

PLANNING COMMITTEE AGENDA

Tuesday, 24 April 2018 at 07:15 PM

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

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

Membership:- (Subject to confirmation at the Council's Annual General Meeting on 23rd April 2018)

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 10th April 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a	Application No. 17 00076 FUL - Kelvedon House, 86 High Street, KELVEDON	5 - 26
5b	Application No. 17 01730 OUT - Land South of Rickstones Road, in the Parish of RIVENHALL, WITHAM	27 - 75
5c	Application No. 17 02253 FUL - Land South of Silver Street, WETHERSFIELD	76 - 100
5d	Application No. 17 02310 FUL - Barn at Hole Farm, Knowl Green, BELCHAMP ST PAUL	101 - 111
5e	Application No. 17 02311 LBC - Barn at Hole Farm, Knowl Green, BELCHAMP ST PAUL	112 - 117

5f	Application No. 18 00175 FUL - The White Hart, Poole Street, GREAT YELDHAM	118 - 127
5g	Application No. 18 00233 FUL - Picklehope Barn, Dyers End, STAMBOURNE	128 - 138
5h	Application No. 18 00241 FUL - Land East of Bradford Street, BRAINTREE	139 - 161

PART B

Minor Planning Applications:-

5i	Application No. 17 02082 FUL - 17 Silver Street, SILVER END	162 - 168
5j	Application No. 17 02137 LBC - 17 Silver Street, SILVER END	169 - 173
5k	Application No. 18 00177 FUL - 29 Elm Rise, WITHAM	174 - 178
5l	Application No. 18 00234 FUL - The Stables, Jaspers Green, SHALFORD	179 - 185

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

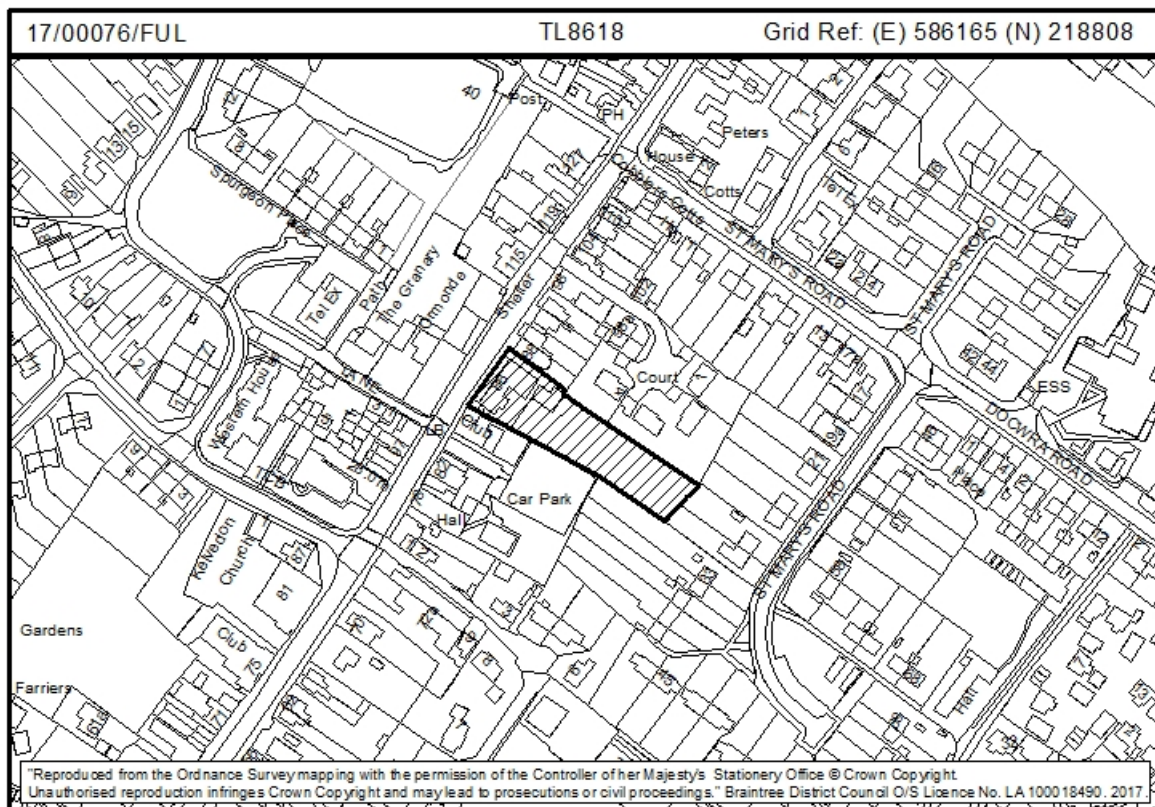
8 Urgent Business - Private Session

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

PART A

APPLICATION 17/00076/FUL DATE 19.01.17
 NO: VALID:
 APPLICANT: EquaGen
 Mr Mike Tivey, The Old Byre, Sevington, Grittleton,
 Chippenham, SN14 7LD
 AGENT: DRK Planning Ltd
 Ghazala Hussain, 215 Alfred Court, 53 Fortune Green
 Road, London, NW6 1DF
 DESCRIPTION: Erection of 4 flats and 4 dwelling houses
 LOCATION: Kelvedon House, 86 High Street, Kelvedon, Essex

For more information about this Application please contact:
 Mrs Natalie Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

03/00744/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Pollard 4 lime	Granted	13.05.03
03/01366/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - re-pollard 6 lime trees	Granted	15.08.03
91/01323/PFHS	Installation Of Satellite Antenna (To Receive Only)	Refused	05.12.91
99/01372/TPO	Notice of intent to carry out works to trees protected by The Conservation Area - Reduce (re-pollard) 6 limes and cut down 1 leylandii	Granted	26.10.99
05/01854/TPOCON	Notice of intent to carry out works to trees protected by the Conservation Area - Fell Fir Tree	Granted	03.11.05
06/01508/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Pollard 6 Limes	Granted	
09/01383/FUL	Change of use from existing workshop to kitchen training facility for Autism Anglia	Granted	30.11.09
13/00265/TPOCON	Notice of intent to carry out works to trees in a Conservation Area – Re-pollard back to previous points 6 Lime trees	Granted	05.12.13
15/01597/FUL	Proposed change of use from rear garden to landscape car park area and drop off point for staff and students.	Granted	23.03.16
15/60154/PREAPP 15/01597/FUL	Proposed change of use from rear garden to landscape car park area and drop off point for staff and students.	Granted	23.03.16

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP97	Changes of Use in Conservation Areas
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP57	Demolition in Conservation Areas
LPP63	Archaeological Evaluation, Excavation and Recording
LPP69	Tree Protection

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being referred to the Planning Committee as Kelvedon Parish Council has objected to the application, which is contrary to Officer recommendation.

SITE DESCRIPTION

Kelvedon House is a non-designated heritage asset situated in a prominent location in the Conservation Area on the east side of High Street, Kelvedon. Opposite the site are a number of Grade II listed buildings. It is a Victorian structure with outbuilding and was constructed around 1888. There is an early 20th Century extension along the High Street frontage, which includes a small porch and canopy at the rear entrance. The property has an access on the north side leading to a large garden which extends as far as the rear boundaries of dwellings on St Mary's Road. This garden also borders the rear boundaries of Nos 2-4 Argyle Court, a small back-land development constructed during the 1980s, and the Parish Council car park at The Institute.

The building was last used by 'Autism Anglia' as a school and support centre for children with autism and is currently vacant. The site measures approximately 0.54ha.

PROPOSAL

The original application submission proposed the conversion of Kelvedon House into 6 flats and the erection of 4 dwelling houses to the rear of the site, however, as a result of concerns raised by ECC Highways regarding the access, and design issues raised by the ECC Historic Buildings Consultant, revised plans have been submitted. The application now proposes the demolition of the existing outbuilding and 20th Century extension to enable the conversion of the original Victorian building into 4 flats, together with the erection of 4 dwelling houses. A second access would now be created to the south of Kelvedon House and a new 2-storey dwelling would be erected to the south of this access. This would abut Kelvedon House at first floor, creating an under-croft to enable an 'in-and-out' access arrangement to the rest of the site. The details are as follows:

Plots 1-4 Conversion of Kelvedon House

The 20th Century extension would be demolished to create 4 flats within the original Victorian building, following the original internal partitioning as far as possible. The ground and first floors will each accommodate 2 flats in the ratio of 1 x 2-bed and 1 x 1-bed. Access would be off the existing front door into an entrance lobby, leading to stairs to the first floor landing. The only external changes proposed are the removal of a door and window on the north-east (side) elevation and the fire escape door and stairs to first floor on the south-east (rear elevation). Amenity space of approximately 126sqm

would be provided, which exceeds the minimum requirement of 25sqm per flat set out in the Essex Design Guide (EDG). One vehicle parking space per unit would also be provided. A bin/cycle storage building would also be provided to the rear of plot 5. This is in the form of a small weather-boarded building in the style of a cart-lodge measuring approximately 3.8m in height, 3m in width and 5.4m in depth.

Plot 5

Plot 5 would be a 4-bed dwelling house fronting onto the High Street. The proposed design would reflect the Victorian detailing and proportions of Kelvedon House in a more subservient form. It is rectangular in plan with the second front bedroom and en-suite set above the under-croft. It would measure approximately 8m in height, 7.5m in width and 11m in depth. A conservatory would also be included in the rear which measures approximately 4m in height, 6.2m in width and 3.1m in length. The proposed amenity space measures approximately 100.15sqm, which accords with the minimum requirement set out in the EDG. Two vehicle parking spaces would be provided to the rear, together with a visitor space to be shared with the flats.

Plot 6

Plot 6 would be a 3-bed 1 ½ storey dwelling to the south-east of the flats, with its rear elevation backing onto Argyle Court, and front elevation facing towards the Parish Council car park. The dwelling would back onto the rear garage building sited between Nos. 3 and 4 Argyle Court. It is designed in a traditional form with gable ends on a rectangular plan. It would measure approximately 6.6m in height, 10.9m in width and 5.7m in depth. It features three gabled roof dormers on the front roof plane and exposed rafter feet. The rear elevation features two sets of French doors at ground floor, together with a roof-light which would provide natural light to the stairs. A single window would be provided on the north-west side elevation, which faces towards the flats. Amenity space in the region of 105sqm is proposed, which exceeds the minimum requirement in the EDG. Parking would be provided within a traditional detached garage, which would be sited to the north-west of the dwelling, together with an additional parking space to the front. The garage would measure approximately 4.5m in height, 3.1m in width and 7.1m in depth which accords with the requirements set out in the Vehicle Parking Standards.

Plots 7-8

Plots 7 and 8 would be a pair of 4-bed semi-detached 'handed' dwellings designed in a similar form to Plot 5, positioned with their front façade facing towards Plot 6. A separation distance of approximately 4.1m would be retained between Plot 8 and the boundary of No. 2 Argyle Court. They feature gable ends with exposed brick chimney stacks, bay windows at ground floor and a gable out-shot to the rear. A single first floor window is proposed on the side elevations, which would serve a bathroom. The dwellings would

measure approximately 8m in height, 12.1m in width and 10.2m in depth. Amenity space of between 111sqm and 138sqm would be provided, which exceeds the EDG requirements, together with 2 vehicle parking spaces per plot. A back-to-back separation distance in excess of 30m between the new dwellings and premises on St Marys Road would be retained.

CONSULTATIONS

Kelvedon Parish Council – Supports the principle of the development of this site however, they have re-iterated their previous concerns relating to the proposed access stating that despite noting the revised drawings, they are of the opinion that the access is of insufficient width to enable vehicles to pass unopposed. The inclusion of an ‘arch-way’ as a means of access to the site is considered to be a less than favourable solution as it further restricts, in terms of height, the type of vehicles which would be able to access the properties and would result in further parking on an already congested road. Should the Council be minded to grant permission, it is requested that consideration is given attaching a condition requiring that all existing boundary hedgerows are retained.

Anglian Water – No comments.

ECC Highways – No objections, subject to conditions.

ECC Archaeology – No objections. The site has potential for evidence of multi-period occupation evidence and activity. Conditions are therefore recommended in terms of archaeological evaluation and excavation.

ECC Historic Buildings Consultant – Has made various suggestions during the evolution of the design of the scheme. No objections are raised, subject to conditions.

ECC SuDs – Although an objection was made into the earlier iteration of this application for 10 units, the reduction in the quantum of development has brought the proposal below the threshold of when the ECC SuDs team are consulted.

BDC Environmental Health – No objections subject to relevant conditions to protect neighbouring amenity during the construction phase.

BDC Waste – No comments.

BDC Landscape Services – No comments.

REPRESENTATIONS

Ten representations have been received from neighbouring residents, the Kelvedon and Feering Preservation Society and a resident from Witham. The objections and concerns are summarised as follows:

- The entrance and exit are too narrow, which will have an impact on highway safety. Access for emergency and waste collection vehicles will also be inadequate. Although Waste Services do not object, the proposal does not accord with the requirements of the EDG in terms of waste collection.
- The out-route will be abused by delivery vehicles, therefore an automatic gate should be installed.
- Inadequate on-site parking, giving rise to increased parking on High Street resulting in congestion and further highway safety issues.
- Lack of adequate cycle storage.
- The out-route of the exit is too close to the boundary wall of No. 4 Argyle Court, resulting in loss of privacy and potential damage. The access should be moved. The radius is also too acute. It is suggested a concrete kerb, 400mm verge buffer and 2 concrete bollards are installed to protect the boundary.
- Over-looking and over-shadowing to No. 92 High Street.
- Over-development – the site is dominated by parking at the expense of the garden sizes.
- Chimney flue on Plot 6 will give rise to nuisance to Nos 3 and 4 Argyle Court and has not been increased in height.
- The existing hedge row at 3m in is in excess of 30 years old and should be retained to protect privacy. It should not be extensively cut back.
- Northern boundary of site and No. 3 Argyle Court are incorrectly drawn.
- Bathroom windows should be obscure glazed.
- 2nd Floor window indicated on rear of Kelvedon House – no indication is given as to how this would be accessed. It should not be converted to habitable space.
- Potential disruption during construction around the site and in the wider area.
- Restrictions should be placed on Plot 6 to prevent roof extensions.
- No unbound material should be used on access or parking surfaces.
- The Holly tree in the garden of No. 90 High Street is incorrectly drawn, giving the impression that it is larger and provides more screening to No. 4 Argyle Court.

REPORT

The 5 Year Housing Land Supply

The Council is currently unable to demonstrate a 5 year housing land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the “Sedgefield approach” or the “Liverpool approach” to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach).

The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach. Any recent updates will be provided to Members at the meeting.

The lack of a 5 year housing land supply is therefore a material consideration in the determination of this planning application and must be factored into the overall planning balance.

The Principle of Development

The site lies within the Kelvedon Village Envelope, therefore residential development is acceptable in principle in accordance with Policy RLP2 of the Braintree District Local Plan Review, and subject to other Policy Considerations.

Heritage

The site constitutes ‘previously developed land’ the redevelopment of which is encouraged as a Core Principle in the National Planning Policy Framework (NPPF). However, the NPPF also identifies the protection and enhancement of the historic environment as an important element of sustainable development and whilst it establishes a presumption in favour of sustainable development, it states that the significance of a heritage asset can be harmed or lost as a result of development within its setting (para 132). Conservation Areas are ‘designated Heritage Assets’ for the purposes of the NPPF.

Although Kelvedon House is un-listed it cannot be demolished without planning permission in view of its Conservation Area status.

In terms of development within Conservation Areas, regard must first be had to Section 66(1) of The Planning (Listed Buildings and Conservation Areas Act) 1990. In respect of Conservation Areas, Section 72 (1) of the aforementioned Act requires that the local planning authority pays special attention to “the desirability of preserving or enhancing the character or the appearance of that area”.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused in accordance with Paragraph 14 of the NPPF.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Local planning authorities should take into account:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

Whilst this proposal would involve the demolition of part of Kelvedon House it will also bring about its re-use together with the re-development of the adjacent land which potentially will ensure that it is retained in the longer-term. In terms of the setting of the Conservation Area and listed buildings opposite the site, it is not considered that the proposal will result in substantial harm therefore there is no ‘foot note 9’ objection to the development, which would mean that permission must be refused without further reference to any other relevant planning policies.

As referred to above, the Historic Buildings Consultant does not object to the proposal as it is considered that the development will result in less than substantial harm, which will be factored into the overall planning balance in the determination of this planning application.

Design, Layout and Residential Amenity

The NPPF also places high quality design and a good standard of amenity for all existing and future occupiers as another of its 12 Core Planning Principles. Part 7 expands on this by stating that good design should contribute positively to making places better for people. Development that functions well and adds to the quality of an area, establishes a strong sense of place, optimises the potential of a site to accommodate development, responds to local character and creates safe and accessible environments which are visually attractive as a result of good architecture is fundamental. The following local plan policies are therefore relevant in terms of achieving good design.

Policy RLP3 of the Braintree District Local Plan Review seeks to ensure that new development will take place only where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In the case of infilling within existing settlements, the scale, design and intensity of any new building should be in harmony with existing development and that in appropriate back-land devilmint is prevented. Policy RLP10 of the Braintree District Local Plan Review seeks to ensure that the density and massing of residential development is well related to the characteristics of the site and the layout and density of surrounding development.

Policy CS9 of the Braintree District Core Strategy along with Policy RLP90 of the Braintree District Local Plan Review seek to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment with the aim of creating good quality environments in all circumstances. Policy RLP90 in particular states that design should recognise and reflect local distinctiveness and ensure that the layout, height, mass and overall elevational design of buildings and development are in harmony with the existing context. Policy RLP95 is key in that it states that the Council will preserve and encourage the enhancement of designated Conservation Areas and their settings which will include the buildings, open spaces and areas, landscape and historic features and views into and within the constituent parts of such areas. Development which does not preserve or enhance a Conservation Area will be refused.

Policy RLP56 of the Braintree District Local Plan Review seeks to ensure that all new development is provided with sufficient parking in accordance with Essex County Council's Vehicle Parking Standards 2009. The Standards require that parking is provided at a minimum of 1 space per 1-bed dwelling and 2 spaces for 2-bed and above. These spaces should measure 2.9m x 5.5m. Garages need to measure 3m x 7m to count as a parking space.

The Council has also adopted the Essex Design Guide as supplementary planning guidance in terms of amenity standards and spatial relationships to neighbouring property. This recommends a minimum standard for amenity space of 50sqm for 2-bed and 100sqm for 3-bed dwellings.

As can be deduced from the plethora of National and Local planning policy, together with the Council's duty to have regard to the settings of Conservation Areas, this is a constrained site with competing needs which need to be balanced. These constraints are summarised as follows:

- The desire to bring back Kelvedon House and its associated land back into use;
- The need for a safe and satisfactory access/egress;
- The desirability of preserving and/enhancing the Conservation Area;
- The need to safeguard neighbouring residential amenity;
- The need to provide a good standard of amenity for future occupiers.

The design has developed in response to these constraints to arrive at a proposal that is satisfactory in terms of highway safety, impact on the Conservation Area and neighbouring residential amenity. An 'in-an-out' access arrangement, facilitated by the demolition of the modern 20th Century addition to Kelvedon House was arrived at as an acceptable compromise in relation to the issues arising from the narrow access. This aspect of the proposal is seen as acceptable to both ECC Highways and the ECC Historic Buildings Consultant.

The number of units across the site has been reduced to address concerns regarding potential over-development of the site and to seek to secure compliance with relevant Standards as far as possible. The reduction in the number of flats within Kelvedon House was seen as particularly important in order to respect the historic layout and fabric of the building and to avoid over-development. The demolition of the existing 20th Century outbuilding was also considered necessary in the interests of the wider planning of the site and raised no objections from the Historic Buildings Consultant.

The design of Plots 5 seeks to achieve the appearance of a contrasting but harmonious addition as a result of its more simplified and subservient detailing in order to harmonise with Kelvedon House and other buildings in the immediate area.

Plot 6 is a 1 ½ storey building backing onto the rear boundary of Nos. 3 and 4 Argyle Court. No windows, other than a roof-light are proposed on the rear roof slope to light the stair case in order to ensure that no-overlooking will occur. Its size, scale and careful positioning will ensure that it would not result in over-looking, over-shadowing or have an over-bearing impact on adjoining residential properties.

The design of Plots 7 and 8 also reflects the design detailing of Kelvedon House. They are modest in height and scale and are positioned to ensure that adequate back-to-back/side-to-back distances would be retained between them and premises on St Marys Road to the rear and No.2 Argyle Court to the side. In terms of potential over-looking of Nos. 3 and 4 Argyle Court, the rooms at first floor are to bedrooms. Although there may be potential for an oblique view from the bedroom window of Plot 8, there would be a separation distance of at least 30m to the rear façade of No. 4 Argyle Court. In terms of

No. 3 Argyle Court, whilst it may be possible for a glimpsed view of the north-west corner of the garden, views of the rear façade are unlikely to occur.

Overall, the design is considered to be pleasing and is respectful of the context and site constraints and will contribute positively to local distinctiveness. In order that this remains the case, a condition is suggested removing permitted development rights from Plots 5-8 under the terms of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2 Part 1 Classes A – E, which includes roof alterations. A condition is also recommended in terms of requiring details of materials and boundary treatments.

The issue raised regarding the second floor window on Kelvedon House is noted, however, it is pointed out that this is an existing window. Flats also do not benefit from permitted development rights, and whilst planning law could not prevent the attic floors being utilised by the future occupier, planning permission would be required if the intention would be to create an additional flat.

It is not considered that the proposal will result in over-looking or over-shadowing of No. 92 High Street, given the distance between the two sites.

Highways

Concerns have been expressed with regard to the access arrangements at the site in terms of highway safety, inadequate parking, lack of cycle storage, use of unbound materials and waste collection.

In terms of the in-and-out access arrangement, whilst it is recognised that this type of arrangement is not common, it is also not unusual in an urban area. It is also important to note that the access/egress will serve 4 dwellings and 4 flats which is not excessive and is unlikely to have a discernible impact on the highway network. The suggestion that gates should be installed at the access points is noted, however, the Council cannot insist on this as it is not a matter that has been raised by ECC Highways. Conditions are suggested covering visibility splays, and the applicant is advised to liaise with Highways in terms of installing signage to inform users of the one-way system of entry and exit.

As referred to above, the Vehicle Parking Standards require that residential premises are provided with a minimum of 1 space per 1-bed unit and 2 for bed units. There are 2 2-bed flats and 2 1-bed flats which would result in the requirement of 6 spaces. Whilst the provision of 4 spaces is short of the Standards, ECC Highways has not objected to the provision, given that this aspect of the proposal is for the conversion of an existing building in a Conservation Area and that the site is in a sustainable location. Plots 5-8 are all compliant with the Standards. Officers therefore consider that there are no grounds to refuse the application in terms of inadequate parking provision.

A condition has been requested by ECC Highways that no unbound material is used within the development and this is included in the list of conditions recommended.

The point raised that the proposal does not comply with the EDG in terms of waste collection is valid. Refuse vehicles will not enter private drives and any dwellings more than 25m from the highway will need a bin collection point within that distance. A bin store is therefore provided for the flats in the building to the rear of Plot 5. A collection point is also indicated for Plots 6, 7 and 8 on the north side of the access. Both of these facilities are less than 25m from the highway. Notwithstanding this a condition is suggested to secure this provision. These arrangements are considered acceptable in the absence of any objections from BDC Waste Services.

A cycle store building would be provided for the 4 no. flats, which in the absence of any objection from ECC Highways, is considered to be adequate. Each of the proposed dwellings has satisfactory spaces to provide cycle storage.

Landscaping

The issues raised with regard to the existing landscaping at the site are noted. Whilst BDC Landscape Services have not commented on the landscape arrangements, conditions are suggested with regard to the retention of the existing hedge and trees and to enhance the appearance of the scheme.

Other Issues

The occupier of No. 4 Argyle Court has suggested that the 'out-route' is too 'acute' and too close to their boundary and will result in loss of privacy and potential damage to property. A concrete kerb, verge buffer and bollards are suggested. In the absence of any concerns raised by ECC Highways with regard to the safety of the route, it would not be reasonable to request this. It is also unlikely to result in loss of privacy given that occupiers will be driving away rather than toward the property.

No concerns have been raised by BDC Environmental Health with regard to the chimney flue on Plot 6, therefore, its siting and design is considered to be acceptable.

Notwithstanding the Building Regulations requirements in respect of bathroom windows, a condition is suggested to ensure that all bathroom/en-suite windows are obscure glazed.

The issues raised regarding apparent drafting errors are noted. As pointed out by the occupier of No. 4 Argyle Court, the holly tree within the garden of No. 90 High Street is outside the red-line plan and as such would not be material in the determination of this application. In terms of incorrect boundaries, as Members are aware, this is a private civil matter between the two parties which cannot be addressed through the planning regime.

With regard to noise and disturbance during the construction phase, conditions are suggested to mitigate the impact of the development

Conclusion

It is therefore considered that the design, layout and appearance would enhance local distinctiveness and would be respectful of the local context. It has been well thought out in relation to design detailing, size, scale and spatial relationships to existing properties. An acceptable solution has been arrived at which will provide a good standard of amenity for the potential occupiers and will not be harmful to the appearance of the Conservation Area, highway safety or neighbouring residential amenity.

The Planning Balance

The application site is located within the Kelvedon Village Envelope, wherein residential development is acceptable in accordance with RLP2 of the Braintree District Local Plan Review.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 14 is clear that for decision taking this means that development proposals that accord with the development plan must be approved without delay or where the plan is absent, silent or out-of-date, unless there are specific policies in the Framework that indicate development should be restricted (known as Footnote 9).

Whilst there is no 'Footnote 9' objection to this proposal, the Council needs to consider the application in light of the "tilted balance" whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole by assessing whether the identified 'less than substantial harm' to the character of the Conservation Area would be outweighed by public benefit arising from the development.

As Members are aware, there are three elements which need to be balanced to ensure that development will provide wider benefits in the public interest. The NPPF refers to these elements as environmental, social and economic benefits. These roles should not be taken in isolation because they are mutually dependent. In this respect, this proposal is considered to deliver sustainable development as a result of the re-use of a redundant building and redevelopment of the site which will bring many public benefits in terms of ensuring the retention of an un-designated heritage asset within the Conservation Area. This will bring benefits in terms of environmental improvements to the redundant site, the provision of 8 new homes and economic benefits both during the construction phase, and in the longer term as a result of the likely contribution from the future residents.

The proposal is not only policy compliant but also represents a positive contribution to the Conservation Area and the Village. As such, the local

planning authority considers that the potential public benefits are considered to outweigh the harm, therefore, approval is recommended.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 01A	
Block Plan	Plan Ref: 02A	
Existing Floor Plan	Plan Ref: 03	
Existing Floor Plan	Plan Ref: 04	
Existing Floor Plan	Plan Ref: 05	
Existing Elevations	Plan Ref: 06	
Existing Elevations	Plan Ref: 07	
Proposed Floor Plan	Plan Ref: 14	Version: A
Proposed Elevations	Plan Ref: 15	Version: A
Proposed Site Plan	Plan Ref: 16	Version: E
Existing Floor Plan	Plan Ref: 20	
Garage Details	Plan Ref: 19	Version: B
Proposed Floor Plan	Plan Ref: 12	Version: C
Proposed Elevations	Plan Ref: 13	Version: C
Site Selection Plan	Plan Ref: 17	Version: B
Second Floor Plan	Plan Ref: 18	Version: C
Existing Floor Plan	Plan Ref: 20	Version: A
Proposed Floor Plan	Plan Ref: 21	Version: A
Proposed Floor Plan	Plan Ref: 8	Version: C
Proposed Floor Plan	Plan Ref: 9	Version: C
Proposed Elevations	Plan Ref: 10	Version: C
Proposed Elevations	Plan Ref: 11	Version: C

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order

amending, revoking and re-enacting that Order) no enlargement of the dwelling-house / provision of any building within the curtilage of the dwelling-house / alteration of the dwelling-house, as permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 No development or preliminary groundworks of any kind shall take place until a programme of archaeological trial trenching and paleoenvironmental investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of this work.

No development or preliminary groundworks can commence on those areas containing archaeological deposits or palaeoenvironmental deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

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

Reason

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

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

Reason

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

- 6 Prior to installation additional drawings that show details of the proposed windows and doors to be used shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 7 Prior to installation of any meter cupboards on the external elevations of the dwellings hereby approved details of the location, design and materials shall be submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently retained as such.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 8 All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.

Reason

To ensure the use of appropriate detailing within the Conservation Area.

- 9 There shall be no obstruction above 600mm within a 2.4m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the proposed new access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between uses of the access and the public highway in the interests of highway safety and in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 10 No unbound material shall be used in the surface finish of the driveway, access or vehicle parking areas.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety and to protect the amenity of adjacent occupiers.

- 11 The development shall not be occupied until such time as the additional vehicle access and turning as shown on submitted drawing 10305E has

been constructed and made available for use. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure that on-street parking of vehicles in adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy CM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

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

- 13 Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment where appropriate.

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

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

Reason

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

- 14 The existing hedge on the northern boundary of the site shall be retained.

Reason

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

- 15 All areas of hardstanding shall be constructed using porous materials laid

on a permeable base.

Reason

In the interests of sustainable development.

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

Reason

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

- 17 The development shall not be occupied until the area for bin storage and the bin collection point indicated on the approved plans is provided. The area shall be retained and available for use as approved at all times.

Reason

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

- 18 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.

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

Reason

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

- 20 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site

clearance and construction process.

Reason

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

- 21 Prior to installation, details of any external lighting should be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason

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

INFORMATION TO APPLICANT

- 1 You are advised that appropriate signage should be provided and maintained at all times to inform users of the one-way system of entry and exit onto the highway. The details should be agreed with the Highway Authority.
- 2 Your attention is drawn to Condition 3 of this planning permission which removes permitted development rights for certain alterations/extensions/ development. You are requested to inform prospective purchasers of these restrictions and/or incorporate them in covenants relating to the properties.
- 3 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.
- 4 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

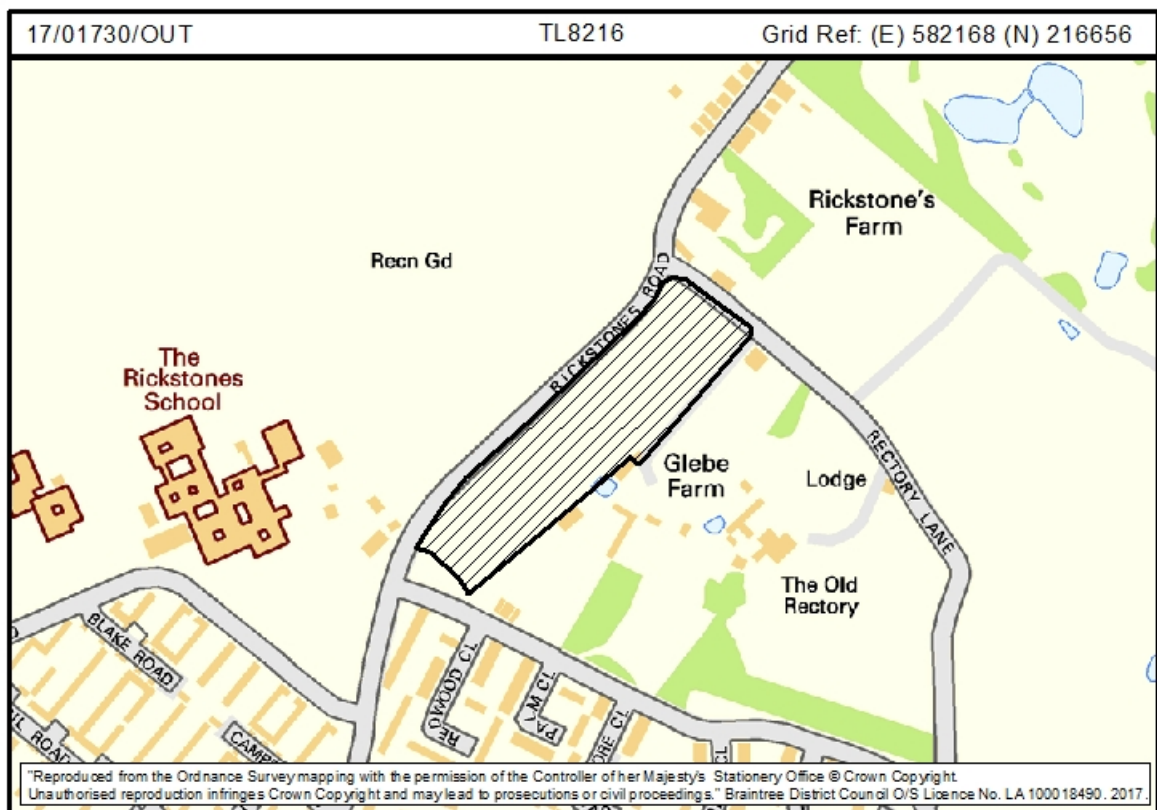
- 5 Your attention is drawn to condition 4 of this planning permission and that there may be archaeological remains on the site. Any financial implications resulting from the need for archaeological investigation and subsequent protection measures are the responsibility of the developer/applicant. In respect of these requirements, you are advised to contact the Essex County Council, Historic Environment Branch (Teresa O'Connor, 01245 437638).

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01730/OUT
 DATE: 18.10.17
 VALID:
 APPLICANT: Mrs Sarah Cornwell
 Bellway Homes Limited, Bellway House, 1 Cunard Square,
 Townfield Street, Chelmsford, CM1 1AQ
 AGENT: Miss Philippa Robinson
 Andrew Martin - Planning, Town Mill , Mill Lane, Stebbing,
 Dunmow, CM6 3SN
 DESCRIPTION: Outline planning application with all matters reserved for up
 to 58 dwellings including affordable homes, public open
 space including local equipped area for play, sustainable
 drainage systems, landscaping and all associated
 development.
 LOCATION: Land South Of, Rickstones Road , In The Parish Of
 Rivenhall, Witham, Essex

For more information about this Application please contact:
 Mr Timothy Havers on:- 01376 551414 Ext. 2526
 or by e-mail to: timha@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP64	Contaminated Land
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP46	Protected Lanes
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Site Allocations and Development Management Plan
Affordable Housing Supplementary Planning Document
Essex Design Guide
External Lighting Supplementary Planning Document
Open Spaces Supplementary Planning Document
Open Spaces Action Plan
Essex Parking Standards Design and Good Practice 2009

Other Guidance

Landscape Character Assessment 2006
Braintree District Settlement Fringes – Evaluation of Landscape Analysis
(June 2015)
Rivenhall Village Design Statement (2003)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is brought before the Planning Committee as the application is considered to be of significant public interest and represents a departure from the current Development Plan. It is therefore an application which has significant policy implications. The Parish Council have also objected to the proposal.

NOTATION

The application site is located outside the Witham Town Development Boundary as designated in the Braintree District Local Plan Review 2005 and is located in Rivenhall Parish.

The application site is not proposed for allocation for residential development in the emerging Draft Local Plan.

The application has been advertised as a departure from the Council's adopted Development Plan.

SITE DESCRIPTION

The application site is located outside but immediately adjacent to the Town Development Boundary of Witham.

It measures approximately 2.38 hectares and consists of a rectangular agricultural field with associated trees and boundary hedges. An existing corrugated iron structure is also encompassed within the site boundary.

The site is bounded to the north-west by Rickstones Road and to the north-east by Rectory Lane, a protected lane. Forest Road is located to the south-west where the application site directly abuts the Town Development

Boundary of Witham. To the south-east a builders merchants with a large associated yard abuts the site boundary and to the north-east there are 3 existing dwellings with associated curtilages known as Glebe Farm; The Old Rectory (Grade 2 listed) and Glebe Cottage.

In terms of the wider context the New Rickstones Academy is located to the west, immediately opposite the site on the far side of Rickstones Road. Witham Town is located to the south and to the north are a number of dwellings positioned in a linear fashion on either side of Rickstones Road along with a small number of commercial premises.

There is no formal vehicular access to the site with an agricultural access currently being taken from the site's boundary with Rectory Lane. In terms of gradient, the site is relatively level with a modest fall of approximately 3m from north-east to south-west.

PROPOSAL

The applicant seeks outline planning application with all matters reserved for the erection of up to 58 dwellings (including affordable homes), public open space (including local equipped area for play), sustainable drainage systems, landscaping and all associated development. The applicant originally proposed a development of up to 65 dwellings but this was reduced to seek to address concerns raised by the Council in relation to noise and layout.

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before detailed proposals are submitted at the Reserved Matters application stage.

The scheme proposes an indicative vehicular and pedestrian access from Rickstones Road, leading into the site from its north-western boundary. However, access along with appearance; landscaping; layout and scale is a Reserved Matter.

The applicant has, in addition to the site location plan and Parameter Plan, submitted an illustrative Masterplan to demonstrate one way in which the site might accommodate the quantum of development proposed.

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

- Planning Statement
- Design and Access Statement
- Transport Assessment
- Flood Risk Assessment
- Noise Report
- Agricultural Land Report
- Air Quality Report
- Arboricultural Report
- Archaeology Report

- Ecology Report
- Landscape and Visual Appraisal
- Heritage Statement
- Utilities Statement
- Contaminated Land Assessment

CONSULTATIONS

ECC Education

The proposed development is located within the Witham North Ward. For ECC to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some Early Years and Childcare capacity in the area, the data shows insufficient provision to meet demand from this proposal. It is therefore clear that additional provision will be required and a project to expand provision is proposed. A Developer contribution of £62,722 index linked to April 2017 is required.

There is sufficient capacity at both Primary and Secondary schools within the area and a contribution is not required. Having reviewed the proximity of the site to the nearest primary and secondary schools ECC will not be seeking a school transportation contribution, however the developer should ensure that safe direct walking and cycling routes to local schools are available.

BDC Environmental Health

The revised layout positively moves gardens away from the neighbouring commercial use although there is likely to be some adverse impact.

Internal noise level may be achieved by adequate window insulation and ventilation systems for dwellings although some dwellings closest to Rickstones Road would need to have alternative ventilation measures. Full details of window and ventilation systems would be required at the reserved matters stage and screening and layout should also be re-considered at the final detailed design and layout stage to provide potential noise attenuation.

Ten of the gardens will not meet the upper guideline of 55Db(A) within the illustrative layout. A condition to require full details of how the 55Db(A) criteria would be met in external amenity areas is required and also to cover noise levels inside the new dwellings and from the adjacent Builders Yard.

The applicant's Contaminated Land Assessment identifies low risk in respect of pollutant linkages and recommends intrusive sampling as a follow up to the Report. Intrusive sampling should therefore be secured by way of condition if planning permission is granted.

Air quality is not a reason to object to the development. A (construction) dust control scheme is required by way of planning condition and a piling details condition and hours of work condition is also required.

ECC Highways

No objection subject to planning conditions or a S106 Agreement requiring:

- The provision of a priority junction off Rickstones Road to provide access to the application site as shown in principle on the submitted drawings;
- Upgrading the two bus stops which would best serve the application site to ECC specification;
- A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site;
- Dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road;
- Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road;
- Provision and implementation of a Residential Travel Information Pack per dwelling;
- The submission of a Construction Traffic Management Plan.

ECC Archaeology

No objection subject to conditions relating to the securing of a programme of archaeological evaluation prior to commencement of development.

The site lies within a potentially sensitive archaeological area with a moderate potential for prehistoric archaeological activity. In addition the site bounds the former grounds of the Rivenhall Rectory which dates from 16th/17th Century.

BDC Ecology

No objection subject to conditions relating to the protection of badgers during construction; the submission of a lighting strategy for approval for the protection of light sensitive biodiversity (bats); the submission of a Reptile Method Statement; vegetation clearance outside the bird nesting season and the submission of a scheme for the ecological enhancement of the site.

Much of the Ecological mitigation proposals involve the retention and enhancement of existing hedgerow, to provide habitat, foraging routes and commuting routes to the wider landscape. The defunct hedgerow to the south-east and south-west of the site is a priority habitat that should be retained and enhanced. Hedgerow boundaries can also provide valuable habitat with correct management to create transitional habitat graduating from the hedge to tall ruderal vegetation to grass buffer to a variety of species. The original layout showed the hedge to the south-east and in part the south-west to be in resident's gardens and a portion of the hedge to the south-west is outside the application boundary. The inclusion of hedge within private gardens may lead to its loss and reduces the ability to create transitional habitat. An acceptable alternative would be for the defunct hedgerow to be adjacent to Public Open Space so that it can be retained and managed.

BDC Landscape

The site is well-contained and views into it from the network of public footpaths are limited. It is not considered that there is a visual impact that has much of an aesthetic footprint beyond the immediate presence of the built form on this section of Rickstones Road. The proposal will require the removal of a large section of the boundary hedgerow facing onto the road but the existing component species are limited and a replacement hedge under an approved landscape scheme could enhance the wildlife and overall aesthetic value of this feature on the frontage.

The replacement planting will inevitably take a few years to establish as a strong feature and would need to be managed as part of the public open space commitment.

The influence and impact on the setting of the listed building – the Old Rectory – to the east is also limited by distance and a number of mature trees; additional planting provide along the intervening boundary as indicated in the masterplan will augment the existing established planting and improve the quality of the buffering between the two sites.

The charm and character of the quiet lane – Rectory Lane – needs to be respected and the distance of the built form from this roadway is felt to be acceptable but should be secured with some sympathetic land modelling to give modest mounding and a stronger planting element with some evergreen components.

No other comments other than the application will need to be supported by a detailed landscape scheme that reflects the tone of the above points, which is understood to be a reserved matter.

ECC Historic Buildings Advisor

No objection.

The site falls between Witham and Rivenhall and to the north-west of the Old Rectory which is listed Grade 2 for its historic and architectural significance. An initial assessment of the land would suggest that the land was historically associated with the Rectory, forming part of a triangle of land now bounded by Rickstones Road, Rectory Lane and Forest Road. However, historic mapping shows that the site actually formed part of a larger field associated with land to the north of the road, which was subdivided when Rickstones Road was created. There is also a strong landscaped boundary evident on the first edition Ordnance Survey map between the Rectory's land to the East and the site to the West. Whilst I have not had a chance to consult the historic tithe apportionment map, I am content that the land is not considered to form part of the immediate setting of the building.

However there is a current visual link between the two sites which would be increased by the removal of the barn structures on the boundary with Glebe Farm. The new housing would therefore be visible from the Rectory, increasing the sense of encirclement when coupled with the housing being constructed on Forest Road. The influx of modern housing would be a considerable alteration to the historic landscape in which the listed building is experienced as it was formerly set within open landscape with almost no built form in any direction. Further piecemeal erosion would begin to cause increasingly serious cumulative harm.

The visual curtailing of the land would not be objectionable in principle, rather it is the introduction of housing into the building's visual landscape. Therefore, if a strong, tall and visually impermeable landscape was created and a height limit placed on the new development to ensure that the highest point of any of the new built form was comfortably below this boundary, I believe this harm could be mitigated. I therefore recommend that the Council only support this application if the parameters agreed at the outline stage gave concrete certainty that the above would be achieved at reserved matters stage.

Similarly the creation of built form on Rectory Lane would alter its character in a manner which would negatively affect its status as a protected lane. However, the applicant has shown on the landscape plan a proposal to reinforce boundary planting and to locate attenuation ponds at the north-east edge of the site. This would ameliorate my concerns provided it is secured as part of the outline application.

Subject to the above requirements I therefore would not object to the application.

Further comment following revised scheme – I am now comfortable that sufficient control can be exercised over elements such as boundary and storey heights and have no further comment to make.

Anglian Water

Foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

The preferred method of surface water disposal would be to a SUDS system with connection to a sewer seen as the last option.

The proposed method of surface water management does not relate to Anglian Water operated assets.

Health and Safety Executive

No objection following receipt of revised plans. The Little Braxted/Tye Green pipeline has been upgraded (reinforced pipeline walls) in the vicinity of the proposed development. Therefore after a pipeline reassessment the HSE

consultation zone has been reduced to reflect this increased protection. The applicant's updated plans show that the play area will be outside of the HSE consultation zone.

Please note that within the HSE consultation zone there must be no facilities provided that may encourage people to congregate. Consequently HSE does not advise, on safety grounds, against the granting of planning permission.

National Grid (Cadent Gas Ltd)

No objection in principle. Note that there is a 12m wide easement in operation for the gas pipeline which crosses the site. All construction works and landscaping within this easement must have formal written approval from Cadent Gas prior to commencement of construction. All works to be notified to plantprotection@cadentgas.com

ECC Flood and Water Management

No objection following the submission of additional drainage strategy information. Require standard conditions relating to the submission of a detailed surface water drainage strategy; the submission of a scheme to minimise the risk of offsite flooding during construction; the submission of a Maintenance Plan for the proposed SUDs system and a requirement for the keeping of a maintenance log of this system.

NHS

No objection subject to the required financial contribution being secured through a S106 Agreement. The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable.

The development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the NPPF, provide appropriate levels of mitigation.

The development would give rise to the need for improvements to capacity by way of refurbishment, reconfiguration, extension or potential relocation for Witham Health Centre. A Developer contribution of £21,919 is therefore required with payment being made prior to the commencement of development and should be secured through a S106 Agreement.

BDC Housing

In accordance with Policy CS2 of the adopted Core Strategy 30% affordable housing is required which equates to 17 homes for a development of 58 units. Details would be agreed at the Reserved Matters stage, but the below

indicative mix is identified on the illustrative layout plan and would be fully supported if a detailed application were to be submitted:

- 11 x 2 bedroom 4 person houses
- 4 x 3 bedroom 5 person houses
- 1 x 3 bedroom 5 person bungalow (compliant with Part M Cat3a of Building Regulations)
- 1 x 6 bed 11 person house

The Council's Housing Team's support is conditional upon two of the units (3 bed bungalow & 6 bed house) being defined as a requirement in the s106 Agreement. It should also be an obligation that these units be specifically subject to Affordable Rented tenure.

Additional requirements concerning affordable housing that should be considered are as follows:

- Affordable dwellings should be deliverable without reliance on public subsidy
- Affordable homes should be built to conform to standards acceptable to the Homes and Communities Agency at the point of construction
- Accessibility requirement for all houses to meet either Lifetimes Homes or Part M Cat 2 of Building Regulations
- 70 /30 ratio of affordable rent over shared ownership tenure

BDC Refuse

Refuse collection points need to be provided. Plans showing tracked turning movements for 26 ton refuse vehicles are required and design of the access roads needs to accommodate turning movements for waste collection vehicles up to 26 tons. BDC will not collect waste from households via private roads or drives and therefore it is assumed that the developer will apply for the roads to be adopted as publically maintained highway by ECC.

If the access roads are to remain private each household will need to present their waste bins at a suitable location (no more than 20m) from the public highway.

Essex Police

We note within the Design and Access Statement that the applicant refers to 'ensuring that plots are safe and secure with opportunities for crime designed out at the outset'. Essex Police would welcome a Secured by Design application in relation to this development to assist in achieving this goal and meeting BDC Local Plan Policy RLP90.

Rivenhall Parish Council

Objection.

- Site not included within the formally agreed BDC Local Plan for future development sites
- Site lies entirely within Rivenhall Parish and is not within Witham
- Developer is still wrongly describing the site as 'Witham'
- The open space currently located between Witham and Rivenhall should be retained and classified as open countryside, thereby retaining a defined boundary for both Parishes. This proposed development represents coalescence which is against National Government Policy
- The stress being placed upon local infrastructure hasn't been fully taken into account bearing in mind all other future planned developments to the north of Witham. No local GP Surgery in the area and the pharmacy shown on the plan for Rivenhall Park is simply a transfer from that existing on the Little Elms estate. Existing surgeries cannot cope with ever increasing patient needs. Patients will need to travel into Witham (Collingwood Road)
- Local road network will become even more congested than at present with currently congestion reaching at peak times back out of Witham towards both Rivenhall and Cressing
- Plans show the main entrance will be directly off Rickstones Road which will necessitate the removal of historic hedgerow to accommodate vehicular sight lines. Planning documents are confusing saying the hedge will be retained but also that it will be partly removed. In reality it will largely disappear and have a huge visual impact locally
- Is Rickstones Road wide enough to accommodate a site entrance?
- Previous planning application 15/00762/FUL for the erection of just one new dwelling on land adjacent to Glebe Farm was dismissed on appeal to the Planning Inspector due to its countryside location. Current application should also be similarly refused
- Very strongly disagree with the comments on the BDC website regarding the importance of the existing hedgerow along Rickstones Road
- There must be provision made with any development plan for this area for a pedestrian controlled crossing from the south to north of Rickstones Road so that students and others can safely access the local schools. Rickstones Road/Forest Road is a very busy and fast road junction.

Witham Town Council

No response received.

Councillor James Abbott

Two letters of objection have been received from Councillor James Abbott which are summarised below:

- Site rejected following call for sites for the draft Local Plan and is not allocated in the draft Local Plan which has now been submitted (for examination)
- Site is located entirely within Rivenhall Parish and should not be described as being located within Witham. Applicant states that the site is in close proximity to the town's facilities and to employment. It is not and is located in the countryside
- The open space that currently separates Witham and Rivenhall is countryside and should be retained to ensure defined boundaries for both Parishes. The proposed development will result in the most blatant move towards coalescence. The gap between the edge of Witham and the first houses of 'Rickstones End' of Rivenhall will be removed. BDC Officers raised this concern at the pre-application stage and there is a well-established BDC Policy to maintain gaps between towns and villages
- Cumulative impact on local services and infrastructure hasn't been properly assessed in combination with the Rivenhall Park development and the allocation at Conrad Road (which I support). In total this amounts to 600 houses at the northern end of Witham/South Rivenhall. Significant peak time queuing along the B1018 will be worsened. This will also worsen air quality in a highly populated area when improving air quality is a national priority
- Application site actually relatively remote from main services of Witham which are beyond accepted convenient walking distances
- Schools are less remote but a controlled crossing to get children safely over Rickstones Road would be essential
- No GP Surgery in Witham North Ward or Rivenhall Parish which remains a serious deficiency for both communities and none are planned
- A substantial and important hedgerow along Rickstones Road will be removed. It provides significant landscape and Ecological benefits and is a key part of the rural character of this area and is not full of dead Elm as claimed in the applicant's documentation
- Net density of the development will be too high for a rural location (37 dwellings per hectare based on 65 units) extending in an unnatural finger projecting outward from Witham towards Rivenhall
- As well as the direct visual impact of a dense development near to Rectory Lane the cumulative impact from additional road traffic from this site plus Rivenhall Park threatens the character and status of Rectory Lane
- Rivenhall Village Plan and Design Statement is a material consideration and encourages the separation of Witham and Rivenhall to be protected. Previously this was a Green Wedge Policy in the Local Plan but is now proposed as a Green Buffer in the new Local Plan. This Green Buffer is set back from allocated sites which I am challenging in the Local Plan process
- Pedestrians exiting the site would have to cross Rickstones Road to reach a footpath. The internal site layout also has discontinuous footways
- Cycling into Witham along Rickstones Road and the B1018 at peak times is challenging even for experienced cyclists

- Appeal 15/00762/FUL for just one new dwelling adjacent to the application site was refused due to its countryside location and the distance to services
- Loss of Grade 2 agricultural land when alternative allocated sites at Forest road and Conrad Road are available
- Impact on bats using the site. Loss of Rickstones Road hedgerow would be disruptive to bats and potentially permanently so. The lighting required by the new development would also have a detrimental impact – the proximity of development to proposed and existing hedges would mean they would unavoidably be lit. Lighting strategy could not address this and what post development checks are ever made to ensure best practice bat sensitive lighting is installed?
- Significant deficit in Early Years and Childcare in the area. ECC Education consultation response identifies site as being in Witham West Ward which is incorrect
- Revision of the proposal to 58 houses from 65 makes little difference to the fact that it would still join Rivenhall to Witham
- Site is not allocated in the Draft Braintree District Local Plan and was rejected through the Local Plan process
- Rivenhall Parish includes all houses along Rectory Lane and Rickstones Road as far as the academy. Rivenhall does not start below Stoverns Hill
- Already developments built or underway for 400 houses along Forest Road, mostly within Rivenhall Parish plus an extant permission for 150 houses off Conrad Road. Rejecting this site would not be a case of Not in my backyard
- Request that the applicant's second image in their 'Additional landscape/heritage photo submission' is shown at the Committee meeting. It clearly illustrates the extent to which this development would close the gap between Witham and Rivenhall
- Rectory Lane is a historic lane and was agreed to be the first Quiet lane in Braintree District. It is already a Protected Lane and forms part of the John Ray heritage walk. Developing this site will mean high density development at both ends of this lane
- Development contrary to prominent objectives of the democratically agreed adopted Rivenhall Parish Plan/Village Design Statement (avoid coalescence and protect Rectory Lane)
- Slightly reducing the number of houses does not remove traffic congestion and highway safety concerns
- Despite the mantra about the 'golden thread of sustainable development' this proposal yet again proposes no on site services. Also no safe access or controlled crossing to local schools from the site
- Whilst the NHS hasn't objected they confirm there is not capacity at local GP's. Modest contributions are proposed to practices in the middle of Witham which are a substantial walking distance away
- Loss of agricultural; land and wildlife habitat
- Potential for ECC specified white LED lighting to be introduced which is highly damaging to nocturnal wildlife
- If BDC grant this application then together with other consent, allocations and pending applications the number of houses in the district ward of

Silver End and Cressing will be circa 1700, almost 3 times that allocated in the Local Plan. If this is the outcome what was the point of consulting village communities through the Local Plan stages?

- Most of these sites offer no onsite services and are simply housing estates on greenfield sites
- The local decision making process now appears to be less about building sustainable communities and far more about a numbers game. I hope and trust that the change in numbers on this site is not a means by which BDC has effectively given the nod to the developer that this site is acceptable
- It is an unsustainable and unallocated greenfield site with no on site services and would mean Rivenhall Village will be joined to Witham and would compromise the setting of the historic Rectory Lane

Representations

8 letters of objection were received. These are summarised as follows:

- Proposed development will overload local amenities if considered together with current housing development at Forest Road
- Additional vehicle movements caused by this application and the Forest Road development will be excessive causing congestion and pollution
- Applicant's Traffic Survey should have been completed following completion of the housing development at Forest Road which will also access Rickstones Road
- Rickstones Road likely to be too narrow to accommodate the proposed vehicular access
- An access from Forest Road likely to be safer
- Currently a recognised boundary/green wedge between Rivenhall and Witham. Development would result in continuous buildings between Witham and Rivenhall Parish with significant loss of open countryside.
- Against National Government Policy on coalescence
- Previous planning application for one dwelling (15/00762/FUL) on adjacent Glebe Farm site rejected at appeal due to over-development of the countryside
- Location of Children's play area could impact upon amenity of existing nearby residents
- Hedge along Rickstones Road would need to be removed. Application not clear on this matter
- Site not allocated for development in emerging Local Plan
- Further stress on local infrastructure such as road network and Doctor's surgeries. No guarantee that adequate funding will be provided to expand facilities
- Massive impact on local road system in conjunction with other major developments including those along the B1389. Previous reports completed for Forest Road development state 2.2 parking spaces per development suggesting a further 143 vehicles on top of 915 from Forest Road developments.
- Future residents would be at risk when crossing Rickstones Road as motorists rarely adhere to the 30mph limit. Will provision be made for a

crossing point? Traffic lights to allow children to cross to Rickstones Academy are required

- Street scene would be completely changed as would rural nature of the area
- New dwellings will overlook the playing fields of Rickstones Academy
- Concerned about impact on existing Builders Merchants business if noise complaints are received
- Detrimental impact on character of Rectory Lane. It is a Protected Lane and due to be designated as a Quiet Lane. It is also part of the John Ray walk. Should be a dead end to prevent it being used as a cut through
- Object to entrance from proposed play area into Rectory Lane. Play area will encourage antisocial behaviour which is already a problem in Rectory Lane. This has happened at the new Gershwin Park development
- Rectory Lane should be for pedestrians/horse riders only. It is too narrow for a vehicle and pedestrian/cyclist/horse rider to pass
- If approved, planning conditions should prevent Rectory Lane being used by construction traffic and to stop any vehicle access to the site from this lane
- If approved new houses should be in Parish of Rivenhall and not Witham
- Will impact upon an area of outstanding natural beauty (protected Rectory Lane)
- Site located outside development boundary and contrary to adopted Local Plan Policy RLP2 and adopted Core Strategy Policy CS5
- Would undermine the Council's objective of securing the more efficient use of existing urban land in sustainable locations
- Contrary to Rivenhall Village Design Statement (2003) which seeks to protect countryside between Rivenhall Main Village Envelope and Witham Town Development Boundary from development
- Flood Impact – applicant proposes to use existing ditches to discharge surface water flows from a high number of new dwellings. These ditches currently drain slowly and are required for surface water runoff from Rectory Lane. They would need maintaining and any flooding would impact upon existing properties in the locality. Question how this would be addressed and request planning conditions
- Junction of Rectory Lane with Rickstones Road is extremely dangerous. This is not recognised in the Transport Assessment and the development would increase traffic at this junction. Proposed pedestrian access onto Rectory Lane will encourage people to cross at this point
- I currently find Rickstones Road quite dangerous for cycling. It is used each weekday rush hour by children cycling to and from school. Putting another housing development in Rickstones Road near to a major school is an accident waiting to happen
- Location not sustainable. Site is not in fact well served by public transport and it is a 35 minute walk to the Town Centre with limited parking at Witham Station. Inspector for appeal 15/00762/FUL found it highly likely that residents in this location would opt to use private motor cars
- Developments benefits do not outweigh the harm caused
- Full impact of Forest Road development is still to be felt on local facilities/infrastructure. Unacceptable to add another 140 people

- Hope the Planners will very carefully consider the much wider implications that even 58 houses will have on an area where sufficient new houses have already been approved and where there are no funds to provide additional infrastructure/services which are badly needed
- If this development is permitted and brought into the Parish of Witham it's only a matter of time before more of Rivenhall is naturally designated as part of Witham Parish
- If this site is no longer suitable for agriculture it would be ideal as a community orchard or wildlife meadow which would preserve the green wedge between the settlements of Witham and Rivenhall and keep separate the homes in Rivenhall along Rickstones Road

REPORT

Principle of Development

5 Year Housing Land Supply

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

The Council is currently unable to demonstrate a 5 year housing land supply. The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan.

These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

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

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

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

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

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

Site Assessment

The Adopted Development Plan

The application site sits outside the defined Town Development Boundary of Witham. The application is therefore a departure from this Plan and the principle of development is contrary to adopted Policy RLP2 which states that new development will be confined to areas with Town Development Boundaries and Village Envelopes and Core Strategy Policy CS5 which seeks to limit development outside such boundaries to uses appropriate to the countryside.

However, as set out above the Council cannot currently demonstrate a 5 year housing land supply under the Sedgfield method of calculation and as such, in accordance with the NPPF relevant policies for the supply of housing should not be considered up-to-date and housing applications should be

considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to assess the planning balance, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole (the tilted balance); or specific policies in the NPPF indicate that development should be restricted (the un-tilted balance).

The Application Site and the Emerging Local Plan

The application site is not proposed for allocation in the emerging Local Plan. The site was put forward for consideration for allocation for residential development through the Local Plan consultation process as part of a much larger submission for approximately 700 dwellings however it was not allocated.

Officers identified concerns in relation to coalescence with Rivenhall, impact on the protected lane (Rectory Lane) and nearby local wildlife site and wider traffic impacts. Officers concluded that it was not proposed to allocate this site at this time (as part of the much larger submission of which it formed) however it was identified that if additional homes are required then the site could be reconsidered, subject to the traffic implications of the development.

The proposed development is therefore contrary to the emerging Local Plan, in particular to draft Policy LPP1 which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

The publication draft Local Plan does however propose to change the Town Development Boundary of Witham so that it would project further to the north-east, encompassing the New Rickstones Academy playing fields with a specific allocation for education. This would result in the current planning application site boundary sitting adjacent to the Town Development Boundary on two sides, to the south-west as it currently does and also to the north-west.

The emerging Local Plan is at a relatively advanced stage having been submitted for Examination with the Examination for Part 1 of the emerging Local Plan (the strategic policies) commencing on 16th January 2018. At the time of writing the Examination for Part 2 of the emerging Local Plan is due to take place in the summer of 2018. As such limited weight can be given to its policies.

Heritage

The application site sits approximately 115m to the north-west of The Old Rectory, a Grade 2 listed building. The NPPF identifies the impact of proposed development upon heritage assets as being a specific factor which triggers the need for the 'un-tilted planning balance' to be undertaken. Where the level of harm to a heritage asset would outweigh the public benefit of a

proposal planning permission should normally be refused. Where it does not the Local Planning Authority should go on to undertake the general 'tilted planning balance' assessment.

The applicant has submitted a Heritage Statement in support of their application. The Council's Historic Buildings Advisor has been consulted and has no objection to the proposed development stating that the application site does not form part of the immediate historic setting of the building. However, it is identified that there is a visual link between the two sites which would be increased by the removal of the corrugated iron structure on the applicant's site boundary as part of the current planning application. New housing on the application site would be visible from The Rectory and would create an increased sense of encirclement, particularly when coupled with the permitted housing on Forest Road.

Therefore, the Historic Buildings Advisor recommends that a strong, tall and visually impermeable landscape boundary is created and a height limit imposed on the new development to ensure that the new dwellings are properly screened from The Old Rectory to ensure that the identified harm is mitigated. Without this the proposed development would result in harm to the significance of the listed building. The proposed Parameter Plan, which would be a formally approved detailed drawing identifies these restrictions/requirements.

It is also identified that the proposal would alter the character of Rectory Lane, which is designated as a Protected Lane and is identified in the Rivenhall Village Design Statement which seeks to preserve the lane's existing setting and identifies this area of countryside as 'Rectory Triangle'. The illustrative masterplan identifies reinforced boundary planting to this boundary with attenuation ponds located beyond. The Historic Buildings Advisor states that provided these features are secured at the outline planning application stage concerns in relation to the potential impact upon Rectory Lane would be ameliorated. Again, the proposed Parameter Plan, which would be a formally approved detailed drawing identifies these restrictions/requirements.

Overall, with the above caveats in place the Historic Buildings Advisor does not object to the proposal.

In terms of the 'tilted balance', it is therefore considered that the identified harm to the Heritage Asset could be mitigated to the point where the Historic Buildings Advisor has no objection to the application. The public benefits of providing a development of up to 58 new market and affordable dwellings to help meet the District's current housing shortfall are clear and it is therefore necessary to proceed to undertake the general 'tilted planning balance assessment'.

Location and Access to Services and Facilities

Witham is identified in the adopted Core Strategy as one of the District's three main towns, and is the second largest after Braintree. It is described in the

Core Strategy as a thriving town with good transport links and a higher amount and proportion of local employment than Braintree. Its rail links are also significantly better than those of Braintree. This designation as a main town is carried forward into the emerging Local Plan.

It is therefore accepted that at the strategic level the town of Witham is identified as being one of the most sustainable locations within the District, serving an important function as one of the District's three main settlements.

The application site is located immediately adjacent to but outside the Town Development boundary of Witham as identified in the adopted Local Plan. The emerging Local Plan seeks to enlarge this Town Development Boundary so that it sits adjacent to the application site to the north-west as well as its current position to the south-west. In this emerging context the proposed development would no longer represent such a linear and perpendicular projection from the Town Development Boundary and would in fact project no further to the north than the proposed new Development Boundary. This is an important factor in the consideration of this application.

In terms of the wider context it would also project no further to the north-east than the proposed residential allocation at Forest Road, which has already been granted planning permission and is under construction. Rectory Lane also acts as a natural stop line which contains the application site and provides a delineation between it and further countryside to the north. This wider spatial assessment is important and it is considered that the residential development of the site would not sit uncomfortably with the new Town Development Boundary for Witham as proposed in the emerging Local Plan.

In terms of coalescence with Rivenhall, the development of this site would bridge the existing gap between the northern boundary of Witham which is currently formed by Forest Road and the cluster of dwellings which are located along both sides of Rickstones Road to the north. This would cause a degree of harm which would be marginally mitigated by the non-developable area located at the application site's northern end which would contain open space and would remain un-developed. It would also encroach into Rivenhall Parish and would be contrary to the Rivenhall Village Design Statement (2003) which is a material planning consideration and seeks to prevent any coalescence between Witham and Rivenhall Parish, identifying the application site as the remaining arable field which distinguishes their separation.

However, the Village Envelope of the nearest settlement to the north (Rivenhall Village) is located significantly further to the north. Importantly the emerging Local Plan proposes a substantial green buffer between Witham and Rivenhall Village which is purposefully designed to safeguard against coalescence between the two settlements. This proposed green buffer would remain unaffected by the proposed development and Officers therefore consider that although the identified coalescence between Witham and the cluster of dwellings to the north would cause a degree of harm, this would clearly not amount to coalescence between Witham and Rivenhall. The

identified degree of harm must therefore be weighed against the public benefits of the proposal in the overall planning balance.

With regard to access to facilities and services, the site's position on the edge of one of the District's main towns weighs heavily in its favour. There are a number of bus stops in the locality which provide regular half hour services (Monday to Saturday inclusive) to Witham Rail Station and town centre and beyond to Braintree, Maldon and Halstead. These bus stops are located for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. The Rickstones Academy is located immediately to the west of the site, Morrison's approximately 1km to the south and Witham Railway Station with mainline links into London approximately 1.4km to the south. Witham Town Centre with its associated range of facilities and services is located approximately 2km away and is directly linked to the application site by a network of pedestrian pathways in addition to the regular bus services described above.

The physical location of the application site is therefore considered to be sustainable in terms of access to facilities and services. Future residents would be well positioned to access both the town's amenities and the wider area by public transport, the Town Centre is within easy cycling distance and there are direct pedestrian links although walking distances are noted as being longer.

Officers note that an appeal for a single dwelling was dismissed in 2015 on land adjacent to the application site with the Inspector finding that the location was not sustainable. However, there are a number of key factors which must be taken into account with the current proposal.

The dismissed proposal was for a single dwelling and was considered at appeal at a time when the Council's position was that it was able to demonstrate a 5 year housing land supply. The Inspector made specific reference to this point, stating that even if he were to conclude that the Council did not have a 5 year supply (as the Appellant claimed) the contribution of a single dwelling to any housing deficit would be negligible. The current proposal for 58 dwellings is an entirely different proposal and the weight which must be attributed to the noteworthy contribution which this scheme would make to the Council's housing shortage is significant in the planning balance.

The appeal scheme on the adjacent site also had no direct access to Rickstones Road and was reliant upon pedestrians using an unlit, single track section of Rectory Lane to reach Rickstones Road. The Inspector concluded that pedestrians, particularly parents and school children would not be likely to walk this section of unlit road. By contrast, the current scheme is on land with direct pedestrian access to the existing illuminated pedestrian network on Rickstones Road and Officers consider that there is no reason to suspect that pedestrians, including parents and school children would be not be likely make use of these existing pedestrian routes.

Distances to the nearest bus stops are also different, with the adjacent site being cited as 350m to the nearest Bus Stop whereas the current application site is within easy walking distance of several bus stops for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. All stops are accessed via dedicated existing illuminated pedestrian routes, which was not the case with the appeal site and as described above these stops provide regular half hour services (Monday to Saturday inclusive) to Witham Rail Station and town centre and beyond to Braintree, Maldon and Halstead.

Design, Appearance and Layout

Policy RLP90 of the adopted Local Plan and draft Policy LPP55 of the emerging Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF is also clear in its assertion (para 56) that 'good design is a key aspect of sustainable development' and that (para 58) developments should 'function well and add to the overall character of the area...establish a strong sense of place....are visually attractive as a result of good architecture and appropriate landscaping'.

The current application is an outline application with all matters reserved. The applicant has submitted, in addition to a site location plan an illustrative masterplan and a number of supporting plans (for example illustrative landscape plan and illustrative tenure plan) which demonstrate one way in which the application site could accommodate the proposed quantum of development.

The applicant seeks permission for the erection of up to 58 dwellings at a gross density of approximately 24 dwellings per hectare.

The illustrative masterplan shows the proposed main access leading into the site from Rickstones Road approximately half way along its north-western boundary before splitting off to both the north-east and south-west to serve the relevant blocks within the development's perimeter. The north-eastern part of the site is retained as an area of open space and to hold an attenuation basin. The site's eastern boundary contains a landscape buffer, which primarily builds on the current landscaping to this boundary. Landscaping is also retained to the site's south-western boundary and some to its frontage with Rickstones Road with substantial replacement planting also detailed.

Two pedestrian links are shown exiting the site onto Rickstones Road and Rectory Lane respectively.

The dwellings themselves are compliant with the Essex Design Guide in terms of back to back distances and garden size and the layout demonstrates that parking provision can be made in accordance with the Essex Parking Standards.

The originally submitted illustrative layout was reviewed by Officers and was considered to be both too dense for an edge of settlement location and to have a number of dwellings backing directly onto the adjacent Builders Yard. The applicant submitted the current revised illustrative layout for consideration which is lower density (up to 58 rather than up to 65 dwellings) and has no dwellings which share a boundary with the Builders Yard.

Although design and layout would be a reserved matter, the general principle of this level of development on the site is considered to be acceptable.

Landscape

Core Strategy Policy CS8 *Natural Environment and Biodiversity* 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'*. Draft Policy LPP71 also states that development must be suitable for its landscape context and should be informed by and sympathetic to the character of the landscape as identified in the Council's Landscape Character Assessment.

The Council's Landscape Capacity Analysis (Braintree District Settlement Fringes) June 2015 identifies the application site, as part of a much larger area of land (evaluated as Parcel 3c) which has medium-low capacity for development (sites being rated from low; medium-low; medium; medium-high and high in category). Although the wider Parcel 3c has a medium-low landscape capacity rating the Landscape Analysis identifies the application site as 'a small, well enclosed field to the south of Rickstones Road with access from Rectory Lane, that is open to views from Rickstones Farm located opposite'.

The Council's Landscape Officer has assessed the application and has no objection to the proposal stating that the site is well-contained and views into it from the network of public footpaths are limited. It is not considered that there is a visual impact that has much of an aesthetic footprint beyond the immediate presence of the built form on this section of Rickstones Road.

It is identified that the proposal will require the removal of a large section of the boundary hedgerow facing onto the road and this will have a detrimental visual impact which weighs against the application in the planning balance. However, the existing component species in this hedge are limited and the Landscape Officer considers that a replacement hedge under an approved landscape scheme could enhance the wildlife and overall aesthetic value of this feature on the frontage once established.

It is also identified that the impact of the proposed development upon the character of Rectory Lane would need to be managed. Officers consider that the distance of the built form from this lane as indicated on the illustrative

masterplan is acceptable subject to a detailed landscaping scheme for this area of the site at Reserved Matters stage.

With regard to trees and hedges, the applicant has submitted an Arboricultural Report as part of their application documentation and proposes to retain existing trees and boundary hedging to the south-west; south-east and north-east site boundaries. Substantial additional planting would take place along the north-eastern boundary with new planting also taking place on the south-western boundary.

To the north-west, a substantial portion of the existing hedgerow along the Rickstones Road boundary would be removed to facilitate visibility splays for the new access, however a new tree and hedgeline would be planted along this boundary. This and the other above landscape buffers can be secured at the outline planning stage by way of the Parameter Plan which specifically identifies these elements and would be for formal approval.

A condition relating to the submission and approval of a detailed hard and soft landscaping scheme and another requiring details of tree/hedgerow protection measures are recommended.

Overall, Officers do not consider that there are grounds to refuse the application on landscape impact given the relatively well contained nature of the site in the wider landscape.

Ecology

Adopted Local Plan Policy RLP80 requires new development to include an assessment of its impact on wildlife and states that it should not be detrimental to the distinctive landscape features of the area. Adopted Policy RLP81 and draft Policy LPP69 encourages landowners to retain, maintain and plant native trees, hedges and woodlands and Policy RLP84 states that planning permission will not be granted for development which would have an adverse impact upon protected species. Draft Policy LPP68 also requires the impact of new development upon protected species to be considered.

The site consists of a small agricultural field with associated trees and boundary hedges. There is a local wildlife site located approximately 70m to the East (The Old Rectory Meadows) which does not have any public access and another (Tarecroft Wood) positioned approximately 500m to the North which does, via public rights of way. A pond lies adjacent to the south-eastern boundary although it sits outside the red line boundary.

The applicant has submitted a Biodiversity Survey in support of their application, consisting of a Phase 1 Habitat Survey with Phase 2 Surveys for Badgers; Bats; Birds; Great Crested Newts and Reptiles and a Bat Survey Addendum.

No evidence of Badgers was found during the surveys. Bat activity surveys identified a low number of bats using the site for foraging and commuting

purposes. The existing building on the site was not found suitable for roosting bats. Fifty-one species of bird were recorded on the site and within the wider landscape along with a wintering bird assemblage typical of lowland farmland and suburban habitats. Two ponds within the Golf Course to the East of the site, located 250m and 260m respectively were found to contain Great Crested Newts however due to the distance from the site it is considered unlikely that the proposed development would affect these identified populations.

The surveys found that a low number of grass snakes and common lizards use the site. The existing hedgerows on the site are not species rich and are not therefore considered to be of importance under the Hedgerow Regulations; however they are of importance in relation to the habitat they provide for bats, birds and reptiles and provide connectivity to surrounding habitats. The applicant's proposed removal of a large section of this hedgerow fronting onto Rickstones Road would therefore have a negative impact in this regard and weighs against the proposal in the general planning balance.

However, the applicant proposes re-planting along this boundary which would in due course provide a degree of mitigation. Other identified mitigation measures include ensuring on site lighting is designed to minimise its impact on bats; installing bird nesting features such as nesting boxes into the development and bolstering existing hedgerows which are to be retained with additional native species planting.

Braintree District Council's Ecology Officer has assessed the application and the submitted Ecology Report and does not object to the proposal subject to a number of conditions. It is also identified that the priority habitat hedgerow, which is located to the south-east and the south-west site boundaries was originally shown to be located in the rear gardens of new dwellings. This was not supported due to the potential for the hedgerow to become fragmented and/or removed. The revised illustrative masterplan shows the majority of this hedge to be located in an area of public open space.

The established hedgerow located on the north-western site boundary is not considered to be a priority habitat due to the presence of large amounts of Damson Trees, a non-native species.

The Council's Ecology Officer's requested conditions relate to precautionary measures for the protection of badgers; reptiles and nesting birds during construction; a requirement for a bat sensitive lighting scheme and the submission of a scheme for the ecological enhancement of the site. It is therefore recommended that these conditions are attached to any planning permission granted.

In terms of the wider Ecological context, the Essex Estuaries Special Area of Conservation (SAC) and the Blackwater Estuary (Mid-Essex Coast Phase 4) Special Protection Area (SPA) and Ramsar Sites, known collectively as 'natura 2000 sites' are located approximately 7.9km south east of the site. It is therefore necessary for BDC to prepare a Habitat Regulations Assessment

(HRA) Screening Report which is being undertaken at the time of writing. The County Ecologist, who assists with the preparation of HRA Screening Reports on behalf of BDC does not consider it likely that the HRA process will demonstrate that a significant likely effect (which would trigger the need for further appropriate assessment) would be caused by the proposed development on natura 2000 sites. The Officer recommendation for approval is therefore subject to the outcome of this Screening exercise. Officers are aware of screening exercises carried out for other similar scale developments within the District, and are confident on that basis that there is unlikely to be a material risk that the screening will show significant effects.

Highways and Transport

The applicant seeks outline permission with all matters reserved, including access. A Transport Assessment and illustrative access drawing have been submitted in support of the application with the new access being taken from Rickstones Road. This access would require the removal of a large section of the existing hedgerow to facilitate visibility splays although replanting would be provided along this same boundary adjacent to the required splays.

A pedestrian/cycle access is proposed to Rickstones Road in the south-western corner of the site to connect with the existing footway which currently commences at this point. A pedestrian access is also proposed to Rectory Lane.

There are a number of bus stops in the locality which are within walking distance, for example approximately 200m to the north along Rickstones Road; 260m to the south along Rickstones Road and 410m to the south-east along Forest Road. Witham Railway Station with mainline links between Liverpool Street and Norwich is located approximately 1.4km to the south. Future residents of the development would therefore be well placed to access regular bus services to the town centre and wider district as well as regular mainline railway services.

The submitted Transport Assessment states that based on an assessment of the national TRICS database it is predicted that in the weekday AM peak (0800 – 0900) the development would generate 8 arrivals and 20 departures and in the weekday PM peak (1700 – 1800) 18 arrivals and 10 departures. Essex County Highways have no objection to the proposal and do not consider that this would have any significant material impact on the existing highway network.

Essex County Highways have stated that they require the following:

- The provision of a priority junction off Rickstones Road to provide access to the application site as shown in principle on the submitted drawings;
- Upgrading the two bus stops which would best serve the application site to ECC specification;
- A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site;

- Dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road;
- Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road;
- Provision and implementation of a Residential Travel Information Pack per dwelling;
- The submission of a Construction Traffic Management Plan.

The priority junction and Construction Traffic Management plan have been required by way of condition and the bus stop upgrades; footway extension; tactile paving and travel packs by way of s106 Agreement.

Impact Upon Neighbour Amenity

There are existing dwellings located to the north-east of the application site on the opposite side of Rectory Lane; to the south-west on the far side of Rickstones Road; to the south on the opposite side of Forest Road and to the east. None of these dwellings directly abut the site boundary. The proposed layout demonstrates one way in which the site could be developed without having an unacceptable impact upon the amenity of the occupiers of these existing dwellings.

In terms of the internal layout, the illustrative plan demonstrates compliance with the Essex Design Guide in terms of garden sizes and back to back distances between new dwellings.

There is an established Builders Merchants located to the south-east of the site which sits adjacent to the boundary. The original submitted illustrative masterplan included dwellings located against this boundary which was not acceptable in terms of compatible adjacent uses. The revised illustrative layout no longer includes any dwellings on this shared section of the site boundary.

The applicant also submitted a Noise Report in support of their application which has been assessed by the Council's Environmental Health Team who have requested a number of noise related conditions. These would require a further detailed noise survey of the Builder's Merchants to be completed based upon the final detailed site layout proposed. The acceptable upper noise levels within new dwellings, specifically within bedrooms and also within rear gardens would also be controlled by way of condition. The current illustrative layout does not achieve this for all rear gardens and some of the dwelling's rooms would be reliant on mechanical ventilation due to road noise from Rickstones Road. At the detailed design and layout stage some of these matters could likely be addressed to a degree by basic layout changes. Overall this is a matter for the detailed design and layout stage and does not constitute grounds for refusing outline planning permission.

Heritage

The application site sits approximately 115m to the north-west of The Old Rectory, a Grade 2 listed building. The heritage impact of the proposal has been assessed in the above report in order to establish whether the 'untilted' or 'tilted' balance should be applied and it is considered that the identified harm to the Heritage Asset could be mitigated to the point where the Historic Buildings Advisor has no objection to the application.

Therefore, subject to the Historic Buildings Advisor's requirements for a strong landscape screen to the application site's nearest boundary to the listed building being secured at the outline planning stage, the level of identified harm to the heritage asset would be such that the Historic Buildings Advisor has no objection.

Other Matters

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application. They have identified that the site lies within a potentially sensitive archaeological area with a moderate potential for prehistoric archaeological activity. In addition the site abounds the former grounds of the Rivenhall Rectory which dates from 16th/17th Century. Planning conditions relating to the securing of a programme of historic building assessment and recording and archaeological evaluation are therefore required.

Construction Activity

In order to safeguard the amenity of existing residents in the locality a condition is recommended requiring the applicant to submit for approval a Construction Management Plan covering for example hours of working, the submission of a dust and mud control scheme and details of any piling to be carried out on site.

Gas Pipeline

There is a high pressure gas pipeline which runs across the north-eastern end of the site. National Grid have advised via the Pipeline operator Cadent Gas that they have no in principle objection to the proposed development and that there is a 12m wide easement in operation for the pipeline. The applicant is aware of this easement and the illustrative masterplan has been specifically designed to accommodate it with no development in this area.

The Health and Safety Executive (HSE) have been consulted. Initially they logged an objection, however following the re-assessment of the pipeline based on the fact that it has reinforced walls where it crosses the application site and the submission of revised plans by the applicant which clarified that

the location of the children's playspace would not be within the exclusion zone the HSE advised that they have no objection to the proposed development.

Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Outline Drainage Strategy in support of their application and proposes to utilise a detention basin located at the north-eastern end of the site which will discharge flows in a sustainable manner to the existing ditch network to the east of the site. In addition areas of lined (to prevent groundwater ingress) permeable paving will be located around the site within parking courts and larger shared areas to provide further attenuation within the SUDs network.

Following the submission of further drainage strategy information, the Lead Local Flood Authority (Essex County Council) consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The details of the surface water drainage scheme would be agreed at the Reserved Matters stage and the County Council have specified a number of conditions which it is recommended are attached to any permission granted relating to the required content and management of this scheme.

Foul water from the development is intended to drain via a proposed gravity connection to an existing Anglian Water foul water sewer within Forest Road. Anglian Water have been consulted and have no objection to the application. They advise that Witham Water Recycling Centre has capacity for the proposed foul water flows and the sewerage system also has capacity.

Agricultural Land

Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land and where significant development of such land is necessary should seek to use areas of poorer quality.

The application site consists of a small agricultural field. The Council's Agricultural Land Classification Maps show the land to be located on land classed as Grade 2 'Very Good' agricultural land. The applicant has submitted a detailed Agricultural Land Classification Report which is based on soil samples and laboratory testing following a site visit. This Report confirms that the land is Grade 2 'best and most versatile' agricultural land.

The proposed development would therefore result in the loss of 2.38ha of agricultural land, all of which is classed as best and most versatile. However, given the comparative size of the application site to the wider District the loss of this land is not considered to be significant.

Reserved Matters Timescales

The applicant has agreed at Officer's request, to reduce the time period for the submission of Reserved Matters from 3 years to 2 years. This is a material consideration when assessing the overall planning balance for the current outline planning application and would result in the development being brought forward earlier than could normally be expected, which in turn would assist the Council to address the current shortfall in the 5 year housing land supply.

Site Assessment Conclusion

There are no objections to the application from any statutory consultees.

Overall Officers are of the opinion that the site is capable of accommodating the proposed quantum of development in a sustainable manner.

Section 106

The following identifies those matters that the District Council would seek to secure through a planning obligation.

Affordable Housing

Policy CS2 of the Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas or 30% affordable housing on sites in urban areas. The application site is located immediately adjacent to the urban area of Witham and the provision of 30% affordable housing is therefore required.

The applicant submitted an Affordable Housing Statement in support of the application confirming that 30% of the proposed dwellings would be affordable housing; that is housing that is affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Based on a development of 58 dwellings this would equate to 17 affordable dwellings.

Furthermore the applicant has specifically identified the provision of the following:

1 no. 6 bed (11 person) house (affordable rented);

1 no. 3 bed (5 person) wheelchair accessible bungalow (affordable rented).

The guaranteed provision of these two affordable rented dwellings, and specifically of the 6 bed house is to meet a specific identified need by the Council's housing team. The benefits of this aspect of the scheme in terms of social sustainability are therefore clear and due weight must be given to this in the overall planning balance.

The Council's Strategic Housing Team would require the affordable dwellings to be delivered without reliance upon public subsidy and require that they must be compliant with standards acceptable to the Homes and Communities Agency at the point of construction. All affordable homes that are accessed at ground floor level should be compliant with either lifetime homes standards or Part M Cat 2 of Building Regulations. The 6 bed 11 person house must be no smaller than 1,730sqft.

Public Open Space

Policy CS10 requires new development to make appropriate provision for publically accessible green space or improvement of existing accessible green space in accordance with the following adopted standards (all figures are calculated per thousand population); parks and gardens at 1.2 hectares; outdoor sports provision at 2.0 hectares; amenity greenspaces at 0.8 hectares; provision for children and young people at 0.2 hectares.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size is required to make a financial contribution towards the off-site provision of allotments and outdoor sports. Equipped play space and informal open space should be provided on site and is identified as such on the illustrative masterplan.

In terms of the off-site contributions, the Open Space SPD would require a financial contribution of approximately £51,526 toward the off-site provision of, or improvements to outdoor sports facilities and allotments based on a development of 58 dwellings. These contributions would be secured through the S106 Agreement and the actual payment would be calculated on the number and size of the dwellings constructed. The contribution would be put towards the delivery of public open space enhancements within the locality of the site.

Ecology

A mitigation package towards the development's impact upon the natura 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites, a financial contribution to the improvement of the public rights of way network within the vicinity of the site and the promotion of circular walking routes near the application site to new residents. The final detail of the mitigation package will be identified during the HRA screening process.

Education

Essex County Council has advised that the proposed development is located within the Witham North Ward. For the County Council to meet its statutory duties it must facilitate sufficient places to meet free childcare entitlement demand and ensure a diverse range of provision so that different needs can

be met. A Developer contribution of approximately £62,722 towards Early Years and Childcare provision is required.

NHS

NHS England advise that the development would give rise to the need for improvements to capacity by way of refurbishment, reconfiguration, extension or potential relocation for Witham Health Centre. A Developer contribution of £21,919 is therefore required with payment being made before prior to the commencement of development.

Transport

Prior to occupation of the development the two bus stops which would best serve the application site are to be upgraded with details and scope of works to be agreed with the Local Planning Authority. Dropped kerb/tactile paving crossing points are to be installed in Rickstones Road south of its junction with Forest Road and Tactile paving installed at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road. A continuation of the footway on the east side Rickstones Road (north of Forest Road) into the proposal site is also required.

Residential Travel Information Packs are also required for new occupiers of the development.

Conclusion

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework. 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.

In this particular case, there are not considered to be any specific policies in the Framework that would indicate that a development of housing at this site should be restricted due to for example heritage impact or the site constituting a valued landscape. This means that the LPA must consider the proposals in the context of the “tilted balance” indicated by the first bullet point of paragraph 14 of the NPPF; i.e. to consider whether the adverse impacts of the approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

The application site is located adjacent to but outside the Town Development Boundary of Witham as identified in the adopted and the emerging Local Plan and is situated in the countryside. The applicant’s proposal to develop the site

in a residential capacity must therefore be considered as a departure from both the adopted and the emerging Development Plans. Although adopted Development Plan Policies concerning the supply of housing must be considered out of date some weight can still be given to the application's conflict with Local Plan Policy CS5 which accords with the NPPF's aim to recognise the intrinsic beauty and character of the countryside. The application's conflict with the emerging Local Plan can also be given a limited degree of weight, given the relatively advanced stage of the emerging Local Plan's preparation. The application's departure from both Plans therefore weighs against the proposed development in the planning balance.

Other adverse impacts of the proposal are limited. The loss of a comparatively small amount of best and most versatile agricultural land and the loss of a greenfield site weigh against the proposal. There would also be a limited landscape and ecological impact including the removal of a large section of the existing hedgerow fronting onto Rickstones Road and a change to the existing setting of this part of Rectory Lane contrary to the Rivenhall Village Design Statement. However Ecological mitigation and enhancement measures have been identified and a new species rich boundary hedge would be planted to replace the removed hedgerow along Rickstones Road and on the boundary to Rectory Lane. The site is also capable of providing other strategic landscaping and on site public open space.

The proposal would conflict with The Rivenhall Village Design Statement's aims insofar as it would bridge the existing gap between the northern boundary of Witham which is currently formed by Forest Road and the cluster of dwellings which are located along both sides of Rickstones Road to the north. This would cause a degree of harm which would be marginally mitigated by the non-developable area located at the application site's northern end which would contain open space and would remain undeveloped. However, the green buffer proposed in the emerging Local Plan, which is purposefully designed to prevent coalescence between Witham and Rivenhall would remain untouched and Rectory Lane acts as a natural boundary to prevent further development to the north.

The wider spatial context is also important in terms of the proposed Town Development Boundary for Witham in the emerging Local Plan, which would extend along the application site's north-western boundary meaning that the site would be flanked on two sides by the Development Boundary and would project no further into the countryside to the north. It would also, in terms of the wider spatial picture project no further to the north-east than the proposed residential allocation at Forest Road which is under construction and would not sit uncomfortably with the new Town Development Boundary for Witham as proposed in the emerging Local Plan.

With regard to the benefits of the scheme, there are a number of factors which clearly weigh in favour of the proposed development.

In terms of economic and social sustainability, the development would bring demonstrable public benefits including up to 41 market homes and 17

affordable homes, making a notable material contribution toward the Council's 5 year housing land supply deficit, a factor which must be given significant weight in the determination of this application. Indeed the applicant has agreed to a foreshortening of the period for the submission of the reserved matters application leading to earlier delivery.

The application would also guarantee the provision of 1no. 6 bed (11 person) affordable rented house and 1no. 3 bed (5 person) wheelchair accessible affordable rented bungalow. The provision of these dwellings would meet a specific need identified by the Council's Affordable Housing Team with the 6 bed house being of particular importance given its specialist nature. This element of the proposal also weighs in favour of the application and is a factor in terms of social sustainability.

Environmentally, the site is located in a sustainable position, being immediately adjacent to one of the District's main towns with its associated services and facilities. Pedestrian and cycle access could be achieved from the site into Witham town centre, there is good bus service provision in the locality and the rail station is both accessible and provides regular mainline services.

Other benefits which weigh in favour of the development include financial contributions towards the off-site provision of outdoor sports facilities and allotments; the upgrading of two existing bus stops and the provision of public open space on site which could be used by both new and existing residents in the locality.

The development would also generate a number of construction jobs during the build phase.

The applicant has submitted a suite of detailed documents which demonstrate to Officers that the site is free of any constraints to residential development which cannot be resolved by way of conditions, the submission of further information at the Reserved Matters stage and a S106 Agreement.

Overall, and on balance, when considering the economic, social and environmental limbs of sustainable development as identified in the NPPF, it is concluded that the benefits of granting permission for the residential development of this site, which will deliver an appreciable boost to housing supply within the District outweigh the limited adverse impacts. Accordingly approval is recommended.

RECOMMENDATION

It is therefore RECOMMENDED that subject to:

- 1) The applicant entering into a suitable legal agreement pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to cover the following Heads of Terms:

- **Affordable Housing** (30% provision; 70/30 tenure split (affordable rent over shared ownership); delivered without reliance on public subsidy; all affordable homes that are accessed at ground level should be compliant with either Lifetime Homes standards or equivalent Part M Cat 2 of Building Regulations; all units to be compliant with standards acceptable to Homes and Communities Agency at point of construction. Affordable rented provision must include 1no. 6 bed (11 person) house which must be no smaller than 1,730sqft and 1no. 3 bed (5 person) wheelchair accessible bungalow.
- **Public Open Space** (financial contribution toward outdoor sports provision and allotments provision to be calculated in accordance with Policy CS10 and the Council's Open Spaces SPD. Financial contributions to be calculated based on the final dwelling mix using the Council's standard Open Spaces Contributions formula. Specific projects to be identified by Officers. Trigger point for payment being prior to occupation of the first unit).
- **Ecology** (mitigation package to mitigate the development's impact upon nature 2000 sites. This may include a financial contribution towards off site visitor management measures or monitoring surveys at the natura 2000 sites and to the improvement of the public rights of way network within the vicinity of the site; and the promotion of circular walking routes near the application site. Details of the mitigation package and the requirement for financial contributions to be identified/confirmed during the HRA screening process).
- **Education** – (financial contribution towards Early Years and Childcare provision is required based on the County Council's standard formula, index linked to April 2017.
- **Healthcare Provision** – (financial contribution of £21,919. Trigger point for payment being prior to commencement of development).
- **Residential Travel Information Pack** (to be approved by Essex County Council. Trigger point being prior to occupation of the first unit. To include six one day travel vouchers for use with the relevant local public transport operator. Travel Packs to be provided to the first occupiers of each new residential unit).
- **Highway Works** Provision of dropped kerb/tactile paving crossing points in Rickstones Road south of its junction with Forest Road. Provision of Tactile paving at the dropped kerb crossing points in Forest Road immediately east of Rickstones Road. Continuation of the footway on the east side of Rickstones Road (north of Forest Road) into the proposal site.
- **Upgrading of bus stops** (The upgrading of the two bus stops which would best serve the application site with details and scope of works to be agreed with the Local Planning Authority. Trigger point being prior to occupation of the first unit).

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

Alternatively, in the event that a suitable planning obligation is not agreed within 3 calendar months of the date of the resolution to approve the application by the Planning Committee the Development Manager may use her delegated authority to refuse the application.

APPROVED PLANS

Location Plan	Plan Ref: 860-PL-07	Version: B
Tree Plan	Plan Ref: 1	
Parameter Drawing	Plan Ref: 860-PL-13	Version: B
Topographical Survey	Plan Ref: 14849se-14	Version: J
Topographical Survey	Plan Ref: 14849se-15	Version: J
Topographical Survey	Plan Ref: 14849se-16	Version: J

1 Details of the:-

- (a) scale;
- (b) appearance;
- (c) layout of the building(s);
- (d) landscaping of the site; and
- (e) access thereto

(hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

- 2 The submission of reserved matter applications pursuant to this outline planning permission shall together provide for no more than 58 dwellings, parking, access, public open space, landscaping, surface water attenuation and associated infrastructure and demonstrate compliance with the approved plans listed above with the exception of the Tree Protection Plan (referred to as Tree Plan Ref 1) which is approved in

relation to the extent to which it identifies existing trees and hedges to be retained only.

Reason

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

- 3 Any Reserved Matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to un-neighbourly development with problems of overlooking and loss of privacy.

- 4 No occupation of the development shall take place until a priority junction off Rickstones Road to provide access to the proposal site as shown in principle on the submitted drawings has been constructed with the details to be submitted for approval under Reserved Matters as required by Condition 1 of this planning permission.

Reason

To protect highway efficiency of movement and to ensure that the access is constructed to an acceptable standard in the interests of highway safety.

- 5 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - Safe access to/from the site including details of any temporary haul routes and the means by which these will be closed off following the completion of the construction of the development;
 - The parking of vehicles of site operatives and visitors;
 - The loading and unloading of plant and materials;
 - The storage of plant and materials used in constructing the development;
 - Details of any piling operations to be carried out during the construction phase;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Delivery, demolition, site clearance and construction working hours.;
 - Details of how the approved Plan will be implemented and adhered to, including contact details (daytime and 24 hour) for specifically

- appointed individuals responsible for ensuring compliance.
- Details of the keeping of a log book on site to record all complaints received from the public and the action taken in response. The log book shall be available for inspection by the Council and shall include information on the action taken in response to the complaint.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area. The Statement is required prior to the commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 6 a) Prior to the commencement of development intrusive sampling shall be undertaken and a report detailing the results of the survey together with (if necessary) a remediation scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to the Local Planning Authority for approval. The survey shall be undertaken in accordance with the further works identified as being necessary in the applicant's Preliminary risk Assessment completed by RSK Environment Ltd and dated August 2017.

b) Formulation and implementation of the remediation scheme (if it is required under a) above) shall be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Such agreed measures shall be implemented and completed prior to the commencement of development hereby approved.

c) Notwithstanding the above, should contamination be found that was not previously identified or not considered in the remediation scheme agreed in writing with the Local Planning Authority, that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed in accordance with the above and a separate remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

d) The developer shall give one-month's advanced notice in writing to the Local Planning Authority of the impending completion of any remediation works. Within four weeks of completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site until the Local Planning Authority has approved the validation report in writing. Furthermore, prior to occupation of any

property hereby permitted, the developer shall submit to the Local Planning Authority a signed and dated certificate to confirm that the remediation works have been completed in strict accordance with the documents and plans comprising the remediation scheme agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The survey is required prior to the commencement of development to ensure that measures are in place to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors and other offsite receptors before any on-site work commences.

- 7 a) No development or preliminary groundworks shall commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
- b) Where further work has been identified from the archaeological evaluation required under a) above a mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority for approval prior to the completion of this work.
- c) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy required by b) above, and which has been signed off by the local planning authority through its historic environment advisors.
- d) Within 6 months of the completion of fieldwork required under a) and/or c) the applicant shall submit to the Local Planning Authority a final report or detailed publication proposal for the dissemination of the results of the project.

Reason

To enable full investigation and recording of this site of archaeological importance. The implementation of the agreed programme of archaeological evaluation is required prior to the commencement of development to ensure that the evaluation is carried out before construction works start which could damage archaeology on the site.

- 8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall subsequently be implemented prior to occupation.

The scheme shall include but not be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. This should include a suitable half-drain time.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarizing the final strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment. The details of the surface water drainage scheme are required prior to the commencement of development to ensure that the development of the site is carried out in accordance with an approved drainage scheme.

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

Reason

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. These details need to be agreed prior to the commencement of development to ensure that measures to minimize the risk of offsite flooding are in place when works commence on the site.

- 10 No development shall commence until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. The Maintenance Plan is required prior to the commencement of development to ensure that a system is installed which is properly maintained.

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

Reason

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

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

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

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

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. The tree protection details are required prior to the

commencement of development to ensure that appropriate measures are in place to protect retained trees and hedges before any work commences on site.

- 13 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage and signs.

All hard surfacing, whether permeable/porous or not will be in accordance with the requirements of an approved detailed SUD's Strategy for the Site.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

Reason

Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details.

- 14 No above ground works shall commence until a schedule and samples of the materials to be used on the external finishes of the dwellings and where appropriate garages 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.

- 15 Prior to first occupation of the development hereby approved details of all gates / fences / walls or other means of enclosure within the relevant phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the development and shall be permanently retained as such and only in accordance with the approved

details.

Reason

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

- 16 Any Reserved Matters application relating to layout shall be accompanied by a strategy for the following:

- details of a strategy for Broadband provision to the new dwellings
- details of a strategy for the provision of electric car charging points

The Development shall be carried out in accordance with the approved strategy.

Reason

To ensure that an acceptable level of broadband provision is made to each of the new dwellings and scope for the increasing use of electric vehicles is provided for.

- 17 Prior to the commencement of development or of any vegetation clearance on site a pre-construction badger sett survey must be undertaken. The Survey must be submitted to the Local Planning Authority for approval, alongside a Method Statement to safeguard Badgers and other mammals during construction. The Development must be carried out in accordance with the approved method statement.

Reason

In order to safeguard any Badgers that could be present on or utilising the site when construction commences. The Survey and Method Statement are required prior to the commencement of development to ensure that safeguards are in place before work begins on site.

- 18 No development shall take place until a lighting design strategy for the protection of light sensitive biodiversity (bats) during and post construction has been submitted to the Local Planning Authority for approval. To ensure that there is no harm or disturbance to a protected species a lighting scheme should:

- i) Identify areas/features on the site that are sensitive for all bat species on site, and that are likely to cause disturbance in or around the breeding sites and resting places or along important territory routes used to access key areas of their territory, for example foraging and commuting.
- ii) Show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent bats using their territory or having access to their breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. No additional external lighting

shall be installed.

Reason

To safeguard any Bats using the site, to minimise pollution of the environment and to safeguard the amenities of the locality. The survey and lighting scheme are required prior to the commencement of development to ensure that safeguarding measures are agreed before work begins which could disturb bats in the area.

- 19 No development shall take place until a Method Statement for the protection of Reptiles before and during development has been submitted for approval by the Local Planning Authority. The development shall be carried out in accordance with the approved Method Statement.

Reason

To safeguard protected species and minimise the impact of the proposal on biodiversity. The Method Statement is required prior to the commencement of development is required prior to the commencement of development to ensure that protective measures are in place before work commences on site.

- 20 Prior to the commencement of development a strategy for the Ecological Enhancement of the site shall be submitted to the Local Planning Authority for approval. The strategy shall include details such as new habitat creation and habitat improvement and should cover matters such as the provision of bat and bird boxes; hedgehog friendly fencing and the improvement of existing hedgelines which are to be retained.

Reason

In the interests of protecting and enhancing biodiversity.

- 21 Car parking provision across the development shall be provided in accordance with the minimum standards set out in the Essex Parking Standards Design and Good Practice 2009 which requires the following parking provision for Use Class C3 Dwellinghouses:
- a minimum of 1 car parking space per 1 bedroom dwelling;
 - a minimum of 2 car parking spaces per 2 or more bedroom dwelling;
 - a minimum of 0.25 visitor car parking spaces per dwelling (unallocated and rounded up to the nearest whole number) and to include a minimum of 3 blue badge bays or 6% of total capacity whichever is the greater; and
 - standards exclude garages if less than 7 metres x 3 metres internal dimension.

Reason

To ensure adequate off-street parking space is provided.

- 22 All garden sizes across the development shall comply with the minimum standards set out in the Essex Design Guide 2005 which requires the

following:

- A minimum of 100sqm for 3 or more bed houses;
- A minimum of 50sqm for 1 or 2 bed houses;
- A minimum of 25sqm of private amenity space for all flats. Balconies or terraces over 5sqm in extent may count towards the total garden provision for flats provided that the Local Planning Authority considers that they are acceptable in terms of design and amenity.

Reason

To ensure that the layout of the site is acceptable in the interests of protecting the amenity of future residents of the development.

23 There shall be no vehicular access to the site from Rectory Lane.

Reason

In the interests of highway safety and to protect the existing character of Rectory Lane.

24 Prior to the commencement of development the applicant shall provide full details of how the following noise criteria a - c will be achieved to include details of layout, screening and window/ventilation systems:

- a) The internal noise levels give in Table 4 within section 7.7.2 of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings;
- b) 45dB(A) as LAfmax not exceeded more than 10 times within 2300 to 0700 hours within bedrooms;
- c) 55Db(A) as 16 hour weighted LAeq in external amenity areas.

The noise mitigation measures shall be completed in accordance with the approved details.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

25 Prior to the commencement of development the applicant shall provide a detailed BS4142:2014 (Methods for Rating and Assessing Industrial and Commercial Noise) Noise Assessment for approval in respect of noise from the adjacent Builder's yard and noise mitigation details to minimise any adverse effect shall be provided. Such mitigation shall be completed in accordance with the approved details.

Reason

To protect the amenities of the occupiers of the residential properties hereby permitted.

INFORMATION TO APPLICANT

- 1 All residential developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and will ensure that the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority with details to be agreed before the commencement of work. You are advised to contact the Development Management team at development.management@essexhighways.org or SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester C049Y
- 3 You are reminded that under the Wildlife and Countryside Act 1981 it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Vegetation clearance should therefore take place outside of the nesting bird season or if this is not possible a check for nesting birds must commence prior to any works being undertaken by a suitably qualified Ecologist. Any active nesting sites must be cordoned off and remain undisturbed until young birds have fledged.
- 4 This development will result in the need for a new postal address. Applicants should apply to the Street Naming & Numbering Officer using the application form which can be found at www.braintree.gov.uk/streetnaming. Enquiries can also be made by emailing streetnaming@braintree.gov.uk.
- 5 Please note that the Council will contact you at least annually to gain information on projected build out rates for this development. Your co-operation with this request for information is vital in ensuring that the Council maintains an up to date record in relation to Housing Land Supply.
- 6 Please note that there is a 12m wide easement in operation for the gas pipeline which crosses the north-western end of the site. All construction works and landscaping within the easement must have formal written approval from Cadent Gas Limited prior to commencing construction. All works should also be notified to cadent Gas at plantprotection@cadentgas.com
- 7 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout

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

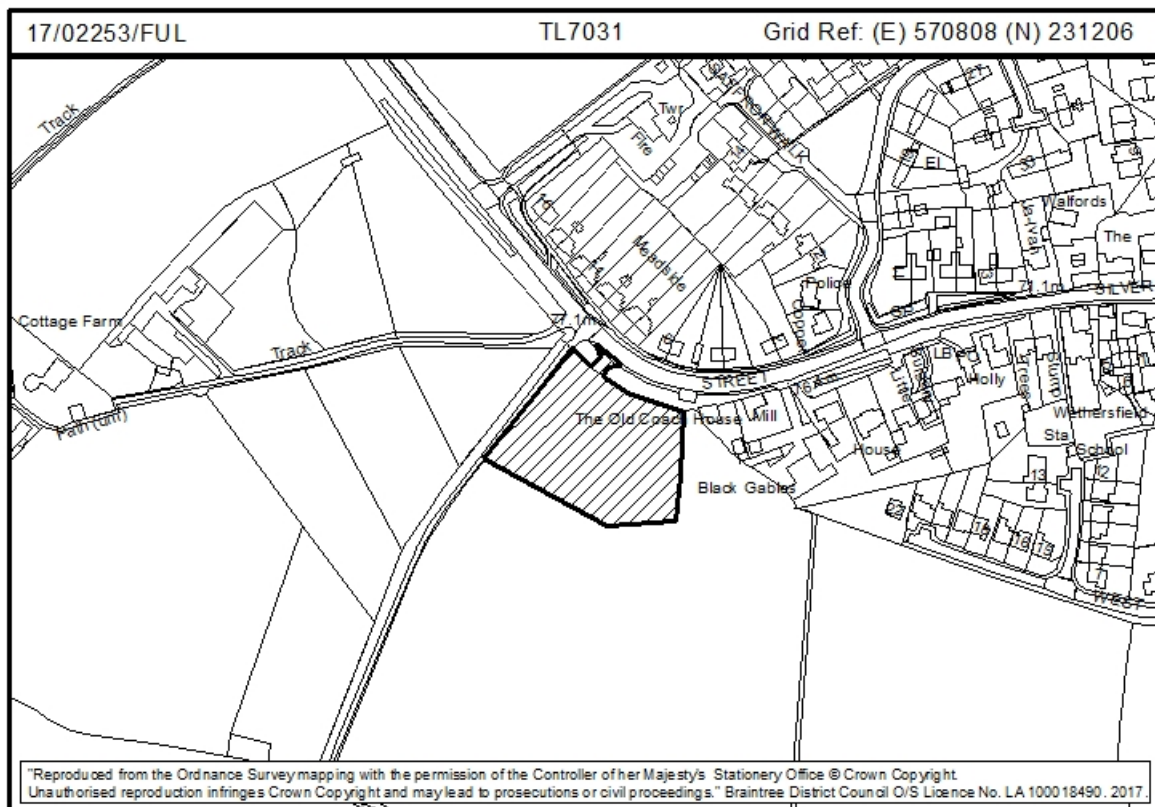
- 8 Your attention is drawn to the Essex County Council SUDs consultation response dated 19th December 2017 which includes a number of SUDs informatives to which you should have regard.

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION 17/02253/FUL DATE 02.01.18
 NO: VALID:
 APPLICANT: Julia MacKay Properties/Mr Thompson
 C/O Agent
 AGENT: Mrs Lisa Skinner
 Bidwells, Victoria House, Victoria Road, CHELMSFORD,
 CM1 1JR, Essex
 DESCRIPTION: Erection of 9 dwellings with associated access and
 landscaping.
 LOCATION: Land South Of, Silver Street, Wethersfield, Essex

For more information about this Application please contact:
 Katie Towner on:- 01376 551414 Ext. 2509
 or by e-mail to: katie.towner@braintree.gov.uk



SITE HISTORY

17/00093/REF	Erection of 9 dwellings with associated access and landscaping.	Appeal Dismissed	13.03.18
17/00313/FUL	Erection of 12 dwellings with associated access and landscaping.	Withdrawn	23.05.17
17/01621/FUL	Erection of 9 dwellings with associated access and landscaping.	Refused	27.10.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
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
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee given an objection from the Parish Council contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located to the southern side of Silver Street outside of the Village Envelope and therefore within the countryside. The site comprises some 0.46 hectares and currently forms part of a larger agricultural field which is actively farmed. The site is undulating in topography, sloping from north to south and also west to east. The site is at a lower level than the adjacent highway and also the immediate neighbouring properties to the west.

The site immediately abuts the boundaries of a couple of residential properties to the east and is opposite residential properties to the north which are sited at a higher level than Silver Street.

PROPOSAL

The application seeks planning permission for the erection of no.9 detached residential houses on land to the south of Silver Street, including associated car parking and landscaping. The site would be served by a single point of access off Silver Street.

CONSULTATIONS

ECC Highways – No objections subject to conditions in respect of the access, footway and a construction management plan.

BDC Environmental Health – No objections subject to conditions in respect of construction work hours, burning of waste, a dust and mud control management scheme and a piling scheme.

BDC Waste – No comments

REPRESENTATIONS

Wethersfield Parish Council – Do not object to the principle of residential development on this site, but object to the proposed scheme for the following reasons:

- There is a strong need for affordable housing. The size of the houses proposed will not allow local people the opportunity to purchase or rent.
- Concerned that the area of land between the site and the existing residential properties at The Old Coach House and Black Gables will be subject to a future planning application.
- The access road to the rear of the site will allow further houses to be built to the south at a later date.

55 letters of objection and 1 letter of support have been received in response to the public consultation the main planning points of which are summarised below:

Letters of objection

- Will destroy the quiet feel of the village
- The site is outside of the village envelope
- Loss of agricultural land
- Field views on entering the village will be lost
- The village requires affordable housing
- No provision for the loss of road side parking
- Infrastructure and services (i.e. Doctors Surgery) cannot accommodate any more houses
- Not enough car parking in the village
- Parking on the highway will cause highway safety concerns
- Access will be dangerous
- Wethersfield does not have enough amenities to support extra residents
- Wethersfield is a third tier village
- Increased traffic through the village
- Impact on wildlife
- Planning permission was refused back in 1984 on the basis of the impact on the countryside
- The design of the properties do not fit with the village
- Impact on residential amenity
- Disruption during construction

Letter of support

- Wethersfield needs to adapt and grow in order to attract those who will keep the village going
- The current area in front of the site looks messy and is detrimental to the reputation of the village, especially with cars parking on the verge. The village would benefit from this being improved
- The development will likely have a positive impact on existing property prices
- The village is surrounded by many fields and woodland walks. The loss of this small piece of farmland will not compromise resident's ability to enjoy this.

REPORT

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material

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

The application site is located outside of the village envelope for Wethersfield and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5th June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16th June to 28th July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 for examination in public in early 2018.

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

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and; The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

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

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh*

the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

The site was put forward in the 'Call for Sites' as part of the new Local Plan. The site was considered initially by the Local Plan Sub Committee on the 9th May 2016 (ref: WETH414). Officers recommended to the Committee that the site not be allocated for residential development. Officers advised that *'the site would provide approximately 11 dwellings. The site is lower than the level of the road, and would not be a natural extension to development in the village, and does not have a natural boundary to contain the site'*. Members of the Sub Committee resolved for the site to be included within a revised village envelope within the new Local Plan.

There are 22 unresolved objections to the proposed allocation and therefore the proposed allocation carries only limited weight in decision making.

The application site as proposed has a different boundary to the site allocation, although not materially so. During pre-application discussions,

officers were accepting of such an amendment if it facilitated an improved development.

The application site has recently been subject to an appeal for the development of 9no. residential units. The appeal was dismissed and the Inspector's conclusions will be discussed later in this report. This appeal decision forms a material consideration in the determination of this application. A copy of this decision is appended to this report.

Sustainable Development

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

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

Para.55 of the NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

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

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

The hierarchy within the draft Local Plan also identifies 5 Service Villages which act as local centres for their surrounding rural areas. Wethersfield is not one of these villages. The application site is located in the countryside, which is at the bottom of the settlement hierarchy identified in the Core Strategy and draft Local Plan. Wethersfield is categorised as an 'other' village in the Core Strategy, also at the lower end of the settlement order. It is in a location where the Council's existing and proposed development strategies seek to restrict new residential development unless there are exceptional circumstances.

Amendments to the settlement hierarchy set out in the draft Local Plan were made at the Local Plan Sub-Committee meeting on 28th November 2016. This carries little weight at the current time, but it was agreed that Wethersfield would fall within the 'Tertiary Villages' category. The text to accompany this which will appear in the Pre-Submission Local Plan states that *'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 for development within a Tertiary Village'*.

This application must be considered on its merits and an assessment must be made of the amenities/facilities available within the village. Wethersfield benefits from a post office/local shop, a primary school, pre-school, recreation ground, village hall and bed & breakfast facilities. Wethersfield also benefits from two bus services the no. 9/9A and the no. 16. The no. 9/9A provides links to Great Notley, Braintree (including the train station) Finchingfield, Great Bradfield and Bocking. This is an hourly service Monday to Friday and 4 times a day on Saturdays. No Sunday service is provided. The no. 16 provides a service to Chelmsford including stops at Broomfield Hospital, Felsted, Stebbing, Great Bardfield and Finchingfield. This is a more limited service with only 4 buses daily Monday to Saturday. These bus services are no more than hourly, however the no. 9/9A and to a limited degree the no. 16 does provide the opportunity for commuters to connect to rail services in Braintree and Chelmsford. It is appreciated however that this would not be suitable for all travellers and it is unlikely to prove sufficient especially in the evenings on return from work, if travelling from beyond Braintree or Chelmsford.

Although not a town or key service village, Wethersfield does provide some facilities to the benefit of its residents which are within reasonable walking distance from the application site. The application site is connected to these services by an existing footpath.

In the recent appeal at this site the Inspector considered the accessibility of services and facilities from the site. The Inspector acknowledges that there would be a need to use a private car to access services and facilities beyond Wethersfield, however based on the services and facilities within Wethersfield and the fairly regular bus services, he concluded that future occupants of the proposed development would not be overly reliant on the private car and therefore the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited. The Inspector concluded that the development would not be isolated. In addition, the development of 9no. houses would help to support services and facilities within the village and in nearby settlements and therefore the development would accord with paragraph 55 of the NPPF. The Inspector concluded that the proposed development would represent a suitable location for housing having regard to the accessibility of local services and facilities and would accord with Policy CS7.

To conclude, in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development, however given the conclusions of the Inspector which must be a material consideration, it is considered that the proposal would accord with Policy CS7 of the Core Strategy and is not objectionable on this basis.

The planning balance is concluded below.

Design, Appearance and Layout

The NPPF requires planning to always seek to secure high quality design. Policy RLP90 of the Local Plan Review and CS9 of the Core Strategy also require high standard of design and layout in all developments.

The previous proposal (ref: 17/01621/FUL) presented a scheme of 9no. units which was inward looking, turning its back to both Silver Street and the countryside to the south. The application was refused on the basis of the ill-conceived design and layout which failed to secure a high quality design or a good standard of amenity for future occupiers. In addition the approach to the boundaries resulted in an enclave of housing unrelated to the wider settlement which failed to successfully integrate in to the area.

In considering the appeal for the above mentioned proposal the Inspector commented that the properties which backed on to the southern boundary of the site, presented a clear contrast with the remaining field of which it currently forms part and reinforced an enclosed layout and enclave of development. The Inspector specifically notes that the contrast between the residential development and the countryside could be reduced by development that faced towards the countryside, like at the adjacent West Drive. This approach had been suggested by Officers during pre-application discussions. The Inspector concluded that *'it may be possible to achieve a satisfactory layout of development, but the proposed development would not do this based on its enclosed layout'*. The Inspector dismissed the appeal on the basis of the harmful effect it would have upon the character and appearance of the area.

The layout proposed within the application now under consideration proposes a layout with dwellings to the south of the site facing outwards towards the open countryside. An access road runs in front of the dwellings and provides the opportunity for a softer transition between the new residential development and the open countryside to the south. At West Drive to the east of the application site a similar arrangement can be seen. In this case the boundary is treated with wire fencing and intermittent tree planting, which defines the space with a transparent and soft treatment and allows for views of the countryside. A similar arrangement could now be achieved at the application site. It is considered, taking in to account the comments made by the Inspector that such an arrangement prevents the development being enclosed and is a better solution to developing the site which has a lesser impact on the character of the settlement and the amenity of the countryside.

The treatment and landscaping of this boundary can be controlled by condition on any grant of consent.

The Inspector also commented on the less than ideal garden areas which were of limited depth and gave rise to a poor level of amenity for future occupiers. The layout now proposed overcomes these issues, with each dwelling being served by a useable garden area which meets the size requirements set out in the Essex Design Guide.

On entrance in to the site there is no specific 'focal point', however a view directly out to the open countryside would be possible. The side elevation of Plot 1 has also been designed to include fenestration such it is not a blank side elevation wall.

The proposal is at odds with the prevailing character of development within the immediate area given that it does not address Silver Street. The proposed development is set back from the highway, at a lower level than the development opposite, which is raised in relation to the level of the highway. Given the less uniform positioning of dwellings along the southern side of Silver Street it is not considered that the proposed development would detract from the appearance of Silver Street to an unacceptable degree. The site is somewhat disconnected from the existing development given the section of land which is outside of the application site and leaves a buffer between the existing and proposed properties. This disconnected nature would not be fully appreciated as viewing the site from Silver Street. It would be more so as viewing the site from the south, however the revised layout lessens the impact given the more open boundary. The development would appear more integrated with the existing development as a result.

The Inspector notes the changing levels across the site but does not suggest that this precludes development or would result in a development which would give rise to an unreasonable visual impact. It will be necessary to know how land levels are proposed to be changed (if this is the case) to accommodate the proposed development in order to ensure that the development does not result in an unacceptable impact upon the visual amenity afforded to the area or a detrimental impact upon neighbouring properties. This can be secured by condition on any grant of consent.

The dwelling types are of a scale which correspond to other houses within the village; however they take their own design. This is not considered objectionable and would not give rise to an adverse impact on the appearance of the street scene.

The application is supported by vehicle tracking details which shows that a refuse vehicle can access the site, turn and exit in a forward gear.

Each property is served by off street car parking to meet the adopted standard in terms of the number of space and the size of the spaces. Visitor car parking is also provided.

A number of representation letters make reference to a loss of car parking on the grass verge adjacent to the site. This grass verge is outside of the application site and is in the ownership of Essex County Council. It is appreciated that residents from the houses opposite park on the grass verge, however this is not formal car parking and could be prevented by the land owner at any time. As such there is no requirement for this car parking to be provided elsewhere. Nonetheless the development will only remove part of this verge in order to provide the access and thus car parking could still take place on the remainder of the verge, unless this is restricted by the land owner.

A number of comments have been made in respect to the development not providing affordable housing. Given the development is only for 9no. units, national planning policy does not require affordable housing to be provided.

To conclude it is considered that the previous concerns in relation to the design and layout of the site have been sufficiently overcome and the proposal now satisfies policy CS9 of the Core Strategy and Policy RLP90 of the Local Plan Review.

Impact on Neighbour Amenity

The NPPF requires planning to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review states that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is within close proximity to the residential properties of The Old Coach House and Black Gables (and its annexe). These neighbouring properties (and their habitable windows) are sited directly on their western boundary. Officers have undertaken a site visit to the Old Coach House. This dwelling is sited at a higher level than the application site and has habitable windows and its garden overlooking the application site.

The development is sited away from the aforementioned residential properties such they do not share a boundary. In addition in contrast to the previously refused scheme plot 4 has been re-sited further away from The Old Coach House. Although the development would be visible and it will undeniably change the view from these properties, given the separation distances and siting of the properties, it is not considered that detrimental harm would be caused to the occupiers of the neighbouring properties such to justify refusal of the application on this basis.

The Council's Environmental Health Team has suggested several conditions, for example in respect of hours of construction, piling and dust/mud control management. Given the scale and nature of this development these conditions are not required in order to make the development acceptable and therefore it is not justified in this case to attach them to any grant of consent.

Highway Issues

The Highways Authority has considered the proposal and raise no objections subject to a series of conditions. A condition requiring the access in to the site

to be constructed to an acceptable standard is recommended to be attached to any grant of consent.

The Highway Authority has requested that a condition is attached to any grant of consent requiring the existing footpath from the site to the Primary School to the east is upgraded. Given the scale of the development this is not considered reasonable. Furthermore a condition requiring residential information packs is also recommended. Again given the scale of the development such a condition is not considered reasonable.

It is noted that several local residents have raised concern with regards to the proposed access and its implications for safety. This is acknowledged however without an objection from the Highways Authority it would not be possible to defend a reason for refusal on this basis.

The scheme accommodates the number of car parking spaces required by the adopted standard.

OTHER MATTERS

Hedgerow Survey

The application is supported by a Hedgerow Survey Summary. The survey found that the hedgerow is comprised of four species and thus it is not considered to be important under the Hedgerow Regulations (1997). The hedgerow does however contain more than 80% UK native woody species and as such meets the definition of a habitat of principal importance under the Natural Environment and Rural Communities Act. As such the hedgerow should be retained and enhanced. If this is not possible a species rich hedgerow should be planted to compensate for any loss.

A small part of the hedgerow is proposed to be removed in order to accommodate the access in to the site. Given the majority of the hedgerow will remain the small area of loss is not considered objectionable, provided that additional planting is proposed elsewhere in the site. This can be controlled by condition on any grant of consent.

It is noted that the landscaping plan submitted with the application relates to a different layout than that now sought. A condition on any grant of consent can ensure an updated landscaping plan is provided.

Land Contamination

The application is supported by a Phase I Land Contamination Assessment. This concludes that given the current/historic use that contamination is unlikely and no sources of contamination were visible on site. A further survey in respect of contamination is not required.

A condition can be placed on any grant of consent which requires a survey and remediation strategy to be submitted should contamination be found on site during the construction phase.

CONCLUSION AND PLANNING BALANCE

The application site is located outside of the Village Envelope for Wethersfield and is therefore within the countryside. The development therefore conflicts with policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy.

Notwithstanding the conflict with the above mentioned policies of the adopted development plan, the presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) specific policies in the Framework indicate development should be restricted; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The Council acknowledge that it cannot demonstrate a 5 year supply of housing land and thus although policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy still carry weight, this must be reduced in light of para. 14 of the NPPF.

In this particular case Officers have concluded that specific policies in the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

Accordingly, the LPA must therefore apply the “tilted balance” to the consideration and determine and assess whether any adverse impact of granting consent would demonstrably outweigh the benefits.

The site does benefit from a draft allocation within the Publication Draft Local Plan to be included within a revised Village Envelope. The Draft Plan has been submitted for examination and can be given some weight in the decision making process. However the weight to be given to this draft allocation is limited given unresolved objections to the inclusion of this site within a revised development boundary.

Assessment of the planning balance must take account of the economic, social and environmental impact of the proposed development. The development would provide 9no. units contributing to housing supply. It is also acknowledged that the proposal satisfies paragraph 55 of the NPPF and Policy CS7 of the Core Strategy and the site would represent a suitable location for housing having regard to the accessibility of local services and facilities and would help to support services and facilities within the village and in nearby settlements.

The previous concerns in relation to the design and layout of the scheme have been overcome and scheme does not present an unacceptable impact on the character of the settlement.

Having assessed the specific merits of the site and the public benefits which the proposal would bring against the Council's policies and the requirements of the NPPF both individually and as a whole, Officers consider that the proposed development would be sustainable and that the planning balance falls in favour of granting planning permission. Accordingly it is recommended that this 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

Proposed Plans	Plan Ref: 6425/1212	
Proposed Plans	Plan Ref: 6425/1213	
Proposed Plans	Plan Ref: 6425/1220	
Proposed Plans	Plan Ref: 6425/1222	
Proposed Plans	Plan Ref: 6425/1223	
Proposed Plans	Plan Ref: 6425/1224	
Proposed Plans	Plan Ref: 6425/1225	
Proposed Plans	Plan Ref: 6425/1112	Version: E
Proposed Plans	Plan Ref: 6425/1113	

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

Reason

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

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

Reason

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

- 3 Construction of any buildings shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason

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

- 4 The garage(s)/car parking space(s) as shown on drawing no. 6425/1112

Rev D shall be kept available for the parking of motor vehicles at all times. The garage(s) / car parking space(s) shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

- 5 No development shall take place until the following information shall has been submitted to and approved in writing by the local planning authority:
- A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - Full details of proposed ground levels;
 - Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

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

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site, which may lead to unneighbourly development with problems of overlooking and loss of privacy.

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

All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously

damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 7 Should contamination be found during development works that was not previously identified that contamination shall be made safe and reported immediately to the Local Planning Authority. The site shall be re-assessed by a competent person and a remediation scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such agreed measures shall be implemented and completed prior to the first occupation of any parts of the development.

Reason

In the interests of the amenity of future occupiers.

- 8 No development shall commence, including any ground works, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period and include, but not be limited to:
 - i. The parking of vehicles of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Wheel and underbody washing facilities;
 - v. The erection and maintenance of security hoarding
 - vii. Measures to control the emission of dust and dirt during the construction of the development

Reason

To ensure that on-street car parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought on to the highway, in the interests of highway safety. In addition this condition is necessary to protect the amenities of the occupiers of nearby residential properties and the surrounding area. The statement is required prior to commencement of development to ensure that measures are in place to safeguard the amenity of the area prior to any works starting on site.

- 9 Prior to the first occupation of the development a priority junction off Silver Street to provide access to the proposal site shall be provided. The junction shall include but not be limited to a 6 metre wide carriageway, 2no. 6 metre kerbed radii each with a 2 metre wide footway and dropped kerbs/tactile paving and a 43 x 2.4 x 43 metre visibility splay.

Reason

To ensure access to the site is constructed to an acceptable standard in the interests of highway safety.

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
- 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.

TESSA LAMBERT
DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 20 February 2018

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2018

Appeal Ref: APP/Z1510/W/17/3189866

Land to the south of Silver Street, Wethersfield CM7 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Julia MacKay Properties/Mr Thompson against the decision of Braintree District Council.
 - The application Ref 17/01621/FUL, dated 30 August 2017, was refused by notice dated 27 October 2017.
 - The development proposed is erection of 9 dwellings with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Julia MacKay Properties/Mr Thompson against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The plans determined by the Council are listed on the decision notice. They included block and site plans as well as plans and elevations for three types of dwellings A, B and C (drawing 1206B refers to Type E dwellings, but the main parties have confirmed that this was a typographical error and should read Type C). Minor amendments were made to the room layouts of the three dwelling types earlier on in the application process and were accepted by the Council.
4. Further amended plans were submitted by the appellant close to the determination of the application. They included a revised block plan that would move the position of most dwellings, especially Plots 1, 3, 5, 6 and 7. The Type C dwelling would be replaced with Type J and Type K, and the Type A dwelling on Plot 1 would be replaced with a Type L dwelling. New plans and elevations were included for each new dwelling type and show changes to the size and layout of the dwellings to be replaced.
5. The Council refused to accept the further amended plans and has stated that they do not overcome their concerns, although no detailed explanation has been provided. The appellant has requested that I take the further amended plans into consideration. However, the amendments in terms of dwelling types

and position are materially different to the plans that the Council determined and I cannot be certain that interested parties would not be prejudiced by the lack of consultation on the amendments.

6. The appeal process should not be used to evolve a scheme. It is important that my assessment is made on the plans determined by the Council and on which interested parties' views were sought. Therefore, I have not taken into account the further amended plans as part of my decision. A fresh planning application would need to be submitted if the appellant wished to proceed with these plans.

Main Issues

7. The main issues are:

- (a) The effect of the proposed development on the character and appearance of the area;
- (b) The effect of the proposed development on the living conditions of future occupiers of the development; and
- (c) Whether the location would provide a suitable site for housing in terms of the accessibility of services and facilities.

Reasons

Character and appearance

8. The appeal site is situated on the south side of Silver Street on the southern edge of Wethersfield. The site forms part of a much larger agricultural field which has expansive views south across the countryside. The topography of the site varies. The northern part adjoining Silver Street is lower than the road and largely screened by a mature boundary hedgerow but then rises to the south. There is also vegetation along the western boundary. In contrast, the southern and eastern boundaries of the site have no existing boundary treatment. At present, the site clearly forms part of the countryside in terms of its character and appearance, albeit on the edge of the village.
9. To the north of the appeal site is a line of modern semi-detached properties of similar size and style along the north side of Silver Street. To the east across a small parcel of field is a collection of detached buildings and properties of varying ages and architecture including The Old Coach House and Black Gables. Beyond that is another line of modern properties along West Drive. On the northern edge of Wethersfield is a line of modern housing along Saffron Gardens and Hereward Way.
10. Most of the properties referred to in the previous paragraph face onto the road, although Black Gables is set back behind other properties. The spatial and visual relationship between properties on the edge of Wethersfield and the adjoining countryside varies and there is an irregular shape to the village. The properties on West Drive front onto the road with open countryside beyond. Conversely, the Saffron Gardens and Hereward Way properties have rear gardens which back onto the countryside. The collection of buildings including The Old Coach House and Black Gables border the countryside along their flank and rear elevations with brick walls and fencing.

11. The appeal site is included as a residential housing allocation in the Braintree Publication Draft Local Plan (PDL) as WETH414 with an indicative capacity of 9 dwellings. The appellant has provided extracts from the PDL showing the boundary of the site allocation. The appeal site has a different boundary to the site allocation and appears to protrude further south with the proposed location of housing beyond the extent of the allocation. The Council states that at pre-application stage officers were willing to consider a different site area in order to improve the site layout. The PDL has yet to pass through examination and the Council notes a number of objections to the site allocation WETH414. Therefore, while the allocation is an indication of the Council's potential approach to development in Wethersfield, I can only give the PDL and the allocation limited weight.
12. The appellant highlights that there was a housing allocation covering a larger area than the appeal site in the draft Site Allocation and Development Management Plan (SADMP). The SADMP was never submitted for examination but the appellant notes that the Council adopted the allocations and development management policies for decision-making purposes. I do not have sufficient details on the previous allocation in terms of how it compares to the PDL allocation or the extent of any unresolved objections. As such, I can only give the SADMP allocation limited weight.
13. A previous application for 12 dwellings in this location was withdrawn in May 2017. An extract of the plans in the appellant's statement of case shows that the previous site extended as far as the side boundary with The Old Coach House and Black Gables with housing nearer to both properties than is the case with the appeal scheme. The previous application was withdrawn due to the impact of the development on the living conditions of the occupants of the two properties. The appeal site is therefore smaller with a buffer to the two existing properties.
14. The proposed development would be set behind the existing hedgerow in a cul-de-sac layout. As such, it would not face onto Silver Street although properties would be visible above the hedgerow. The five properties along the southern side of the site would back onto the remaining field and wider countryside with a proposed hedgerow and post and wire fence along the southern and eastern boundaries. This would form a clear contrast with the remaining field and reinforce an enclosed layout and enclave of development.
15. Any arrangement of nine dwellings on this appeal site would likely result in a cul-de-sac layout as there is seemingly insufficient space along the Silver Street frontage to accommodate this number of dwellings. A linear form of development would likely result in loss of the existing hedgerow and could also extend too close to windows on the flank elevation of The Old Coach House. Nevertheless, the contrast between residential development and the countryside could be reduced by development that faced towards the countryside like at West Drive. This would still take on a cul-de-sac layout but would limit the extent of boundary fencing and planting immediately next to open fields. The development along Saffron Gardens and Hereward Way forms a much longer and largely unbroken line of rear gardens adjoining the countryside rather than an enclave of development as would be the case here. Thus, it does not justify a similar approach.

16. In terms of detailed design issues with the proposed development, the Plot 1 dwelling would present a largely blank side elevation upon entering the cul-de-sac, which would be visually poor. The boundary treatment for the principal garden at Plot 1 would likely continue the blank frontage given the need for it to be sufficiently tall for privacy purposes. This could then continue on the other side of the road for the side boundary of the Plot 3 dwelling, although this boundary may not need to be as high given greater distances between its garden and the front elevations of the Plot 7 and 8 dwellings. The car parking spaces for the Plot 3 dwelling and one of the spaces for the Plot 4 dwelling would be separated from the main dwelling and the visitor parking space to one side of the appeal. However, all these spaces would still be sufficiently close to the dwellings and overall development to avoid a poor visual relationship or inconvenience for future occupants.
17. As evidenced by the various iterations of site layouts, there are many possible design options for this appeal site. It is an unusual shape with constraints including neighbouring properties and level changes. The appellant has attempted to provide a spacious form of development, provide south facing gardens and retain the mature hedgerow. It may be possible to achieve a satisfactory layout of development, but the proposed development would not do this based on its enclosed layout and the poor positioning of the Plot 1 dwelling and its boundary treatment.
18. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would not accord with Policies CS5, CS8 and CS9 of the Braintree Core Strategy 2011 ('the Core Strategy') and Policies RLP80 and RLP90 of the Braintree Local Plan Review 2005 (LPR) insofar as these policies seek to protect landscape character and secure high standards of design and layout in all new development in harmony with the character and appearance of the surrounding area. The development would also not meet the aims of the National Planning Policy Framework (NPPF) which requires good design that responds to local character and reflects the identity of local surroundings.

Living conditions of future occupiers

19. The proposed development involves a mix of 3-bed (Type B), 4-bed (Type A) and 5-bed (Type C) properties. The 4-bed property on Plot 1 would be located in the northern corner of the appeal site adjacent to the existing mature hedgerow that runs along the boundary of the site with Silver Street. The hedge was not in leaf at my site visit due to the time of year, but its height was around 2 to 3 metres above the ground level for the Plot 1 property accentuated by the drop in levels from Silver Street.
20. The rear elevation of the Plot 1 property would be located within a metre or two of the hedge. At ground floor, this elevation would contain a lounge with its principal fenestration (patio doors) facing towards the hedge with a small window on the flank elevation. An adjoining breakfast room would also have its only windows facing the same direction, although would have an open plan arrangement with the kitchen at the front. The proximity of the hedge would have a significant effect on outlook and light for the lounge and breakfast room that would only be partly offset in terms of light and views from the flank window and kitchen window respectively. This would result in harm to the living conditions of occupiers of the Plot 1 property.

21. The patio doors would open onto a narrow strip of garden with the principal garden space located on the other side of the property. This would be less than ideal for occupiers wishing to access the garden via the patio doors. Although the front garden space could be enclosed by tall boundary fencing or hedging, there would be direct overlooking from the first floor of the properties on Plots 3 and 9, with the property at Plot 3 particularly close. The position of the principal garden space for the Plot 1 property would not be satisfactory and would further the harm to the living conditions of its occupiers. The appellant refers to similar distances between existing gardens and plots on the corner of Silver Street and Saffron Gardens. However, they do not appear to be sufficiently comparable to the proposed development in terms of orientation and distances and so have had little bearing.
22. The three 5-bed properties at Plots 5, 6 and 7 would be situated along the southern boundary of the appeal site. The gap between the rear elevation of each property and the southern boundary would be quite short for properties of this size and would include boundary hedging too. The ground floor rear elevation of each property would include external doors which would be the principal access into the rear garden. The short depth would provide a rather cramped effect from this elevation, although would be partly offset by the garden continuing around the side of each property to ensure a reasonable overall size of private outdoor space.
23. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupiers, particularly in terms of the Plot 1 property. Therefore, it would not accord with Policy RLP90 of the LPR which seeks a high standard of layout and design and no undue impact on the amenity of any nearby residential properties. The development would also conflict with the NPPF which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Accessibility of services and facilities

24. The appeal site is outside of the defined village envelope and therefore considered to lie within the countryside. Policy RLP2 of the LPR and Policy CS5 of the Core Strategy restrict development outside of settlement boundaries to protect the character of the countryside as well as non-renewable and natural resources.
25. Wethersfield is a small village but contains a primary school and pre-school as well as a post office/shop, recreation ground and village hall amongst other facilities. From the appeal site, it is possible to walk to all of these facilities via pavements. Nevertheless, these facilities would not meet every day-to-day need and there would be a requirement to travel beyond Wethersfield on a regular basis. Bus services to larger settlements run around once an hour during the week and provide access to a wider range of services and facilities including employment and the railway station at Braintree.
26. There would inevitably be a need for private car use to access services and facilities beyond Wethersfield in locations where the bus services do not reach and at times when the services are not available or convenient. However, based on the services and facilities within Wethersfield and the fairly regular bus services during the week, future occupants of the proposed development would not be overly reliant on the private car. Thus, the negative social and

environmental effects in terms of the accessibility of services and protecting natural resources would be limited.

27. Although the development would provide new homes in the countryside and in an enclosed cul-de-sac layout, the appeal site adjoins Wethersfield with a pavement link to the rest of the village. On that basis, the homes would clearly not be isolated in terms of being remote or far away from other places, buildings or people. As a development of nine houses on the edge of the Wethersfield, it would help to support services and facilities within the village including the school and post office/shop, and support services in nearby settlements. Thus, the development would accord with paragraph 55 of the NPPF which seeks to locate housing where it would enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside.
28. Concluding on this main issue, the proposed development would represent a suitable location for housing having regard to the accessibility of local services and facilities. Therefore, while not in complete accordance with Policy RLP2 or CS5 in terms of its countryside location, the site specific circumstances indicate that the accessibility of services and facilities would be acceptable. Moreover, the development would accord with Policy CS7 of the Core Strategy which promotes accessibility for all and states that future development will be provided in accessible locations to reduce the need to travel.

Planning balance

29. The Council accepts that it is presently unable to demonstrate a 5 year housing land supply. According to evidence submitted by the appellant and not disputed by the Council, the supply as of 30 September 2017 stood at either 4.97 or 3.9 years depending on whether the Liverpool or Sedgfield methodology is used. I note that the Council is taking action to address the shortfall in terms of the progress of the PDLP and the grant of planning permission for housing. Nevertheless, there is a shortfall either way which carries weight in my decision.
30. As a consequence of the shortfall, relevant policies for the supply of housing should not be considered up to date in line with paragraph 49 of the NPPF. Where relevant policies are out of date, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or specific policies of the NPPF indicate development should be restricted.
31. However, the amount of weight to be attributed to any policy conflict remains a matter for the decision-maker. I consider that Policies RLP2 and CS5 remain broadly consistent with the NPPF in terms of recognising the intrinsic value of the countryside and seeking to protect natural resources. Policies CS8, CS9, RLP80 and RLP90 seek good design and the protection and enhancement of landscape character and the built environment, all of which is consistent with the NPPF.
32. In terms of adverse impacts, there would be harm to the character and appearance of the area based on the proposed layout of the development and detailed design elements particularly in relation to the Plot 1 dwelling. There would also be harm to the living conditions of future occupiers of the development particularly in terms of the Plot 1 dwelling. These impacts are

primarily designed based and not fundamentally restricting the delivery of housing. Therefore, I attribute significant weight to the adverse impacts and the conflict with Policies CS5, CS8, CS9, RLP80 and RLP90.

33. Turning to the benefits of the development, the provision of nine dwellings would boost housing supply and help to address the current shortfall regardless of which methodology is used. It would also provide economic investment in terms of their construction. The development would be in a suitable location in terms of the accessibility of services and facilities and would help to support the vitality of rural communities. The conflict with Policies RLP2 and CS5 in terms of its countryside location is therefore limited and there is no conflict with paragraph 55 of the NPPF. However, the benefits provided by the housing are tempered by the relatively small number of dwellings and so can only be attributed moderate weight.
34. Therefore, the adverse impacts of development would significantly and demonstrably outweigh the benefits of the development. In the circumstances, the proposal would not benefit from the presumption in favour of sustainable development as specified in paragraph 14 of the NPPF.
35. Concluding on the planning balance, the development would result in harm to the character and appearance of the area and the living conditions of future occupiers and would be contrary to a number of policies from the adopted development plan. The application of paragraph 14 of the NPPF as a material consideration does not indicate that development would be acceptable or would represent sustainable development in this instance.

Other Matters

36. I note that interested parties have raised a number of other matters, but given my overall conclusion, it has not been necessary to consider them in any detail.

Conclusion

37. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

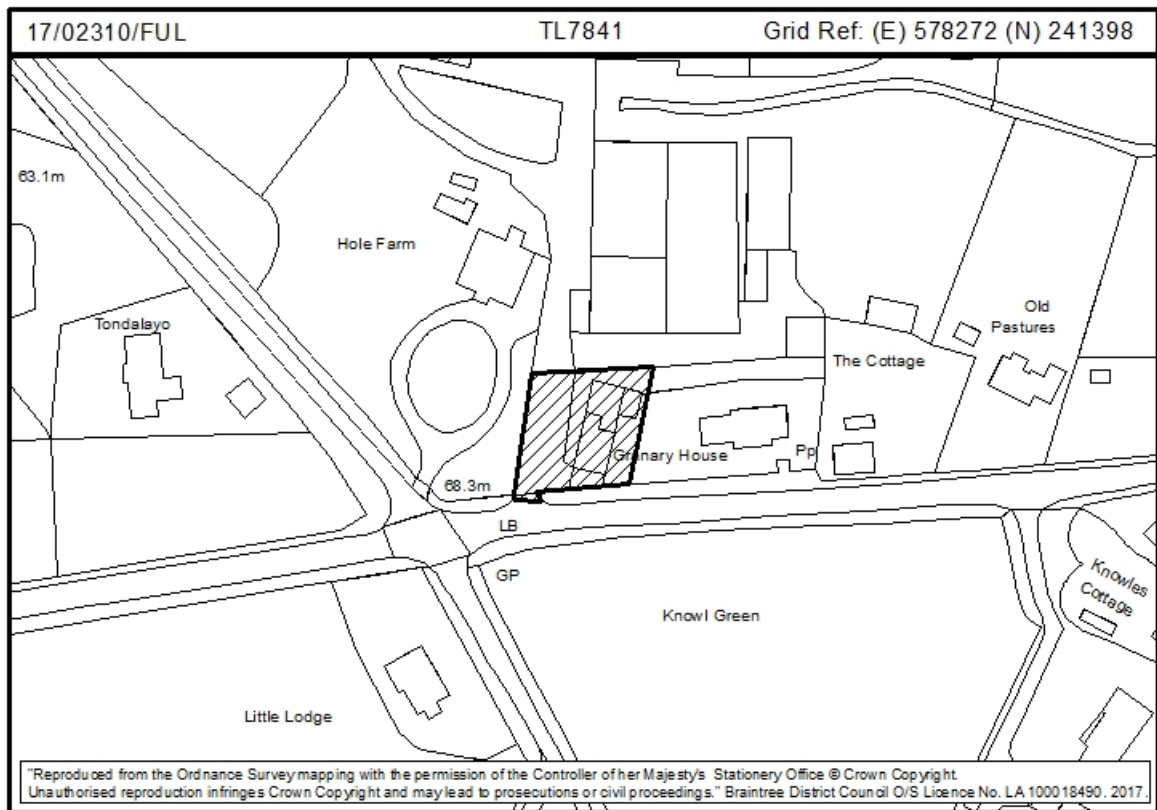
INSPECTOR

AGENDA ITEM NUMBER 5d

PART A

APPLICATION NO: 17/02310/FUL DATE: 02.01.18
VALID:
APPLICANT: Mr D Middleditch
Hole Farm, Knowl Green, Belchamp St Paul, Essex, CO10 7BZ
AGENT: Whymark & Moulton Ltd
14 Cornard Road, Sudbury, Suffolk, CO10 2XA
DESCRIPTION: Conversion of existing barn to 3no. two storey dwellings
LOCATION: Barn At Hole Farm, Knowl Green, Belchamp St Paul, Essex

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



SITE HISTORY

17/01483/FUL	Conversion of existing barn to 3no. two storey dwellings	Withdrawn	05.12.17
17/01485/LBC	Conversion of existing barn to 3no. two storey dwellings	Withdrawn	05.12.17
17/02311/LBC	Conversion of existing barn to 3no. two storey dwellings	Pending Decision	

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings

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
LPP42	Residential Conversion of Buildings in the Countryside
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Other Material Considerations

Essex Design Guide
Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been referred to the Planning Committee for determination as an elected Member has called the application in. Cllr. Mrs Parker has called the application in on the grounds that the benefits of providing 3 low cost homes in a rural part of the District and the preservation of a listed building outweigh the harm conversion would cause to the listed building.

SITE DESCRIPTION

The application site consists of an existing barn building which is associated with the agricultural use at Hole Farm. It is currently used for storage purposes, and is prominent in the street scene.

The site is located outside of any village envelope or town development boundary designated in the Development Plan. The barn is Grade II listed in its own right. The farmhouse at Hole Farm, approximately 40 metres to the north west of the barn is also Grade II listed.

The listing description for the barn is as follows:

Cartshed with loft over. Late C19. Timber framed and weatherboarded. Grey slate roof. 2 storeys. Cart shed to right is of 4 bays width and 2 bays depth and has straight braces to uprights. 2 vertically boarded doors one with light over, and one small paned window. First floor has 2 small paned horizontal sliding sash windows and a central sliding loft door.

This application is accompanied by an application for listed building consent for the physical changes to The Granary, under ref. 17/02311/LBC.

PROPOSAL

The application seeks full planning permission to convert the building into three residential units with associated garden space and parking.

CONSULTATIONS

Historic Buildings Advisor – Objects to application; has identified “upper end of less than substantial harm” to the listed building, and is discussed later in the report. Their response states:

The application concerns a Grade II listed (HE Ref: 1122364) late nineteenth century timber-framed and weather-boarded cartshed with first floor granary under a slate roof. Granaries were an important part of a working farm, providing a secure and dry environment for the storage of grain after it had been threshed or winnowed. These were often situated above other farm buildings such as cartsheds, thus allowing for sacks of

grain to be transferred easily into carts. The subject building is considered of high historic, evidential and aesthetic value which is acknowledged on a national level by its Grade II status. It is also important to recognise the buildings significant contribution to the historic farm complex as a whole.

The existing building is utilised for storage and, as stated within the applicant's supporting statement, is generally in very good condition. The National Planning Policy Framework (2012) acknowledges that heritage assets are an irreplaceable resource and that their significance can be harmed or lost through inappropriate alterations or development within their setting.

The proposed change of use to domestic accommodation will inevitably result in significant harm to the listed buildings historic, evidential and aesthetic interest. Where a proposal will result in less than substantial harm to a heritage asset the local planning authority is required to balance this harm against any supposed public benefit or to secure the assets optimum viable use. In this instance the continued use for storage is considered the heritage assets optimum viable use. Given the heritage asset is in good condition and has a viable use, the harm which would be inflicted by this scheme is considered unjustified and wholly avoidable.

In conclusion, the proposed scheme would cause harm to the heritage assets historic, evidential and aesthetic interest and would therefore fail to preserve or enhance the listed buildings special interest in accordance with the 1990 Act. For the purposes of planning, the harm caused is considered to be at the upper end of less than substantial. As an irreplaceable resource, the local planning authority must therefore only grant permission if they consider there to be a substantial public benefit which may arise from the scheme.

Environmental Health Officer – No Objection on environmental health grounds, subject to conditions.

Highways – No Objections on highway grounds, subject to conditions.

Archaeological Officer – No Objections, subject to conditions.

Parish Council - The Parish Council do not object to this application. However they wish to draw attention to the fact that the dwellings are referred to in certain documents as "affordable housing". Whilst they are of comparatively modest size and would clearly therefore be more affordable to purchase or rent this does not necessarily mean that they meet the strict criteria that is required for the modern housing category of "Affordable Housing".

REPRESENTATIONS

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

REPORT

Principle of Development

The site falls beyond any of the defined village envelopes in the Braintree District Local Plan Review (2005), in an area where Policy RLP2 of the Local Plan Review states countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The proposal subject of this application involves the conversion of a listed agricultural building.

According to Braintree District Local Plan Review Policy RLP101:

Conversion of a listed barn, or other listed former agricultural or rural buildings, to employment or community use will be permitted provide that:

- (a) The detailed scheme for conversion of the building to the new use would demonstrably secure the preservation of the building without harm to its historic fabric, character and appearance, and its contribution to the group value and/or to the landscape in general;
- (b) The proposed use would not generate traffic of a magnitude or type that might be likely to cause additional traffic hazards and/or damage to minor roads;
- (c) The criteria set out in policy RLP 40 are met (*this policy concerns minor industrial and commercial development in the countryside and is not directly applicable in this case*).

Conversion to residential use will only be acceptable where:

- (i) The applicant has made every reasonable attempt to secure suitable employment or community re-use, and the application is supported by a statement of the efforts which have been made; or
- (ii) Residential conversion is a subordinate part of the scheme for business re-use of that building or group of buildings;
- (iii) In either case, the design and traffic issues in criteria (a) and (b) above are fully satisfied.

The emerging Local Plan does not have a specific policy relating to the conversion of agricultural buildings; but it has a policy concerning Residential Conversion of Buildings in the Countryside (LPP42). This emerging policy is similar in its approach to the conversion of rural buildings as the adopted local plan; acknowledging that rural buildings may no longer have an agricultural use, and promoting their reuse for commercial purposes in preference to residential. However, it adds a criteria for the location of the site to be 'sustainable and accessible in terms of the Framework'.

Policy RLP100 of the Braintree District Local Plan Review and policy LPP60 of the Braintree District Publication Draft Local Plan state development involving internal or external alterations, extensions and partial demolitions to either a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

One of the principles of the NPPF is that heritage assets are an irreplaceable resource and that their significance can be harmed or lost through inappropriate alterations or development within their setting. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy CS7 of the Braintree District Core Strategy is also considered relevant. This policy relates to promoting accessibility for all, and requires, amongst other things, that future development will be provided in accessible locations to reduce the need to travel.

A number of elements of the NPPF have a bearing on a proposal to convert a building in a rural area to residential use. There is a general approach to supporting a prosperous rural economy; at the same time the NPPF seeks to promote sustainable transport and at Paragraph 55, states "to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities."

In relation to the conservation of the historic environment, the NPPF requires authorities to understand the significance of any heritage asset affected; assess the scale of any harm caused to it; and where appropriate, balance this harm against any public benefit of the proposal, including securing its optimum viable use.

Assessment of Proposals against Relevant Policy

As explained earlier in the report, these proposals involve the conversion of an existing rural building to residential use. The detail of the proposals involves some significant subdivision of the interior of the building, and the introduction of new openings to both the front and rear elevation. Much of the open area of the ground floor will become enclosed, and the intrinsic character of the building would change from a functional and simple agricultural building to one which has a very domestic appearance. In addition to the changes to the fabric, the proposals show that parking areas would be provided in front of the new terrace of three houses, and small gardens to the rear enclosed by close boarded fencing.

When considered against the criteria of policy RLP101, officers conclude that in relation to criteria (a), the extent of alteration to the building would cause harm to its historic fabric and its character and appearance.

It is also considered that the conversion of this building would blur the historic association between this building and the farmhouse.

In relation to criteria (b), whilst it is expected that the conversion would result in additional vehicle movements to and from the site, these wouldn't be at a level which would result in additional traffic hazards.

In relation to criteria (i), no evidence has been submitted with the application which would demonstrate the applicant has made any attempt to secure suitable employment or community re-use. The building is at present being used effectively as a storage use and no evidence has been submitted to prove this is no longer a viable use.

In relation to criteria (ii), the residential conversion would involve the conversion of an entire building, and therefore would not be a subordinate part of a scheme for business reuse.

Having consulted with the Council's Historic Buildings Advisor, they consider that the level of harm caused to the heritage asset would be at the upper end of less than substantial.

As it states in Paragraph 134 of the NPPF, "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

Members will be aware that the NPPF is supportive of the provision of new housing, particularly where the District Council, like Braintree, does not have a demonstrated 5 year supply of housing. Accordingly, it is important to consider the benefits of this proposal in terms of what it would contribute to the existing shortfall. It must be acknowledged that it would add three 2 bedroom residential units. However, the extent to which that new housing is well located, in terms of access to day to day services and facilities, must also factor in the balance of this benefit.

In the case of this application, the site is approximately a 50 minute walk (2.7 miles) from the closest bus stop, which is at The Green in Great Yeldham. The closest primary school is approximately a 20 minute walk, at 1.0 mile. The closest convenience store for the basic day to day supplies is in Clare and, at 3 miles away, is approximately a 1 hour walk away from the application site largely along roads with no footways. The closest doctor surgery is about the same distance, also in Clare.

It is also of note that the small area to be provided for the rear gardens of the three dwellings fails to meet the usual space standards for new dwellings set out in the Essex Design Guide.

This requires dwellinghouses with 1 or 2 bedrooms to have a private amenity area of at least 50sqm, and at dwellings with 3 or more bedrooms to have a minimum private amenity space of 100sqm. In the case of this application, plot 1 would have a space of approximately 40sqm, plot 2 would have only 30sqm, and plot 3 would have 44sqm. It is apparent therefore that none of the proposed dwellings would have sufficient amenity space, which would not only fail to provide a high standard of amenity for the proposed occupiers, but is also an indicator that the proposal would represent an unacceptable overdevelopment of the site.

Other Matters

The application site is relatively remote from other neighbouring dwellinghouses. For this reason, it is considered unlikely there would be any unacceptable impacts on neighbouring residential amenities brought about by the proposed development.

The Council refers to the latest adopted version of Essex Parking Standards Design and Good Practise (2009) Supplementary Planning Guidance, which 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 show the provision of parking for two cars for each proposed dwelling, in accordance with the standards.

The application included an ecology report, which firstly assessed the potential for any impact on protected species, particularly bat and nesting birds, and outlined the results of bat surveys undertaken. The report indicates that bat surveys failed to find any bat roosts, and that certain precautionary measures during construction works would satisfactorily minimise the risk to bat and bird habitat.

Planning Balance

Paragraph 14 of the NPPF states:

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out- of- date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in this Framework indicate development should be restricted⁹.

(Footnote 9 states “for example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”)

In Officers view, in light of the advice received from the Historic Buildings Advisor, the scale of harm caused to the fabric, character and group value of the listed farm complex is such that paragraph 14 requires that development should be restricted.

The fact that the applicant has provided no evidence to show why the existing storage use is not the optimum viable use for the building adds weight to this conclusion.

However, if that position were not accepted, the balancing exercise of Paragraph 134 of the NPPF would be triggered, requiring an assessment of public benefit against the less than substantial harm to the heritage asset. In this balance, the limited benefit of just three dwellings in a conversion that doesn't meet the Council's policy criteria, introducing housing in a less than accessible location, with shortcomings in terms of the quality of their amenity space is not considered to outweigh the harm to the significance of the designated heritage asset.

The fact that the applicant has provided no evidence to show why the existing storage use is not the optimum viable use for the building adds weight to this conclusion.

Therefore, Officers recommend that the application is refused.

RECOMMENDATION

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

- 1 The detail of the proposals involves significant subdivision of the interior of the building, and the introduction of new openings to both the front and rear elevation. Much of the open area of the ground floor will become enclosed, and the intrinsic character of the building would change from a functional and simple agricultural building to one which has a very domestic appearance. In addition to the changes to the fabric, the proposals show that parking areas would be provided in front of the new terrace of three houses, and small gardens to the rear enclosed by close boarded fencing.

The extent of alteration to the building is such that it will result in an unacceptable harm to the fabric and character of the building, and

blur the historic association between this building and the farmhouse. In these respects, it is considered that the scale of harm to the heritage asset should cause the development to be restricted, in accordance with Paragraph 14 of the NPPF.

Even if this position were not accepted, the balancing exercise of Paragraph 134 of the NPPF would be triggered, requiring an assessment of public benefit against the less than substantial harm to the heritage asset. In this balance, the limited benefit of just three dwellings in a conversion that doesn't meet the Council's policy criteria, introducing housing in a less than accessible location, with shortcomings in terms of the quality of their amenity space is not considered to outweigh the harm to the significance of the designated heritage asset.

Therefore, the application is considered contrary to Policies RLP101 of the Braintree District Local Plan Review, CS7 of the Braintree District Core Strategy and LPP42 of the Braintree District Publication Draft Local Plan, and the aims and objectives of the NPPF.

SUBMITTED PLANS

Existing Plans	Plan Ref: 17/002-01
Proposed Elevations	Plan Ref: 17/002-02
Proposed Floor Plan	Plan Ref: 17/002-03

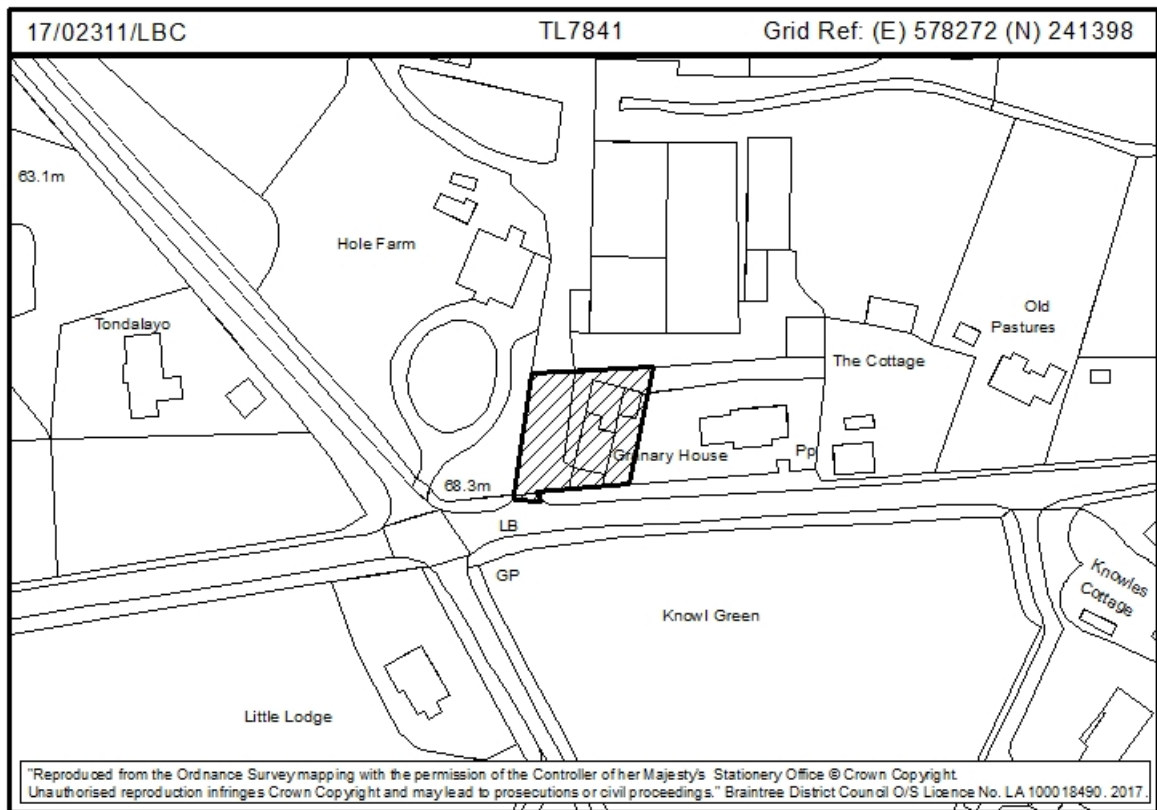
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART A

APPLICATION NO: 17/02311/LBC DATE: 02.01.18
 VALID:
 APPLICANT: Mr D Middleditch
 Hole Farm, Knowl Green, Belchamp St Paul, Essex, CO10 7BZ
 AGENT: Whymark & Moulton Ltd
 14 Cornard Road, Sudbury, Suffolk, CO10 2XA
 DESCRIPTION: Conversion of existing barn to 3no. two storey dwellings
 LOCATION: Barn At Hole Farm, Knowl Green, Belchamp St Paul, Essex

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



SITE HISTORY

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POLICY CONSIDERATIONS

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

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

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

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

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

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

into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP60 Heritage Assets and their Settings

Other Material Considerations

The Council has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires the Council to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest that it possesses.

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application has been referred to the Planning Committee for determination as an elected Member has called the application in. Cllr. Mrs Parker has called the application in on the grounds that the benefits of providing 3 low cost homes in a rural part of the District and the preservation of a listed building outweigh harm conversion would cause to the listed building.

SITE DESCRIPTION

The application site consists of an existing barn building which is associated with the agricultural use at Hole Farm. It is currently used for storage purposes, and is highly prominent in the street scene.

The site is located outside of any designated village envelope or town development boundary. The barn itself is Grade II listed, and also the farmhouse at Hole Farm is listed.

The listing description for the barn is as follows:

Cartshed with loft over. Late C19. Timber framed and weatherboarded. Grey slate roof. 2 storeys. Cart shed to right is of 4 bays width and 2 bays depth and has straight braces to uprights. 2 vertically boarded doors one with light over, and one small paned window. First floor has 2 small paned horizontal sliding sash windows and a central sliding loft door.

This application is accompanied by an application for full planning permission for the conversion of the building into three residential dwellinghouses, under ref. 17/02310/FUL.

PROPOSAL

The application seeks listed building consent for physical alterations to the Grade II listed building 'The Granary' in order to facilitate the conversion of the building into three residential dwellinghouses.

The changes would include the installation of two first floor front facing windows, one first floor rear facing window, three ground floor front facing windows, and two ground floor rear facing windows; the closing up of the space at ground floor and the insertion of new doors; as well as the erection of a bin store to the side and various internal alterations to facilitate the proposed use.

CONSULTATIONS

Historic Buildings Consultant – Objects to application; has identified “upper end of less than substantial harm” to the listed building, and is discussed later in the report. Their response states:

The application concerns a Grade II listed (HE Ref: 1122364) late nineteenth century timber-framed and weather-boarded cartshed with first floor granary under a slate roof. Granaries were an important part of a working farm, providing a secure and dry environment for the storage of grain after it had been threshed or winnowed. These were often situated above other farm buildings such as cartsheds, thus allowing for sacks of grain to be transferred easily into carts. The subject building is considered of high historic, evidential and aesthetic value which is acknowledged on a national level by its Grade II status. It is also important to recognise the buildings significant contribution to the historic farm complex as a whole.

The existing building is utilised for storage and, as stated within the applicant's supporting statement, is generally in very good condition. The National Planning Policy Framework (2012) acknowledges that heritage assets are an irreplaceable resource and that their significance can be harmed or lost through inappropriate alterations or development within their setting.

The proposed change of use to domestic accommodation will inevitably result in significant harm to the listed buildings historic, evidential and aesthetic interest. Where a proposal will result in less than substantial harm to a heritage asset the local planning authority is required to balance this harm against any supposed public benefit or to secure the assets optimum viable use. In this instance the continued use for storage is considered the heritage assets optimum viable use. Given the heritage asset is in good condition and has a viable use, the harm which would be inflicted by this scheme is considered unjustified and wholly avoidable.

In conclusion, the proposed scheme would cause harm to the heritage assets historic, evidential and aesthetic interest and would therefore fail to preserve or enhance the listed buildings special interest in accordance with the 1990 Act. For the purposes of planning, the harm caused is considered to be at the upper end of less than substantial. As an irreplaceable resource, the local planning authority must therefore only grant permission if they consider there to be a substantial public benefit which may arise from the scheme.

REPRESENTATIONS

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

REPORT

The Council has a statutory duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires the Council to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural interest that it possesses.

Policy RLP100 of the Braintree District Local Plan Review and policy LPP 60 of the Braintree District Publication Draft Local Plan state development involving internal or external alterations, extensions and partial demolitions to either a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

One of the core planning principles of the NPPF is to “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations”.

The detail of the proposals involves some significant subdivision of the interior of the building, and the introduction of new openings to both the front and rear elevation. Much of the open area of the ground floor will become enclosed, and the intrinsic character of the building would change from a functional and simple agricultural building to one which has a very domestic appearance. In

addition to the changes to the fabric, the proposals show that parking areas would be provided in front of the new terrace of three houses, and small gardens to the rear enclosed by close boarded fencing.

The Historic Buildings Advisor has assessed the proposals, and the full text of their comments is set out earlier in the report. The key issue is that the advisor identifies that the proposals will result in harm to the listed building's fabric, character and setting by virtue of the level of alteration involved, and the blurring of the historic association between this building and the farmhouse.

Therefore in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Braintree District Local Plan Review Policy RLP100, the application should be refused based on these impacts.

Therefore Officers recommend the refusal of listed building consent.

RECOMMENDATION

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

- 1 The detail of the proposals involves significant subdivision of the interior of this Grade II listed building, and the introduction of new openings to both the front and rear elevation. Much of the open area of the ground floor will become enclosed, and the intrinsic character of the building would change from a functional and simple agricultural building to one which has a very domestic appearance. In addition to the changes to the fabric, the proposals show that parking areas would be provided in front of the new terrace of three houses, and small gardens to the rear enclosed by close boarded fencing.

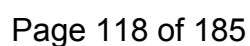
The extent of alteration to the listed building and its setting is such that it will result in an unacceptable harm to the fabric and character of the building, and blur the historic association between this building and the farmhouse contrary to Braintree District Local Plan Review Policy RLP100 and Braintree District Publication Draft Local Plan Policy LPP60, and the obligations placed upon the Local Planning Authority by virtue of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

SUBMITTED PLANS

Existing Plans	Plan Ref: 17/002-01
Proposed Elevations	Plan Ref: 17/002-02
Proposed Floor Plan	Plan Ref: 17/002-03

TESSA LAMBERT – DEVELOPMENT MANAGER

For more information about this Application please contact:
Daniel White on:- 01376 551414 Ext. 2518
or by e-mail to: daniel.white@braintree.gov.uk



SITE HISTORY

92/01221/LBC	Proposed internal alterations	Granted	04.12.92
95/00647/FUL	Erection of extension and alterations to existing building	Granted	13.07.95
95/00648/LBC	Erection and extension and alterations to existing building		16.10.95
05/01340/COU	Erection of marquee from May to October and a smaller marquee to use in December only	Granted	13.09.05
06/00262/FUL	Refurbishment of existing accommodation block. Extension of existing accommodation block. Erection of detached accommodation block	Refused	31.03.06
06/00419/LBC	Refurbishment of existing accommodation block. Extension of existing accommodation block. Erection of detached accommodation block	Granted	20.04.06
06/00973/FUL	Refurbishment of existing accommodation block. Extension of existing accommodation block. Erection of detached accommodation block	Granted	04.07.06
07/02174/FUL	Erection of marquee from May to October and a smaller marquee to use in December only	Granted	18.12.07
08/01633/FUL	Proposed new building to house a function room to replace marquees used from May to October and December	Granted	14.10.08
08/01634/LBC	Proposed new building to house a function room to replace marquees used from May to October and December	Permission not Required	14.10.08
12/01164/FUL	Erection of extension to right-hand end of the accommodation block to form two new bedrooms;	Granted	18.01.13

	internal changes to existing block to increase the size of some bedrooms; refurbish the store room at left-hand end of accommodation block to improve structure and insulation		
12/01165/LBC	Erection of extension to right-hand end of the accommodation block to form two new bedrooms; internal changes to existing block to increase the size of some bedrooms; refurbish the store room at left-hand end of accommodation block to improve structure and insulation	Granted	18.01.13
16/01461/FUL	Erection of timber gazebo within the grounds to the rear of the main building	Granted	04.11.16
17/02004/FUL	Retention of the refurbished of car park area and demarcation of both allocated disabled and regular parking bays	Refused	17.01.18

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

INTRODUCTION

This application is brought before the Planning Committee as the Parish Council support the application, contrary to Officer recommendation.

SITE DESCRIPTION

The White Hart is a Grade II* listed building and is situated on the western side of Poole Street, in Great Yeldham. The site itself is located outside any defined development boundary in the current Braintree District Local Plan Review and is therefore within the countryside. The White Hart is situated on large grounds and is used as a public house, hotel and wedding venue, with the carpark serving the site in front of the building.

PROPOSAL

The proposal is for the retention of the refurbished car park and grasscrete areas and demarcation of parking bays. The refurbished car park has been finished in tarmac replacing the previously unbound gravel surface. The grasscrete area is immediately adjacent to the refurbished car park and has replaced a large section of grass at the front of the pub. The refurbished car park is approximately 27m in length by 14.5m in width with the adjacent grasscrete area being 23m in length by 10.7m in width.

CONSULTATIONS

Parish Council

The Parish Council supported the application for the reasons listed below:

- Disability access has improved dramatically
- No impact on the village and the benefits outweigh changing the car park area back to gravel
- The refurbished car park has received positive feedback from parishioners / users living in the village who would not like to see the gravel return.

Historic England

Historic England were consulted twice on this application (2nd February and 13th March 2018) due to the revised plans being submitted and on both occasions they did not wish to offer any comments on either occasion.

Historic Buildings Consultant

Historic Buildings and Conservation Area Advice object to the application and advise as follows:

The application concerns the car park of The White Hart, a Grade II* listed (HE Ref: 1123017) former house of early sixteenth century origin – potentially earlier. The buildings Grade II* designation recognises the heritage asset as

being of particular national importance, with only 5.8% of listed buildings being awarded this status.

As acknowledged, by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Grade II* listed buildings are considered within the National Planning Policy Framework to be designated heritage assets of the highest significance alongside protected wreck sites, battlefields, grade I listed buildings, grade I and II* registered parks and gardens, scheduled monuments and World Heritage Sites.

The resurfacing of the car park in front of the listed building in tarmac, in conjunction with the demarcation of spaces, has resulted in the immediate setting of the heritage asset being urbanised in a manner considered inappropriate to the building's character and Grade II* designation. This would be exacerbated by the encroachment of parking by the provision of grasscrete.

Within the application, the applicant states that the works have been undertaken to improve accessibility. Historic England acknowledges that historic buildings, landscapes and places exist for the enjoyment and appreciation of everybody and promotes services providers making reasonable adjustments in accordance with the Equality Act. To assist service providers in determining appropriate interventions to improve access to historic buildings Historic England have formulated a step-by-step process which is set out within their guidance (Easy Access to Historic Buildings – 2015).

In this instance the works undertaken are not considered to reconcile access and conservation needs successfully, with the works having had a detrimental impact upon the setting of the listed building. It is considered that this harm could have been minimised had sufficient care and consideration been taken when developing the scheme. One such available option would be for those with mobility issues to park in the allocated bays (as depicted within the planning application) and then to travel to the main entrance via the stone paved path - thus avoiding the need for the car park to be a bound surface.

However, as stated within informal pre-application advice, it is acknowledged that the resurfacing of the car park was a costly exercise and that unbound gravel does present some access issues for persons with mobility issues. It has therefore been suggested that a reasonable alternative is to apply a layer of rolled in gravel/chippings on top to soften the visual impact. It is also considered that white lines should not be re-introduced, if bays need to be marked this can be done by inseting granite setts (or similar). The scheme would also benefit from landscaping measures to visually soften the appearance of the hard surfacing.

Approval of these works would set an exceptionally unfortunate precedent for inappropriate alterations within the setting of nationally significant buildings with Braintree District whilst the process by which the works were achieved (unauthorised works) also undermines the planning process for listed buildings. It would also be in conflict with the local planning authority's obligations to preserve assets in an appropriate manner. It is also noted that other custodians such as the National Trust and English Heritage, who manage assets of similar value, manage to reconcile access and conservation issues for the majority of their properties without resorting to asphalt.

The works undertaken have had a detrimental impact upon the setting of the Grade II* listed heritage asset. For the purposes of planning this harm is considered to be less than substantial. In accordance with the Framework, the local planning authority must seek to balance this harm against any public benefit or to secure the heritage asset's optimum viable use. In this instance there is an argument for the works to have resulted in a public benefit, however, alternative less harmful options have not been employed and therefore the amount of harm has not been justified. Braintree District Council is therefore strongly advised to refuse consent.

Essex Highways

Having considered the information submitted with the planning application the Highway Authority has no objection to this proposal.

REPRESENTATIONS

A site notice was located on the lamppost at the front of the site and 32 representations in support of the proposal were received from members of the public in connection with this application and are summarised below:

- Accessibility is far better for those in wheelchairs, pushchairs or unsteady on their feet.
- The tarmac causes less noise than the previous loose gravel surface.
- The tarmac does not aesthetically affect the look of The White Hart. The tarmac enhances the beautiful old building and also provides clearly defined car park spaces as well as marked disabled bays.
- The removal of the tarmac would leave a large carbon footprint.

Other points were raised by members of the public relating to the Equality Act 2010.

One representation of objection was submitted and stated that the tarmac resembled a super market car park, a layer of embedded shingle could be put on top of it and would still be smooth to walk on. The White Hart is a listed building and the rules and regulations for listed buildings are part of the responsibility of owning a listed building.

REPORT

Background

This application follows a refused application (17/02004/FUL) for a similar application with the difference being the addition of the grasscrete to this application. The application was refused for the following reason:

‘The proposed retention of the refurbished car park area and demarcation of parking bays by means of its siting, design and the materials used would result in an unacceptable form of development that would be detrimental to the historic character, appearance and setting of this Grade II* listed property. The proposal is therefore contrary to the NPPF paragraphs 126, 128 and 134, Policies CS5 and CS9 of the Braintree Core Strategy and Braintree District Local Plan Review Policies RLP90 and RLP100 and Draft Local Plan Policies SP1, LPP50, LPP55, and LPP60.’

Principle of Development

In accordance with Core Strategy Policy CS5, development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. Core Strategy Policy CS9 promotes high standards of design and layout in all new development and requires development to respect and respond to the local context especially where development affects the setting of historic or important buildings.

Policy RLP90 of the Local Plan Review seeks a good standard of layout and design in all developments large and small. Proposals should be sensitive to the need to conserve local features of historic importance.

The NPPF places great importance on the need to conserve heritage assets. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However where the development or works would lead to “substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

Policy RLP100 of the Braintree District Local Plan Review and policy LPP60 of the Braintree District Publication Draft Local Plan state development which could impact upon the setting of a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not cause harm to the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building’s historic and architectural elements of special importance, and use appropriate materials and finishes.

Design, Appearance and Layout

It is considered that the proposal for the retention of the refurbished car park and grasscrete area and demarcation of both parking bays would be considered an unacceptable form of development within the setting of a Grade II* listed building. The proposed materials are considered detrimental to the historic character, appearance and setting of this Grade II* listed property. It is considered that the additional area of grasscrete parking beyond the tarmac further exacerbates the urbanisation in the immediate setting of the Grade II* listed building.

It is considered that the works undertaken have not reconciled access and conservation needs successfully, with the works having a detrimental impact upon the setting of the listed building. It is considered that the harm could have been minimised had consideration been given to an alternative surface finish to tarmac. For example a resin bound gravel would be more appropriate. Another alternative to the tarmac finish would have been for those with mobility issues to park in the allocated bays as shown on the plans and travel to the main entrance via the existing stone path, therefore avoiding the need for the car park to be a bound surface.

It is considered that the proposal would set an unwelcome and inappropriate precedent for alterations within the setting of nationally significant buildings within the Braintree District. It is noted that other custodians such as the National Trust and English Heritage, who manage heritage assets of similar value manage to reconcile access and conservation uses by following the Easy Access to Historic Buildings Advice and Guidance, and manage to negate the need for tarmac within the settings of their properties and use other suitable materials.

It is considered that the proposed development would be contrary to the NPPF, Paragraph 131 as it would not enhance the heritage asset nor would it make a positive contribution to the local character and distinctiveness. The proposal would be contrary to Local Plan Policy RLP100 as the proposal would harm the setting and character of the Grade II* listed building together with using materials that are considered visually dominant in their appearance, which has a negative effect on the setting and character of the building. The proposal has resulted in the heritage asset being urbanised in a manner considered inappropriate to the buildings character and Grade II* designation.

Paragraph 134 of the NPPF states “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. It is considered that the proposal would cause less than substantial harm to the designated heritage asset.

It is recognised that there is a public benefit in retaining the tarmac and the grasscrete as it improves access for disabled customers. However there are

existing disabled bays in which members of the public can access the building via a stone path safely. Notwithstanding the benefits, the works undertaken have caused harm to the character and setting of the Grade II* listed building, and this is considered to outweigh the public benefit.

Highway Issues

The Highway Authority raise no objection to the proposal.

CONCLUSION

In conclusion, It is recognised that there is a public benefit in retaining the tarmac and the grasscrete as it is easier for members of the public to access the building safely. However, there is existing disabled access via the stone path at the front of the building. The works undertaken in particular by way of the proposed surface materials have caused harm to the character and setting of the Grade II* listed building, which would outweigh the public benefit. The proposal is therefore contrary to the NPPF paragraph 134, Policy CS9 of Braintree Core Strategy and Policies RLP90 and RLP100 of the Braintree District Local Plan Review.

RECOMMENDATION

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

- 1 The proposed retention of the tarmac car park and grasscrete area and the demarcation of parking bays would result in an unacceptable form of development that would urbanise the heritage asset and would be detrimental to the historic character, appearance and setting of this Grade II* listed property. The proposal is therefore contrary to the NPPF paragraphs 126, 128 and 134, Policy CS9 of the Braintree Core Strategy and Braintree District Local Plan Review Policies RLP90, and RLP100 and Draft Local Plan Policies SP1, LPP50, LPP55, and LPP60.

SUBMITTED PLANS

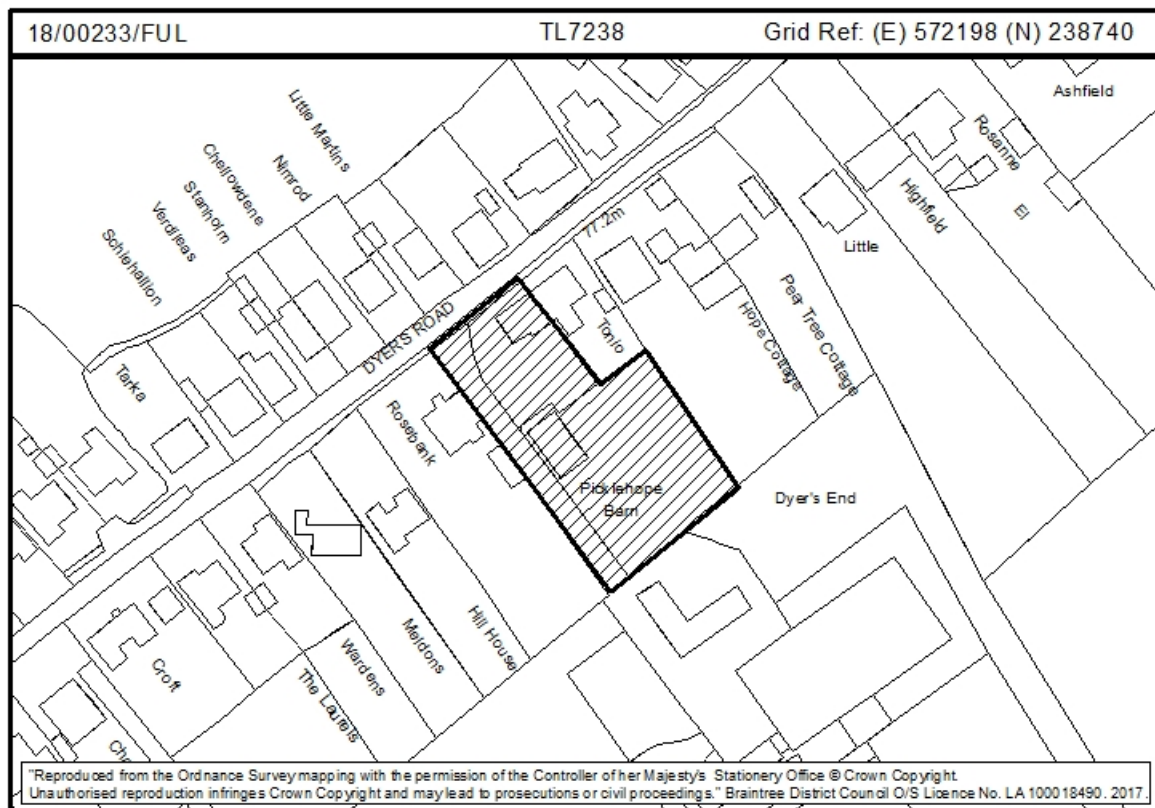
Location Plan	Plan Ref: 258-01SD01
Existing Block Plan	Plan Ref: 258SD02
Existing Site Plan	Plan Ref: 258-01SD03
Proposed Plans	Plan Ref: 258SK01
Heritage Statement	

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00233/FUL DATE: 12.02.18
 VALID:
 APPLICANT: Mr & Mrs Monk
 Picklehope Barn, Dyers End, Stambourne, Essex, CO9 4NE
 AGENT: Lucy Carpenter Planning Consultant
 Mrs Lucy Carpenter, The Manse, 27 Bear Street, Nayland, Colchester, Essex, CO6 4HX
 DESCRIPTION: Lifting of condition 4 attached to permission 14/00574/FUL, enabling annex to be used as a separate dwelling, incorporating various alterations to fenestration, gardens and car parking, and internal layout to 'Fieldside Lodge' and 'Picklehope Barn'.
 LOCATION: Picklehope Barn, Dyers End, Stambourne, Essex, CO9 4NE

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



SITE HISTORY

00/00947/FUL	Erection of side extension and conservatory	Granted	19.07.00
01/00838/FUL	Erection of two storey extension and conservatory	Granted	12.07.01
01/01345/FUL	Erection of front dormers	Refused	27.09.01
01/01863/FUL	Erection of front dormers	Granted	17.12.01
07/01147/FUL	Erection of single storey rear extension	Granted	25.07.07
09/00260/FUL	Change of use of land to domestic garden	Granted	17.04.09
09/00761/FUL	Erection of stable block and menage	Granted	05.08.09
09/00184/DAC	Application to discharge conditions relating to 09/00761/FUL - Erection of stable block and menage	Part Grant, Part Refused	25.08.09
12/00835/FUL	Subdivision of dwelling into 1 no. 3 bed dwelling and 1 no. 1 bed dwelling with associated alterations	Granted	30.07.12
12/01110/FUL	Application to vary condition no. 5 of planning permission 09/00761/FUL to enable use of stables by occupants of all dwellings within the land outlined in red on the site plan (drg no. 19-05-12-0034)	Granted	12.10.12
12/01225/FUL	Erection of hay barn to the rear of existing stables	Granted	05.11.12
14/00574/FUL	Erection of granny annexe	Granted	24.06.14
17/00400/FUL	Erection of side extension to existing annexe	Granted	09.06.17
18/00060/FUL	Retention of installed toilet, basin and shower in stable block	Granted	02.03.18
18/00236/VAR	Application for variation of Condition no 1 of planning permission 12/01110/FUL occupancy condition	Pending Consideration	
14/00574/FUL	Erection of granny annexe	Granted	24.06.14
17/00400/FUL	Erection of side extension to existing annexe	Granted	09.06.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity

Braintree District Publication Draft Local Plan 2017

LPP38	Residential Alterations, Extensions and Outbuildings
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INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as it is considered to be potentially significant in its impacts.

SITE DESCRIPTION

The application site is situated to the south east of Dyers Road. The host dwelling (referred to as the 'Fieldside Lodge') is situated within the development boundary for Stambourne. The annexe (referred to as 'Picklehope Barn') straddles the development boundary however it is predominately outside and therefore is deemed to be within the countryside.

Access to the annexe is gained via a single track that leads along the side of Fieldside Lodge. This track also provides a connection to the paddock area/stables to the rear of the site with the public highway (Dyers Road) at the front of Fieldside Lodge. The paddock and stables is in the same ownership as the applicant.

The annexe is single storey. The main part of the annexe measures 6.4 metres by 11.5 metres, with a pitched roof built to a maximum height of 4.4 metres and an eaves height of 2.3 metres. A further addition to the annexe was approved in 2017 (17/00400/FUL) measuring 4 metres in its depth and 4 metres in width. This forms the dining room and is attached to the kitchen/reception room. The annex consists of one bedroom, a kitchen/living area, dining room, bathroom and a utility room.

A 6ft wooden fence is situated on the northern elevation of the annexe providing a degree of screening from the host dwelling. The annexe and host dwelling is separated by an area of garden land.

The annexe is sited in a slightly elevated position to the host dwelling.

PROPOSAL

The application proposes to remove the condition 4 (*The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fieldside Lodge. It shall not be sold, transferred, leased or otherwise disposed of as an independent residential unit without first obtaining planning permission from the local planning authority*) attached to the planning permission 14/00057/FUL (erection of granny annexe) to enable the annexe to be used as a separate dwelling. The application also proposes alterations to the fenestration, gardens and car parking and internal layout to the annexe and host dwelling.

CONSULTATIONS

The Parish Council object to the application and have stated, *'To remove condition 4 attached to permission 14/00574/FUL would set precedence for similar applications. The original application was only granted as the building was an annex and not a separate house.'*

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified. 4 letters of support have been received:

- Cannot foresee any problems with the changes
- Annexe is completely detached from host dwelling with its own driveway, access, garden and utilities
- During lifetime both properties have appeared and functioned as independent properties
- Dwellings have had no negative impact on the surrounding area or neighbouring properties.
- Granting permission for a separate dwelling by removing condition 4 would result in Fieldside Lodge becoming an available property for a family in the district. Stambourne is an ideal location with services and facilities.
- With the district council falling short of its housing target this application would demonstrate a small but significant contribution.
- With the emerging local plan, it is apparent that the village envelope will remain unchanged for the foreseeable future therefore I believe the NPPF suggests flexibility when dealing with such applications.

REPORT

Principle of Development

For sites located outside of designated village envelopes and development boundaries, according to Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. The NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review states there should be no undue or unacceptable impact on the amenity of any nearby residential properties.

The application for the annexe was granted in 2014 (14/00574/FUL). As stated in the Committee report, *'The application submissions state that the annexe accommodation is proposed to meet the needs of a dependent relative of the applicant. Therefore, it is considered that the principle of providing an ancillary annexe within the countryside can be supported. To address the matter of dependency, the applicant has submitted a letter from a doctor which confirms that the family member that would occupy the building does require single storey accommodation. Although the letter provides little detail about the level of dependency that is required, it is considered that the extent of accommodation provided and the relationship with the host dwelling should satisfy officers that the building would be used as an annexe by a dependent relative. This can be ensured through the imposition of a condition.'*

Following the grant of this permission, it is understood that due to a change in circumstances the annexe was not occupied by the dependent relative it was originally intended for. The owners of the host dwelling moved into the annexe (*it is unknown when this occurred although it was prior to the application to extend the annexe*) and the host dwelling was subsequently occupied by their son.

The submitted Design and Access Statement for this application states, *'the applicants son wishes to move out to purchase his own property and it has now become apparent that the long term use of the overall planning unit must be resolved. The applicants have lived in the community for many years, and are an integral part of it, so do not wish to move away. The annex provides a sufficient level of accommodation to meet their needs. Additionally, it is on one level so will see them through to and during their retirement. Finally, it is next door to their stables, enabling them to provide onsite care and husbandry'*.

It should also be noted that a further application was approved in 2012 (reference) 12/00835/FUL which proposed the subdivision of the existing

dwelling (host dwelling) into a 3 bedroom dwelling and 1 bedroom dwelling with associated alterations. The permission has not been implemented due to a further condition attached to the 14/00574/FUL (granny annexe) which stated, *'The permission hereby granted shall not be implemented if the development approved under the terms of application 12/00835/FUL (Subdivision of dwelling into 1 no. 3 bed dwelling and 1 no. 1 bed dwelling with associated alterations) has been implemented. Reason - To ensure that appropriate parking is provided to serve the existing, approved and/or proposed uses of the land within the application site.'*

Although the annexe is situated outside of the defined development boundary it does abut it. The location of the annexe cannot therefore be considered as being in an 'isolated location' as it is situated adjacent to the development boundary where there are some very limited services/facilities.

Housing Supply

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing "...that meets the full objectively assessed needs for market and affordable housing", together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means 'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted'.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6 September 2017) is that although the District Council

advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply and contribution towards the supply that this development would make this a material consideration which weighs in favour of the proposed development.

Design, Appearance and Layout

This application proposes to make alterations to the annexe to enable it to be resided in as a separate dwelling. This includes:

- The blocking up of windows/openings in the northern elevation facing the host dwelling to prevent overlooking
- The insertion of a new window to the dining room and bedroom and double doors to the bedroom on the eastern elevation
- Provision of a bin store
- Provision of native species hedgerow planting along the garden boundaries

The submitted block plan indicates that it is proposed to erect a 2 metre high fence between the annexe and the host dwelling to separate the plots.

It is indicated that 185m² of garden space would be provided for the host dwelling and 1175m² of garden space would be provided for the annexe. This provision of amenity space is in accordance with the Essex Design Guide 2005.

The submitted block plan illustrates 'existing' 2 parking spaces for the annexe. However, it was noted by the officer during the site visit that this was not implemented and therefore this should be indicated as 'proposed'.

Internal alterations are proposed to the host dwelling to provide 3 bedrooms instead of 4.

It should be noted that when the annexe application was considered by Officers it was done so taking into consideration policy RLP18 of the Local Plan Review and the relationship between the host dwelling and the annexe as policy RLP18 requires that such proposals for self-contained annexes are justified on grounds of meeting the needs of dependent relatives. In view of

the 'dependency' the annexe has therefore been designed and is positioned in close proximity to the host dwelling. As stated in the Committee report when the annexe was considered, *'The positioning of the building at the rear of the existing dwelling is appropriate, ensuring that the views of the building from the public domain would be limited and generally obscured by the host dwelling. Moreover, it is considered that the annexe should not be considered a large building in the context of the large plot on which it would be located.'*

It should be acknowledged that the removal of the condition (subject to this application) would result in a separate dwelling and that is what we are considering in determining this application.

If the application had originally been for a 'new dwelling' as opposed to an annexe then the relationship between the dwellings would have been considered differently to ensure that the development was in harmony with the character and appearance of the surrounding area (RLP90).

Officers acknowledge the building already exists, but there is a clear difference between an annexe use and its function as a separate dwelling and what is an appropriate relationship to neighbouring properties. An acceptable siting for an annexe is not necessarily acceptable in the case of a separate dwelling.

Although there is no rigid building line, there is a defined pattern of development as the properties front along Dyers Road. The properties (*predominately detached to the south of Dyers Road*) are characterised by wide plots with large back gardens. There are some properties along Dyers Road that have sporadic outbuildings however these are mainly to the side of existing properties. The removal of the condition to enable a separate residential dwelling would be considered as inappropriate backland development that appears cramped, tight and contrived in the site and has a poor physical relationship with the host dwelling as a consequence.

The development and use of the building as an independent dwelling, independent of Fieldside Lodge, would not be in harmony with the character and appearance of the surrounding area and given its relationship to Fieldside Lodge would fail to secure a high standard of design.

Impact on Neighbour Amenity

The annexe building would be subdivided from the dwelling at Fieldside Lodge; however due to it being designed to be an annexe in the first instance, and therefore sharing a strong physical and functional relationship with Fieldside Lodge, as previously discussed in the report, the separation of the annexe from its host dwelling would result in a new residential unit being created effectively within its rear garden.

Although the application includes the provision of a 2 metre high fence, this would not eliminate the fact that the new dwelling would still share a strong relationship with Fieldside Lodge, and it is therefore considered this would

result in a poor quality of accommodation for the future occupiers, thereby having an unacceptable impact on their residential amenities.

Highway Issues

An existing separate access is proposed by a single track to the side of the host dwelling. Sufficient car parking provision is indicated for the host dwelling and the annex.

CONCLUSION

As set out above, the development of new housing bring benefits but those benefits need to be weighed against any adverse impacts of a development. Para.49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should be afforded less weight if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances, the local planning authority must undertake the 'planning balance' to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or whether specific policies in the Framework indicate development should be restricted as set out in paragraph 14 of the NPPF.

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

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

With regards to its impacts on the countryside, notwithstanding that the building already exists, it is considered that the proposal would introduce inappropriate backland development in the countryside for an independent residential dwelling which would not be in harmony with the character and appearance of the surrounding area and would relate poorly to the existing dwelling.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the environmental harm of residential development within the countryside would demonstrably outweigh the limited economic and social benefits which have been discussed above.

RECOMMENDATION

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

- 1 The proposed development for a separate residential unit by way of its siting outside of the development boundary, in the countryside and to the rear of the defined pattern of development would constitute inappropriate backland development that would not be in harmony with the character and appearance of the surrounding area. The proposal would also have a poor physical relationship with the neighbouring property at Fieldside Lodge due to its close proximity, which fails to secure a high standard of design.

The proposal is contrary to policy RLP90 of the Local Plan Review, Policy CS5 of the Core Strategy, Policy LPP55 of the emerging Local Plan and the NPPF.

SUBMITTED PLANS

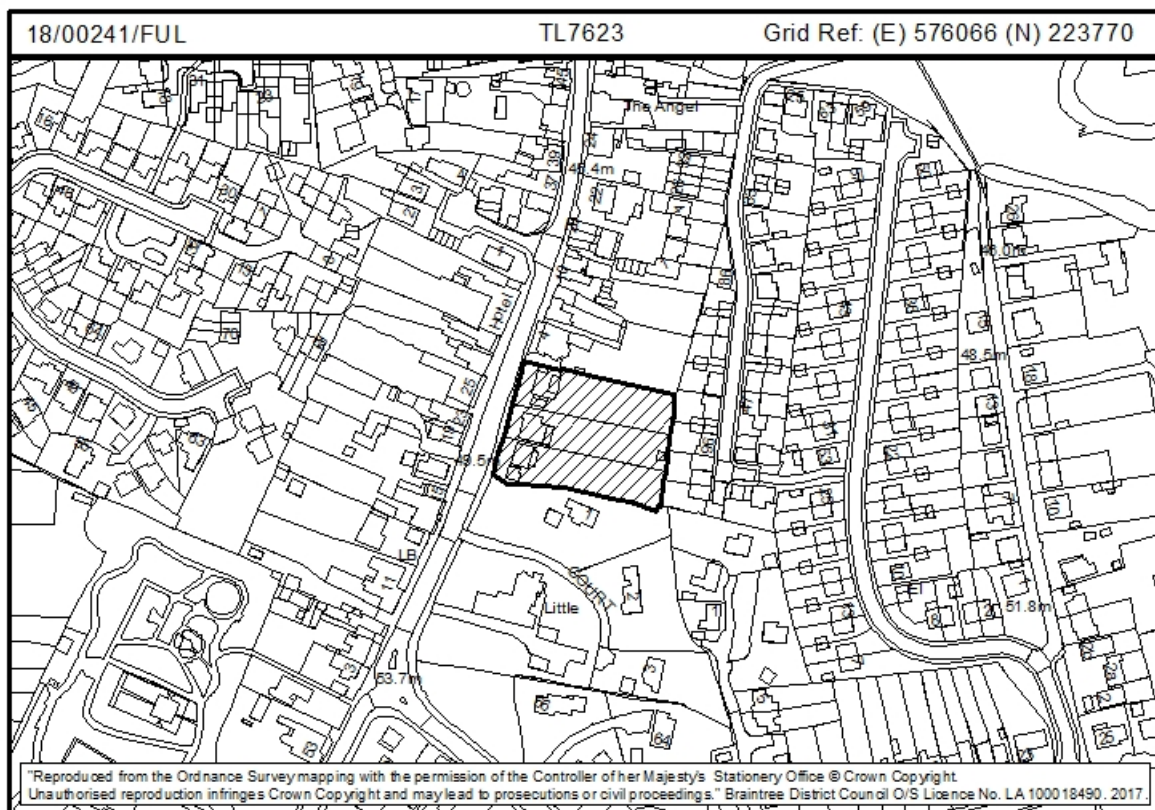
Location Plan	Plan Ref: 14-060-as-5
Floor Plan	Plan Ref: 14-060-as-6
Elevations	Plan Ref: 14-060-as-7
Floor Plan	Plan Ref: 14-060-as-8

TESSA LAMBERT
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/00241/FUL DATE: 07.02.18
 VALID:
 APPLICANT: Imperial Quality Homes Ltd
 Mr J Forbes-Brown, Bridge Hall Barn, Hollies Road,
 Bradwell, Braintree, Essex, CM77 8DZ
 AGENT: Mark Jackson Planning
 Mark Jackson, Gateway House , 19 Great Notley Avenue,
 Great Notley Garden Village, Braintree, CM77 7UW
 DESCRIPTION: Demolition of the three residential dwelling houses Creedy
 House, Nightingale House and Parkfield and erection of
 seven residential dwelling houses.
 LOCATION: Land East Of, Bradford Street, Braintree, Essex

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



SITE HISTORY

17/00060/REF	Demolition of the three residential dwelling houses Creedy House, Nightingale House and Parkfield and erection of seven residential dwelling houses.	Appeal Dismissed	11.01.18
16/02167/FUL	Demolition of the three residential dwelling houses Creedy House, Nightingale House and Parkfield and erection of seven residential dwelling houses.	Refused	21.06.17

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP96	Demolition in Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP106	Archaeological Excavation and Monitoring

Braintree District Local Development Framework Core Strategy 2011

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
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment

LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP71	Landscape Character and Features

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement
ECC Development Management Policies 2011 (Highways)

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being presented to Committee because it has been called in by Cllr Mrs Schmitt who has concerns about the proposal being inappropriate backland development, the garden sizes for two of the plots and insufficient car parking spaces.

SITE DESCRIPTION

The site is located at the top end of Bradford Street, on the eastern side of the road. It comprises three detached dwellings, all of which benefit from large gardens to the rear. Parkfield, Nightingale House and Creedy House were constructed in the late twentieth century, being detached houses with ancillary garages attached.

The site falls within the designated Conservation Area and there are a number of Grade II and Grade II* listed buildings to the north and west of the application site.

To the south of the site is Bradford Court, where existing trees form the southern street frontage next to the application site.

To the rear of the site are more modern dwellings which are located at Rivermead.

PROPOSAL

The application relates to the demolition of the three detached dwellings and the erection of seven residential dwellings.

At the front of the site there would be a terrace of three dwellings and a detached dwelling. One new access serving all seven dwellings would be located between the detached house and the terrace of three. At the rear of the site a further terrace of three dwellings is proposed. In the centre of the site is the proposed parking for all seven dwellings.

CONSULTATIONS

ECC Highways- From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding construction of the new access, permanent closing of the existing accesses, construction of parking areas, provision of bicycles storage, approval of a Construction Management Plan, Residential Travel Information pack and protecting the visibility splay.

Essex Police- Would welcome discussion to ensure the development complies with part 8 of Policy RLP90 ie that designs and layouts should promote a safe and secure environment.

Historic England- No comments

ECC Archaeological Services- The Essex Historic Environment Record (HER) shows that the proposed development lies within a sensitive archaeological area of Braintree, within the Conservation area and extent of the Medieval and Postmedieval settlement (HER 18416). The manor of Bocking has Saxon origins, around 999 Aetheric, thane of Bocking and Braintree, left Bocking to the monks of Christchurch, Canterbury. In 1066 the manor had 48 households and a mill. Medieval Bocking was a bi-focal settlement, consisting of Church Street and Bradford Street, the latter being a later development in response to the traffic on the main road and proximity to Braintree market.

The site lies within an area that was possibly part of the grounds of Little Bradfords which is 16th century in origin. It lies adjacent to an 18th century or possibly earlier Grade II* house and opposite a range of historic buildings dating from the 16th to 18th centuries. Evidence for earlier buildings along the street may be disturbed or destroyed by the proposed development.

In addition the line of a Roman Road is thought to roughly follow Bradford Street and certain activities have been shown to lie within close proximity of major routes, including settlement, industrial and funerary practices. Recent finds along the route of the road have confirmed activity during the Roman period.

Conditions are suggested regarding archaeological evaluation and investigation.

Environmental Health- No objection to the application on Environmental Health grounds. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents and conditions are suggested.

Landscape Services- Concerns about the loss of trees from the site and that the tree survey should inform the layout of development but this appears to have been ignored. Suggest a full landscaping scheme is submitted.

Historic Buildings Advisor- I previously objected to a similar application on the site (ref. 16/02167/FUL), stating that I would *identify harm to the Conservation Area and to the setting of the adjacent listed building caused by this proposed development of the site. I must therefore recommend that from a conservation perspective the application be refused, on the grounds that it will be contrary to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would therefore cause harm as per paragraph 134 of the NPPF.*

This application was subsequently appealed by the applicant. The inspector's decision dismissed the appeal, but concluded that he believed that the proposals 'would preserve the character and appearance of the BCA [Braintree Conservation Area] and the setting of nearby listed buildings'. Whilst this is an assessment which I clearly disagree with, given my previously expressed conclusions, it is a material consideration which the planning officer would need to consider in regard to this application. Given this, I do not believe that I can offer an objection to the application from a conservation perspective.

REPRESENTATIONS

12 representations received making the following comments:

- Concern about pollution levels
- Disturbance during construction works
- New entrance is close to a busy junction and could cause delays
- Impact for emergency vehicles
- Long term impact on extra traffic on residents and buildings
- More traffic movements could be dangerous
- Loss of privacy
- Loss of view
- Loss in value to neighbouring property
- Insufficient 'on site' car parking
- Increased parking on Bradford Street
- Increased light pollution from extra street lighting
- Will trees on the site be preserved?
- Design of proposal is not in keeping with the character of the street
- Overdevelopment
- The Appeal Inspector did not consider loss of privacy, traffic generation and disturbance from vehicles and construction process as he had already concluded that he was going to dismiss the appeal. BDC must now take these matters into consideration.
- Garden for plot 2 is undersized.
- Loss of amenity to Grove House from new parking spaces
- Concerns regarding loss of habitat

- Concerns that the application form was not completed correctly with regards a culverted stream, habitats and whether the site can be seen from a public road.
- Concerns about loss of trees from the site
- Concern about impact on local drainage system
- Little sympathy with the historic pattern of development in Bradford Street
- Inspector's decision was defective as it did not take into account the character of the whole of Bradford Street
- Local services such as doctors, dentists, schools are at capacity

REPORT

Principle of Development

The site falls within the town development boundary, where in accordance with Policy RLP2, the principle of development is acceptable. It is also located in a sustainable location, being within walking distance of the town centre and public transport links.

Policy RLP3 seeks to ensure that new residential development within town development boundaries satisfies amenity, design, environmental and highway criteria and can take place without material detriment to the existing character of the settlement. Whilst it does not preclude backland development, it states that "inappropriate" backland development should be prevented.

The Council is currently unable to demonstrate a five year housing land supply as required by paragraph 47 of the NPPF. Therefore relevant policies relating to the supply of housing are out of date. In such circumstances Paragraph 14 of the NPPF is engaged. This promotes a presumption in favour of sustainable development and directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the NPPF indicate that development would be restricted. Sustainable development has three dimensions, as set out in Para.7 of the NPPF. This being, an economic role, a social role, and an environmental role. These roles should not be considered in isolation, because they are mutually dependant. Conclusions with regard to the planning balance are set out at the end of this report.

Assessment of Recent Appeal Decision

Application 16/02167/FUL was refused permission on 21st June 2017 for the following reason:

1. The proposed development, by virtue of its scale and design, would fail to preserve or enhance the character of the designated Conservation Area and the setting of nearby listed buildings. The frontage development would appear disharmonious and prominent within the street scene. The backland

development is of a scale which would fail to be adequately subservient to the frontage development. Furthermore, the poor quality living accommodation within the basements of all dwellings and sub-standard garden size associated with some dwellings would fail to deliver a good standard of amenity for future occupants. Accordingly it is considered that the the proposal would result in overdevelopment of the site and harm to the historic environment.

The Council is unable to demonstrate a 5 year supply of housing land. In this case the harm to the setting of the conservation area and listed buildings is not outweighed by the public benefits and therefore in accordance with limb 2 of paragraph 14 of the NPPF, development should be restricted. Furthermore the adverse environmental and social consequences which would arise as a result of the scale of the development and amenity for residents would significantly and demonstrably outweigh the limited social and economic benefits of the scheme.

The proposal therefore fails to accord with design, amenity and heritage policies set out in the National Planning Policy Framework, the Council's Core Strategy, the adopted Local Plan Review and the draft Local Plan.

An appeal was submitted against this refusal and a decision was made on 11th January 2018. A copy of the Inspector's decision is appended to this report.

The Inspector stated that the main issues are the effect of the proposal on: i) the living conditions of future occupiers of the proposal, with particular regard to the quality of internal accommodation and the quality of external space; and, ii) the character and appearance of the Braintree Conservation Area and the setting of nearby listed buildings.

On issue one, the Inspector stated that all of the dwellings within the proposal would have a basement level and that this would occupy a significant proportion and, in some cases, the whole footprint of the dwelling. The basements would consist of multiple rooms within each dwelling, some of a significant size and therefore suitable for habitation. Many of the rooms would have no windows, giving rise to a poor standard of living accommodation for future occupiers. Where windows and external doors occur at basement level, these would face onto sunken courtyards. Whilst these would provide some natural light it would be of a limited nature due to the sunken level and size of openings relative to the rooms that they would serve.

The Inspector considered that the provision of such a significant amount of the floor space of each dwelling within a basement with no, or limited natural light, would create an unacceptable standard of living accommodation for future occupiers. Consequently, the Inspector concluded that the proposal would conflict with Policy RLP 90 of the Braintree District Local Plan Review adopted in 2005. This seeks a high standard of design in all developments. It would also conflict with the National Planning Policy Framework insofar as it requires a good standard of amenity for all future occupiers of buildings.

With regards the garden space for the new dwellings, and in particular the private garden space for plots 2 and 3, whilst they both fell short of the 100sqm required by the Essex Design Guide, the Inspector concluded that they were meaningful spaces and would likely provide a sufficient area, relative to the size of the proposed dwellings, for the future occupiers needs.

With regards issue two, the Inspector stated that the part of the Braintree Conservation Area in which the appeal proposal would be mainly viewed is characterised by rows of development of varying length and detached properties lining either side of Bradford Street. Individual properties within this context display significant variation in their external appearances. This arises from their differing siting, design, scale and use of materials. Bradford Street has a gradual slope downwards towards the north in front of the appeal site which emphasises the differing heights of properties.

The three existing properties forming the appeal site contrast with the general character and appearance of the area. They are much more modern in comparison to most nearby properties and are set slightly further back from the road. Their design and external materials form an obvious contrast with the more historic development nearby. Due to these differences the Inspector considered that they do not preserve the character and appearance of the BCA.

The Inspector assessed all the elements of the proposal and concluded that the proposal would preserve the character and appearance of the BCA and the setting of nearby listed buildings. The proposal would comply with Policy CS9 of the Braintree District Local Development Framework Core Strategy adopted in 2011 and Policies RLP 90 bullet iv, RLP 95 and RLP 96 of the Local Plan. These seek a high standard of design and layout with particular regard to the preservation or enhancement of conservation areas. It would also comply with the Framework insofar as it relates to the desirability of sustaining and enhancing heritage assets.

In paragraph 19 of the decision the Inspector states:

'I note interested parties concerns, including those relating to loss of privacy, traffic generation and disturbance from vehicles and the construction process. However, given my conclusion it is not necessary for me to consider these matters further.'

These matters will be considered below.

In concluding the Inspector stated:

'Whilst I find that the proposal would preserve the character and appearance of the BCA and not adversely affect the setting of nearby listed buildings, this does not outweigh the harm to living conditions of future occupants of the proposal. This, and the consequent conflict with policy justifies the refusal of planning permission.'

This recent appeal decision is a material consideration in the determination of the current application.

Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 of the NPPF states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit and respond to local character and history and reflect the identity of local surroundings and materials'.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

The design, appearance and layout of the proposal is the same as the scheme assessed under 16/02167/FUL. Whilst all of the dwellings still have basements, the size of them has been reduced significantly and they are now of a size that cannot be reasonably used for habitation. The sunken courtyards have also been removed from the proposal.

Given the Inspector's conclusions with regards the proposed basements, it is considered that the reduction in their size has resulted in a scheme that adequately overcomes both the Council's and the Planning Inspector's earlier concerns in relation to the living condition of future occupants.

The garden to Plot 2 does fall 5sqm below the 100sqm required by the Essex Design Guide for a dwelling of this size, however the Planning Inspector did not raise concerns regarding this and concluded that a sufficient amount of private amenity space would be provided for a dwelling of this size. Therefore whilst the garden area is technically sub-standard, it would be unreasonable to refuse permission solely on these grounds given the conclusion reached by the Planning Inspector.

Policy RLP95 from the Local Plan Review and Policy LLP56 from the Emerging Local Plan both state the Council will encourage the preservation and enhancement of the character and appearance of designated Conservation Areas and their settings.

Whilst the LPA raised concerns regarding the impact the proposal would have on the character and appearance of the Conservation Area and the setting of nearby listed buildings, the Planning Inspector did not concur with these conclusions.

Although the Council's Historic Advisor disagrees with the conclusions reached by the Planning Inspector, he believes that he cannot now offer an objection on conservation grounds.

As Members are aware, the recent appeal decision is a material consideration in the determination of this current application, and given the conclusion reached by the Planning Inspector, it would not be reasonable of the Council to pursue an argument against this proposal on Conservation grounds.

Impact on Neighbouring Residential Amenities

To the north of the site is 4 Bradford Street is a three storey Grade II* property which is sub-divided into flats. The proposed dwelling at Plot 1 would be the closest dwelling to this. This would be sited in approximately the same position as the existing dwelling known as 'Parkfield', albeit marginally closer to the road. Parkfield has a single storey side extension and carport which currently abuts the boundary. A gap would exist between the proposed dwelling and the boundary thereby giving a slightly greater separation.

The closest dwelling to the south of the site is 1 Bradford Street. This has ground floor and first floor windows which face the site. The closest corner of this dwelling is approximately 3.5 metres from the boundary of the site. Glimpses of this dwelling can be seen from the site but there is substantial planting along this boundary. The majority of the trees and planting along this boundary will be retained as they are located on the neighbouring land. No built form is proposed on the part of the site closest to this dwelling. Car parking spaces are proposed in this location. The closest dwelling (the side elevation of Plot 7) would be over 16 metres from the existing dwelling. Having regard to the screening, separation distance and orientation of the dwellings, it is not considered that the proposal would have an unacceptable impact upon the amenity of the occupants of 1 Bradford Street.

To the rear (east) of the site are the existing dwellings at River Mead. These dwellings would share a back to back relationship with Plots 5-7. The Essex Design Guide requires a minimum back to back distance of 25 metres. It also states that the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

In this case the back to back distance can be achieved. The distance of rear elevations to rear boundary fences ranges between 12 metres (Plot 5) and 13.5 metres (Plot 7). Whilst these distances are just short of the gap required by the Essex Design Guidance, overall it is considered that the relationships between the new properties and those in River Mead are acceptable.

Concerns have been raised in the letters of representation about noise and disturbance during construction. Should Members accept the recommendation, a Construction Management Plan will be secured by condition.

Landscape & Ecology Considerations

Policy RLP 80 states that new development should not be detrimental to the distinctive landscape features and habitats of the area. Development that would not successfully integrate into the local landscape will not be permitted.

Policy RLP 84 seeks to ensure that legally protected species are not harmed as a result of new development.

There are a number of trees situated within the site and adjacent the site boundaries. Two of the trees to the front of Creedy House (a false acacia and a sycamore) are the subject of a Tree Preservation Order. A Douglas fir tree adjacent the southern boundary of the site is also protected by a Tree Preservation Order. There are also a number of larger trees within the site.

It is proposed that the false acacia which is the subject of a Tree Preservation Order will be removed. The tree has die-back of its central stem and significant dead wood in its crown. Replacement planting of three trees is recommended on the Bradford Street frontage. It is proposed that the sycamore would remain.

The proposals would result in the removal of 33 individual trees and 6 groups of trees or shrubs. The majority of the trees proposed for removal are situated within the body of the site and are not clearly visible from the surrounding public realm. Approximately half of the trees would be retained. Replacement planting is proposed and includes planting along boundaries for screening and also within the central courtyard area of the site.

It is acknowledged that the Council's Landscaping Team have concerns about the loss of a number of trees from the site, the tree information and proposed building layout remains the same as considered under application 16/02167/FUL. The previous reason for refusal did not include the harm caused by the loss of the trees and therefore it would not be reasonable to refuse the application on these grounds now.

Specific conditions regarding tree protection are included below.

A Phase 1 Habitat Survey & Protected Species Survey has been submitted with the application. This indicates that there was no evidence that the site provided a habitat for protected species and no further surveys were considered necessary. However, precautionary measures are set out in the report. It also sets out some recommendations with regard to biodiversity enhancement, which are recommended as conditions.

Highway Issues

A new access would be created into the site, between two of the proposed dwellings. It is noted that a number of representations have raised concerns regarding the increased traffic the proposal would create. The application has

been considered by the Highway Authority who has raised no objections subject to some conditions in the interests of highway safety.

A total of 16 no. parking spaces are proposed. This would equate to two spaces per dwelling and two visitor spaces. This provision would comply with the Council's adopted Parking Standards.

Other Issues

The Council's Historic Environment Officer advises that the site lies within an archaeological area of Braintree and has requested a condition to secure a programme of archaeological evaluation/excavation. This could be ensured by condition.

CONCLUSION- PLANNING BALANCE

The site is located within the Town Development Boundary and the principle of new residential development is therefore acceptable. The Council is unable to demonstrate a 5 year supply of housing land. In this context, it is accepted that a consequence of paragraph 49 NPPF is that paragraph 14 NPPF is engaged. It is acknowledged that site is located in a sustainable location as many of the town's facilities and amenities are within walking distance of the site, along with access to public transport. The proposal would deliver some additional housing that would help address the Council's current shortfall, but this would be a very small contribution. The construction of the proposed dwellings would provide some economic benefits to the construction industry but these would be modest in scale and for a limited time.

Given the recent appeal decision and issue raised by the Planning Inspector regarding the basements, it is considered that the revised proposal, now being considered, does adequately overcome these concerns.

The Planning Inspector did not agree with the Council with regards the harm the proposal would have on the nearby heritage assets and this decision is a material consideration in the determination of this current application.

Therefore it is not now reasonable to argue that the level of harm exists that would outweigh the public benefits of the scheme.

To conclude, it is considered that the principle of development accords with Policy RLP2 of the Local Plan Review. The development would bring about benefits and in this case these outweigh the impacts.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:

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

APPROVED PLANS

Proposed Floor Plan	Plan Ref: 6409-1201	Version: P4
Proposed Floor Plan	Plan Ref: 6409-1202	Version: P5
Location Plan	Plan Ref: 6409-1101	
Site Plan	Plan Ref: 6409-1102	
Existing Site Plan	Plan Ref: 6409-1103	
Proposed Floor Plan	Plan Ref: 6409-1203	Version: P3
Proposed Floor Plan	Plan Ref: 6409-1204	Version: P7
Proposed Plans	Plan Ref: 6409-1205	Version: P1
Proposed Site Plan	Plan Ref: 6409-1206	Version: P7
Proposed Site Plan	Plan Ref: 6409-1207	Version: P5
Proposed Elevations	Plan Ref: 6409-1301	Version: P5
Proposed Elevations	Plan Ref: 6409-1302	Version: P2
Proposed Elevations	Plan Ref: 6409-1303	Version: P4
Section	Plan Ref: 6409-1401	Version: P3
Topographical Survey	Plan Ref: 1450-001	
Street elevation	Plan Ref: 1450-002	
Section	Plan Ref: 1450-004	

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

Reason

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

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

Reason

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

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

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order

revoking and re-enacting that Order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road.

Reason

In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential and/or visual amenity.

- 5 The car parking spaces shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part, and their visitors, and for no other purpose and permanently retained as such thereafter.

Reason

To ensure adequate parking space is provided within the site in accordance with the standards adopted by the local planning authority.

- 6 Construction of any buildings (including the bin stores) shall not be commenced until samples of the materials to be used on the external surfaces and hard landscaping materials, and details of the boundary treatment materials have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

Reason

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

- 7 No demolition/ conversion shall take place until the applicant has secured and undertaken a programme of archaeological work in accordance with a written scheme of investigation to be submitted to, and approved in writing by the local planning authority.

Reason

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

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

All areas of hardstanding shall be constructed using porous materials laid

on a permeable base unless otherwise agreed in writing by the local planning authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority.

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

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason

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

- 9 Development shall not be commenced until an Arboricultural Method Statement (AMS) has been submitted and approved in writing by the Local Planning Authority. The AMS will include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities.

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

The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

The Local Planning Authority shall be notified in writing at least 5 working days prior to the commencement of development on site.

Reason

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

- 10 Development shall be carried out in accordance with the mitigation measures as set out in the Phase 1 Habitat Survey & Protected Species

Reason

In the interests of protecting and enhancing biodiversity.

- 11 Prior to the first occupation of the proposed dwelling, the proposed primary vehicular access to the proposed development sites shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway to the specifications of the Highway Authority in accordance with submitted drawing 6409-1202-p5.

Reason

To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 12 No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the highway boundary or proposed highway boundary.

Reason

To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 13 The existing accesses currently serving Creedy House, Nightingale House and Parkfield, or any part of these accesses (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason

To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 14 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason

To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

- 15 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011

- 16 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason

To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 17 Construction of any building shall not be commenced until additional drawings that show details of proposed new windows, doors, dormer windows, French windows in section and elevation at a scale between 1:1 and 1:20 at A3 and an elevation drawing of the proposed bin store at scale 1:100 have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

Reason

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

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

following hours:

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

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

INFORMATION TO APPLICANT

- 1 The Highway Authority observes that the off street parking spaces are not dimensionally in accordance with current Parking Standards.
- 2 There shall be no drainage of surface water onto the highway.
- 3 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 - Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

TESSA LAMBERT
DEVELOPMENT MANAGER



Appeal Decision

Site visit made on 12 December 2017

by R A Exton Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th January 2018

Appeal Ref: APP/Z1510/W/3180333

Creedy House, Parkfield and Nightingale House, Bradford Street, Braintree CM7 9AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Imperial Quality Homes Ltd against the decision of Braintree District Council.
 - The application Ref 16/02167/FUL, dated 21 December 2016, was refused by notice dated 21 June 2017.
 - The development proposed is described as demolition of the three residential dwelling houses Creedy House, Nightingale House and Parkfield and erection of seven residential dwelling houses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: i) the living conditions of future occupiers of the proposal, with particular regard to the quality of internal accommodation and the quality of external space; and, ii) the character and appearance of the Braintree Conservation Area ('the BCA') and the setting of nearby listed buildings.

Reasons

Living conditions

3. All of the dwellings within the proposal would have a basement level. This would occupy a significant proportion and, in some cases, the whole footprint of the dwelling. The basements would consist of multiple rooms within each dwelling, some of a significant size and therefore suitable for habitation. Many of the rooms would have no windows, giving rise to a poor standard of living accommodation for future occupiers. Where windows and external doors occur at basement level, these would face onto sunken courtyards. Whilst these would provide some natural light it would be of a limited nature due to the sunken level and size of openings relative to the rooms that they would serve.
4. I note the appellant's contention that the proposed dwellings are not reliant on the basement levels to provide their intended level of accommodation and that they will provide flexible living options. However, there is limited information before me, and in particular an absence of room annotation, to justify this.

5. I consider that the provision of such a significant amount of the floor space of each dwelling within a basement with no, or limited natural light, would create an unacceptable standard of living accommodation for future occupiers. Consequently, I conclude that of the policies drawn to my attention, the proposal would conflict with Policy RLP 90 of the Braintree District Local Plan Review adopted in 2005 ('the Local Plan'). This seeks a high standard of design in all developments. It would also conflict with the National Planning Policy Framework ('the Framework') insofar as it requires a good standard of amenity for all future occupiers of buildings.
6. Garden areas to plots 2 and 3 fall short of the 100m² required by the Essex Design Guide adopted in 2005 ('the EDG'). There is disagreement between the main parties as to whether the sunken courtyards should be included within the calculated area.
7. I agree that the sunken courtyards would be of limited use as private amenity space. However, even if their area is not taken into account, the remaining garden areas for Plots 2 and 3 provide meaningful spaces. They are likely to provide a sufficient area, relative to the size of the proposed dwellings, for future occupiers needs. Consequently, whilst they fall short of the standards contained in the EDG, I consider that this would not cause harm to the living conditions of future occupiers in respect of the quality of external space. However, this does not overcome the harm I have found in respect of the internal accommodation.

Effect on BCA and listed buildings.

8. The part of the BCA in which the appeal proposal would be mainly viewed is characterised by rows of development of varying length and detached properties lining either side of Bradford Road. Individual properties within this context display significant variation in their external appearances. This arises from their differing siting, design, scale and use of materials. Bradford Road has a gradual slope downwards towards the north in front of the appeal site which emphasises the differing heights of properties.
9. The three existing properties forming the appeal site contrast with the general character and appearance of the area. They are much more modern in comparison to most nearby properties and are set slightly further back from the road. Their design and external materials form an obvious contrast with the more historic development nearby. Due to these differences I consider that they do not preserve the character and appearance of the BCA.
10. Plots 1-3 in the proposal would form a terrace across the sites frontage to Bradford Street. Plots 1 and 2 would have a level ridge line but the ridgeline to Plot 3 would step up slightly. Plot 3 would also have 2 dormer windows within its roof slope facing Bradford Street. Taking into account the variation in height and external appearance of existing properties facing Bradford Street, I consider that the variation in appearance between Plots 1-2 and 3 would not appear out of character with this but would be appropriate within its context. It would therefore preserve the character and appearance of the BCA.
11. The Council is concerned that the dormer windows to the rear elevation of Plot 3 would encourage a proliferation of applications for further dormers. There is insufficient evidence before me to demonstrate that this is the case or that such development would be harmful.

12. Due to the set back siting of Plots 1-4 there would be an area of hardstanding between the back edge of the footpath on Bradford Street and the front elevations of these dwellings. I agree that due to the prominence of this area within the street scene, its treatment could have a significant effect on the character and appearance of the BCA. However, if I were minded to allow the appeal, an appropriately worded condition could be imposed to require details of the treatment of this area. This would enable to Council to assess its effects on the character and appearance of the BCA.
13. Plots 5-7 would form a terrace sited towards the rear of the site and would be served by a new access off Bradford Street, in between frontage Plots 3 and 4. The ridgelines of the dwellings on Plots 5-7 would be lower than those of the proposed frontage plots. There would be a limited view from Bradford Street, along the new access, of Plots 6 and 7. This would be filtered to an extent by the proposed landscaping. In light of these factors I consider that Plots 5-7 would not appear dominant within the BCA. Consequently, its character and appearance would be preserved.
14. No 4 Bradford Street, Courtauld House, is a grade II* listed building. Whilst other listed buildings nearby are referred to by the main parties I have limited information on their characteristics.
15. Plot 1 would be the closest part of the proposal to Courtauld House. Its ridgeline would be lower than Courtauld House and it would be sited slightly inset from the shared northern boundary. The proposed siting of Plot 1 and the width of the driveway serving Courtauld House off Bradford Street would provide a generous separation distance between the two properties. This would allow for views of many of the distinctive features of Courtauld House referred to in its listing description. In light of this, I consider that there would be no adverse effect on the setting of this listed building. Other listed buildings that I am able to identify are sited further away from the proposal. Any effect on their setting would therefore be limited and not harmful.
16. In light of the above I conclude that overall, the proposal would preserve the character and appearance of the BCA and the setting of nearby listed buildings. Of the policies drawn to my attention, the proposal would comply with Policy CS9 of the Braintree District Local Development Framework Core Strategy adopted in 2011 and Policies RLP 90 bullet iv, RLP 95 and RLP 96 of the Local Plan. These seek a high standard of design and layout with particular regard to the preservation or enhancement of conservation areas. It would also comply with the Framework insofar as it relates to the desirability of sustaining and enhancing heritage assets.

Other matters

17. The Council acknowledges that it cannot currently demonstrate a 5 year supply of housing land. Consequently, the provisions of paragraph 14 of the Framework are triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
18. I note the contribution the proposal would make to boosting the supply of housing within the district and the short term benefits to the economy during the construction phase. However, the harmful effect of the proposal on living

conditions of future occupiers would significantly and demonstrably outweigh this benefit.

19. I note interested parties concerns, including those relating to loss of privacy, traffic generation and disturbance from vehicles and the construction process. However, given my conclusion it is not necessary for me to consider these matters further.
20. The Council consider that the proposal would also conflict with a number of policies within the Braintree District Publication Draft Local Plan. As these policies are unexamined, un-adopted and I have limited information on the extent of any unresolved objections, I can afford them only limited weight.

Conclusion

21. Whilst I find that the proposal would preserve the character and appearance of the BCA and not adversely affect the setting of nearby listed buildings, this does not outweigh the harm to living conditions of future occupants of the proposal. This, and the consequent conflict with policy justifies the refusal of planning permission.
22. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

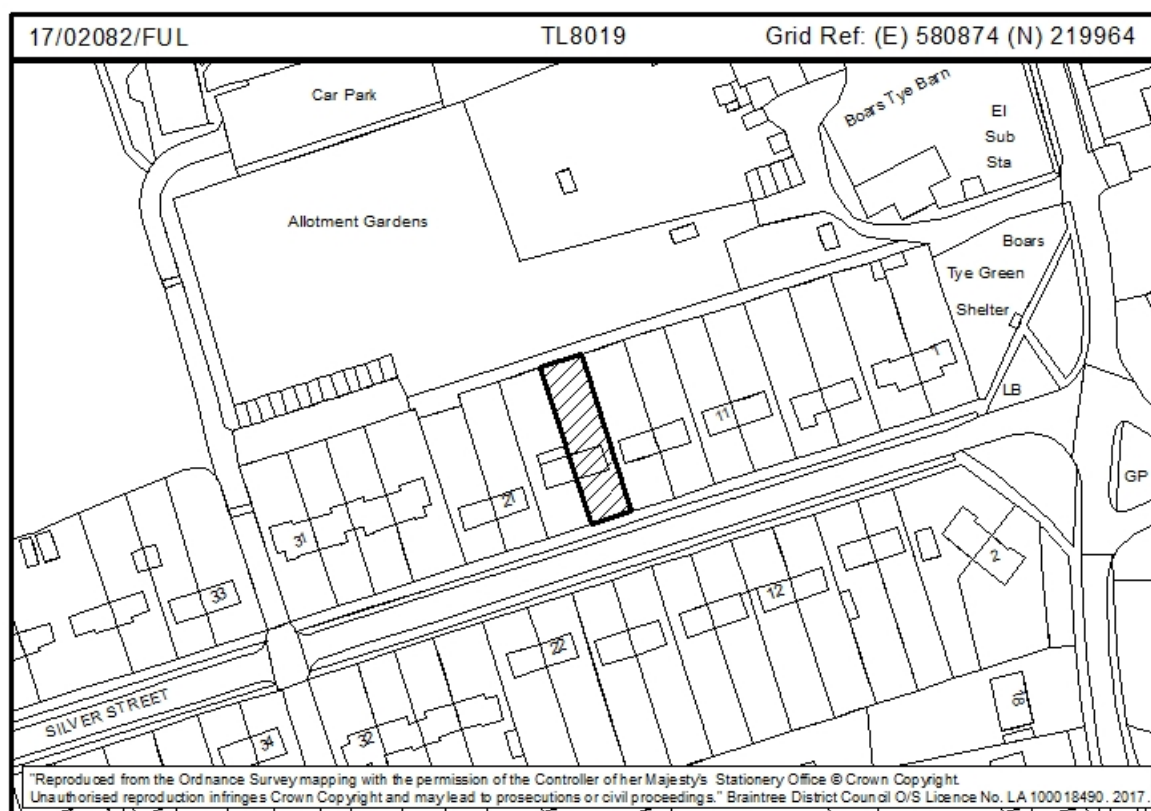
INSPECTOR

AGENDA ITEM NUMBER 5i

PART B

APPLICATION NO: 17/02082/FUL DATE: 04.12.17
 VALID:
 APPLICANT: Mr Coelho
 17 Silver Street, Silver End, Essex, CM8 3QQ
 AGENT: Mr Collins
 Flat 5, 76 Maldon Road, Colchester, CO3 3AG
 DESCRIPTION: Erection of single storey rear extension
 LOCATION: 17 Silver Street, Silver End, Essex, CM8 3QQ

For more information about this Application please contact:
 Mrs F Fisher on:- 01376 551414 Ext. 2503
 or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

17/02137/LBC	Erection of single storey rear extension	Pending Decision
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being referred to the Planning Committee because Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

17 Silver Street is a Grade 2 Listed building within the Silver End Article 4 Direction/Conservation Area.

The building forms part of a pair of flat roofed semi-detached houses designed by Thomas Tait which were constructed in 1927. This forms a series of high quality early to mid-twentieth century houses designed in the Modern

Movement style, with numbers 1-34 all listed Grade II, under fourteen list entries. These, along with some of the houses along Boars Tye Road, form the architectural showcase of Silver End, which was master-planned on Garden Village principles, and which now forms a Conservation Area.

PROPOSAL

The proposal comprises the erection of a single storey flat roofed rear extension measuring 4 metres in depth by 5.5 metres in width by 3.5 metres in height. The proposed extension would have a render finish to match the existing house with aluminium framed windows and doors. There is a corresponding application for Listed Building Consent (application reference 17/02137/LBC).

CONSULTATIONS

Essex County Council Historic Buildings Consultant - The applicant has amended the extension to reduce its size, scale and form and materials proposed and as a result there are no longer any objections to its scale and form. The applicant has submitted general brochures for the proposed windows and doors, and whilst that range and material is considered acceptable in the Conservation Area, more specific information should be submitted to show which units are proposed. The Historic Buildings Consultant states that this could be addressed by condition.

REPRESENTATIONS

1 letter of objection received - This grade II listed house should not have patio doors as they are not suitable for a house of this age and definitely not in UPVC as proposed. The house backs onto allotments, is this considered a 'public' area as regards visibility to the proposed extension.

REPORT

Principle of Development

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

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

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

Part 12 of the National Planning Policy Framework recognises that historic assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 134 of this framework states that where a proposal will lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal. In this case, the development has no public benefit. This implies that if harm can be substantiated, permission should be refused if there is no public benefit from the proposal.

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

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

Design and Appearance and impact on Heritage Asset

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

In terms of impact on the heritage asset, the proposal has been significantly reduced in response to initial concerns raised by the Historic Buildings Consultant and as a result comprises a much smaller extension in terms of its size and scale. The materials used in its construction have also been

amended and now comprise a render finish to match the existing house with aluminium framed windows and doors.

As a result of amendments made to the submission, the Historic Buildings Consultant has no objections to the scale and form of the extension, but states that whilst the use of aluminium windows and doors is acceptable, further details would need to be submitted to ensure the detailed specification is acceptable. The Historic Buildings Consultant is satisfied that these details can be secured by condition. A suitable condition in this regard is recommended (see Condition 4 on the application for listed building consent – application reference 17/02137/LBC).

Concerns have been raised by Silver End Parish Council in relation to the use of materials in the construction of the extension, as they do not comply with The Silver End Conservation Area Guide. However, whilst it is recognised that the use of aluminium windows and doors differ from those materials specified in the Silver End Conservation Guide, the use of aluminium has been approved elsewhere in the Conservation Area which has established the principle of utilising aluminium windows/doors as an alternative to Crittall windows within the Silver End Conservation Area. Officers are therefore satisfied that the use of the aluminium windows and doors can be supported.

The letter of representation received which raises concerns with regards to the visibility of the site is noted, however, officers are satisfied that whilst the single storey rear extension would be visible from the access to the allotments at the rear of the site, the extension would comprise a moderate addition to the dwelling which is not considered to have a detrimental impact on the Conservation Area or the heritage asset.

Impact on Neighbouring Residential Amenities

Taking into account the relationship and proximity of adjacent properties, it is not considered that the proposal would have a detrimental impact on neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Considerations

There is an existing vehicular access to this property leading to a driveway, which provides off road parking for at least two vehicles. The existing parking spaces on the driveway would remain. It is therefore considered that there would be no highway implications associated with this application as sufficient parking would remain at the property.

Conclusion

It is considered that the proposed single storey rear extension would not have a detrimental impact upon the designated heritage asset nor the Silver End Conservation Area and is therefore compliant with the abovementioned policies and the requirements of the NPPF.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Floor Plan

Elevations

Block Plan

Elevations

Plan Ref: DUP161-PL-01

Plan Ref: DUP161-PL-03

Plan Ref: DUP161-PL-04

Plan Ref: DUP161-PL-05

Version: B

Version: C

Version: A

Version: A

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

Reason

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

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

Reason

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

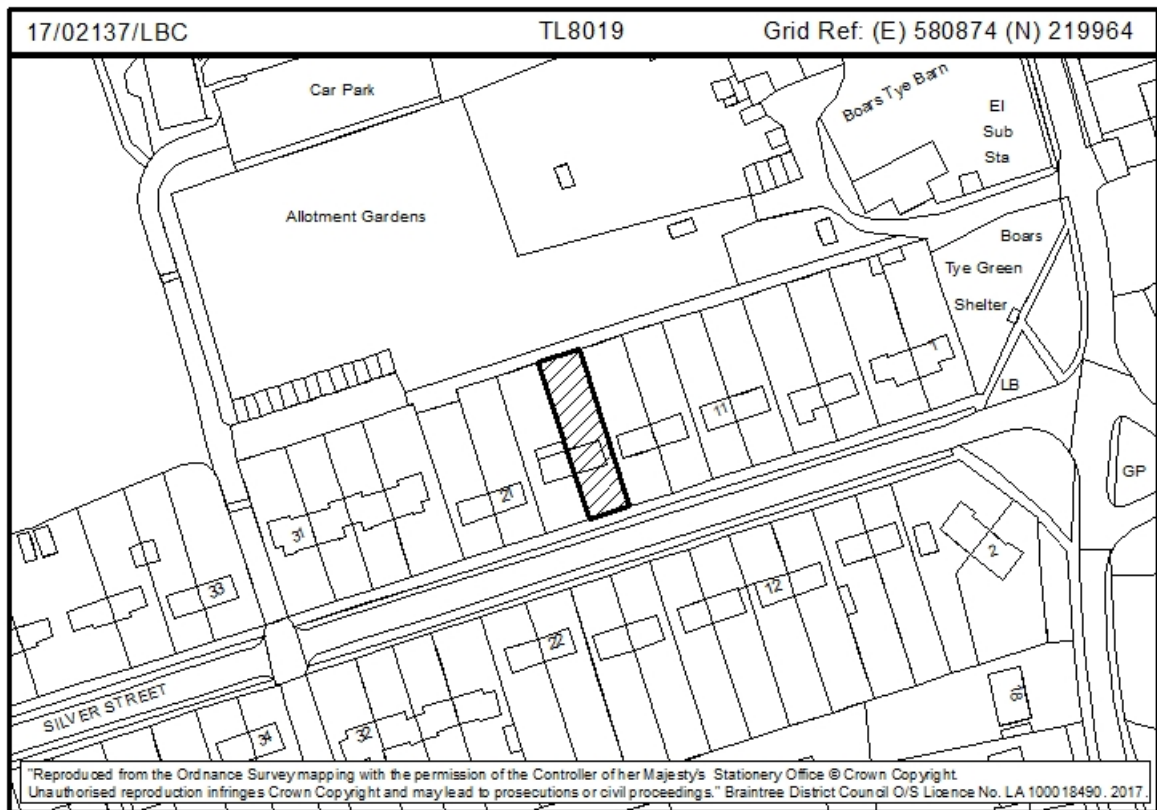
TESSA LAMBERT
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION NO: 17/02137/LBC
DATE: 04.12.17
VALID:
APPLICANT: Mr Coelho
17 Silver Street, Silver End, Essex, CM8 3QQ
AGENT: Mr David Collins
Drawing Up Plans, Flat 5, 76 Maldon Road, Colchester,
CO3 3AG
DESCRIPTION: Erection of single storey rear extension
LOCATION: 17 Silver Street, Silver End, Essex, CM8 3QQ

For more information about this Application please contact:
Mrs F Fisher on:- 01376 551414 Ext. 2503
or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

17/02082/FUL	Erection of single storey rear extension	Pending Decision
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP100 Alterations and Extensions and Changes of Use to Listed
Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being referred to the Planning Committee because Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

Please see report for application reference 17/02082/FUL

PROPOSAL

Please see report for application reference 17/02082/FUL

CONSULTATIONS

Please see report for application reference 17/02082/FUL

REPRESENTATIONS

Please see report for application reference 17/02082/FUL

REPORT

Principle of Development

Please see report for application reference 17/02082/FUL

Design and Appearance and impact on Heritage Asset

Please see report for application reference 17/02082/FUL

Conclusion

It is considered that the proposed single storey rear extension will not have a detrimental impact upon the designated heritage asset nor the Silver End Conservation Area and is therefore compliant with the abovementioned policies and the requirements of the NPPF.

RECOMMENDATION

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

APPROVED PLANS

Location Plan		
Floor Plan	Plan Ref: DUP161-PL-01	Version: B
Elevations	Plan Ref: DUP161-PL-03	Version: C
Block Plan	Plan Ref: DUP161-PL-04	Version: A
Elevations	Plan Ref: DUP161-PL-05	Version: A

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

Reason

This Condition is imposed pursuant to Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990.

- 2 The works 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 extension shall be finished in render as indicated on the approved plans listed above.

Reason

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

- 4 Construction of any extension shall not be commenced until additional drawings that show details of proposed new metal framed windows and doors to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with

the approved details and shall be permanently retained as such.

Reason

To ensure the proposed works do not prejudice the architectural or historic merits of the listed building.

INFORMATION TO APPLICANT

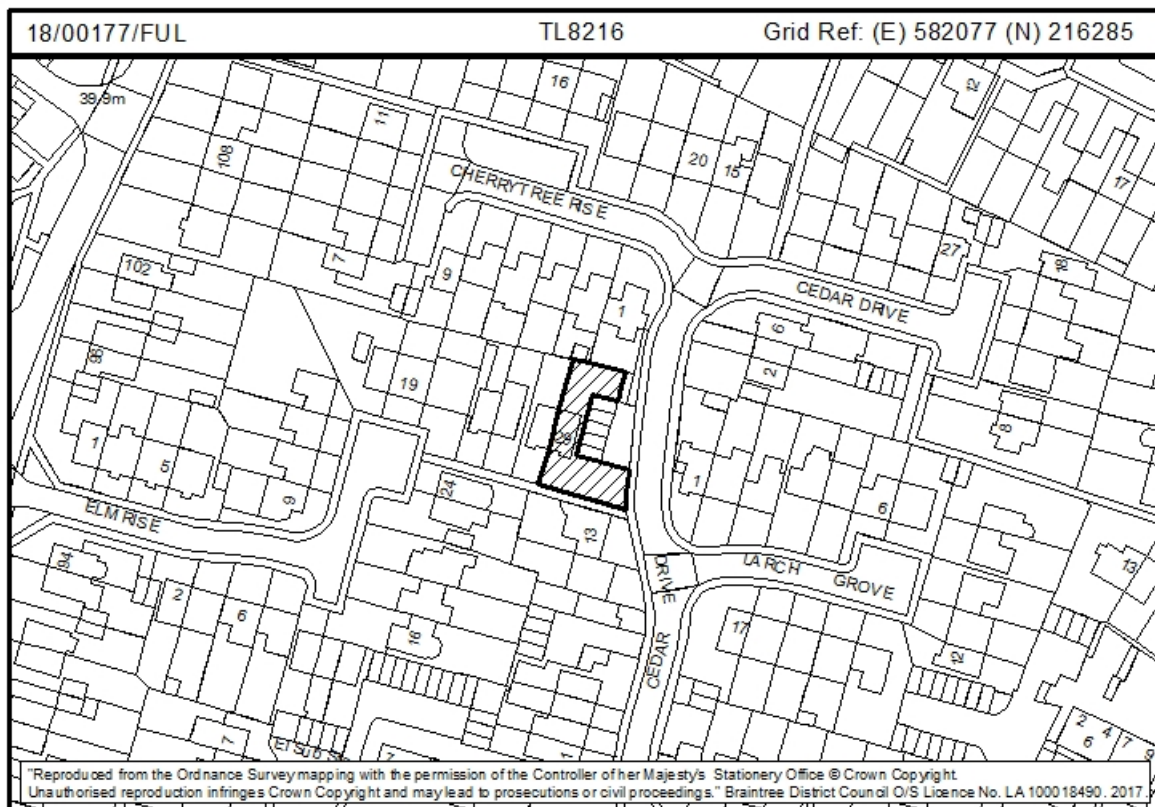
- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country 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.
- 2 Application forms can be downloaded from the Council's web site www.braintree.gov.uk - search:- Approval or removal or variation of conditions

TESSA LAMBERT
DEVELOPMENT MANAGER

PART B

APPLICATION 18/00177/FUL DATE 23.01.18
 NO: VALID:
 APPLICANT: Mr Anthony Brown
 29 Elm Rise, Witham, Essex, CM8 2LE
 AGENT: Braintree District Council
 Mr Jon Goldsmith, Causeway House, Bocking End,
 Braintree, Essex, CM7 9HB
 DESCRIPTION: Change of use of land to create vehicle hardstanding,
 pathway and associated works
 LOCATION: 29 Elm Rise, Witham, Essex, CM8 2LE

For more information about this Application please contact:
 Mrs F Fisher on:- 01376 551414 Ext. 2503
 or by e-mail to: fayfi@braintree.gov.uk



SITE HISTORY

None.

POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being referred to the Planning Committee because the agent for the application is Braintree District Council.

SITE DESCRIPTION

The site comprises a semi-detached dwelling located within a 1970's style housing estate. Whilst the address of the dwelling is given as Elm Rise, the dwelling is more prominent in the street along Cedar Drive. The dwelling is located behind a garage block which sits parallel to Cedar Drive and enjoys a large area of front garden, which has been deemed to be located outside of the domestic curtilage of the dwelling.

PROPOSAL

It is proposed that a parking space and pathway be constructed on land which sits next to the garages to provide easier vehicular access to the occupiers of 29 Elm Rise.

CONSULTATIONS

Essex County Council Highways – No objections

REPRESENTATIONS

Witham Town Council – No objections

REPORT

Principle of Development

The site is located within Witham Development Boundary therefore in accordance with Policy RLP2 of the Braintree District Local Plan Review and Policy LPP1 of the emerging Braintree District Publication Draft Local Plan, the principle of development is considered to be acceptable in principle, subject to other material planning considerations and compliance with other relevant planning policies. These are discussed in more detail below.

Policy RLP90 of the Braintree District Local Plan Review and Policies LPP50 and LPP55 of the emerging Braintree District Publication Draft Local Plan state that development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case officers consider that the change of use of this piece of land would be acceptable in principle, subject to compliance with the abovementioned policy criteria.

Design, Appearance and Layout

In this case the main issues relate to the impact that the change of use would have in terms of the loss of part of the open nature of the site frontage which exists along the boundary of the site and its visual impact across wider views.

The immediate area comprises a residential housing estate in which dwellings enjoy off street parking either outside the front or side of their dwellings or have access to nearby garage blocks. In this case, the proposed change of use relates to land which is within the private ownership of the applicant but is considered outside of the domestic curtilage of the dwelling.

It is officers opinion that the creation of a hardstanding for the parking of a car and an assessable pathway to facilitate access to this parking space, in this location, would not have a detrimental impact in terms of its visual appearance within the street and can therefore be supported.

Impact on Neighbour Amenity

In terms of impact on neighbouring amenity, Officers consider that given the nature of the proposed works that there would be no detrimental impact on

nearby residential amenity and the proposal is therefore compliant with the abovementioned policies.

CONCLUSION

Officers consider that the creation of a hardstanding for the parking of a car outside of the domestic curtilage of the dwelling and assessable pathway, in this location, would not have a detrimental impact in terms of its visual appearance within the street and can therefore supported.

RECOMMENDATION

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

APPROVED PLANS

Location Plan
Block Plan
Proposed Plans

- 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.

INFORMATION TO APPLICANT

- 1 There shall be no discharge of surface water on to the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester Business Park, Colchester CO4 9YQ

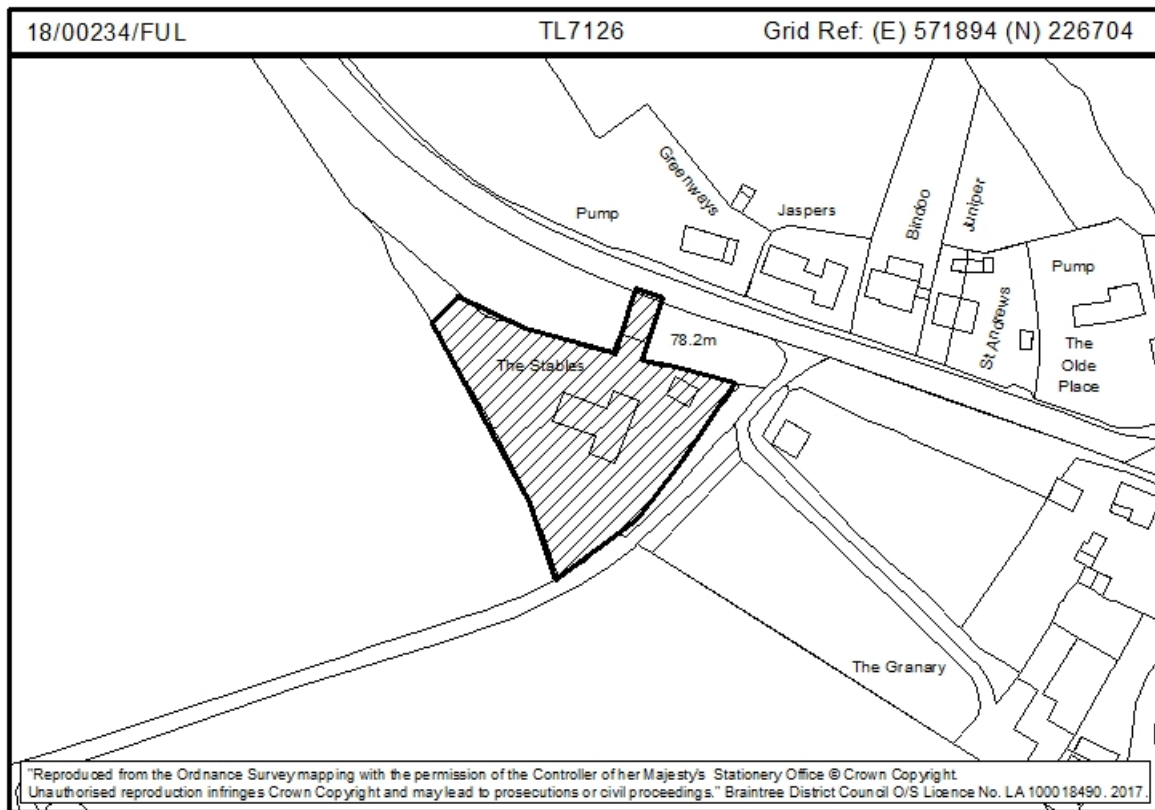
TESSA LAMBERT - DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5I

PART B

APPLICATION NO: 18/00234/FUL DATE: 05.02.18
VALID:
APPLICANT: Mr Greg Brown
The Stables, Jaspers Green, Shalford, Essex, CM7 5AX
DESCRIPTION: Demolish existing building and erection of garage with self contained annexe at first floor level
LOCATION: The Stables, Jaspers Green, Shalford, Essex, CM7 5AX

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



SITE HISTORY

17/00535/FUL	Demolish existing building and erection of garage with self contained annexe at first floor level	Withdrawn	16.05.17
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POLICY CONSIDERATIONS

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

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017. The Section 1 of the 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 Part 2 Draft Local Plan examination will take place later this year.

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

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

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

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

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

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

decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP18	Extensions to Existing Dwellings in the Countryside
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee, because the application is supported by the Parish Council, contrary to Officer recommendation.

SITE DESCRIPTION

The application property lies on the edge of the hamlet of Jaspers Green within the countryside. The application site contains a two storey dwelling and two detached outbuildings. One of the buildings is a double garage and lies between the dwelling and the road and is therefore visible from a public viewpoint.

The second outbuilding is located west of the dwelling, close to the boundary of the site with a field. Given its siting this building is also visible from the road to the front of the site. Both of the existing outbuildings are single storey with simple pitched roofs.

To the west and south of the property is open farmland. To the east and north of the property are existing residential dwellings and garden.

PROPOSAL

This application is seeking planning permission for a new detached garage with first floor habitable accommodation which would be used as a self-contained annexe. The applicant has indicated verbally that this is for a relative, however, there is no information relating to this in the supporting information submitted with the application. The existing outbuilding located to the west of the dwelling would be removed to make way for the new outbuilding.

The building would be located to the west of the host dwelling, along the field boundary with the neighbouring farmland.

The proposed building would be 15m wide and 7.35m deep and would have an overall height of 5.85m. The building would have a footprint of 110sqm. The roof would contain six dormer windows. The ground floor would create space for 4 cars and the first floor contains a lounge/kitchen, bathroom and bedroom.

A previous planning application (17/00535/FUL) was submitted for the site for an identical scheme to that subject to this application. The application was withdrawn following officer advise to the applicant that the scheme should be reduced in scale to comply with the criterion of policy RLP 18 of the Local Plan Review. The proposal has not been amended as advised and remains exactly as previously submitted under 17/00535/FUL.

CONSULTATIONS

Shalford Parish Council- Support the application.

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified. No representations were received.

REPORT

Principle of Development

For sites located outside of designated village envelopes and development boundaries, according to Policy RLP2 of the adopted Local Plan, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP18 provides support for annexe accommodation for dependent relatives, however to be considered as an annexe, the building must have

both a physical and a functional relationship with the main dwelling. During the site visit the applicant stated that the annexe was for his mother.

Whilst the proposed annexe contains all the amenities that would mean that the annexe would be adequately occupied as a separate dwelling, the building would be located close to the host dwelling and given the layout and size of the existing plot, the building could not easily be used and occupied as a separate dwelling. It is therefore considered that an annexe despite having these facilities, located in this position would have a functional and physical relationship with the host dwelling. Therefore no objection is raised to the principle of an annexe building constructed on this site. However, it is recommended that a condition is attached to any grant of consent to ensure that it remains as an annexe and not a separate unit of residential accommodation.

Design, Appearance and Layout

Policy RLP90 of the Braintree District Local Plan Review, states development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area, provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

Policy CS9 of the Braintree District Core Strategy states that the Council will promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment in order to respect and respond to the local context.

The NPPF sets out a presumption in favour of sustainable development. In paragraph 56, the NPPF highlights that good design is a key aspect of sustainable development. Paragraph 57 highlights that it is important to achieve high quality and inclusive design for all land and buildings. If a proposal fails to achieve good design, paragraph 64 stipulates that permission should be refused where the design fails to improve the character and quality of an area. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives” for the context of the site.

Policy RLP18 of the Braintree District Local Plan Review and Policy LPP38 of the Braintree District Publication Draft Local Plan states outbuildings within the plot of existing dwellings will be acceptable, so long as there is no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries; and so long as the outbuilding would be subordinate to the original dwelling in terms of bulk, height and position.

The existing host dwelling is situated in the centre of the plot and has a 'T' plan form. The depth of the proposed building is deeper (at 7.35 metres) than that of the existing dwelling which has a depth of just less than 6 metres. The width of the proposed building is 15 metres matching that of the main dwelling. The height of the proposed building is 5.85 metres. There are 6 dormers proposed in the roof, 3 to the front roof slope and 3 in the rear slope. The proposed height and width of the building, together with the amount of dormers contributes to its bulky and dominate appearance which fails to respect the main dwelling or the countryside setting. This is harmful to the character and appearance of the countryside.

The proposed building does not appear subordinate to the host dwelling and is not compatible with the existing dwelling or the countryside location. The proposal is therefore considered contrary to RLP 18 of the Braintree District Local Plan Review 2005, policy LPP38 of the emerging Local Plan and Policy CS5 of the adopted Core Strategy.

Impact on Neighbour Amenities

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

RLP 90 states there should be no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is situated some distance from neighbouring properties.

It is considered that the proposal would not have any adverse impact on neighbouring amenity including by way of overlooking, visual intrusion or a loss of privacy.

Highway Issues

There is sufficient parking provision provided within the site. Parking provision is therefore not a consideration in the determination of this application.

CONCLUSION

Whilst the principle of the annexe is considered acceptable as there is a functional and physical relationship with the host dwelling, the proposed outbuilding given its size, height and use of dormers does not appear subordinate to the host dwelling and fails to satisfy RLP 18 of the Local Plan and policy LPP 38 of the emerging Local Plan in this regard. It therefore has a detrimental impact on the countryside setting and is contrary to CS5 of the adopted Core Strategy.

RECOMMENDATION

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

- 1 The proposed development by way of its size, height, width and insertion of dormers results in a building which is excessively large in comparison to the main dwelling, failing to be subordinate. The resultant building is not compatible with the existing dwelling nor the countryside setting contrary to the NPPF, Policy CS5 of the Core Strategy (2011), Policy RLP18 of Local Plan Review (2005) and Policy LLP38 of Publication Draft Local Plan (2017).

SUBMITTED PLANS

Location Plan	Plan Ref: 3976/001
Proposed Site Plan	Plan Ref: 3976/002
Proposed Plans	Plan Ref: 3976/003
Proposed Floor Plan	Plan Ref: 3976/004

TESSA LAMBERT
DEVELOPMENT MANAGER