

# PLANNING COMMITTEE AGENDA

**Tuesday, 10 November 2020 at 7.15pm**

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

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

To access the meeting please use the link below:

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

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

**Membership:-**

Councillor 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](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

**Documents:** Agendas, Reports, Minutes and public question time questions and statement can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

For further information on how the Council processes data, please see the Council's Privacy Policy. [https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

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

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

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

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 27th October 2020 (copy to follow).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications.

**PART A****Planning Applications**

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 19 01993 FUL - Playing Field, Church Road, GOSFIELD</b>                  | <b>6 - 21</b>  |
| <b>5b</b> | <b>Application No. 20 01208 FUL - Land South of Builders Yard, Braintree Road, SHALFORD</b> | <b>22 - 36</b> |
| <b>5c</b> | <b>Application No. 20 01309 FUL - 20 Ridgewell Road, GREAT YELDHAM</b>                      | <b>37 - 50</b> |

**PART B****Minor Planning Applications**

There are no applications in Part B

**6 Urgent Business - Public Session**

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

**Exclusion of the Public and Press**

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

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

**7 Urgent Business - Private Session**

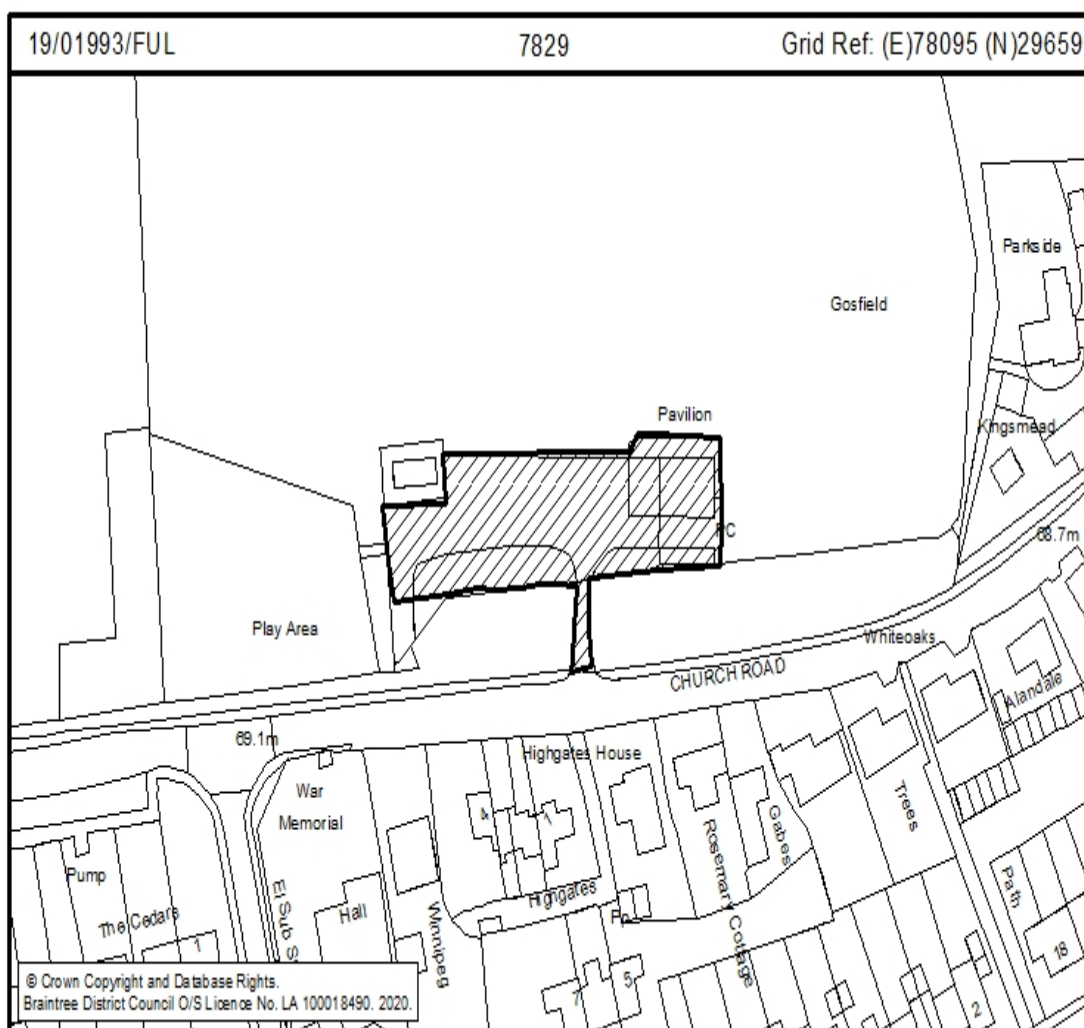
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/01993/FUL  
 DATE: 04.11.19  
 VALID:  
 APPLICANT: Gosfield Parish Council  
 21 Meadway, Gosfield, CO9 1TG  
 AGENT: Edward Parsley Associates Ltd  
 Mr Scott Andrews, West End Barn, The Street, Rayne,  
 Braintree, CM7 6RY, United Kingdom  
 DESCRIPTION: Proposed extension to the Playing Field Pavilion for the use  
 of a Community Shop and alterations to roof.  
 LOCATION: Playing Field, Church Road, Gosfield, Essex

For more information about this Application please contact:  
 Neil Jones on:- 01376 551414 Ext. 2523  
 or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0C0XMBFJ6X00>

## SITE HISTORY

01/01624/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Works to five trees	Granted	01.11.01
02/00186/FUL	Erection of new sports pavilion	Granted	09.04.02
02/01728/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - reduce two branches from an oak tree	Granted	09.10.02
03/00573/FUL	Erection of sports pavilion	Granted	26.06.03
04/00876/FUL	Extension to car park to provide disabled parking bays	Granted	11.08.04
04/01829/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Lop and trim trees	Granted	19.10.04
85/00020/P	Alterations and extension to pavilion to provide showers and improve toilets and changing rooms.	Granted	01.03.85
78/00974/P	Floodlights and junction boxes for temporary lights.	Granted	17.08.78
98/01819/FUL	Demolition of existing pavilion and erection of new sports pavilion	Withdrawn	18.02.99
99/00578/TPO	Notice of intent to carry out works to trees protected by The Conservation Area - Remove deadwood and re-shape 1 oak and remove deadwood 1 oak	Granted	19.05.99
99/00760/FUL	Demolition of existing pavilion and erection of new sports pavilion	Granted	16.09.99
06/00821/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Fell 1 Tree	Granted	
08/01753/TPOCON	Notice of intent to carry out works to trees protected by	Granted	16.10.08

08/02305/FUL	The Conservation Area - Raise canopy and trim branches of 1 Oak	Withdrawn	18.02.09
09/00258/TPOCON	Installation of a children's climbing frame within playground	Granted	23.11.09
12/00265/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Carry out works to trees as specified on schedule of work attached	Granted	06.11.12
13/00130/TPOCON	Notice of intent to carry out works to tree in a Conservation Area - Fell 1 Copper Beech tree	Granted	24.07.13
14/00182/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Deadwood and crown clean 1 Cedar tree and Reduce over extended limbs by 2 metres and thin lightly, Remove dead/ dying limbs and Reduce broken limb back to suitable points and Raise crown over road to 5.1 metres to another Cedar tree.	Granted	07.08.14
14/01086/FUL	Notice of intent to carry out works to a tree in a Conservation Area - Fell 1 Lime tree	Granted	20.10.14
14/00256/DAC	Erection of a prefabricated building to be used as a village shop	Granted	26.11.14
17/00233/TPOCON	Application to discharge condition no: 6 of approved application 14/01086/FUL - Erection of a prefabricated building to be used as a village shop	Granted	30.08.17
18/00887/FUL	Notice of intent to carry out works to tree in a Conservation Area - Reduce lower limb on Corsican Pine tree by 4-5 metres	Refused	17.12.18
	Retention of prefabricated building for use as a village		



19/00021/FUL	shop allowed under temporary permission 14/01086/FUL for a further period of 3 years.	
	Retention of prefabricated building for use as a village shop allowed under temporary permission 14/01086/FUL on a permanent basis.	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. Following consultation in the summer of 2016 this Publication Draft Local Plan was submitted to the Secretary of State on 9th October 2017.

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

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

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

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

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

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

## National Planning Guidance

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

## Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP11	Changes of Use Affecting Residential Areas
RLP36	Industrial and Environmental Standards
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
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP103	Parks and Gardens of Special Historic Interest
RLP127	Additional Village Shopping
RLP128	Maintenance of Rural Services and Facilities
RLP151	Protection of Community Services

## Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS6	Retailing and Town Centre Regeneration
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
LPP1	Development Boundaries
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP69	Tree Protection
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

## Neighbourhood Plan

N/A

## 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 Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest, which is in part, due to the fact that the Planning Committee previously refused an application in 2018 which was also connected with the Community Shop.

## BACKGROUND

By way of introduction, Members are reminded that a temporary planning permission was granted for the siting of a pre-fabricated building to be used to operate a village shop. The planning permission allowed the siting of the pre-fabricated building at the site for a period of 3 years from the date that the shop opened (Application Reference 14/01086/FUL).

Although there was a condition requiring it, the Council were not formally notified of the opening date of the shop. Officers have however found an online press article which indicates that the shop opened January 2015.

A further planning application was submitted in June 2018 requesting that permission be granted to retain the pre-fabricated building for a further 3 years. Members resolved to refuse planning permission at the Planning Committee meeting held on 17<sup>th</sup> December 2018, on the grounds that a further renewal of a temporary planning permission would be contrary to National Planning Guidance; because no clear justification had been put forward to support the granting of planning permission for a further temporary period or for the permanent retention of the temporary building in this location; and the continued retention of the prefabricated building by reason of its siting, materials and design would result in an unacceptable form of development, given the location within the countryside, Gosfield Conservation Area, a Registered Park and Garden and nearby heritage assets; it was also considered to be out of keeping with the existing Pavilion building, and out of character with the surrounding area to the detriment of the visual amenities of the locality.

Although the temporary permission lapsed in January 2018, and permission was refused to extend that period, the shop continues to operate from the site and there has been an on-going dialogue between Planning Officers and in the first instance, the Gosfield Foundation Community Interest Company, and more recently the Gosfield Parish Council. The Parish Council have confirmed that the Gosfield Foundation Community Interest Company is no longer involved in the running of the shop. A group of volunteers have taken over the running of the shop and the intention is that a Community Benefit Society will be formed, if the current application is granted planning permission, to continue running the shop whilst the Gosfield Parish Council take the lead on raising the funds required to provide permanent premises for the shop.

Following pre-application advice and public consultation, this planning application was submitted in November 2019 with the aim of creating a permanent base for the shop, which in turn, would allow for the removal of the pre-fabricated building.

When the 2018 application was discussed by Members, it was clear that the Planning Committee were sympathetic to the situation and understood the wide range of benefits that the shop provides to the local community.

Officers acknowledge that it would be difficult to re-establish the community shop if it were to close until the new building was available to use. It has also been acknowledged that the community groups that are now running the shop have worked constructively with Officers to find a suitable permanent premises for the village shop.

Whilst the Parish Council and local community are working to find a permanent solution, Officers were mindful that the pre-fabricated building remains in-situ and there is a risk that if the Council took no action, then the temporary structure could eventually become immune from enforcement action and would therefore become lawful.

To prevent that situation arising, the Council have recently issued a Breach of Condition Notice that requires the removal of the pre-fabricated building, and the concrete entrance ramp and metal hand railings; the removal of the concrete base / pads that the pre-fabricated building stands on; and the reinstatement of the land to its former condition as a car park.

Officers did not believe that it was expedient to issue a notice requiring the immediate removal of the pre-fabricated building as with no new premises the shop would have to close. The Breach of Condition Notice has therefore been issued with a compliance period of two years. This is considered to be a reasonable period of time for the Gosfield Parish Council and local community to assemble the funding to pay for the extension to the pavilion, in the event that planning permission is granted to extend the Pavilion Building.

## DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located centrally to the village of Gosfield within the Conservation Area but beyond the village development boundary, as defined in the Adopted Local Plan.

The application relates to the Sports Pavilion that is located on the southern side of the village Recreation Ground. The building is an attractive single storey structure constructed in blockwork and externally clad in painted feather edged boarding to 0.8m high and a smooth painted render above. The roof, hipped at both ends, and with a central clock tower, is covered in clay plain tiles. The building currently measures approximately 9m x 19m and contains a small hall with kitchen; two team changing rooms and an officials changing room; male and female public toilets and a separate toilet designed for wheelchair users.

The Pavilion stands on the southern side of the Recreation Ground, behind the impressive row of trees that mark the edge of the space. To the west of the Pavilion there is a large gravel car park and the single storey pre-fabricated building which has been used to operate a Community Village Store. Further to the west, beyond the car park, there is an equipped children's playground. The car park and site is accessed off Church Road which runs to the south of the site. On the southern side of Church Road there are residential dwellings along with the Maurice Rowson Community Hall which stands to the south west of the site, at the junction with Nuns Meadow.

## PROPOSAL

Planning permission is sought for the erection of a single storey extension to the western side of the Sports Pavilion. The extension would be 4 metres wide and extend across the full depth of the Pavilion. It has been designed as a continuation of the existing building form. The roof form and fenestration to the front elevation has been designed to have a symmetrical appearance and to achieve this effect it is proposed that the clock tower is relocated to the new mid-point of the ridge line.

The area where the existing public toilets are located, would be reconfigured and with the new extension will provide a new shop area; shop storeroom; two public toilet cubicles and a changing room for Officials attending sports matches. The extension would occupy ground currently used as part of the car park. Two new car parking spaces would be provided in the area where the pre-fabricated building is currently situated.

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

No comments to make on this proposal.

#### ECC Historic Buildings Consultant

No objection. The scheme is well thought out and preserves the character of the building and the wider Conservation Area.

#### ECC Historic Environment Consultant

No objection. The works proposed at the above site are of a scale and nature that there is unlikely to be any impact on potential below ground archaeological deposits. There will be no archaeological recommendations on the above application.

#### Sport England

No objection. The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

#### The Gardens Trust

No response received to consultation

#### BDC Environmental Health

No objection. Conditions are recommended to control construction activity. In addition the Environmental Health team have advised that should planning permission be granted the applicant should be advised to contact the department prior to commencing any works to ensure compliance with the appropriate food hygiene legislation is secured.

#### PARISH / TOWN COUNCIL

##### Gosfield Parish Council

No response received to consultation.

#### REPRESENTATIONS

Nearby neighbours on Church Road were notified by letter of the application and a site notice was displayed on the Pavilion and on a telegraph pole on Church Road.

6 letters of support have been received from residents. The main points raised can be summarised as follows:

- The shop is an essential service within the village
- It has filled an important gap in the village after the only village shop shut several years before

- The extension to the pavilion does not detract from the visual amenities of the area
- The shop has become a community hub and provides much more than just a shop

## REPORT

### PRINCIPLE OF DEVELOPMENT

The site is located outside the designated village development boundary and therefore is an area where countryside planning policies would apply. Whilst planning policies seek to prevent inappropriate development within the countryside, this application seeks permission to create a new permanent premises for the Community Village Shop to trade from, replacing the temporary pre-fabricated building that it currently trades from. The NPPF supports the development and retention of local services and community facilities in rural areas, and this clearly includes village shops such as this one. Policy RLP127 of the Adopted Local Plan states that the Council will support the provision of additional shopping facilities in villages providing that there are no overriding environmental or highway constraints.

### SITE ASSESSMENT

#### Design, Appearance and Layout

There are a number of statutory designated heritage assets which are located near the proposed application site. The Recreation Ground forms part of the Registered Parks and Garden of Gosfield Hall. Church Road and the Recreation Ground are located within the Gosfield Conservation Area. Opposite the Recreation Ground car park is the Grade II\* listed Highgates Cottage (1, 2 & 3, Church Road) and Gabes (Rosemary Cottage) which is a Grade II listed building. There are further listed buildings within Church Road.

Policy RLP90 of the Adopted Local Plan and Policy LLP55 of the Draft Local Plan requires a high standard of layout and design in all developments, large and small, and designs should recognise and reflect local distinctiveness and be sensitive to the need to conserve local features of architectural, historic and landscape importance, particularly within Conservation Areas and proximity to parks and gardens of historic interest.

Policy RLP95 of the Adopted Local Plan and Policy LLP56 of the Draft Local Plan states that the Council will preserve and encourage the enhancement of the character and appearance of Conservation Areas and their settings, including the buildings and open spaces.

Policy RLP103 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan states that development will not be permitted which would materially detract from the historic character, or setting, of sites included in the English Heritage Register of Parks and Gardens of Special Historic Interest.

Officers have met with representatives of the local community on a number of occasions to discuss options for the future of the village shop. Those representatives have been firmly of the opinion that the optimal location for the village shop is at the Recreation Ground. It has a central location in the village; has off street car parking and encourages linked trips due to the proximity of the village schools. Officers and the Council's Historic Buildings Consultant considered that the best means of providing a permanent premises for the shop is to extend the Sports Pavilion Building. By extending an existing building this reduces the proliferation of structures across the Recreation Ground, something which is important to preserve the character and appearance of the Conservation Area and the Registered Parks and Gardens.

It is not considered that this modest and sympathetic extension to the existing Pavilion Building would detract from the character or appearance of the Registered Park and Garden. The Council's Historic Buildings Consultant has stated that they consider that the scheme is well thought out and preserves the character of the building and the wider Conservation Area. The proposal is therefore considered to be acceptable in this regard.

#### Highway Issues

The proposed extension would extend into part of the existing car park, however the loss of parking spaces would in part be compensated by the provision of two new parking spaces where the existing pre-fabricated building would be removed and this arrangement is considered to be acceptable.

The car park and shop is served by an existing vehicular access from Church Road. There are no proposals to alter this. The shop has operated for a number of years and Officers are unaware of any highway related issues with its operation. Furthermore, given the location of the shop, the site is considered to be accessible for residents within the village, who would be able to walk or cycle to the facility. The new shop would not represent an intensification of the existing operation and therefore there are no highway related issues arising from the proposal.

#### Impact on Neighbour Amenity

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

Whilst the Pavilion building is adjacent to an established residential area, it stands on the edge of the playing fields, near a playground and is close to the village hall, all of which are locations where activity is to be expected. There is a row of trees on the edge of the Recreation Ground and a generous greensward between the shop and the road and the houses on Church Road which provide a reasonable degree of separation.



The shop has operated from the pre-fabricated building that stands in a similar location to the proposed extension and the Council are unaware of any significant complaints regarding the shops operation. There is no reason to believe that the impact on neighbours would be significantly different if the shop operated from the extension rather than the pre-fabricated building.

The Council's Environmental Health team has raised no objection to the application. The Environmental Health Officer has recommended an extensive list of conditions to control construction activity. Whilst there are residential properties opposite the Recreation Ground car park, there is some distance separating them from where the building work would be carried out. Officers take the view that the majority of the recommended conditions are unnecessary and a limited number of conditions are recommended in this respect.

### PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. Such an assessment must take account of the economic, social and environmental impact of the proposed development and these matters must be considered in the overall planning balance.

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

The application seeks permission to extend and reconfigure the existing Pavilion Building. The scheme has been designed to be sensitive to the historic context of the site (the Conservation Area and Registered Parks and Gardens designations; and proximity of Listed Buildings) whilst providing suitably sized premises which would allow the shop to continue to operate from this location. The Council's Historic Buildings Consultant has confirmed that they have no objection to the proposal and no harm to heritage assets has been identified.

Officers recognise that there is no other shop trading within the village and that it provides a means for local residents to meet some of their shopping needs without having to travel to neighbouring villages or towns, which usually involves a private car journey. This provides some Social, Economic and Environmental benefits. The shop is also recognised to have a number of other positive benefits for the village in terms of community cohesion and providing opportunities for volunteers and shoppers to improve their mental health and wellbeing. These are all considered to be further significant social benefits that a permanent base for the shop would help to secure. There would be some limited economic benefits, including benefits to local producers and suppliers whose products are stocked in the shop.

There is no objection to the principle of the development and with no highway, amenity, or heritage objections and with clear Social and Economic benefits identified, Officers recommend that the application is 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

Location / Block Plan	Plan Ref: 00	
Proposed Floor Plan	Plan Ref: 04	Version: A
Proposed Elevations	Plan Ref: 05	
3D Visual Plan	Plan Ref: 06	Version: Proposed
Other	Plan Ref: 07	Version: Comparative Overlay

- 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, except as follows:
  - The roof tiles are not approved. No above ground development shall

commence unless samples of the tiles to be used on the roof have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved samples.

Reason

To ensure that the development does not prejudice the appearance of the locality, the character and appearance of the Conservation Area or the Registered Park and Garden.

- 4 No above ground development shall commence unless details of the proposed rooflights have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

Reason

To ensure that the development does not prejudice the appearance of the locality, the character and appearance of the Conservation Area or the Registered Park and Garden.

- 5 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.

- 6 Prior to the first beneficial use of the shop hereby permitted details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first beneficial use of the shop hereby permitted and thereafter so retained.

Reason

To ensure that the development provides suitable facilities, to prevent the unsightly storage of refuse containers and in the interests of amenity.

- 7 The shop shall not be open for business outside the following hours:-  
Monday to Saturday 0700 hours - 1700 hours  
Sundays, Bank Holidays & Public Holidays 0800 hours - 1200 hours

Reason

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

- 8 No plant or air conditioning units shall be installed on the development hereby permitted, unless prior to the first beneficial use of the shop hereby permitted, details of any plant or air conditioning units, including hours of operation, have been submitted to and approved in writing by the local planning authority. The development shall be implemented accordance with the approved details prior to the first beneficial use of the shop hereby permitted and thereafter so retained.

Reason

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

- 9 The existing pre-fabricated building within the application site shall be completely demolished or removed from the application site not later than three months from the date of the first beneficial use of the extension to the Pavilion hereby granted planning permission. All materials resulting from the demolition shall be removed from the site and the site reinstated to its former condition in accordance with details to be submitted to and approved in writing by the local planning authority before demolition/removal.

Reason

To prevent the permanent retention of the prefabricated building which would be detrimental to the appearance of the locality, the character and appearance of the Conservation Area and the Registered Park and Garden.

### INFORMATION TO APPLICANT

1 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore a fee of £34 for householder applications and £116 for all other types of application, will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

2 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of

planning control will have occurred, which may result in enforcement action being taken.

3 The applicant is advised to contact the Council's Environmental Health team prior to commencing any works to ensure compliance with the appropriate food hygiene legislation is secured.

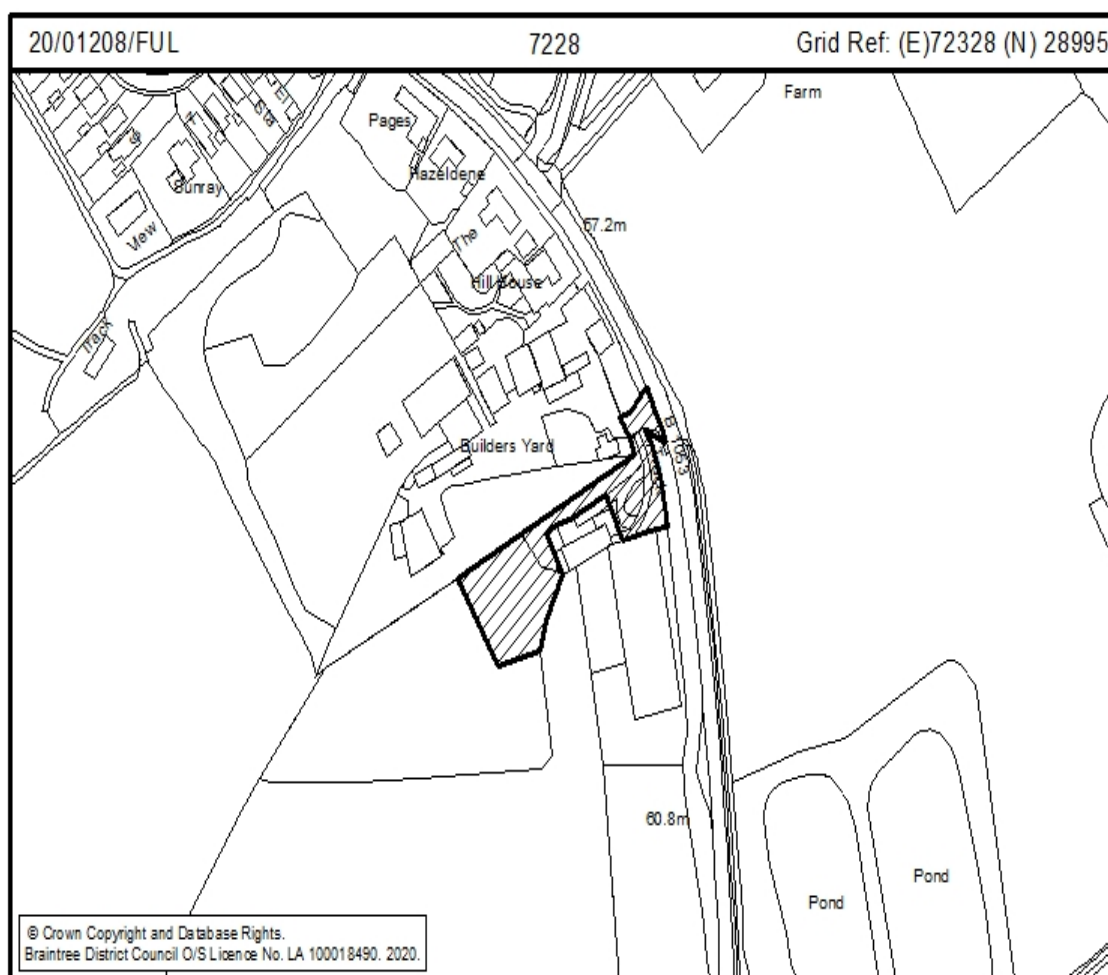
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01208/FUL  
DATE VALID: 24.08.20  
APPLICANT: Mrs Alice Cox  
Farthings, Water Lane, Jaspers Green, Braintree, CM7 5BB  
AGENT: Collins & Coward Limited  
Mr Tony Collins, 9A East Street, Coggeshall, Colchester,  
CO6 1SH, United Kingdom  
DESCRIPTION: Demolition of barns and mobile home and erection of new dwelling.  
LOCATION: Land South Of Builders Yard, Braintree Road, Shalford, Essex

For more information about this Application please contact:  
Sam Trafford on:- 01376 551414 Ext. 2520  
or by e-mail to: [sam.trafford@braintree.gov.uk](mailto: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=QE0JGWBF FRC00>

## SITE HISTORY

N/A

## POLICY CONSIDERATIONS

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

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

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
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
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

### Neighbourhood Plan

None

### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

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

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



## SITE DESCRIPTION

The application site consists a smallholding, located outside of the designated settlement boundary of Shalford. The site contains a collection of stables, a mobile home, a manège, some low storage buildings, and to the rear a large area of grassland used as paddocks, separated by post and rail fencing.

To the north of the site is a site known as the 'Builders Yard'. That site is located within the village envelope of Shalford, and was granted planning permission in 2009 for the erection of 9 houses under application reference 09/01116/FUL. This application submission indicates that the permission has been partially implemented.

## PROPOSAL

The application seeks full planning permission for the removal of the mobile home, and the demolition of a storage building and a lean-to extension attached to the rear of the stables, and the erection of a three bedroom, one and a half storey residential dwellinghouse. The dwelling would measure approximately 14 metres x 9.8 metres, and would be roughly 'L' shape in plan form. An external amenity space would be provided which surrounds the property.

The site would be accessed via an existing access from the public highway. Two parking spaces would be provided to the front of the site.

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

Raises no objection, following revisions to the location plan, which joins the application site up with the highway.

### BDC Ecology

No objections subject to securing a biodiversity gain, which could be required by condition.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter.

One representation was received, raising objection to the harm to the countryside that the proposed development would cause, and noting that the site is located outside the village envelope.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF)

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

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

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

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

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

## The Development Plan

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

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

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

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

Although there is an existing mobile home at the site, at the time of the site visit the applicant clarified that this was used as a rest/break room and wasn't used for residential purposes. Therefore no residential use currently exists at the site.

The submitted planning statement indicates that there is a need for a dwelling on this site in order to provide for horses which reside at the site. No further detail has been given on this matter.

Policy RLP85 of the Adopted Local Plan relates to equestrian related development. This policy states that proposals for new, or extended residential accommodation, will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, the accommodation permitted will only be the minimum required to meet the needs of the relevant business.

Policy LPP54 of the Draft Local Plan similarly states that proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.

Paragraph 83 of the National Planning Policy Framework requires that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.

Although the submitted planning statement indicates that the dwelling is required for keeping of horses on the site and in order to provide care, there has been no evidence of a need on this site; for example why a new dwelling is required, and why an existing dwelling in Shalford couldn't provide for a need for a rural worker to look after the horses. Additionally no business plan has been submitted to show that a business exists at the site which has a requirement for a full-time worker who must reside at the site.

Without this evidence, the proposed submission does not demonstrate a justified need for the dwelling.

The proposed development is therefore considered to be contrary to the Development Plan and the Draft Local 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 the housing target using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

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

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

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

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

developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

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 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, Witham, and the A12 corridor, and Halstead.

The application site is set on the very outskirts of the village of Shalford, outside of the settlement boundary as designated by the Adopted Local Plan and the Draft Local Plan. The village of Shalford is classified as an 'Other' village in the Adopted Core Strategy, and a 'Third tier' village in the Draft Local Plan.

The Draft Local Plan sets out a definition for third tier villages:

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

Shalford itself has little in the way of services and facilities to accommodate new residential development. There is a public house which could be accessed on foot. In Church End Shalford, a separate settlement to the south (approximately 0.7km from the site), there is also a primary school, and a

small convenience store. There is a footpath which links the settlements of Shalford and Church End Shalford, however given the distance from the site it is unlikely future residents would walk to the convenience store or the school.

There is a bus route through Shalford, which connects the site to Great Bardfield and Great Notley, and in turn to Braintree, however this route only sees 4 buses a day and only on weekdays.

The occupiers of the proposed dwelling would therefore be reliant on the use of the private car to access services and facilities and would not be encouraged to utilise sustainable modes of transport.

The proposal is therefore contrary to Policy CS7 of the Adopted Core Strategy, and the NPPF which seeks development in locations which are sustainable.

### Design, Appearance and Layout

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

Policy CS5 of the Adopted Core Strategy states that outside development boundaries, development will be strictly controlled to uses appropriate in the countryside. Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change, and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

The proposed dwelling would measure approximately 14 metres x 9.8 metres, and would be roughly an 'L' shape. An external amenity space would be provided which surrounds the property. The property's front elevation faces south, with its rear facing towards the Builders Yard to the north. The proposed property is sited back in to the site some 60m from the highway. The site plan indicates a pedestrian footpath from the site frontage to the dwelling. To the front of the site, opposite to the access to the site, the submitted plans show the provision of two car parking spaces of 5.5m x 2.9m.

The dwellings approved at the adjacent site have not been constructed. Although this application states that the planning permission at that site has been implemented, and therefore the dwellings could be constructed at any time, it should be noted that the Council has not determined an application for a Lawful Development Certificate to prove that this is the case. Although at the time of the Officer's site visit it appeared as though some groundworks

had taken place, it was not clear whether these works related to the development of the site. If these dwellings are not constructed, then the proposed dwelling would appear sporadic in its siting, and disconnected from the village of Shalford.

The removal of some of the existing buildings on the site would represent a slight improvement to the countryside setting, these are small scale buildings which, with the exception of the mobile home, are expected to some degree in the countryside. Their removal does not however justify the erection of a permanent residential dwelling of traditional construction and to the size and scale proposed, which would erode the rural setting of the site.

The dwelling would be located far back into the site, beyond the existing range of buildings, into the countryside and on an area which is currently grassland used as paddocks. The drawings suggest the front elevation to be that which faces east, however this contains a door to a WC and access to a guest bedroom. Based on the internal layout shown it seems logical to suggest that the southern elevation would be the front/principle elevation. The dwelling itself would be designed with a strong vertical emphasis, with three pitched roofs on the front elevation facing out toward open countryside. This elevation in particular would be highly visible on the approach into Shalford, particularly at the junction of Water Hall Lane, and appears very domestic, with large expanses of glazing, wide gables, and a balcony.

An area of grassland to the rear of the site would be turned into an external amenity space, which would undoubtedly bring with it residential paraphernalia, further eroding the rural and undeveloped nature of the site.

The proposed development by way of its siting, size, scale, form, and design would result in a prominent and visually intrusive building in the countryside, and which would out of keeping with its rural setting, to its detriment. The proposal would result in an overtly conspicuous building which would be harmful to the character and appearance of the countryside. The proposed development would be contrary to Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP1, LPP50, LPP55 and LPP71 of the Draft Local Plan. The development would also not comply with Section 12 of the National Planning Policy Framework (NPPF) which seeks well-designed places that are sympathetic to local character and the surrounding landscape setting.

#### 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 plans indicate that there is sufficient space to park on-site to comply with the Essex Parking Standards.

The site at present is accessed using an existing access off of the public highway, which is also used to access the Builders Yard to the north. At the time of submission, the red line denoting the extent of the application site didn't include the access, and didn't join up to the public highway. However the plans have been amended to overcome this, and Certificate B has been served on the owners of the access.

ECC Highways have raised no objections to the application on grounds of highway safety.

The Planning Statement suggests that the access to the site adjacent includes access to the application site and this access is due to be upgraded. It is the intention, once the dwellings are constructed on the adjacent site, that the proposed dwelling would be accessed via that development. However, this does not form part of this application. The revised Location and Site Plans show access proposed directly from the B1053.

### 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 Council's Ecology Officer has raised no objections to the application on grounds of ecology or biodiversity. They recommend the use of a planning condition to enhance existing biodiversity on the site, which would result in a net biodiversity gain.

There are very few trees within the site, located on the northern boundary along with a hedgerow. The proposed development is sited away from this boundary and thus would not conflict with the existing planting.

### Impacts upon Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. The National Planning Policy Framework also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.



Due to the site's location, remote and removed from any existing residential dwellings around the site, no impacts are envisaged to the residential amenities of neighbours.

If the dwellings at the adjacent site are constructed, then there could be issues with the relationship between them and the proposed dwelling on this site. Plot 8 at the Builders Yard site is indicated on the approved plans as being approximately 9m to the boundary shared with the application site, and would back onto the boundary. Plot 9 is even closer to the boundary.

The dwelling proposed within this application would be approximately 6m to the same boundary, and would also back onto it.

Therefore there would be approximately 14 metres of distance between the two sites, which would fall short of the Essex Design Guide's requirement for at least 25m of distance when back to back.

Although the application dwelling appears to have been designed with this in mind, as there are no windows on the rear elevation which would serve habitable rooms, only a dormer window which would serve a W/C, the dwellings at Plot 8 and 9 at the adjacent site would have windows on the rear elevation. Although there is currently a hedgerow on the boundary, this could be removed and in any event would not provide complete screening. If constructed, the dwellings at the Builder's Yard site would have a poor relationship with and cause an unacceptable level of overlooking onto the private amenity area of the dwelling proposed in this application.

The proposed development would therefore fall short of complying with Policy RLP90 of the Adopted Local Plan, Policy LPP50 of the Draft Local Plan, and the requirement in the NPPF for a high level of amenity for existing and future occupiers.

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

#### PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the

application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

There would be a social benefit, through the provision of an additional dwelling, and the contribution that it would make to the Council's shortfall of five year housing land supply, albeit again limited by the small scale of the development.

There would be a negative environmental impact, due to the proposed dwelling's height, poor form of design, and domesticated appearance, which would result in a prominent and visually intrusive building in the countryside,

and would fail to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous harm to the character and appearance of the street scene and the rural character of the countryside.

There would also be an environmental harm caused by the site's unsustainable location, being set outside of the closest village of Shalford, which is an 'Other' village in the Adopted Core Strategy and a Third Tier village in the Draft Local Plan, and which does not have the services and facilities required to sustain the residential needs of a new dwelling. There would therefore be a reliance on the use of the private car and would not be encouraged to utilise sustainable modes of transport.

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

## 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 Adopted Core Strategy, and isn't within the draft settlement boundary defined by the Draft Local Plan. The site is located on the outskirts of the village of Shalford, however this village has very few services, facilities, or amenities and public transport options are limited. As a consequence of the limited accessibility to facilities, amenities and sustainable modes of transport future residents are unlikely to be encouraged to utilise sustainable modes of transport and will be reliant on travel by private motor car.

Furthermore the proposed development, by virtue of its siting, size, scale, form, and design, would result in a prominent and visually intrusive building in the countryside, which would be out of keeping and detrimental to its rural setting. The proposal would result in an overtly conspicuous development that would be harmful to the character and appearance of the countryside. The proposed dwelling would be an unsympathetic addition to this rural area and would fail to integrate with the surrounding countryside of harm to the amenity afforded to it.

In addition, the proposed dwelling, by way of its siting, would have a poor relationship with the dwellings approved at the neighbouring site with its private amenity space and rear elevation compromised by overlooking.

As such, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposed development would fail to secure sustainable development contrary to the NPPF, Policies RLP2, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP1, LPP50, LPP55 and LPP71 of the Draft Local Plan.

### SUBMITTED PLANS

Demolition Plan	Plan Ref: CC/004	
Existing Site Plan	Plan Ref: 02	
Proposed Site Plan	Plan Ref: 03	Version: A
Proposed Plans	Plan Ref: 04	
3D Visual Plan	Plan Ref: 05	
3D Visual Plan	Plan Ref: 06	
Location / Block Plan	Plan Ref: 01	

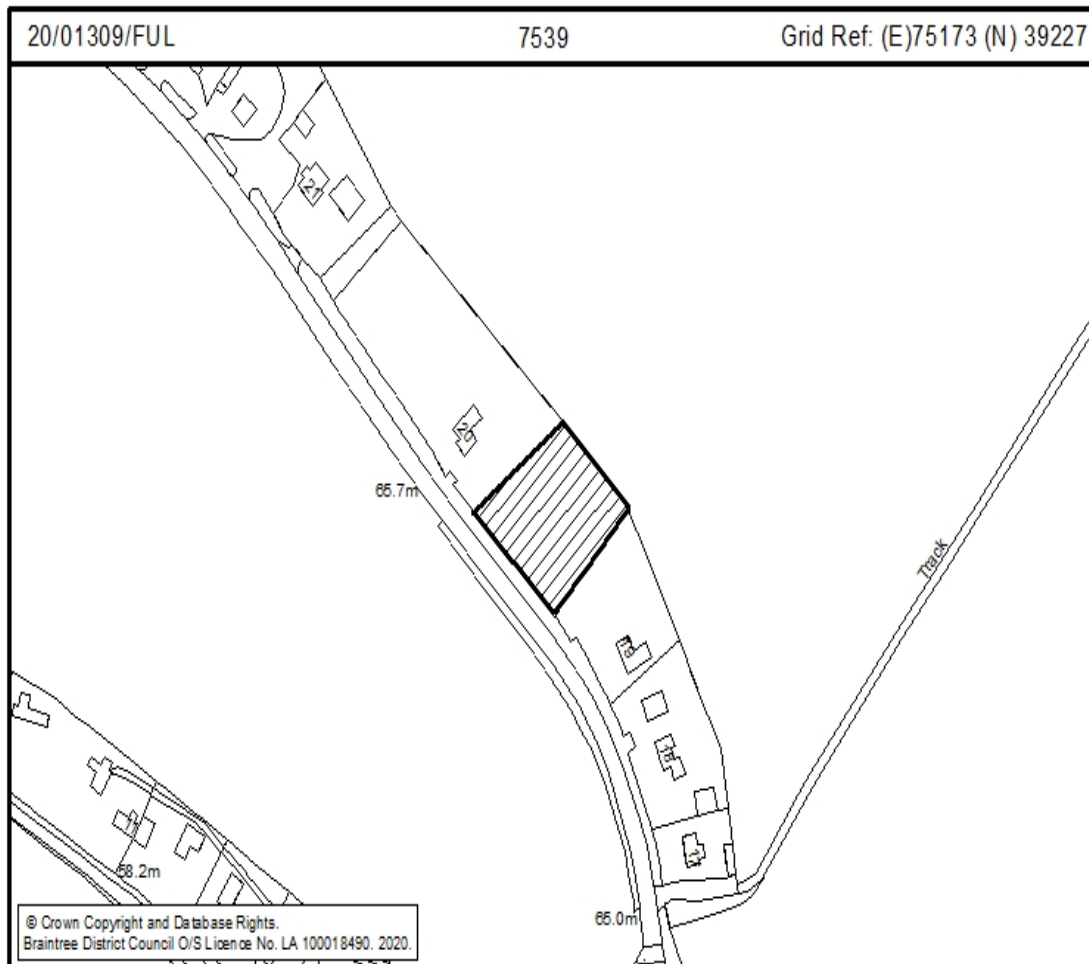
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01309/FUL      DATE: 21.08.20  
VALID:  
APPLICANT: Boulter  
20, Ridgewell Road, Great Yeldham, CO9 4RG  
AGENT: Oliver Rowe  
Liston Hall Barn, Liston Hall Lane, Gosfield, Halstead, CO9 1SB  
DESCRIPTION: Erection of 1 No. 3 bedroom dwelling and detached Garage  
LOCATION: 20 Ridgewell Road, Great Yeldham, Essex, CO9 4RG

For more information about this Application please contact:  
Sam Trafford on:- 01376 551414 Ext. 2520  
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The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QEWBY1BF G1C00>

### SITE HISTORY

90/01680/PFHN	Erection Of Two Storey Rear Extension	Granted	12.12.90
04/02366/FUL	Erection of storage shed and garage block	Refused	27.01.05
05/01036/FUL	Erection of log store/shed to side of existing dwelling	Granted	06.07.05
05/01511/FUL	Proposed garage block to side of existing house	Granted	23.09.05
09/00289/FUL	Erection of one and a half storey extension to existing dwelling	Granted	20.04.09
10/00480/FUL	Erection of one and a half storey extension to existing dwelling	Granted	26.05.10

### POLICY CONSIDERATIONS

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

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

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

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

In his interim judgement the Inspector has considered that the Section 1 Local Plan cannot be found sound unless the Garden Communities at Colchester Braintree Borders and West of Braintree are removed from the Local Plan.

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP16	Hamlets and Small Groups of Dwellings
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

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

#### Neighbourhood Plan

None

## Other Material Considerations

### Essex Design Guide

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

### Essex Parking Standards

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

## SITE DESCRIPTION

The application site consists a plot of domestic garden land utilised in association with 20 Ridgewell Road. The site is located outside of any designated settlement boundary.

20 Ridgewell Road itself is a former Land Settlement Association house, and as such benefits from a large plot of land adjacent to it. This plot would have originally been utilised for small scale farming. Most of the neighbouring dwellings are also former Land Settlement Association houses, and therefore benefit from a large plot of land adjacent.

## PROPOSAL

The application seeks full planning permission for the erection of a residential dwellinghouse and detached cartlodge. The site would utilise the existing access which would be shared with No.20 Ridgewell Road. The property would be served by off street car parking and a large private garden area.

## SUMMARY OF CONSULTATION RESPONSES

### ECC Highways

Require further information relating to visibility splays upon leaving the site. The splays indicated on the submitted plans are too small for the speed limit of the public highway.

### Essex Fire and Rescue

Comment that as access to the property from the public highway is in excess of 45m, the following matters need to be addressed before access for fire service purposes can be considered satisfactory:



- The shared driveway surface should be capable of sustaining a load of 15 tonnes to support the weight of a fire appliance.
- Headroom should not be less than 3.7 metres.
- A turning head for fire appliances should be maintained on the shared driveway.

Alternatively it may be possible to provide a clearly marked access route from the road way in order that all parts of the dwelling house can be reached within 45m of where the fire appliance is parked.

#### Great Yeldham Parish Council

No comments.

#### REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations were received.

#### REPORT

#### PRINCIPLE OF DEVELOPMENT

##### National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

### The Development Plan

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

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

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

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

Notwithstanding these policies of rural constraint, Policies RLP16 of the Adopted Local Plan and LPP41 of the Draft Local Plan allow for a single dwelling where it fills a gap in a 'hamlet', which is defined as a defined nucleus of ten or more dwellings. This is permitted subject to the following criteria:

- The proposal would not be detrimental to the character of the surroundings;
- The proposal would not result in an individual isolated dwelling;

- The proposal would not consolidate ribbon development;
- The gap could not accommodate more than one dwelling;
- The proposal wouldn't set a precedent for the consolidation of sporadic or ribbon development, or for the infilling of large gaps.

In this case the site could accommodate more than one dwelling and thus it falls contrary to the abovementioned policy. The other aspects of this policy are addressed below.

### 5 Year Housing Land Supply

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

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

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

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

The Council's Housing Land Supply position has recently been challenged at a Public Inquiry concerning a proposed development at School Road, Rayne. When considering the evidence the Inspector identified seven housing sites which were the subject of dispute. The Inspector was satisfied regarding the evidence on some of the seven sites but not all, concluding that the housing land supply figure lay between 3.72 years and 4.52 years.

The Council is continually working to gather evidence on the updated deliverable supply in the District, taking into account progress on identified sites, the addition of deliverable new sites, and updated information from developers and this will include working to progress the disputed sites so that it can be demonstrated that the disputed sites can be included within the five year housing land supply.

As the Council cannot demonstrate the required 5 Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies relevant to the provision of housing are out of date. However this does not mean that Development Plan

policies should be completely disregarded. It is for the decision-maker to determine the weight to be attributed to the conflict with those policies.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

Paragraph 78 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

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 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, Witham, and the A12 corridor, and Halstead.

The application site is set on Ridgewell Road, approximately 1.2m to the north-west of the closest village, Great Yeldham. There are no paved walkways from the site which could provide on-foot or cycling access to any services and facilities, and walking or cycling on the road would not be practical or safe given the highway is a national speed limit road, and unlit until you reach the village.

There are no bus routes which stop at or near the site. The closest bus stop is in the centre of Great Yeldham, which is not within safe or reasonable walking or cycling distance.

The occupiers of the proposed dwelling would therefore be wholly reliant on the use of the private car to access services and facilities which is not a sustainable means of transport.

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

The application is therefore contrary to Policy CS7 of the Adopted Core Strategy, and the NPPF which seeks sustainable development.

### Design, Appearance and Layout and impact on the countryside

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

Policy CS5 of the Adopted Core Strategy states that outside development boundaries, development will be strictly controlled to uses appropriate in the countryside. Policy CS8 of the Adopted Core Strategy states that development must have regard to the character of the landscape and its sensitivity to change, and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment.

Officers are satisfied that the proposal would not result in an individual isolated dwelling, given the proposed dwelling would be sited physically close to existing dwellings. However, it is considered that the proposal would be detrimental to the character of the surroundings. Although the site is largely screened from Ridgewell Road, the site is open at the rear and a new dwelling in this location would be particularly prominent in views from the countryside.

The proposal would take place adjacent to a former Land Settlement House, which was originally built to allow occupiers to maintain a smallholding and be self-sufficient. This section of Ridgewell Road consists of a number of other Land Settlement Houses, and therefore there are other opportunities for infill proposals similar to that proposed within this application. This would be particularly possible for the plot to the other side of 20 Ridgewell Road, 23 Ridgewell Road, 30 Ridgewell Road, 27 Ridgewell Road and 31 Ridgewell Road. The proposal would result in the consolidation of ribbon development within the countryside and set an unwelcome precedent within the locality.

The proposed dwelling would adopt an 'L' shaped form, and would measure approximately 12 metres in width and 13 metres in depth. Its design would roughly mimic that of the neighbouring Land Settlement Association houses, albeit one which has been extended. For example, it would have a hipped roof, and have dormers in the roof plane.

However the proposed dwelling would be large in size and scale and contain two prominent dormers in the front roof slope. The rear projection element, which would extend rearward of the building by approximately 6.6 metres at two storeys adds to the mass and bulk of the property. The building would appear as an unsympathetic pastiche of the existing Land Settlement Association Houses, overly complicated and bulky, entirely at odds with the simplicity of the Land Settlement Association houses which it seeks to mimic.

A cartlodge is also proposed. At 9 metres in width and at almost 6 metres in height, this would almost be as wide and tall as the main dwelling and fails to appear as a subsidiary outbuilding or be sympathetic to the rural setting.

In this countryside location, built form on the scale proposed would be overtly harmful. The proposal would result in unjustified infill development within the countryside, consolidating the ribbon development along Ridgewell Road. The size and scale of the property and the poor design would out of keeping with its rural setting and unsympathetic to the existing Land Settlement Houses it seeks to replicate and would be viewed in conjunction with. The proposal would result in an overtly conspicuous harm to the character and appearance of the countryside. The proposed development would be contrary to the NPPF, Policies RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP1, LPP50, LPP55 and LPP71 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 site plan indicates that sufficient car parking can be accommodated on site.

The submitted location plan indicates visibility splays of 100 metres in either direction upon leaving the site with a setback of 2.4 metres.

ECC Highways has commented that the visibility splays should be provided of 160 metres in either direction, unless a speed survey is carried out which shows actual speed at the site would allow a lesser visibility splay.

Without a speed survey being carried out to evidence that a lesser visibility splay is acceptable, or without additional information to indicate that an increased visibility splay is achievable, Officers are not satisfied that the proposed dwelling could be provided without compromising highway safety. The application can therefore be justifiably refused for this reason.

#### 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 site is maintained as domestic garden land and therefore the likelihood of there being biodiversity using the site is considered low. In the event of an approval, a condition could be attached to ensure a biodiversity net gain. There are some small ornamental trees within the garden and some large mature trees to the eastern boundary of the site. The loss of some small trees is not considered objectionable and the proposed dwelling is set away from the eastern boundary such no conflict with these trees is likely to result.

#### Impacts upon Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. The National Planning Policy Framework also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.

Although the site has dwellings on either side, given the amount of space to these neighbouring dwellings, Officers are satisfied that there would be no unacceptable impacts to neighbouring residential amenities. The proposal may result in some short term construction impacts, however these could be controlled by way of a condition.

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

#### PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery

Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

There would be a social benefit, through the provision of an additional dwelling, and the contribution that it would make to the Council's shortfall of five year housing land supply, albeit again limited by the small scale of the development.

There would be a negative environmental impact, due to the infill nature of the development within the countryside, consolidating ribbon development and the proposed size and design of the dwelling and garage which would result in an out of keeping and complicated pair of buildings in the countryside, failing to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous harm to the character and appearance of the street scene and the rural character of the countryside.



There would also be an environmental harm caused by the site's unsustainable location, being set outside of the closest village of Great Yeldham and beyond reasonable and safe walking/cycling distance. Future residents would be reliant upon the use of the private car and would not be encouraged to utilise sustainable modes of transport.

In addition the proposal fails to secure a safe access given insufficient visibility splays of detriment to highway safety.

When considering the planning balance and having regard to the Braintree District Development Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

## 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. The site is set approximately 1.2km outside of the closest village of Great Yeldham, and the route for walking or cycling to that village, along unlit and national speed limit roads with no paved walkways to that village would be neither attractive nor safe. Future residents would therefore be reliant on the use of the private car, which is not a sustainable mode of transport.

Furthermore, the proposed development results in the consolidation of ribbon development within the countryside and by virtue of its size, scale, bulk, and design, would fail to secure a high standard of design and layout that responds to the local character or which is visually attractive, resulting in an overtly conspicuous development that would be harmful to the character and appearance of the street scene and the rural, undeveloped character of the countryside. The proposed development would result in a poor pastiche of the Land Settlement Houses which it would be viewed in conjunction with and be an unsympathetic addition to this rural area which would fail to integrate with the surrounding countryside of harm to the amenity afforded to it.

The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposed development would fail to secure sustainable development, contrary to the

NPPF, Policies RLP2, RLP80 and RLP90 of the Adopted Local Plan, Policies CS5, CS7, CS8 and CS9 of the Adopted Core Strategy, and Policies LPP1, LPP50, LPP55 and LPP71 of the Draft Local Plan.

- 2 The proposal fails to demonstrate that adequate visibility splays can be achieved from the site access to the detriment of highway safety contrary to Policies DM1 and DM4 of Essex County Council's Development Management Policies (2011).

#### SUBMITTED PLANS

Location Plan	Plan Ref: PF_105_01
Proposed Block Plan	Plan Ref: PF_105.02
Proposed Elevations	Plan Ref: PF_105.03
Proposed Floor Plan	Plan Ref: PF- 105.04
Proposed Elevations and Floor Plans	Plan Ref: PF_105.05

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER