking, some tandem parking and parking courts. A key principle in the Site Wide Strategy is that with frontage parking, there would be a strip of landscaping and tree for every four spaces. This has now been achieved. The frontage parking would also generally incur the requirement of a low brick wall and footpath fronting that. The dwellings would be predominantly terraced or semi-detached, with odd examples of detached dwellings. This character area also includes the two flatted buildings. The 'Green Lanes' by comparison comprise 5.5m roads with a 2m footpath on one side, and open space on the other side. Parking would be in tandem and the dwellings would be a mixture of detached and semi-detached. Visitor parking would be located around some areas of the open space.

Matters of means of enclosure have been conditioned as part of the Outline Consent, however have also been included on a means of enclosure plan. In terms of more general comments; the plan shows a number of different solutions depending on the context of the site. Firstly, a 2m high close boarded fence would form the eastern boundary of the site in the 'Street' character area, and also the boundary from the flats and the Ridgeon's site. Back gardens would comprise 1.8m high timber panel fencing, while tandem parking areas would consist of a standard 1.8m close boarded fence. 1.8m Brick walls would front any prominent boundary with the public realm. 1.2m railings would be located on the frontage of dwellings in the 'Street' character area. There are also examples as previously discussed of low 0.6m brick walls in front of parking areas to protect amenity. While these details will be secured at the discharge of condition stage, it shows that the public realm would comprise high quality features which will only add to the overall character and sense of place created by the development.

The reserved matters application would therefore comply with the Site Wide Strategy in respect to the street hierarchy and character areas. It is considered that these areas are highly transferrable and should be able to be replicated on the remainder of the wider allocation if/when this comes forward. Overall it is considered the layout now successfully secures suitable variations in character, and Officers consider that proposal is acceptable in this regard.

Appearance and Materials

In terms of appearance, the character areas define the style and appearance of each of the dwellings. The 'Boulevard' would be characterised by brick dwellings with some examples of mock-Georgian detailing. The 'Streets' would introduce a mixture of brick and render. The 'Lanes' would be primarily just brick but comprise smaller house types than those on the boulevard, while the apartment buildings would comprise some weatherboarding for visual interest. The 'Green Lanes' would start to introduce some weatherboarding onto the house types with brick plinths, a mixture of brick and weatherboard, and solely brick. Some house types are specific to certain areas, however generally speaking the main differences are secured through the material choices and boundary treatments as discussed above.

Materials have been suggested however Officers have not recommended this as an approved plan as the exact choices of materials are not considered to be acceptable as submitted. The affordable units and market units have been designed to secure a tenure blind design. Chimneys have also been added on key dwellings (market and affordable) in the street scene on Plots 1, 9, 26, 28, 34, 37, 38, 45-48, 65, 70, 77, 83, 90, 93, 117-120, 158 & 159. Some dwellings have also been provided with feature brick plinths to add visual interest. Porches are consistent across the development, primarily consisting of a flat cap design.

Quality of Internal and External Amenity

In terms of garden space, 152 of 162 dwelling units would accord with the Essex Design Guide minimum standards of 25sq.m per flat, 50sq.m for a two bed, and 100sq.m for a three plus bed dwelling. This is illustrated by the submitted garden plan. There are 8 plots which are deficient (41, 51, 55, 56, & 75-78), however they are all three bed market houses, thus all affordable dwellings would be provided with the standard garden sizes. Therefore only a very small percentage compared to the overall amount of housing would be below, and those plots which are below are generally close to the requirement. Overall, while full garden compliance has not been achieved site wide, given the high quality character areas achieved, and the overall small percentage, it is considered the proposal is acceptable on balance in this regard.

In terms of internal amenity, just under 75% of the proposed dwellings would comply with the internal living standards set out in the Nationally Described Space Standards (NDSS). All affordable dwellings would comply with the NDSS requirements, however five house types within the market dwellings would be below. The level of discrepancy is however small, with a maximum of 8sq.m (but an average of 4-5sq.m) below the overall floor area. Each of these dwellings would also provide a functional internal layout.

The NDSS are not formally adopted by Braintree District Council, however provide a good indication whether the quality of internal accommodation

would be good or not for future occupiers. In this case, given the high percentage which does comply with the NDSS, and the functional layout of those that are close to the threshold, it is considered that the development would provide a suitable quality of amenity for future occupiers.

In terms of defensible space, each dwelling would be provided with a suitable means of protection. This includes the two flatted blocks where hedging will be provided to protect ground floor windows facing onto the amenity space, as well as any windows facing out onto a parking court. Low brick walls have also been included in front of parking spaces where the parking does not correspond directly to the house that it is in front of. This is a principle that was established within the Site Wide Strategy and this development would comply with it accordingly. Back to back distances between residents would meet the Essex Design Guide standard of 25m. It is considered that these particulars are acceptable.

Parking & Waste Collection

In terms of parking, the development would accord with the Parking Standards, in that a one bedroom dwelling would provide 1 space, and a 2+ bedroom dwelling would provide two parking spaces. In accordance with the character areas the type of parking will vary, but all spaces would comply with the 2.9m by 5.5m size requirement. There would also be an additional 50 garage spaces measuring 7m by 3m. There were also 41 visitor spaces proposed as part of the development (in accordance with standard), however this has since been reduced to 39 visitor spaces to provide a better overall layout and protect the character of the 'Boulevard' area for the wider allocation. Any frontage parking would not have more than 4 spaces without being broken up by a tree and strip of landscaping in accordance with the Site Wide Strategy. As such, taking into account the above, it is considered that parking at the site would be appropriate, generally accord with standards set out in the Parking Standards and also those agreed in the Site Wide Strategy.

In terms of waste collection, each dwelling will be able to be accessed from the core spine road, with pull distances of 20m or below for the waste team, and no more than 30m the drag distances for residents to put their refuse on the highway. The apartment building (Plots 123-131) initially had a bin store at the rear of the building with a pull distance of over 20m. However revised plans have been submitted re-locating the bin store to the parking area immediately north east of the site serving Plots 132-137. This location would actually be similar in terms of pull distances for residents to locate their bins to the previous arrangement. This plan would therefore show a slightly different configuration to the proposed site and parking plan, however these particulars will be secured through a condition. Overall it is considered that these particulars are acceptable.

Heritage

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 sets out that "*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*".

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

The north western side of the application site is behind Cobham Oak Cottages, a Grade II* listed building (list entry number: 1123836), which features a Grade II listed water pump within the site (list entry number: 1169412). Originally a hall house, Cobham Oak Cottages dates in part from the thirteenth century with many subsequent alterations, including its division into three properties, as it is at present. The Grade II listed public house, The Old Anchor, is opposite, further west of the application site (list entry number: 1169347). The buildings form a collection of buildings indicative of the historic appearance of Gore Pit, a small hamlet now part of the larger village of Feering.

The application was supported by an addendum to the heritage statement submitted with the Outline application, as well as a visualisation document which showed the prominence of the three storey apartment block from the front of the Grade II* Listed Building. Various concerns have been raised by residents in respect to the impact of the development on the setting of Cobham Oak Cottages, citing a substantial or significant impact.

The Historic Buildings Consultant considered the proposal and set out that the inclusion of the three storey apartment building would cause less than substantial harm to the setting of Cobham Oak Cottages, the Grade II* Listed Building. This is because of the proximity and size of the flatted building (Plots 123-131) comparatively to the positioning of the Listed Building. However, the Historic Buildings Consultant considers that the proposals would not harm the setting of 'The Old Anchor.'

While the Historic Buildings Consultant identifies less than substantial harm to the setting of the Grade II* Listed Building, it is considered that this harm is at the lower end of less than substantial. This is because of numerous factors; firstly the flat building (Plots 123-131) would be over 23m away from the common boundary with 'Wayside,' a neighbouring property directly behind the Grade II* Listed Building, and over 29m away from the common boundary of 'Cobham Oak Cottage'. The gardens in this area are large, thus the actual separation distance building to building would be 47m at the closest point to

'Wayside,' while the Listed Building would be a further 74m away, a large distance.

Secondly, the setting of the Grade II Listed Building would already be compromised to some extent by the existence 'Wayside', a 1½ storey dwelling directly behind it, and the existence of large industrial buildings on the Ridgeon's site. Thirdly, due to the existing context of the area, the Grade II* Listed Building is not visible in views other than from the front on Inworth Road. The flat building would therefore not block any views of the Grade II* Listed Building or be seen in association with it at all from London Road. Finally, the visibility of the flatted block from the rear of the Grade II* Listed Building would be limited due to the nature of the garden area of which the boundary is primarily hard against 'Wayside'.

In any case, as per paragraph 196 of the NPPF, development resulting in 'less than substantial harm' to heritage assets should be weighed against the public benefits that would arise from a proposal. In this respect, the less than substantial harm to the Cobham Oak Cottage would not automatically dictate that the development is unacceptable. Instead, it means that the identified heritage harm must be weighed against the public benefits of the proposal.

In this case, there are considerable public benefits which would arise from the development; these include but are not limited to the sites highly assessable location, contribution to the housing supply, contribution to the vitality of the settlement through increased revenue and S106 contributions for services. It is considered that the weight to be attached to these benefits would outweigh the less than substantial harm that would arise to the setting of the Grade II* Listed Building. As such, in the heritage balance, it is considered that the heritage harms would not outweigh the public benefits. The wider planning balance exercise is carried out at the end of the report which considers all harms and benefits of the development.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. In addition, the Essex Design Guide states that new development which backs onto existing development should have gardens of 15m depth to rear boundaries, with a minimum of 25m separation distance between the rear elevations of each property, to be acceptable from neighbouring impact perspective.

The site is bounded to the North East by agricultural buildings/land, to the North West by residential properties fronting London Road and the Ridgeon's industrial site, while to the West and South West are the backs of properties on Inworth Road, and furthest south is Threshelfords Business Park.

Firstly, the properties on London Road which back onto the site all contain long gardens, averaging approximately 30-35m in length from the rear of the properties. Plots 144-154 all back onto these properties, with the average plot depth of 12m. As such, while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 42m at the very smallest distance. It is therefore considered that the proposal would not have a detrimental impact on those residential properties fronting London Road. Holmfield is one property on London Road which also has Plot 162 to the rear/side of it. However due to orientations, and separation distances, it is considered that Holmfield would still not be detrimentally affected by virtue of overlooking, overshadowing or overbearing.

Secondly, the properties on Inworth Road which back onto the site contain long gardens, averaging approximately 40m in length to the backs of houses. Plots 122-96 all back onto these properties, with an average plot depth of 9m, but a further 3m gap for the strip of land behind, so also around 12m to the common boundary. As such, again while there would be a short reduction on the 15m depth to rear boundaries, overall the back to back distance would be far in excess of 25m, and actually total in the region of 50m at the very smallest distance.

One main point of contention previously was the proximity of the three storey flat block ('Bullen' Plots 123-131) to Wayside and Cobham Oak Cottage. The revised layout has since moved the three storey flat block away from these dwellings, so now at the closest point the flat block would be 23m away from the common rear boundary. In terms of back to back distance, this would now be 47m with Wayside, and over 74m with Cobham Oak Cottage. These distances would be far in excess of what would be required to protect amenity of neighbouring properties. As such, taking the above into account, it is considered the development would also not prejudice the amenity of those residents fronting Inworth Road by virtue of overlooking, overshadowing or overbearing.

In terms of the other common boundaries, these would be non-residential and thus not needing to be afforded the same level of protection. However in any case, it is considered that the development would not unacceptably prejudice these areas. Taking all of the above into account, it is considered that the development is acceptable from a neighbour impact perspective.

Landscaping & Ecology

In respect to 'Landscaping,' detailed proposals have been submitted with the application in order to enhance the overall quality and sense of place of the development. The layout also includes two areas of open space and tries to retain existing hedging/trees on the site which are of more significance. The way that the open space has been designed is that it would likely be able to be linked to the wider allocation when that came forward for development. It is therefore aiming to be holistic in its approach, as well as providing a potential access past Plot 40. The development also proposes long life trees to be

planted in the 'Boulevard' character area, which will only add to the overall quality and sense of place created by the development. Overall the Landscape Officer has no objection to the development subject to securing other details like open space management through conditions attached to the outline approval.

In addition to the above, the Council's Ecological officer has no objection to the application, requiring an additional condition in respect to a biodiversity enhancement strategy. All other ecological measures would be secured through the discharge of condition process attached to the Outline approval.

Concerns have been raised that the ecology surveys submitted with the Outline approval are now out of date. However, the Ecology Officer is satisfied that the development can proceed on the site without further surveys, as measures to protect and enhance biodiversity and wildlife have been secured as part of the Outline approval. As such, while residents' concerns are noted, it is considered the proposal is acceptable in this regard.

Highway Issues

The access to the site has been previously accepted at the Outline Approval Stage. Thus the means of access have been agreed. A blue dotted line is indicated on the plans to illustrate land that could be left to provide a roundabout, should the need arise in future. However, for the purposes of this development, Officers can only consider what is now shown and what has previously been approved. If a roundabout was required at a later date, it would need to go through all necessary stages to be considered acceptable. As such, it is considered the access arrangements are acceptable as shown, and integrate with the overall development well.

A large number of concerns from the Parish Council and residents have been raised in respect to the overall traffic impact that the development would have. It is stated that the local area would not be able to accommodate any further traffic until such time that the infrastructure is improved and the A12 widening takes place. While these concerns are noted, the overall traffic impact of the development was previously considered at the outline stage, and found acceptable by Essex Highways. As such, these particulars cannot reasonably be considered again at this stage, as the reserved matters application only focuses on the finer details of the development e.g. layout. Therefore, while residents' concerns are noted, these particulars have previously been considered acceptable.

Flooding and Drainage Strategy

The applicant proposes to utilise a sustainable urban drainage system with a piped system which would discharge surface water within two shallow attenuation basins within the open areas of the site.

Essex County Council have been consulted as the Lead Local Flood Authority and have no objection to the proposal. Any outstanding matters in respect to

surface water drainage would be secured through conditions attached to the outline approval.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As the development is over 100 dwellings, it is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£122.30 per dwelling) for delivery prior to occupation. These matters are to be secured via a Unilateral Undertaking. The applicant has agreed to meet with this contribution.

PLANNING BALANCE & CONCLUSION

The principle of residential development at the site is established under the existing outline consent. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

In this case, there are considerable public benefits which would arise from the development; the site would be in an accessible location, would significantly contribute to the Districts Housing Land Supply, contributions to local infrastructure including schools and doctors surgery and providing a high quality design and layout which will set the precedent for the wider allocation. Against these benefits, there would be less than substantial harm to the setting of the Listed Building 'Cobham Oak Cottage'. However, in accordance with Paragraph 196 of the NPPF, it is considered that the benefits of the development would outweigh the less than substantial heritage harm.

Other than heritage, there are also no other objections from the relevant statutory technical consultees and Officers consider that the proposed appearance; landscaping; layout and scale of the development is acceptable in planning terms. Overall it is considered that the detailed proposal constitutes a sustainable residential development in an appropriate location and accordingly it is recommended that the Reserved Matters are approved.

RECOMMENDATION

It is therefore recommended that the application is GRANTED subject to the applicant entering into a suitable Unilateral Undertaking to cover the following RAMS contribution:

- A financial contribution of £19,934.90 towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site.

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 Plan	Plan Ref: 18-2758-001	
Elevations	Plan Ref: BSP958-1.PL-01	Version: A
Elevations	Plan Ref: BSP958-1.PL-02	Version: A
Floor Plan	Plan Ref: BSP958-1.PL-03	
Floor Plan	Plan Ref: BSP958-1.PL-04	
Floor Plan	Plan Ref: BSP958-1.PL-05	
Elevations	Plan Ref: BSP959.PL-01	Version: A
Elevations	Plan Ref: BSP959.PL-02	Version: A
Floor Plan	Plan Ref: BSP959.PL-03	
Floor Plan	Plan Ref: BSP959.PL-04	
Floor Plan	Plan Ref: BSP959.PL-05	
Site Plan	Plan Ref: 18-2758-002	Version: AN
Massing Plan	Plan Ref: 18-2758-003	Version: H
Refuse Information	Plan Ref: 18-2758-004	Version: H
Parking Strategy	Plan Ref: 18-2758-005	Version: H
Garden Study	Plan Ref: 18-2758-008	Version: J
General	Plan Ref: 18-2758-009	Version: H
Tenure Plan	Plan Ref: 18-2758-010	Version: G
House Types	Plan Ref: 18-2758-011	Version: J
Dimension plan	Plan Ref: 18-2758-013	Version: G
Cycle Plan	Plan Ref: 18-2758-058	Version: A
Substation Details	Plan Ref: 18-2758-060	
General	Plan Ref: 1804-166-004	Version: E
Refuse Information	Plan Ref: 1804-166-013	Version: D
General	Plan Ref: 1804-166-014	Version: D
General	Plan Ref: 1804-166-015	Version: D
General	Plan Ref: 1804-166-004	Version: E
Drainage Plan	Plan Ref: 1804-166	Version: E
Landscaping	Plan Ref: EA 142-LS-001	Version: E
Landscaping	Plan Ref: EA 142-LS-002	Version: E
Landscaping	Plan Ref: EA 142-LS-003	Version: E
Landscaping	Plan Ref: EA 142-LS-004	Version: E
General	Plan Ref: EA 142-LS-005	Version: E
Elevations	Plan Ref: RV1-810.PL-01	
Floor Plan	Plan Ref: RV1-810.PL-02	
Proposed Elevations and Floor Plans	Plan Ref: RV401.374.PL-01	
Proposed Elevations and Floor Plans	Plan Ref: RV203-375.PL-06	

Elevations	Plan Ref: 384_384-1.PL-01
Floor Plan	Plan Ref: 384_384-1.PL-05
Elevations	Plan Ref: RV401.472_1.PL-01
Floor Plan	Plan Ref: RV401.472-1.PL-05
Elevations	Plan Ref: RV401.476.PL-03
Floor Plan	Plan Ref: RV401.476.PL-06
Elevations	Plan Ref: RV401.489.PL-03
Floor Plan	Plan Ref: RV501.489.PL-06
Proposed Elevations and Floor Plans	Plan Ref: 372_372-1.PL-01
Proposed Elevations and Floor Plans	Plan Ref: 372_372-1.PL-02
Proposed Elevations and Floor Plans	Plan Ref: RV201-375.PL-01
Proposed Elevations and Floor Plans	Plan Ref: RV201-375.PL-02
Proposed Elevations and Floor Plans	Plan Ref: RV402.470.PL-01
Proposed Elevations and Floor Plans	Plan Ref: RV402.470.PL-02
Elevations	Plan Ref: RV401.472-1,PL-01
Floor Plan	Plan Ref: RV401.472-1,PL-05
Elevations	Plan Ref: RV401.476,PL-02
Floor Plan	Plan Ref: RV401,476,PL-06
Proposed Elevations and Floor Plans	Plan Ref: RV401,477,PL-01
Proposed Elevations and Floor Plans	Plan Ref: RV401,487,PL-02
Elevations	Plan Ref: RV401,489,PL-02
Floor Plan	Plan Ref: RV501,489,PL-06
Proposed Elevations and Floor Plans	Plan Ref: NSS.282_282-1.PL-01
Proposed Elevations and Floor Plans	Plan Ref: NSS.282_282-1.PL-02
Proposed Elevations and Floor Plans	Plan Ref: RV501.374.PL-05
Proposed Elevations and Floor Plans	Plan Ref: RV202-375.PL-05
Elevations	Plan Ref: 384_384-1,PL-06
Floor Plan	Plan Ref: 384_384-1,PL-05
Elevations	Plan Ref: RV501.472,PL-06
Elevations	Plan Ref: RV401,472-1.PL-01
Floor Plan	Plan Ref: RV501,472,PL-05
Elevations	Plan Ref: RV401,476,PL-01
Floor Plan	Plan Ref: RV401,476,PL-06
Proposed Elevations and Floor Plans	Plan Ref: RV401.477.PL-01
Proposed Elevations and Floor Plans	Plan Ref: RV401.477.PL-02
Proposed Elevations and Floor Plans	Plan Ref: RV401.487.PL-01
Elevations	Plan Ref: RV401.489,PL-01
Elevations	Plan Ref: RV501,489,PL-08
Floor Plan	Plan Ref: RV501,489,PL-06
Proposed Elevations and Floor Plans	Plan Ref: RV201-375.PL-01
Elevations	Plan Ref: RV9-807,PL-01
Floor Plan	Plan Ref: RV9807,PL-02
Proposed Elevations and Floor Plans	Plan Ref: NSS,282_NSS,282-1,PL-01
Proposed Elevations and Floor Plans	Plan Ref: BSP960,PL-01
Elevations	Plan Ref: BSP961,M3BB5P,PL-01
Floor Plan	Plan Ref: BSP961,M3BB5P,PL-02
Elevations	Plan Ref: RV101-NSS,M2B4P,PL-01
Floor Plan	Plan Ref: RV101-NSS,M2B4P,PL-02
Elevations	Plan Ref: RV1-NSS,M861,PL-01

Floor Plan	Plan Ref: RV1-NSS,M861,PL-02
Elevations	Plan Ref: BSP978-NSS,M3B6P25
Floor Plan	Plan Ref: BSP978-NSS,M3B6P25
Elevations	Plan Ref: RV1-NSS,M866-1,PL-01
Floor Plan	Plan Ref: NSS,M866-1,PL-02
Elevations	Plan Ref: RV301-NSS,M3B5P,PL-01
Floor Plan	Plan Ref: RV301-NSS,M3B5P,PL-02
Recycling / Waste Plan	Plan Ref: 18-2758-EX1 A

- 1 No above ground works shall commence unless and until a Biodiversity Enhancement Strategy for Protected and Priority species has been 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). This is necessary to ensure that this application provides net gains for biodiversity, as outlined under paragraph 170d of the NPPF.

- 2 Notwithstanding what is shown on the approved layout and parking plans, the development shall be carried out in accordance with plan 18-2758-EX1 A that shows the bin store location for Units 123-131. The development shall only be implemented in accordance with the approved details and shall thereafter be retained as such.

Reason

In the interests of providing adequate refuse arrangements for future occupiers.

- 3 No above ground works for units 123-137 as identified on plan 18-2758-EX1 A shall commence unless and until details of the bin store to serve units 123-131 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 retained as such.

Reason

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

SUBMITTED PLANS

Topographical Survey	Plan Ref: 15155-15-01	
Boundary Treatment	Plan Ref: 18-2758-006	Version: J
Materials Details	Plan Ref: 18-2758-007	Version: H
General	Plan Ref: 18-2758-012	Version: H
Street elevation	Plan Ref: 18-2758-014	Version: D
Street elevation	Plan Ref: 18-2758-015	Version: B
Street elevation	Plan Ref: 18-2758-016	Version: B
Lighting Plan	Plan Ref: 1804-166-016	Version: E
Design and Access Statement		Plan Ref: Part
Design and Access Statement		Plan Ref: Part 2

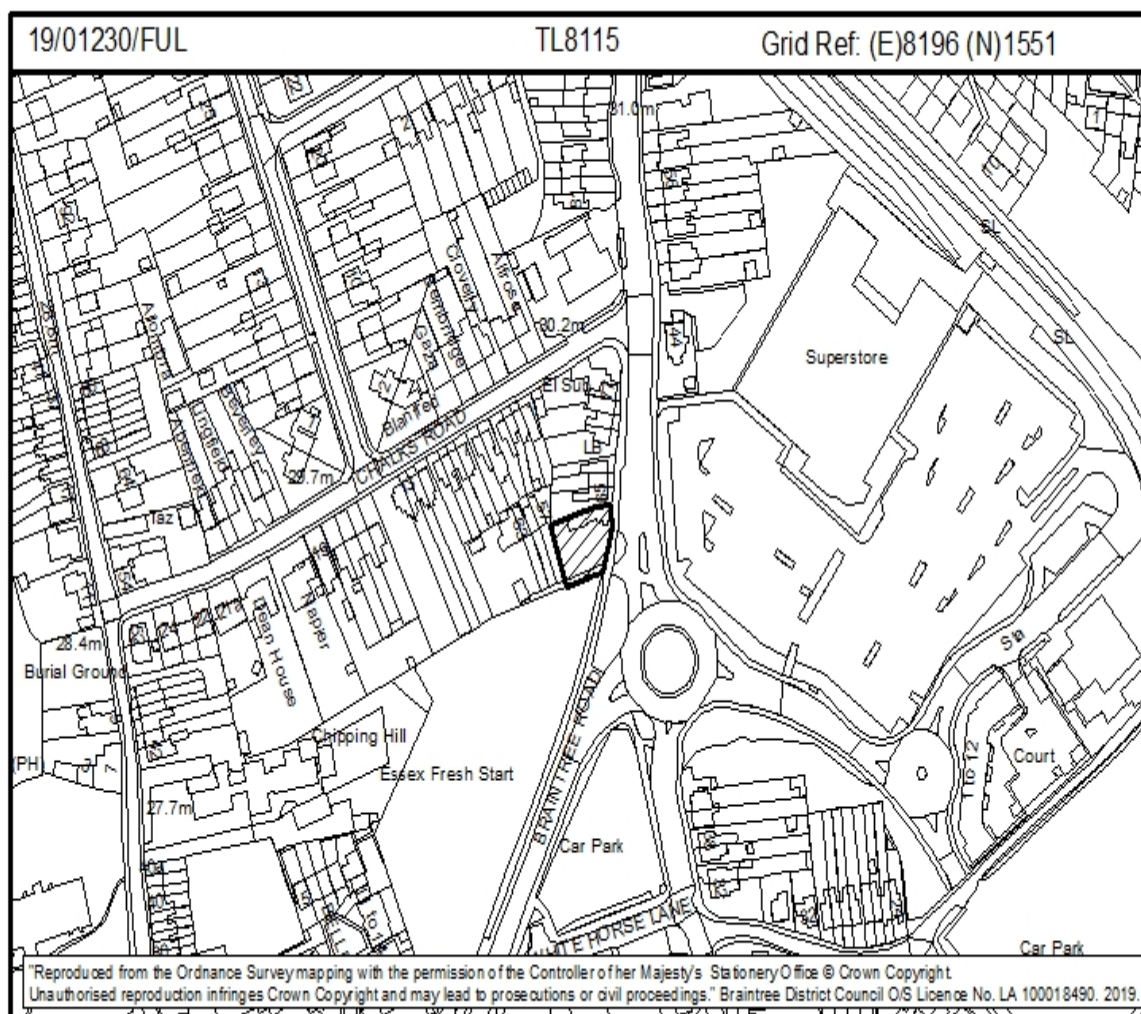
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PARTA

AGENDA ITEM NUMBER 5e

APPLICATION NO: 19/01230/FUL
DATE VALID: 10.07.19
APPLICANT: Mr Piers Bulgin
55 Braintree Road, Witham, CM8 2DB
AGENT: Mr Matthew Lockyer
7 Short Lane, Willingham, CB24 5LG
DESCRIPTION: Subdivision of existing structure to form 2 separate dwellings (1 no. 2 bed and 1 no. 1 bed dwelling) with addition of single storey front porch extension.
LOCATION: 55 Braintree Road, Witham, Essex, CM8 2DB

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PUEZKIBFHEJ00>

SITE HISTORY

19/00013/REF	Application for the demolition of an existing single storey structure to the dwelling at 55 Braintree Road, replacing with a smaller single storey kitchen structure accessed from 55 Braintree Road. Application for the erection of 2 No. semi-detached dwellings within the boundary of the plot allowing for associated parking, garden area and communal areas.	Appeal Dismissed	11.06.19
19/00020/REF	Demolition of an existing single storey structure to the current dwelling and the erection of 1 new detached house dwelling within the boundary of the plot. Allocation of associated parking, garden amenity and communal areas.	Appeal Dismissed	11.06.19
02/00246/FUL	Erection of single storey rear extension	Granted	04.04.02
02/01668/FUL	Erection of single storey rear extension	Granted	11.10.02
79/1217/P	Erection of 11,000 volt overhead line	Granted	11.10.89
79/01717P	Proposed single storey extension.	Granted	
05/01838/FUL	Erection of single storey extension and replacement porch	Granted	27.10.05
18/01003/FUL	Application for the demolition of an existing single storey structure to the dwelling at 55 Braintree Road, replacing with a smaller single storey kitchen structure accessed from 55 Braintree Road. Application	Refused	17.08.18

	for the erection of 2 No. semi-detached dwellings within the boundary of the plot allowing for associated parking, garden area and communal areas.		
18/01715/FUL	Demolition of an existing single storey structure to the current dwelling and the erection of 1 new detached house dwelling within the boundary of the plot. Allocation of associated parking, garden amenity and communal areas.	Refused	30.11.18

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP24	Subdivision of Dwellings
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
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
LPP79	Surface Water Management Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The site lies within the built up area of Witham. The host dwelling is set within a spacious plot located off Braintree Road. The existing dwelling is a 2 storey property which benefits from an elongated rear projection which is to be

converted and extended to form 1 no. 1 bed dwelling. The site slopes from north to south and east to west.

The locality comprises a mix of residential and commercial premises, including a substantial supermarket opposite the site. Whilst No.55 does not face the highway, it sides onto it, continuing a relatively consistent building line along this section of Braintree Road. Nos 57-63 have a different relationship with the highway compared to other dwellings along Braintree Road with a considerable setback from the highway, being set at 90 degrees to it.

There is existing shared vehicular access via an unmade track from Braintree Road, which provides existing parking for No.55 and is the only access to the terrace row of No.57-63.

PROPOSAL

This application seeks permission for the subdivision of the existing 3 bed dwelling into two dwellings (1no. 2 bed, 3 person dwelling and 1no. 1 bed, 1 person dwelling).

It is noted that the existing rear single storey extension (which is to be converted into the 1 bed dwelling), has as existing internal layout to allow it to be occupied as an annexe.

The application also seeks permission for a single storey front extension to the newly created dwelling, to provide porch hallway and WC.

The development would provide for off street parking for 2 vehicles per dwelling, accessed via an existing shared access off Braintree Road.

CONSULTATIONS

ECC Highways

Raise no objections given the access road is off of Braintree Road and vehicles manoeuvring could be accommodated clear of the B1018.

BDC Environmental Health

Raise no adverse comments.

PARISH / TOWN COUNCIL

Witham Town Council recommends refusal on the grounds of lack of amenity space, increase in vehicle movements and poor access onto a busy road.

REPRESENTATIONS

The application was advertised by way of site notice and neighbour notification. 2 neighbour letters have been received, and a further letter from the Witham and Countryside Society, raising the following objections and comments:

- Overdevelopment;
- Gardens will be overlooked;
- Out of character with the surrounding dwellings;
- Parking and access onto a very busy road - highway safety concerns for vehicles and pedestrians/ lack of manoeuvrability;
- Communal bin access is positioned in the way of the newly built driveway for number 57.

REPORT

Principle of Development

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to 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 should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. 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 improve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point of 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 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 Council) 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 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 within the Town Development Boundary of Witham, wherein the principle of development is acceptable.

5 Year Housing Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes'. Policy CS7 of the Adopted Core Strategy supports this and states that 'future development will be provided in accessible locations to reduce the need to travel'.

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

The development will undoubtedly bring economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities within the town and locality. Socially, the site does provide an additional dwelling. These factors weigh in favour of the proposal in the planning balance, albeit to a limited scale given that the application proposes just 1 dwelling.

In terms of environmental sustainability, as the development relates to a change of use/subdivision of a dwelling, there would be no significant increase to built form (with the exception of a porch).

Further in regards to sustainability, is the strategy set out in the Draft Local Plan. This seeks 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".

The site lies within the settlement boundary of Witham and is well connected to a range of services, facilities, leisure and employment opportunities within the town centre and locality. The site would also be accessible to other means of public transport. This weighs heavily in favour of the proposal in the overall planning balance.

Layout, Scale and Appearance

Policy RLP9 of the Adopted Local Plan seeks to ensure that new residential buildings are in character with the site and relate to its surroundings, amongst other things. Policy RLP10 states that the density and massing of residential development will be related to the characteristics of the site and the layout and density of surrounding development, amongst other things. Policy CS9 of the Adopted Core Strategy seeks to ensure that new development respects and responds to the local context, amongst other things.

The two earlier planning applications (which were for new build semi-detached dwellings with the later application being for a detached dwelling) were dismissed at appeal partly on grounds of their siting being incongruous in the street scene with harm the character and appearance of the area. In contrast, this application utilises the existing structure and would not alter the building line with development in the area.

In terms of the grain of development in the area, this is characterised by dwellings fronting Braintree Road, with an established building line of dwellings set onto or slightly back from the footpath edge. Running behind the dwellings within Chalks Road and with the 4 dwellings immediately to the rear of No.55 are rows of semi-detached and terraced dwellings that have a very strict and

defined building line. The row of 4 immediately to the west of the application site (behind No.55) have a defined siting with long frontage gardens.

The new dwelling is to be created within an existing structure, wherein the scale and layout of the built form has already been considered acceptable to the locality. The plot sizes would not necessarily follow the pattern of development in the area and the local planning authority would not ordinarily seek dwellings with their amenity space to their frontage. However, this is a unique existing layout and the character of plots in the locality is fairly mixed and on balance can be accepted in this case. The resultant plots would comply with the Essex Design Standards providing 111sq.m and 72sq. m. Further, whilst there will be an increase intensity of activity at the site, this would be limited as a result of only 1 additional unit being provided and no adverse harm would occur from this.

The building to be converted would remain subservient to No.55. It follows the layout of the adjacent dwellings wherein No.55 is sited perpendicular to Braintree Road facing the access, with 57-63 also fronting onto the access.

Further in terms of layout, although this does provide a large area of hard standing for parking and turning, which is sited further into the site, some soft planting is retained to the boundary of No.57 to soften its impact and overall, the development would provide adequate parking, turning and refuse provision. Pedestrian access is provided to each dwelling, which is accessed via the access – a similar approach to the dwellings at No.57-63.

In terms of alterations to the building, a porch is proposed on the southern elevation. Although this is sizeable, it would respect the character and appearance of the building. Materials would remain as per the existing property, being a red brick plinth and render finish which is acceptable.

Residential Amenity for Future Occupiers

The NPPF states that planning decisions should seek to ‘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 reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of future occupiers, the proposed 1 bed, 1 person dwelling would provide 41sq.m of internal living accommodation which would be in accordance with the Nationally Described Space Standards (NDSS) which provide minimum space and storage standards for dwellings to deliver high quality design and living spaces.

Adequate pedestrian access is proposed and internally the layout would provide for acceptable amenity in terms of light and outlook. Whilst the location adjacent to a busy road and roundabout are noted, it is considered that due to the orientation of the resultant property, there would be no unacceptable harm

from internal noise. Any impact would be less than other dwellings that front Braintree Road and further it is noted that the Inspector raised no concerns in this matter on the earlier appeal decisions.

Impact upon Neighbour Amenity

The earlier dismissed applications, were further partly dismissed on grounds of adverse impact to neighbours amenity in terms of overlooking and impact upon general amenity to the occupiers at No.65.

On this application, as the dwelling is a conversion of the existing structure, it would not appear harmful to the outlook or light provision to the neighbouring properties to the north (No.65) or the west (No.57). As no windows are proposed to the rear or western flank elevation, there would equally be no overlooking.

The proposal does site parking and the new private garden for the created dwelling, along the flank garden of No.57. This property has a front garden which provides its only amenity space. Due to the mature hedge between the site and No.57 which provides a high degree of privacy and given that the level of activity generated by the application would be modest, it is not considered that the proposal would be harmful to the living conditions of the occupants of No.57 by way of noise disturbance or similar.

Due to its siting, the dwelling will have no unacceptable impact upon the outlook of No. 55 itself. Adequate boundary treatments can be secured via condition. The development would result in the amenity space of No.55 being located entirely to the front of the property. This would be private as it is enclosed by a high brick wall, but it would be impacted by noise from the busy adjacent road and roundabout. Whilst some harm is attributed to the impact on the amenity of No.55, this area is already utilised as private garden space for the occupiers and it is not a reason in itself to refuse permission.

Access and Highway Considerations

No objection has been raised by County Highways in terms of highway safety. The existing dwelling of No.55 will be allocated 2 parking spaces, which for a 2 bed dwelling would be acceptable in accordance with the Essex Parking Standards Document 2009. The proposed 1 bed unit would also have 2 allocated parking spaces which exceeds the Councils parking standards.

The spaces measure 6.0 x 3.0 metres which exceeds the size standard of 5.5m x 2.9metres. Furthermore, a tracking diagram has been submitted which demonstrates adequate manoeuvrability can be achieved.

Matters in regards to access and parking are therefore deemed acceptable.

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.

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a town development boundary and is therefore in accordance with the provisions of the Adopted Development Plan.

Although the Council considers that the supply indicated represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on

the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration. The above factors in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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 development would accrue some benefits in providing an additional dwelling to meet housing land supply with economic benefits and social benefits once occupied. However, due to the small scale nature of the application, these benefits would carry only limited weight in favour of the proposal. However, the site is in a sustainable location close to the town centre wherein occupiers could access the services and facilities in the town and would have access to public transport provision.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, it is concluded that the proposed development would result in a high quality residential development and it is recommended that planning permission be granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the recommendation as set out above would not differ.

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: LOCATION	Version: A
Proposed Site Plan	Plan Ref: SITE	Version: A
Proposed Elevations	Plan Ref: ELE	Version: B
Proposed Floor Plan	Plan Ref: GL	Version: B

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

Reason

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

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

Reason

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

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

Reason

In order that the Local Planning Authority may exercise control over any proposed future extensions in the interests of residential and/or visual amenity.

- 4 The development shall not be occupied unless and until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - Boundary treatments;
 - Colour and type of material for all hard surface areas and method of laying;
 - Planting plans to include schedules of plants, noting species, planting sizes and proposed numbers/densities and implementation timetables.

The works shall be carried out in accordance with the approved details before any part of the development is first occupied.

Reason

In the interests of visual amenity and neighbouring/future occupiers amenity.

- 5 The development shall not be occupied unless and until full details of the means of enclosure for refuse provision have been submitted to and approved in writing by the Local Planning Authority, and fully implemented in accordance with the approved details.

Reason

In the interests of the visual amenity of the area and neighbouring amenity.

INFORMATION TO APPLICANT

If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB Tel. Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER



Appeal Decisions

Site visit made on 20 May 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2019

Appeal A Ref: APP/Z1510/W/19/3221790

55 Braintree Road, Witham CM8 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Piers Bulgin against the decision of Braintree District Council.
 - The application Ref 18/01003/FUL, dated 5 June 2018, was refused by notice dated 17 August 2018.
 - The development proposed is demolition of existing single storey structure and replacement with a smaller single storey kitchen structure and erection of two semi-detached dwellings with associated parking, garden area and communal areas.
-

Appeal B Ref: APP/Z1510/W/19/3224343

55 Braintree Road, Witham CM8 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Piers Bulgin against the decision of Braintree District Council.
 - The application Ref 18/01715/FUL, dated 21 September 2018, was refused by notice dated 30 November 2018.
 - The development proposed is demolition of existing single storey structure and the erection of 1 detached dwelling and allocation of associated parking, garden amenity and communal areas.
-

Decision

1. The appeals are both dismissed.

Procedural Matters

2. The Publication Draft Local Plan (the 'emerging plan') has been submitted for examination but remains unadopted. I therefore afford the emerging policies limited weight. The development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011) and it is on the basis of these adopted policies that I have based my decision.
3. During the course of the appeal a revised National Planning Policy Framework (the 'Framework') was published (February 2019). As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.

Background and Main Issues

4. The main difference between the two appeal proposals is the site layout and building height. From all the representations submitted, and my inspection of

the site, I find that the main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

5. In relation to Appeal A, additional main issues include: the effect of the proposal on the living conditions of Nos 55 and 57 with regards to outlook and No 65 with regards to overlooking; and whether the proposal would provide adequate on-site vehicular parking and manoeuvring facilities and the resultant effect on highway safety.
6. In relation to Appeal B, the additional main issue is the effect of the proposed parking layout on the living conditions of neighbouring properties with regards to noise and disturbance.

Reasons

Character and Appearance

7. The host dwelling is set within a spacious plot located off Braintree Road, which comprises a mix of residential and commercial premises, including a substantial supermarket opposite the appeal site. Whilst No 55 does not face the highway, it sides onto it, continuing a relatively consistent building line along this section of Braintree Road. Whilst Nos 57-63 have a different relationship with the highway compared to other dwellings along Braintree Road, their considerable setback from the highway ensures that they do not appear incongruous in the street scene.
8. Appeal A would comprise 2 two-storey semi-detached dwellings. The single storey structure to the host dwelling would be demolished and replaced with a smaller side extension. The proposed dwellings would be set further forwards in the plot than the host dwelling, with ground floor levels below the ground level of the adjacent highway and a similar ridge height to No 57, at an angle to the existing dwellings.
9. Appeal B would comprise a single-storey detached dwelling. The single storey structure to the host dwelling would be demolished leaving a gap between the host dwelling and proposed dwelling. As with appeal A, the proposed dwelling would be set further forwards in the plot than the host dwelling with ground floor levels below the ground level of the adjacent highway. The ridge height of the proposed dwelling would be below No 55.
10. Policy RLP 9 of the Braintree District Local Plan Review (BDLPR)(2005) seeks to ensure that new residential buildings are in character with the site and relate to its surroundings, amongst other things and Policy RLP 10 of the BDLPR states that the density and massing of residential development will be related to the characteristics of the site and the layout and density of surrounding development, amongst other things. Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (Core Strategy)(2011) seeks to ensure that new development respects and responds to the local context, amongst other things.
11. Despite their setback from the highway and position below the adjacent highway ground level, both the semi-detached dwellings and detached dwelling, despite its lower ridge height and intervening boundary treatments, would be highly visible from the public domain along Braintree Road. Although densities within the area vary, the position of the proposed dwellings further forwards within the plot relative to the host dwelling would disrupt the

relatively consistent building line along this section of Braintree Road and look incongruous in the street scene. Whilst a replacement dwelling facing the highway in this location would be more prominent than the proposed dwellings, I have no alternative scheme before me and must consider the appeal schemes on their own merits.

12. Thus, for the reasons given above, the appeal schemes would harm the character and appearance of the area, contrary to Policies CS9 of the Core Strategy and RLP 10 of the BDLPR, the requirements of which are set out above.

Parking Provision

13. Appeal A would make provision for five off-street parking spaces. Saved Policy RLP 56 of the LPR states that development will be required to provide off-street vehicle parking in accordance with the Council's adopted parking standards and Policy LPP 45 of the emerging plan, whilst not adopted, has similar aims. It is not disputed that the proposed parking spaces fall below the set standard of 2.9 x 5.5 metres, set out within the Essex Parking Standards Document. The appellant states that larger spaces could be incorporated into the scheme, however, I have no alternative proposals before me. A lack of satisfactory off-street parking provision would be likely to result in an increase in on street parking within the immediate area. I acknowledge that neighbouring dwellings do not have access to off-street parking, however, this would not justify unsatisfactory parking provision at the appeal site.
14. The Highways Authority advise that a minimum 6 metres aisle should be provided between the parked vehicles to allow manoeuvring in and out and advise against vehicles parking parallel to the footpath unless it can be demonstrated that vehicles can access the space at right angles to the carriageway. I am not persuaded on the evidence before me that sufficient space would be available for vehicles to safely manoeuvre within the site, particularly when the parking spaces are occupied. The lack of space available for turning within the site could lead to vehicles reversing out onto the highway or drivers being obliged to make more than one manoeuvre over the footway to the detriment of highway and pedestrian safety.
15. The appeal site is located off a section of Braintree Road which was well used at the time of my site visit and which is subject to parking restrictions. The appeal site is located close to a roundabout which provides access to a number of different routes through Witham, including the supermarket opposite the site and is therefore an important route within the town. Vehicles reversing onto the highway in this location would pose a significant risk to highway safety. Thus, Appeal Scheme A would fail to provide adequate off-street parking which would harm highway safety, contrary to Policy RLP 56 of the BDLPR.

Living Conditions

16. The proposed semi-detached dwellings, Appeal A, would be located approximately 5m from the boundary with No 65, with the windows of habitable rooms facing towards the rear garden of No 65 Braintree Road. Occupants of the proposed dwellings would be able to look directly into the rear garden of No 65 and users of the garden would be able to see into habitable windows of the proposed dwellings. Policy RLP 3 of the BDLPR seeks to ensure that proposals respect neighbouring amenity and Policy RLP 90 states that

there shall be no undue or unacceptable impact on the amenity of any nearby residential properties, amongst other things.

17. The provision of two-storey dwellings with habitable windows so close to the rear garden of No 65 would result in harm to the privacy of future occupants of the proposed semi-detached dwellings and would significantly reduce privacy for users of the garden of No 65, contrary to Policies RLP 3 and RLP 90 of the BDLPR, the requirements of which are set out above.

Noise and disturbance

18. Parking provision for Appeal B, the detached dwelling, would be located to the front of the dwelling and along the boundary with No 57 Braintree Road. There is a mature hedge between the appeal site and No 57 which provides a high degree of privacy. The appellant indicates that no trees or hedgerows are to be removed as part of the appeal scheme and is a matter which could be addressed by condition. Vehicle movements generated by the appeal scheme would be modest and vehicles would be travelling slowly. Although vehicles entering and exiting the site would generate noise, as a result of the above, such noise would not be harmful to the living conditions of the occupants of No 57 and there would be no conflict with Policies RLP 3 and RLP 90 of the BDLPR which both seek to protect neighbouring amenity, amongst other things.

Other Matters

19. The appellant asserts that the footprint of the majority of the neighbouring dwellings falls short of current space regulation requirements. However, I have no substantive details before me and, even if this were the case, this would not weigh in favour of the appeal schemes.
20. I acknowledge that the appeal site is within a reasonable walking distance of a range of services and facilities, including a train station. However, I give this matter neutral weight since such accessibility would be a requirement of any new development in this area.
21. Concern has been raised about the Council's processing of application 18/01715/FUL. However, in determining the appeal I can only have regard to the planning merits of the case, so am unable to give any weight to this particular concern.

Conclusion

22. Whilst I have not identified harm in respect of noise and disturbance, I have found that the appeal schemes would harm the character and appearance of the area and, in respect of Appeal A would also harm living conditions and highway safety. There is no substantive evidence before me that the appeals should be determined other than in accordance with the development plan, and no benefits are before me of sufficient weight to outweigh the harm I have identified, including the provision of additional housing, to which I attach limited weight in the circumstances before me. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

M Savage

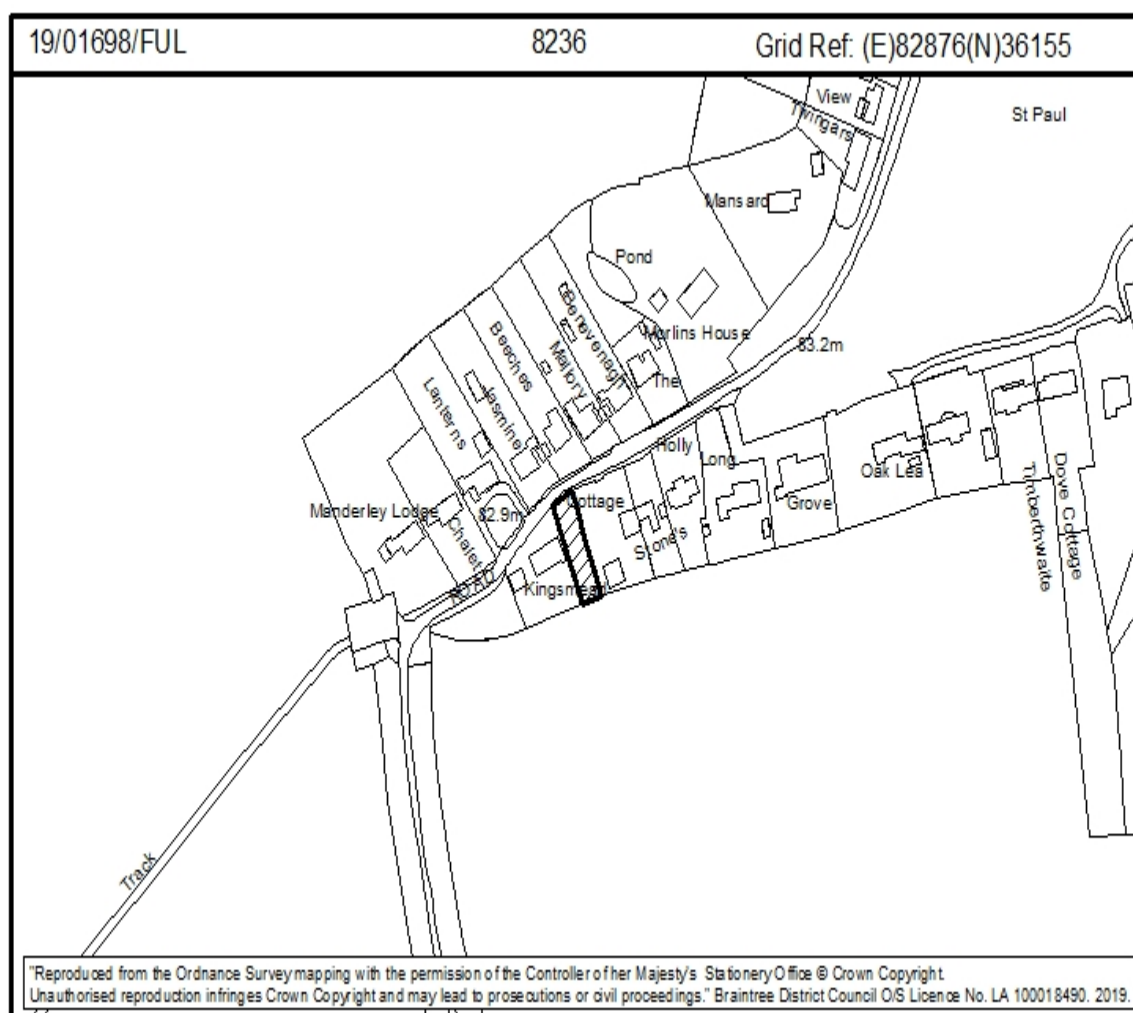
INSPECTOR

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 19/01698/FUL
 DATE: 17.09.19
 VALID:
 APPLICANT: Mr David Hurley
 Kingsmead, School Road, Wickham St Paul, CO9 2PR
 AGENT: Mr David Grew
 37 Hawkwell Road, Hockley, SS5 4DD
 DESCRIPTION: Erection of a new 4-bed detached dwelling
 LOCATION: Land Adjacent Kingsmead, School Road, Wickham St Paul, Essex

For more information about this Application please contact:
 Mr 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=PXYRICBFII900>

SITE HISTORY

17/00196/FUL	Erection of three bedroom detached one and half storey dwelling house with off street parking	Granted	13.04.17
18/00131/FUL	Change of use of land from agricultural to garden APPLICATION WITHDRAWN AND NOT PROCEEDED WITH	Application Returned	

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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
LPP17	Housing Provision and Delivery
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Neighbourhood Plan

None.

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

- Page 81 – 109 – Design

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site consists of an area of garden land, which contains a small vegetable plot and garage and is used in association with the use of the dwellinghouse known as Kingsmead. Kingsmead is a one and a half storey dwellinghouse, separated from the highway by a hedge, and constructed approximately 1950s/1960s, at the end of a row of dwellings which are similar in appearance. There are open fields to the rear of the site.

The site is located within the village envelope of Wickham St Paul. Kingsmead is located approximately 250 metres from the centre of Wickham St Paul. The plot itself measures approximately 407sq.m.

PROPOSAL

This planning application proposes to erect a detached one and a half storey dwellinghouse on the land adjacent to Kingsmead. The dwelling is of a simple pitched roofed form and features three front facing cat slide dormer windows; one rear facing dormer window and two rooflights on the rear facing roof slope. It would measure 9 metres in width; 7.3 metres in height, 7.65 metres in depth and include a single storey rear element spanning the rear elevation which would measure 3.45 metres in depth. The proposal also includes the provision of a hardstanding in front of the dwelling, which would be used as parking. This would be accessed via an existing access off School Road.

CONSULTATIONS

ECC Highways

No Objections.

BDC Landscape Services

No Objections.

BDC Environmental Health

No Objections. Recommend the same conditions are attached as previously advised, which relate to protecting residential amenities of dwellings nearby.

PARISH / TOWN COUNCIL

Wickham St. Paul Parish Council raised an objection to the proposals, on the grounds that there is inadequate access for construction vehicles; impacts on neighbours due to increased use of existing vehicle access; no evidence of 'low-cost ecological building'; cramped development; and no declaration of affordable housing made.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. One letter of representation was received, which raises an objection on grounds of overlooking, loss of light, and impacts through a busier highway.

REPORT

Background

In 2017, planning permission was granted at the site for the erection of a one and a half storey dwellinghouse. The dwelling which has been approved measured 9 metres in terms of its width, 6.5 metres in depth, 7 metres in height, and consisted a single storey element to the rear which measured 4.5 metres in depth. This application currently remains extant and will expire on the 13th April 2020. This permission forms a material consideration in the determination of this application.

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 within the designated development boundary as set out in the Adopted Local Plan and Draft Local Plan. In this regard, the development is considered to comply with the Braintree District Development Plan and this site is suitable for residential development.

5 Year Housing Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary

of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Location and Access to Services and Facilities

The application site is situated within the designated village envelope of Wickham St. Paul. Notwithstanding this, there is little in the way of services and facilities within the village of Wickham St Paul itself. There is a Public House/Inn, a farm shop which offers some groceries, a Post Office and a Village Hall. There is a bus route operating through the village, however this operates more akin to a taxi service which must be booked in advance.

The village of Wickham St. Paul is not considered to be a sustainable location in terms of accessibility to services and facilities.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan and LPP50 of the Draft Local Plan state that new development shall not prejudice its surroundings, and that it shall be in keeping in respect of its massing, scale, form and design. Policy CS9 of the Core Strategy seeks high quality design.

The proposed dwelling would be very similar in terms of its design to the building which has the benefit of planning permission. In comparison to the scheme which has permission the proposals include raising the height of the building by approx. 0.3m as well as increasing the span of the rear extension element but reducing its depth by 1 metre. The width would remain the same as previously approved.

The changes proposed to the scale of the building would be minor and the building would remain well-proportioned and of a satisfactory design. The increase in the size of the proposed dwelling can adequately be accommodated on the site and the design, appearance and layout remains acceptable.

The external amenity space would, at approximately 140sqm, remain in excess of the required 100sqm as specified in the Essex Design Guide.

Given the weight to be given to the previous approval at the site, the application is considered to be acceptable in regards to its design, appearance and layout and accords with Policies RLP90 of the Adopted Local Plan, Policy CS9 of the Core Strategy and LPP50 and LPP55 of the Draft Local Plan.

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.

The submitted plans indicate that the proposed dwelling would benefit from two parking spaces which meet the size standards.

Kingsmead is currently served by two vehicular accesses. The western most access would be used by the proposed dwelling and the eastern one would be used by the existing dwelling. Kingsmead would have sufficient parking retained to meet the standards. Concerns are noted in regard to the use of the access however as both are existing it is considered there is no objection in terms of highway safety.

An objection has been raised to the use of the existing access; however this access would be unaffected by the proposals. It is used for parking by Kingsmead at present, but this parking would now take place in and outside of the existing garage with the reduced curtilage, to the western side of Kingsmead. The access would therefore not become intensified by the proposals, and it is considered acceptable. It is further noted that ECC Highways raises no objections to the application.

The use of School Road to access the site for construction traffic was raised as an objection. The construction period would be limited in time and would not be a reason to withhold planning permission. A condition is recommended restricting hours of work on site to minimise impact on neighbours.

Landscape and Ecology

Policy RLP80 of the Adopted Local Plan states that new development should not prejudice existing landscape features, such as trees and hedges, which make a positive contribution to the locality. Policy CS8 of the Adopted Core Strategy states that landscape features and biodiversity should be preserved and/or enhanced. Policies LPP70 and LPP71 of the Draft Local Plan require development to take into account existing landscape features, preserve them where appropriate, and be sensitive to the need to preserve and enhance biodiversity.

The existing site contains vegetation along the front boundary. The remainder of the site is domestic and is used to grow vegetables ancillary to the dwelling at Kingsmead. The Council's Landscape Services team raises no objections to the proposals. No details have been provided in relation to boundary treatments. It is considered reasonable to attach a condition to any grant of consent requiring these details.

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”.

In the case of this application, the proposed new dwelling would be located between two existing properties; Kingsmead to the west and Heather Cottage to the east. In order to minimise impacts on these neighbouring dwellings, the proposed dwelling would contain no windows at first floor on the side facing elevations. It is not considered that the amenities of the occupiers at Kingsmead or Heather Cottage would be unreasonably harmed as a consequence of the development.

The occupiers of the dwelling opposite the application site objected on grounds of overlooking. These comments are noted, however given there is a relatively large amount of separation between the first floor windows and the front elevation of ‘Jasmine’, and as there is a public highway separating the properties, it is not considered that overlooking impacts would be unacceptable in a residential context.

It is not considered that the proposal would result in unacceptable impacts upon neighbouring residential amenities, and accords with the above-mentioned policies.

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.

The application site subject of this planning application is located outside of the updated Zones of Influence and therefore no appropriate assessment or contribution is required in this case.

Other Matters

Officers consider that the site would be constrained in terms of overdevelopment and appearing cramped were the dwelling to be further extended, to the limits allowed under Class A, Part 1, Schedule 2 of the General Permitted Development Order. In order to prevent any issues which could arise from this, it is recommended that permitted development rights are removed by condition for extensions.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within a development boundary where the principle of development is acceptable.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

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 site is situated within the designated village envelope of Wickham St. Paul, where the principle of new development is generally accepted. The

proposed dwelling would see economic benefits, through the creation of construction jobs while the dwelling is being built, and the contribution that the occupiers of the dwelling would make to the District's local economy. There would be a social benefit through the creation of a dwelling and the contribution that this would make to the Council's 5 year housing land supply (albeit very limited by the small scale of the development). There would be a neutral environmental impact caused. Furthermore, there is an extant permission at the site which represents a realistic fallback position, forming a material consideration which must be given substantial weight, and establishes the principle of a dwelling on this site.

When considering the planning balance, having regard to the Development Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would be acceptable and it is recommended that planning permission is approved.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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 and Floor Plans
Location / Block Plan

Plan Ref: 1

- 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 Construction of any buildings shall not be commenced until a schedule of proposed materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved

details.

Reason

To conform with the pattern of the existing development in the locality.

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

Reason

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

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

Reason

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

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

Reason

To protect the amenities and privacy of adjoining occupiers.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 8 Notwithstanding the provisions set out in Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended), no additional windows or openings shall be installed on the west-facing elevation at first floor level and above, without first obtaining planning permission from the Local Planning Authority.

Reason

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

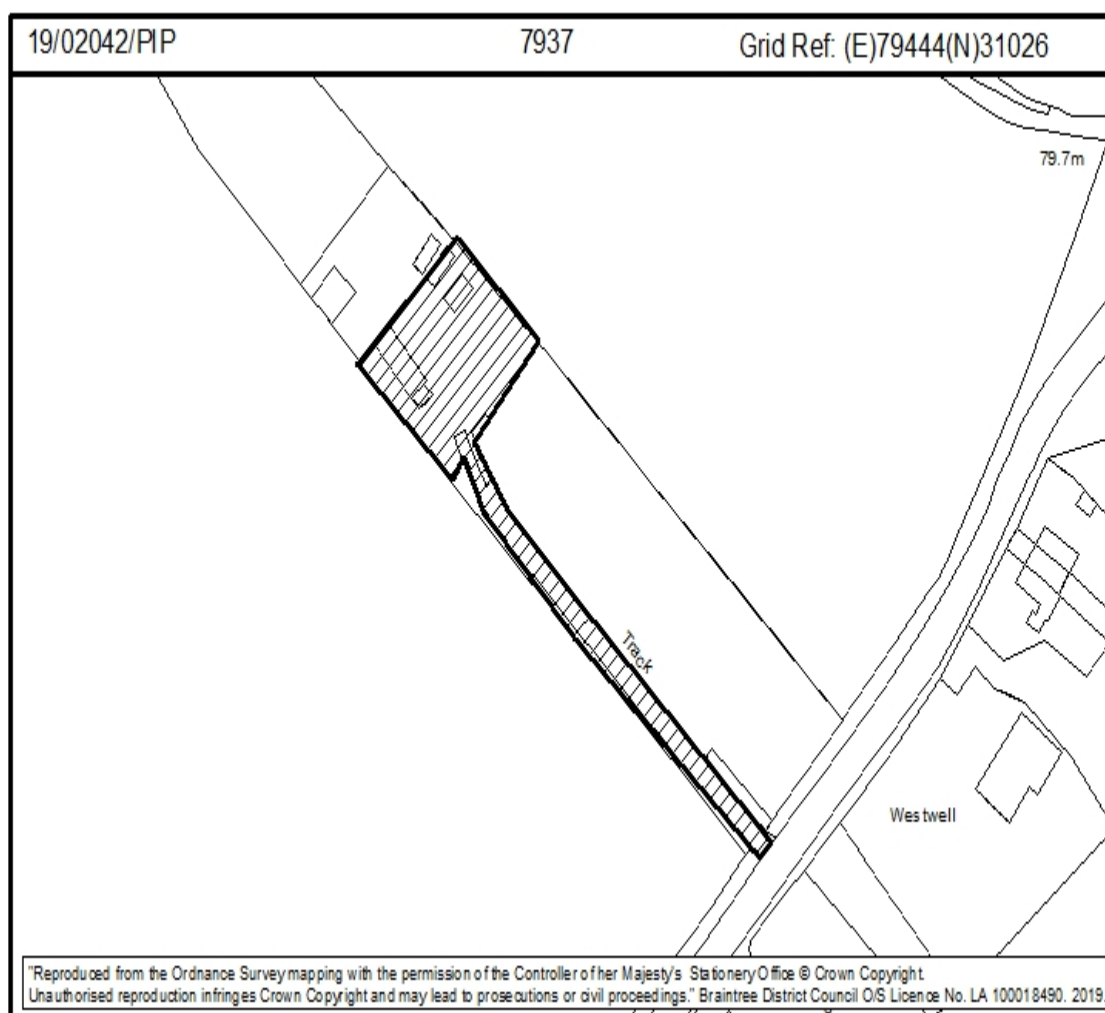
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5g

APPLICATION NO: 19/02042/PIP
DATE: 12.11.19
VALID:
APPLICANT: Mr G Payze
Beeches, White Ash Green, Halstead, Essex, CO9 1PD
AGENT: Acorus Rural Property Services Ltd
Old Market Office, 10 Risbygate Street, Bury St Edmunds ,
Suffolk, IP33 3AA
DESCRIPTION: Permission in principle for 1 No. residential dwelling.
LOCATION: Land At Forest Nursery , White Ash Green, Halstead, Essex

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0T1YTBf00A00>

SITE HISTORY

12/01482/FUL	Proposed demolition and reconstruction of existing outbuilding	Granted	28.12.12
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POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP55	Layout and Design of Development
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP71	Landscape Character and Features
LPP44	Sustainable Transport

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice Chairman of the Planning Committee.

SITE DESCRIPTION

The application site is located in the countryside beyond the village boundary of Gosfield and the town boundary of Halstead. The site currently contains a storage building.

The site is set back from the road and is served by an existing single access track from Halstead Road.

The site is located north west of White Ash Green.

PROPOSAL

The application is for permission in principle, seeking approval for one dwelling. No details have been submitted, other than a red edged location plan. The applicant indicates that the site is used for storage purposes and is brownfield land.

CONSULTATIONS

BDC Ecology

Consultation not yet expired, verbal update to be provided at Planning Committee.

BDC Environmental Health

Consultation not yet expired, verbal update to be provided at Planning Committee.

ECC Highways

Consultation not yet expired, verbal update to be provided at Planning Committee.

PARISH / TOWN COUNCIL

Greenstead Green and Rural Halstead Parish Council – Consultation not yet expired, verbal update to be provided at committee.

REPRESENTATIONS

No responses received.

REPORT

Background

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed.

Certain types of development are excluded from a grant of permission in principle. The Planning Practice Guidance (PPG) advises that development on land not defined as previously developed is not excluded from the application for permission in principle route (PPG Paragraph: 004 Reference ID: 58-004-20190315).

The PPG advises that applications for permission in principle (PIP) must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise. The scope of permission in principle is limited to location, land use and amount of

development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

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 and as such is located on land identified as countryside in the Adopted Local Plan (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 proposal is therefore contrary to the Adopted Local Plan and Adopted Core Strategy.

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 states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

5 Year Housing Land Supply

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

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

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary

of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes, Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), given the Local Plan context described above, it is considered that only 'more than moderate but less than significant weight' can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

Settlement Hierarchy and Sustainability of the Site

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

The development will bring both social and economic benefits, albeit relative to the scale of the development. The development will provide 1 additional residential unit towards housing supply and bring benefits during the construction stage.

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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

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 site is located outside of the village boundary for Gosfield and the town boundary of Halstead and is beyond reasonable walking distance to the services and facilities provided in Gosfield and Halstead. The site is located within the countryside, in a location whereby day to day needs cannot be met. Development in this location would undoubtedly place reliance on travel by car which conflicts with Policy CS7 of the Adopted Core Strategy. Allowing an additional dwelling in this location would be the antithesis of sustainable development and this weighs against the proposal in the overall planning balance. Policy LPP44 of the Draft Local Plan states that sustainable modes of transport should be facilitated through new developments to promote accessibility and integration into the wider community and existing networks.

The application site is located approximately 800m to the north east of the village of Gosfield and approximately 900m to the west of the town of Halstead. There are no pavements in either direction towards Gosfield or

Halstead. Opposite the site lies sporadic housing development. Whilst this cluster of dwellings does not constitute a settlement or village, it does mean that the new dwelling would not be isolated in the context of the recent Court of Appeal decision for housing at Blackmore End.

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

The proposal therefore conflicts with Policy CS7 of the Adopted Core Strategy and Policy LPP44 of the Draft Local Plan as due to the site’s location, new residents occupying this site would be reliant on the private car to access day to day services in either Gosfield or Halstead.

The planning balance is concluded below.

Design, Appearance and Layout

The NPPF requires planning to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Policy RLP80 of the Adopted Local Plan relates to landscape features and habitats and states that development that fails to successfully integrate into the local landscape will not be supported. Policy CS5 of the Adopted Core Strategy states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Policy CS8 of the Adopted Core Strategy states that developments should have regard to the character of the landscape and its sensitivity to change. Policy LPP71 of the Draft Local Plan states that intrinsic character and beauty of the countryside should be recognised in order to ensure that any development permitted is suitable for local context.

The site is located beyond the settlement boundary/village envelope for Gosfield and Halstead and is therefore located within the countryside. Development is sporadic highlighting the role performed by the settlement boundaries in protecting the amenity of the countryside. The settlement boundary policies are performing an important function in this location to direct development away from the countryside.

The site currently contains a storage building and the site lies adjacent to an agricultural field to the south and a wooded area to north. The undeveloped

nature of this side of the road contributes towards the intrinsic character of the countryside.

The clearing of the site and introduction of a dwelling combined with the inevitable domestic paraphernalia such as parked cars, outbuildings etc would result in built form and development that would be intrusive in this setting, harmful to the intrinsic character and beauty of the countryside, conflicting with Policy RLP80 of the Adopted Local Plan, Policies CS5 and CS8 of the Adopted Core Strategy, Policy LPP71 of the Draft Local Plan and the NPPF.

Impact on Neighbour Amenities

Paragraph 170 in the NPPF states that 'planning policies and decisions should ensure that development that create places that are safe with a high standard of amenity for all existing and future occupants of land and buildings'. Policy RLP90 of the Adopted Local Plan also states that development should not have an unacceptable impact upon neighbouring amenity. The same requirements are found in Policy LPP55 of the Draft Local Plan.

Currently it is not possible to assess the potential neighbour impacts of the development at this stage, and this would be a matter for the technical details application. However it should be noted that there are no neighbours located in close proximity of the site.

Highway Issues

At the time of writing no comments have been received from ECC Highways, however highway matters are not considered as part of a permission in principle. This would be a matter to be dealt with as part of any subsequent application for technical details.

PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is 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. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be

able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This will result in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

It is acknowledged that the provision of one additional market house would bring some very limited social and economic benefits. It is also recognised that the construction of the dwelling would generate some limited economic benefits and also the spending power of the new residents. This is applicable to housing development generally and the benefit should be given limited weight.

The proposal would introduce an additional residential unit into the countryside, beyond a defined settlement and in an unsustainable location.

It is considered that the benefits of the proposal carry limited weight and would be outweighed by the adverse impacts noted above and therefore the proposal would not secure sustainable development.

The benefits of the proposal carry limited weight and would be outweighed by the adverse impacts noted above and therefore the proposal would not secure sustainable development, contrary to Policies RLP2, RLP10, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS7 and CS8 of the Adopted Core Strategy, Policies LPP1, LPP44 and LPP71 of the Draft Local Plan, and the NPPF.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

- 1 Applications for Permission In Principle (PIP) must be made in accordance with relevant policies in the development plan unless there are material considerations that indicate otherwise.

The site is located in the countryside and falls outside of the defined village envelope as identified in the Adopted Local Plan Review and Core Strategy. The proposal would introduce sporadic development in the countryside compromising the clear distinction between the settlement and the countryside and erode the function of the settlement boundaries to control inappropriate development within the countryside, with the character and nature of the countryside diminished as a result.

In addition the site is divorced from a village/town with facilities and amenities beyond reasonable and safe walking distance of the site and development in this location would undoubtedly place reliance upon travel by car.

Cumulatively the adverse impacts of the development outweigh the limited benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies RLP2, RLP80, RLP90 and RLP100 of the Adopted Local Plan, Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP1, LPP44 and LPP71 of the Draft Local Plan.

SUBMITTED PLANS

Location Plan

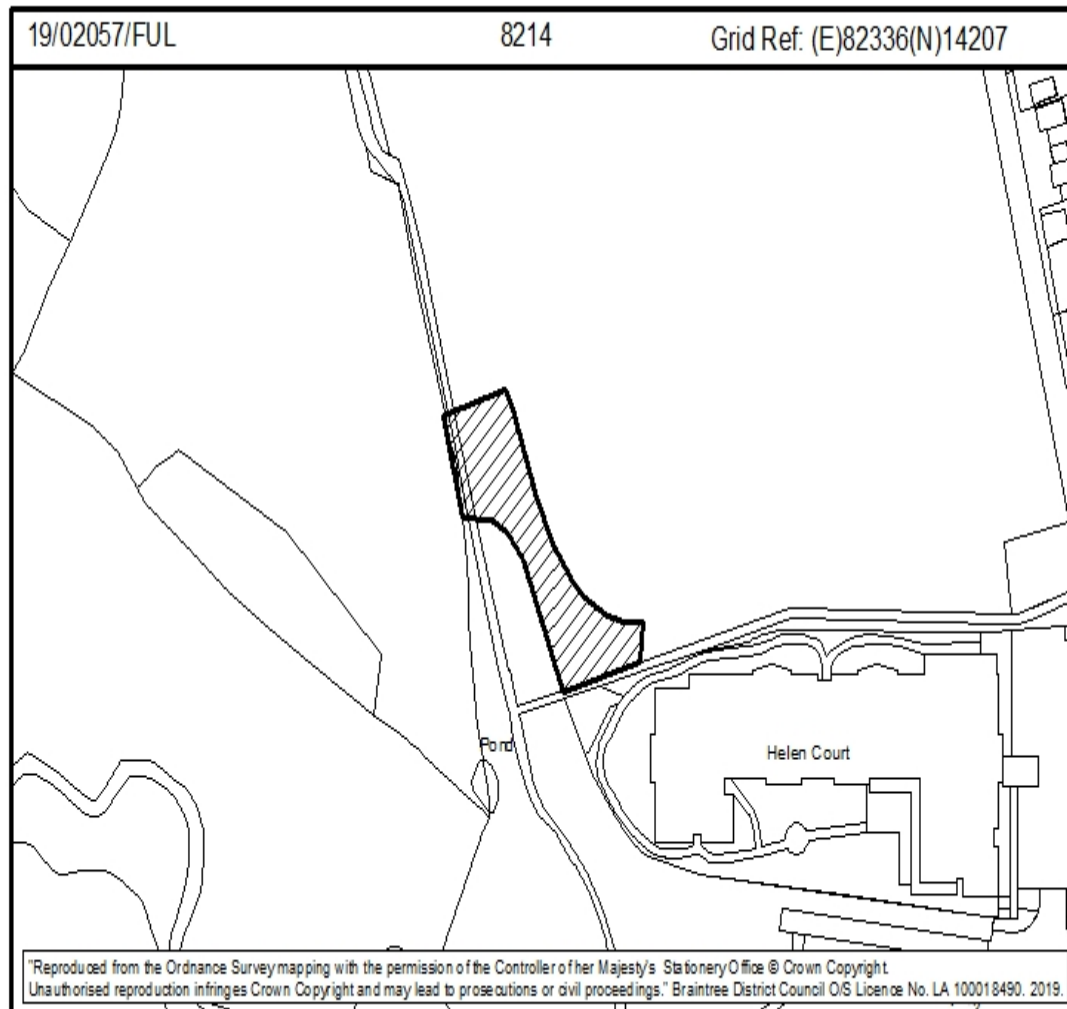
CHRISTOPHER PAGGI - PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5h

APPLICATION NO: 19/02057/FUL DATE: 13.11.19
VALID:
APPLICANT: Mrs Samantha Stephenson
270 Avenue West, Skyline 120, Great Notley, Braintree,
CM77 7AA
DESCRIPTION: Erection of semi-demountable cricket ball stop fencing (15m
high x 48m wide)
LOCATION: Sauls Bridge Sports Ground, Riverview, Maldon Road,
Witham, CM8 1HN

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0WMMBBFJDH00>

SITE HISTORY

15/00177/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Crown reduce 1 Lebanon to 6 metres high and by 4 metres diameter and remove a Mountain Ash	Granted	28.07.15
17/00396/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Carry out works to various trees see application and plan for all the details of the works	Granted	16.01.18
19/00239/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Fell to ground level and poison T1 Sycamore. The tree is in very close proximity to the back of the sheds/outbuildings, Reduce T2 cedar by 2 metres in height and trim lateral growth to maintain the tree at a sensible size within the car park without restricting access.	Granted	05.11.19

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP129	Sports and Leisure Facilities

Braintree District Local Development Framework Core Strategy 2011

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
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity

Other Material Considerations

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee as the application site is within the ownership of Braintree District Council. The application is also of public interest as it would be adjacent to the 'Gimsons' development (Application reference 18/02010/FUL) which has a resolution to grant planning permission subject to the completion of a S106 agreement, and the provision of nets to protect future road users and pedestrians of the 'Gimsons' development, in accordance with Sport England's requirements.

SITE DESCRIPTION

The red line site encompasses land on the south western edge of Sauls Bridge Sports Ground. This parcel of land is located to the north west of Helen Court, north of the River Brain, and south of Witham Town Park. The site is located adjacent to land associated with the recent 'Gimsons' residential development (18/02010/FUL).

PROPOSAL

The application proposes the erection of semi-demountable cricket ball stop fencing measuring 15m high and 48m wide. The net system would comprise four posts, which would remain permanently at the site throughout the year, and three sections of Polypropylene 50mm mesh netting in between each of the posts, which would be demountable.

CONSULTATIONS

Sport England

Confirm that they are satisfied with the position and specification of the proposed netting. Sport England however still maintain a holding objection until a set of principles are agreed in respect to the management of the nets:

- *"Confirmation that Bellway Homes will fund the initial installation of the netting;*
- *Confirmation that the maintenance of the netting will be based on manufacturers (Foresport Fencing Ltd) specified maintenance plan and that a maintenance fee will be funded by the Bellway Homes for a defined period (this should be defined now) and thereafter the responsibility for funding the maintenance of the netting will be the responsibility of Braintree District Council;*
- *Confirmation that Braintree District Council will be responsible for erecting, demounting, maintaining and storing the netting;*

- *Confirmation of the period of the year that the netting will be assembled for. This should be informed by discussions with Witham Cricket Club to ensure that it covers the whole of the cricket season accounting for potential early starts or late finishes to the season. This is typically from April to September but should be informed by advice from the club.*
- *Confirmation that the Council has an out of season storage solution for the netting informed by advice provided by the manufacturer on the storage space required (it would be helpful to know where the Council intend to store it if possible is at this stage);*
- *Confirmation that Witham Cricket Club or any other cricket club that may use the site in the future has no liability for erecting, dismantling, maintaining or storing the netting or funding its maintenance or replacement in the future.”*

The Council have agreed all of the above principles with the developer. Due to time constraints Sport England have not yet come back on the principles document, however an update will be provided to Members on the night as to Sport England's position.

BDC Ecology

Confirm that there are no known issues with wildlife and the netting and as such raise no objection subject to agreement that the bottom of the netting will be adequately checked to avoid any harm to hedgehogs.

Essex Police

Neither object, or support.

Witham Town Council

Recommend refusal – development is unnecessary and visible from the Conservation Area.

REPRESENTATIONS

12 objections and 1 general comment have been received setting out the following summarised comments/concerns:

- No need for netting – distance too great to cause impact
 - No existing netting and other buildings/gardens are closer
- Detrimental impact – visually on landscape – height excessive
- Detrimentally affect wildlife
- Detrimental impact on Helen Court residents
- Would be subject to Vandalism if left up
- Impact on tree protection
- Shouldn't be determined before Gimson's application adjacent
- Initial address incorrect
- Not big enough run off for cricket players

[As of 05/12/2019 2pm]

REPORT

Principle of Development

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. This is echoed by Policy RLP90 of the Adopted Local Plan and CS9 of the Adopted Core Strategy.

Policy RLP129 of the Adopted Local Plan states that proposals for sports and leisure facilities should be located in town or village centres, and that there is suitable access and minimal impact from any development. Policy CS10 of the Adopted Local Plan seeks to secure the retention of existing sports facilities. This is echoed by Policy LPP53 of the Draft Local Plan.

The application in this case proposes to erect semi-demountable cricket ball stop netting at the established Sauls Bridge Sports Ground in Witham. The netting would safeguard the future use of the sports ground by protecting vehicles/pedestrians/cyclists in connection with the recently approved (subject to S106) residential development of Gimsons, and existing users of the footpath adjoining the site. The height and location of the netting were determined by a 'lab sport' assessment which determined strike distances etc.

Taking into account the above, it is considered that the proposal accords with the above policies and is thus acceptable in principle, subject to satisfying other criteria as explored below.

Design, Character and Security

The semi-demountable cricket ball stop netting would measure 15m high x 48m wide. It includes four x 324mm diameter poles which would be in place all year around, and three Polypropylene 50mm mesh netting sections which would slot in between the poles. The poles would therefore be a permanent fixture, while the netting itself can be erected and demounted as appropriate. It is understood that the land is only utilised in a cricket capacity between April and September, while the rest of the year the pitch would be utilised as a football pitch. The nets would therefore need to be erected in the summer months and taken down and stored in the winter months.

The ball stop netting would be sited on the south west corner of the sports pitch. The net positioning would not impinge on the existing field boundaries of the cricket pitch, but instead would be located a minimum of 3m from the edge to allow sufficient run-off for cricket players. There would also be a minimum of 1m separation to the footpath on the opposite side which would be created

as part of the adjacent 'Gimsons' development. As such, the nets would not be unacceptably imposing on any pedestrians traversing past the site.

In terms of character and visual impact, the netting would be visually permeable. This is evidenced by photographic examples submitted with the application. The netting and poles may have some visibility in longer views around the area; however taking into account existing vegetation and land levels, as well as the visual permeability of the nets, the overall visual impact would be moderate-low. In the winter months when the trees lose foliage, the nets will be down so that the overall impact would be reduced. The poles are also small in their overall diameter, and can be painted appropriately to not stand out in the wider area. Thus even in the winter months, it is considered that the poles would not have a significant impact on the wider area.

In terms of security, it is proposed that a 1.8 - 2m fence/other means of enclosure would be added by way of permitted development rights alongside the proposed footpath to restrict any direct public access to the back of the proposed nets. Thus the nets would primarily be accessed from within Sauls Bridge sports ground itself. The means of erecting and demounting the nets would also be out of reach / in a lockable box so that they cannot be erected/taken down without an appropriate person doing it. It is considered these measures taken together will assist in reducing the likelihood of any vandalism of the nets.

In summary, taking into account all of the above, it is considered that the design, character and security of the netting would be acceptable.

Impact on Neighbour Amenity

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

The closest development to the site is Helen Court, a care home which overlooks the cricket pitch. The netting would be North West of Helen Court, with a separation distance of approx. 10m to the closest pole. The nets would be orientated in such a way that they would have minimal impact on Helen Court; the only windows in this building that would have views of the netting at an oblique angle would be those on the North West corner. As such, while concerns have been raised by Helen Court in respect to impact on amenity, it is considered that the positioning and visual permanence of the nets would not give rise to a detrimental impact.

The netting would be visible further afield for some properties who back onto the sports ground, however the separation distances would be significant. As such, it is considered the impact on these properties would be negligible.

Similarly, other properties on the other side of the river would be separated by such an extent as to not be detrimentally impacted by the development.

Taking into account the above, it is considered the proposal is acceptable in this regard and no harm would arise.

Ecology & Landscaping

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Draft Local Plan.

Concerns have been raised by residents in respect to the possible impact of the netting on birds and other wildlife. However, there is no known link between such netting and any impact on birds or other wildlife. The Council's Ecology Officer has considered the proposal and raised no objection on this basis, subject to regular monitoring of the netting for hedgehogs and other wildlife, or the imposition of sheeting to discourage access. Shheeting will be provided as part of the netting to protect wildlife. These principles can be agreed via condition. As such, it is considered the proposal would be acceptable in this respect.

Other Particulars – Management

The ball stop netting would be located on land owned by Braintree District Council. As such, the management / maintenance of the nets cannot reside with future occupiers of the Gimsons development. Instead, the Council would take on responsibility of managing and maintaining the nets. The exact arrangements are to be agreed as part of the S106 for the Gimsons application and through conditions attached to this application. An overview of the arrangements are:

- Developer pays for installation of the nets
- Developer pays a maintenance sum to cover the cost of managing the nets for a 15 year period
 - This will include a maintenance fee of £15,000
- Braintree Council will be responsible for the netting utilising this fund, and any financial cost after this period would be incurred by the Council

- The netting will be erected at the start of April and demounted at the end of August (during cricket season)

The Council have agreed all of the above principles with the developer. Due to time constraints Sport England have not yet come back on the principles document, however an update will be provided to Members on the night as to Sport England's position. The Condition proposed at the end of the report will subsequently be updated with the agreed date of the principles document.

CONCLUSION

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

In this case, the development would provide a significant benefit of protecting the future use of the sports ground, while also protecting any future occupier of the Gimsoms development, and wider pedestrians and cyclists more generally. In terms of harm, there would be a moderate-low overall visual impact for 6 months of the year. Overall, taking into account the harms against the benefits, it is considered that the proposal would amount to sustainable development and as such it is recommended that the application 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

Fencing Layout/Details	Plan Ref: 857-PL-91	Version: A
Location Plan	Plan Ref: 857-PL-92	Version: B
Site Plan	Plan Ref: 857-PL-93	Version: B
Block Plan	Plan Ref: 857-PL-95	Version: C

- 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 management and maintenance of the ball stop netting shall be carried out in accordance with the following agreed principles:
 - Bellway Homes will fund the initial installation of the netting. Bellway will pay Braintree District Council the cost of the nets as specified on an up-to-date quote and agree to an indemnity to cover any additional costs which may arise due to inflation etc. The Council would issue a permit for Foresport Fencing Ltd to go on the site and install the netting;
 - BDC will assume responsibility for the nets once erected, including erecting, demounting, maintaining and storing the netting. The maintenance of the netting will be based on the manufacturer's (Foresport Fencing Ltd) specified maintenance plan. Thus, BDC will require a commuted sum for the yearly maintenance cost of the nets/poles (including erecting and demounting) for a 15 year period, this will include the appointment of a specialist company to undertake the required work. The commuted sum is also required for the replacement of the nets after a 15 year period (their lifespan) after which BDC will be responsible for the funding of replacement netting. BDC have calculated that the cost of all of this would be £15,000. This will be secured by way of a S106 Agreement;
 - BDC would ensure that tarpooling or sheeting is provided at the base of the netting to avoid trapping any wildlife;
 - Witham Cricket Club use the Sauls Bridge Sports Ground yearly from mid-April to the end of August. Consequently, the netting will be assembled at the beginning of April and taken down at the end of August;

- Out of season BDC will store the nets in one of its depot storage buildings;

- Witham Cricket Club or any other cricket club that may use the site in the future has no liability for erecting, dismounting, maintaining or storing the netting or funding its maintenance or replacement in the future. Witham Cricket Club only hires Sauls Bridge Sport Ground when it uses it over the summer and therefore would not have any responsibilities in relation to the netting;

These arrangements as necessary shall be carried out for the 15 year management period proposed, until thereafter that Braintree District Council take on all responsibilities for the replacement and management of the nets, however retaining the agreed erection and demounting schedule.

Reason

Reason: to ensure effective management of the ball stop netting and protect wildlife.

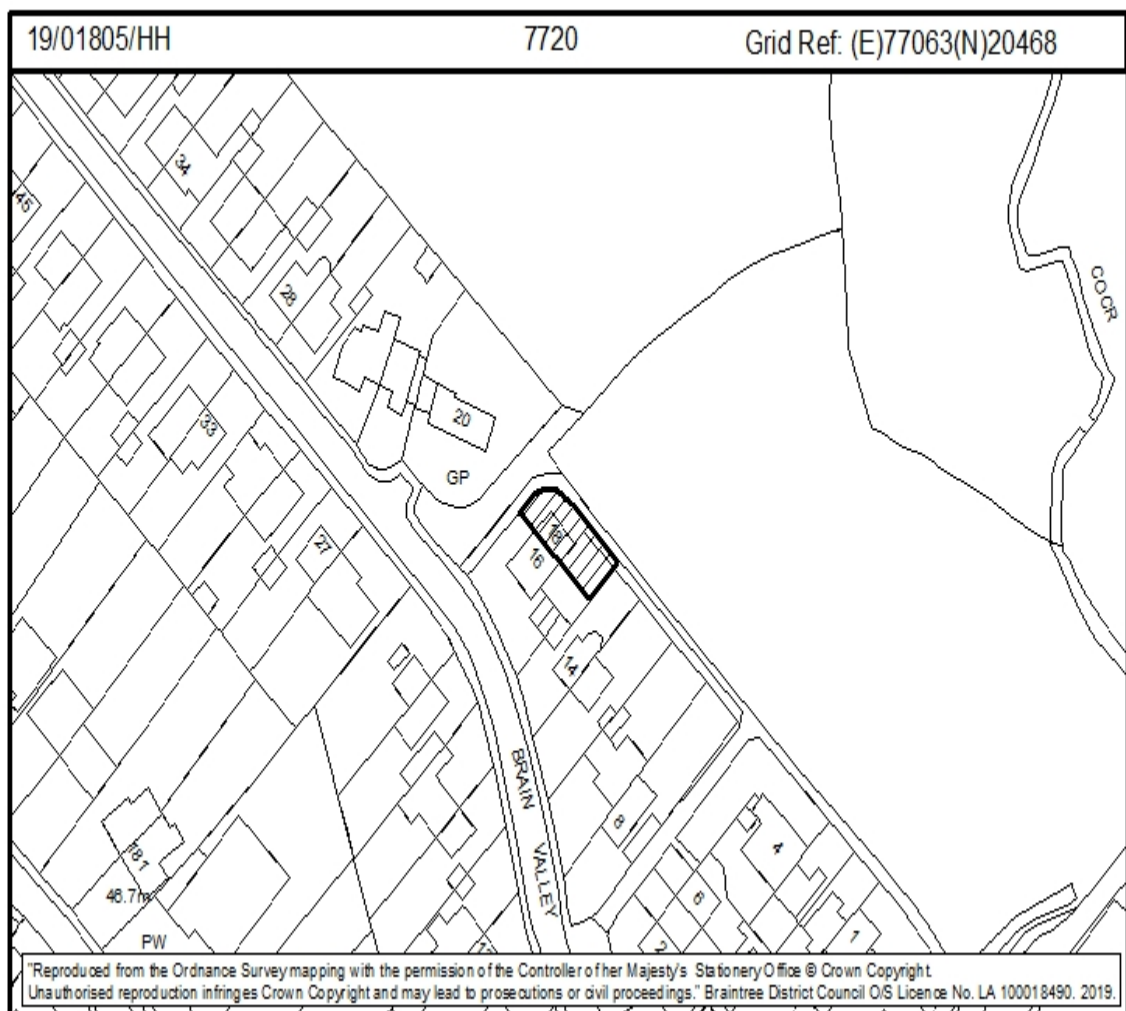
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5i

APPLICATION NO: 19/01805/HH
DATE: 16.10.19
VALID:
APPLICANT: Mr Norman Chan
18 Brain Valley Avenue, Black Notley, Essex, CM77 8LS
AGENT: Mr Gopal Pirathapan
81 Longstomps Avenue, Chelmsford, CM2 9BZ
DESCRIPTION: Two storey side extension
LOCATION: 18 Brain Valley Avenue, Black Notley, Essex, CM77 8LS

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PYSFS2BF0JD00>

SITE HISTORY

None.

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of shortcomings about the Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

The letter has outlined 3 options for how to proceed with the Section 1 Publication Draft Local Plan.

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.
- Option 3 – Withdraw Section 1 and Section 2 of the Plans from examination and to resubmit them with any necessary revisions, after carrying out required further work on the evidence base and Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspectors views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the 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 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 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

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 the Planning Committee in accordance with the Council's scheme of delegation as Black Notley Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site comprises a semi-detached dwelling positioned perpendicular to Brain Valley Avenue, within the Village Envelope of Black Notley. The property is situated at the end of a terrace, with a public footpath abutting the front and side of the property.

PROPOSAL

This application seeks planning permission for a two-storey side extension to the northern flank elevation of the dwelling. Officers sought revisions from the original submission to step back the ground floor element of the extension to be in line with the first floor element to ensure the extension reads as subordinate to the host dwelling. The revised extension would measure 3.38 metres wide at a depth of 7.465 metres. The roofline of the proposal would be set down from the roofline of the existing property. The extension would be constructed of facing brickwork to match the host dwelling, and would be tiled to match existing. There would be windows to the front and rear at ground and first floor level, and one window on the side elevation at first floor level.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Black Notley Parish Council have objected to the application as originally submitted, for the following reasons:

- Unclear boundary line between property and public footpath.
- Hard wall against public footpath.
- Covenant on the area preventing further building.

REPRESENTATIONS

One objection comment was received from the neighbouring dwelling at No. 14 Brain Valley Avenue, this is summarised as follows:

- Questions regarding impact on public footpath
- Health and safety during build
- Damage to footpath or boundary treatment
- Covenant preventing building.

REPORT

Principle of Development

The application site is located within the Village Envelope of Black Notley where the principle of extensions to dwellings is acceptable as established by Policy RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, subject to design, amenity and highway criteria.

Design and Appearance

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.

Policies RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38, LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development.

The proposed extension would be subservient to the existing dwelling with the front elevation set back from the main façade and the ridge of the roof set down from the original ridge line. This results in a well-proportioned and successful addition to the property. Proposed fenestration would be in alignment with existing windows and facing materials are proposed to match the original property.

The proposal is therefore considered to be subservient, in keeping with the character of the host dwelling and the wider street scene, and therefore is compliant with the abovementioned policies.

Impact on Neighbour Amenity

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

Due to the siting of the proposed extension, it is not considered that there would be any impact on neighbouring amenity, and therefore the proposals are compliant with the abovementioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The host dwelling currently has no on plot parking, as parking for the property is located along Brain Valley Avenue. The current parking provision would be unaffected by the proposals. Although the proposal would result in the addition of a further bedroom, it is considered that the current parking provision would be acceptable for the enlarged dwelling and moreover a reason for refusal on these grounds could not be substantiated.

Other Matters

Black Notley Parish Council have noted that there is a covenant on the property preventing any further building, however this is not a material planning consideration that can be taken into consideration in the assessment of the planning application.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

RECOMMENDATION

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 2019-15-P03A
Proposed Elevations	Plan Ref: 2019-15-P04A
Location Plan	Plan Ref: 2019-15-100

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

Reason

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

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

Reason

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