

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 15 January 2019 at 07:15 PM**

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

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

|                               |   |
|-------------------------------|---|
| Councillor K Bowers           | Councillor Lady Newton                  |
| Councillor Mrs L Bowers-Flint | Councillor Mrs I Parker                 |
| Councillor T Cunningham       | Councillor F Ricci                      |
| Councillor P Horner           | Councillor Mrs W Scattergood (Chairman) |
| Councillor H Johnson          | Councillor Mrs G Spray (Vice-Chairman)  |
| Councillor S Kirby            | Vacancy                                 |
| Councillor D Mann             |   |

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR 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](mailto:governance@braintree.gov.uk) no later than midday on the working day before the day of the Committee 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](http://www.braintree.gov.uk)

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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](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 4th and 11th December 2018 (copy previously circulated).

### **4 Public Question Time**

(See paragraph above)

### **5 Planning Applications**

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

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

## **PART A**

### **Planning Applications**

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 18 00905 FUL - Shepherds Cottage, Church Road, HATFIELD PEVEREL</b>        | <b>5 - 21</b>  |
| <b>5b</b> | <b>Application No. 18 01697 FUL - Land North of School Road, PENTLOW</b>                      | <b>22 - 42</b> |
| <b>5c</b> | <b>Application No. 18 01755 FUL - West Street Vineyard, West Street, COGGESHALL</b>           | <b>43 - 63</b> |
| <b>5d</b> | <b>Application No. 18 01792 FUL - Land West of 100 Avenue East, Skyline 120, GREAT NOTLEY</b> | <b>64 - 85</b> |

## **PART B**

### **Minor Planning Applications**

**5e      Application No. 18 01764 FUL - Moors Farmhouse,  
Brickhouse Road, COLNE ENGAINÉ**

## 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

## 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.

Page

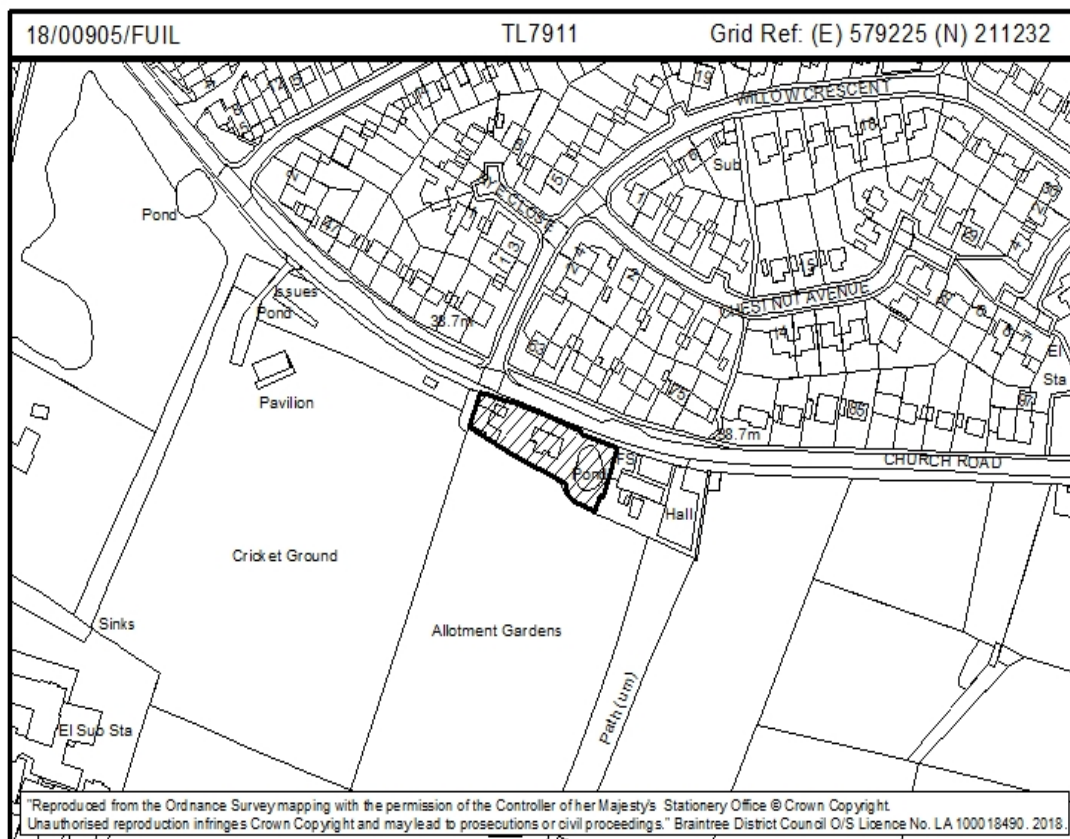
PART A

APPLICATION NO: 18/00905/FUL DATE: 03.07.18  
 VALID:  
 APPLICANT: Ms Claire Lewis  
 Shepherds Cottage, Church Road, Hatfield Peverel, Essex,  
 CM3 2LD  
 AGENT: Edward Parsley Associates Ltd  
 Mr Christopher Davis, West End Barn, The Street, Rayne,  
 Braintree, Essex, CM77 6RY  
 DESCRIPTION: Proposed extensions and alterations to existing outbuilding  
 to form one residential unit  
 LOCATION: Shepherds Cottage, Church Road, Hatfield Peverel, Essex,  
 CM3 2LD

For more information about this Application please contact:

Ellie Scott on:- 01376 551414 Ext.

or by e-mail to: [ellie.scott@braintree.gov.uk](mailto:ellie.scott@braintree.gov.uk)



## SITE HISTORY

|                 |   |           |          |
|-----------------|---|-----------|----------|
| 04/00604/OUT    | Demolition of existing buildings with new dwelling  | Withdrawn | 23.04.04 |
| 81/00499/FUL    | 2 Storey Extension  |           |          |
| 85/1542//85/FUL | Dormer Window To Rear   |           |          |
| 85/1543//LBC    | Dormer Window To Rear   |           |          |
| 86/00888/FUL    | Detached Garage And 2m. High Screen Wall  |           |          |
| 86/00889/LBC    | Detached Garage And 2m. High Screen Wall  |           |          |
| 88/00705/       | Approved  |           |          |
| 88/00705/P      | Change Of Use Of Garage And Storage Shed For Making Ornamental Plaster                                      | Granted   | 14.06.88 |
| 90/00598/PFWS   | Erection Of Two Storey Extension  | Refused   | 30.04.90 |
| 90/00599/LBC    |   |           |          |
| 90/00599/PFWS   | Erection Of Two Storey Extension  | Refused   | 30.04.90 |
| 90/00728/90     |   |           |          |
| 90/00728/PFWS   | Renewal Of Temporary Permission For Manufacturing Of Ornamental Plaster - Bte/705/88                        | Granted   | 05.06.90 |
| 90/01477/PFWS   | Erection Of Two Storey Side Extension   | Refused   | 13.11.90 |
| 90/01478/PFWS   | Erection Of Two Storey Side Extension   | Refused   | 13.11.90 |
| 90/1477//FUL    |   |           |          |
| 90/1478//LBC    |   |           |          |
| 91/00072/FUL    | 9100072ful  |           |          |
| 91/00072/PFWS   | Change Of Use Of Domestic Garage To Finished Product Store, Change Of Finished Product Store To A Show. Etc | Refused   | 28.02.91 |
| 91/00073/LBC    | 9100073lbc  |           |          |
| 91/00073/PFWS   | Erection Of Showroom And Conservatory To Existing Workshops And Demolition Of Garage                        | Refused   | 28.02.91 |
| 91/00255/E      | 9100255e  |           |          |
| 91/00828/FUL    | 9100828ful  |           |          |
| 91/00828/PFWS   | 9100828pfws   | Granted   | 24.09.91 |
| 91/00829/LBC    | 9100829lbc  |           |          |
| 91/00829/PFWS   | 9100829pfws   | Granted   | 24.09.91 |

|              |   |                       |          |
|--------------|---|-----------------------|----------|
| 92/00510/COU | Renewal of temporary permission for manufacturing of ornamental plaster.  | Granted               | 07.07.92 |
| 05/01213/FUL | Proposed kitchen extension  | Granted               | 19.08.05 |
| 05/01214/LBC | Proposed kitchen extension  | Granted               | 19.08.05 |
| 13/00771/FUL | Erection of single storey cart shed and formation of new vehicular access   | Granted               | 29.08.13 |
| 13/00772/LBC | Erection of single storey cart shed.  | Granted               | 29.08.13 |
| 13/01486/FUL | Erection of a single storey timber cart shed (revision to previous planning permission ref 13/00771/FUL as new vehicular access no longer proposed) | Granted               | 27.02.14 |
| 16/00306/TPO | Notice of intent to carry out works to tree protected by Tree Preservation Order 15/76 - Crown reduce Willow tree to approx 25 feet                 | Pending Consideration |          |

### POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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

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



however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes  
RLP38 Conversion of Rural Buildings  
RLP56 Vehicle Parking  
RLP90 Layout and Design of Development  
RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

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

#### Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development  
SP6 Place Shaping Principles  
LPP1 Development Boundaries  
LPP17 Housing Provision and Delivery  
LPP37 Housing Type and Density  
LPP42 Residential Conversion of Buildings in the Countryside  
LPP45 Parking Provision  
LPP50 Built and Historic Environment  
LPP55 Layout and Design of Development  
LPP60 Heritage Assets and their Settings  
LPP71 Landscape Character and Features

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

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

## SITE DESCRIPTION

Shepherd's Cottage is a timber framed and plastered building of sixteenth century construction, with later alterations, and is listed Grade II. To the west of Shepherds Cottage is an outbuilding which is the subject to this planning application. The application site is located just outside the Hatfield Peverel Village Envelope.

## PROPOSAL

The proposal is for extensions and alterations to an existing outbuilding located directly to the west of Shepherds Cottage to form a one bedroom residential unit. The outbuilding was originally proposed to be altered to form an annexe. Concerns were raised by Officers, that the proposal was too large to be considered ancillary accommodation to the host dwelling Shepherds Cottage. During the process of the application, the scheme was subsequently revised to alter the outbuildings to form one new dwelling. It is this proposal that is assessed in this report.

## CONSULTATIONS

ECC Highways: Have confirmed that they have no comments on the proposal.

Historic Building Consultant: It was stated by the Historic Building Consultant that comments from a heritage perspective remained the same as previous comments submitted when the proposal was for an annexe. This is subject to a condition being attached relating to boundary treatments between the two plots. Comments previously received in regards to the outbuilding include the following:

*"The outbuildings are located directly to the west of Shepherds Cottage and are of a rambling and distorted plan form and are of modern construction. They are therefore of low significance, and make a minor negative contribution to the setting in which the listed building is experienced. This setting has also been intruded upon by the expansion of Hatfield Peverel and the erection of a modern housing development which occupies the northern side of Church Road. Given the relatively low contribution which its setting makes to the significance of the asset, and the limited alterations to the buildings in terms of their overall size and massing, the proposed development is not in practice considered to materially impact on the significance of the listed building. There is therefore no objection from a conservation perspective to the application."*

BDC Ecology: No objection to the proposal. Whilst survey data is normally required as part of an application, in this individual circumstance and without precedent setting, a pre-commencement condition for a bat survey is acceptable as it is considered unlikely that they will be present but should be checked.

Hatfield Peverel Parish Council:

*The Parish Council had no comment previously with the exception that if Planning Permission was granted, a condition should be included that the annex shall not be occupied at any time other than for the purpose ancillary to the property Shepherds Cottage, and shall not be sold as an independent residential unit (please see letter of the 20th July last).*

*However, the applicants are now proposing to create a separate residential dwelling from what were workshops connected with Shepherds Cottage.*

*The Parish Council does not therefore support this application as the proposed new dwelling falls outside the existing development boundary, is not related to countryside use and therefore does not comply with: RLP2 Town Development Boundaries and Village Envelopes, and CS5 The Countryside*

## REPRESENTATIONS

The application has been advertised on site and in the local press as a Departure from the provisions of the Development Plan. No neighbour representations have been received. Any representations received will be reported verbally to the Planning Committee meeting.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2018

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the

Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

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

### The Development Plan

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

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

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

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

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

## 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council

within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

The application site is located immediately adjacent to but outside the Village Envelope of Hatfield Peverel as identified in the Adopted Local Plan. Hatfield Peverel is identified in the Adopted Core Strategy as a key service village, one of six within the District. Key service villages sit below main towns but above other villages within the District's settlement hierarchy and are defined in the Core Strategy as: *'large villages with a good level of services, including primary schools, primary healthcare facilities, convenience shopping facilities, local employment, frequent public transport to higher order settlements and easy access by public transport to secondary schools'*.

The designation of Hatfield Peverel as a key service village has been carried forward into the Draft Local Plan along with 4 other existing Key Service Villages. The sixth, Silver End, is downgraded in the Draft Local Plan and is

no longer considered a Key Service Village. The settlement hierarchy is also altered and expanded from 'towns; key service villages; and other villages' to 'towns; key service villages; second tier villages; and third tier villages'.

The application site is located on the boundary with the Hatfield Peverel and therefore is accessible to services and facilities within the village. Furthermore Church Road benefits from a pavement on the other side of the road to the application site and therefore this would encourage walking into the village and would not result on reliance on car travel in accordance with Policy CS7 of the Adopted Core Strategy.

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

Both the NPPF and the NPPG require all new forms of development to be well designed with Paragraph 127 of the NPPF stating that new development should "function well and add to the overall quality of the area" and should be "visually attractive as a result of good architecture, layout and appropriate and effective landscaping". Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The site is located adjacent to the settlement boundary of Hatfield Peverel within the countryside and therefore the open character and visual appearance has to be taken into consideration. This is supported by Policy CS5 of the Adopted Core Strategy which 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 site is located along Church Road where one side of Church Road falls within the village boundary and the other side does not. Shepherds Cottage is situated on the side that is not located within the village boundary. There is however, development on this side of Church Road that falls outside the village envelope including a scout hall and Hatfield Peverel Cricket club which are both adjacent to the applicant site, Shepherds Cottage.

This application seeks permission for alterations to an existing outbuilding within the residential curtilage of Shepherds Cottage to form one residential unit. The existing outbuilding is currently used as a garage/workshop/storage and is a building finished mainly in black weatherboarding and clay tiles.

The proposal seeks permission to demolish some parts of the outbuilding and add additional elements including a part gable frontage on the front and rear elevation as well as a side gable. The proposal would actually see a reduction in overall footprint of the outbuilding from approximately 185sq.m to around 145sq.m. The dwelling unit would form roughly 62sq.m of the outbuilding with the remainder of the building staying as storage/garage area. The proposal looks to have mainly matching materials including black weatherboarding and clay tiles. 50sq.m of amenity space is also proposed which is an acceptable amount of amenity space for a one dwelling unit as outlined in the Essex

Design Guide. In terms of amenity space that would be left for Shepherds Cottage, it is considered that there would still be over 100sq.m of amenity space for this property, which would accord with adopted standards.

Whilst the proposals would continue to create an outbuilding which is not uniform in form, given the reduction in size of the outbuilding, the proposed use of matching materials, and only small increases in height on some aspects of the outbuilding, the proposed alterations to the outbuilding would not be detrimental in terms of design and appearance and would not detrimentally erode the character of the countryside. In terms of access to the proposed new dwelling, there is already an existing access to the current outbuilding which is separate to an additional access to Shepherds Cottage. Therefore a new access would not need to be created which would avoid any potential erosion of the character of the countryside.

### Heritage

In terms of heritage, the Historic Building Consultant originally commented when the proposal was for an annexe that the proposed alterations were considered to be limited in terms of overall size and massing would have limited material impact on Shepherds Cottage as a listed building. Following a re-consultation on the proposal for a new dwelling, the Historic Buildings Consultant has referred to the previous comments and confirmed that there is no objection to the proposal as a new dwelling unit. This is subject to a condition relating to boundary treatments which is recommended to be added to any approval. It is therefore considered that the proposal is acceptable from a heritage perspective.

### Ecology

Changes are proposed to the roof of an outbuilding and therefore the presence of protected species should be considered. Whilst survey data is normally required as part of an application, it is considered by the Ecology team that it is unlikely that bats will be present but a survey should be conducted to check for their presence. A pre-commencement condition requesting a bat survey has therefore been recommended as a condition to be added to any approval of the application.

### Impact on Neighbouring Residential Amenities

Given the reduction in footprint, and the small changes in scale and massing proposed, it is not considered that the proposal would have any material neighbour impact in comparison to the existing outbuilding at the property in terms of loss of light or in terms of being overbearing. In terms of privacy of Shepherds Cottage, the part of the outbuilding proposed to be converted to the new dwelling is sited away from Shepherds Cottage. New windows and doors are proposed on the front and rear elevation which, would not look directly towards Shepherds Cottage and therefore it is not considered to impact the privacy of Shepherds Cottage. Two windows on the outbuilding face towards Shepherds Cottage, which are existing. The floor plan submitted



indicates that where these two windows are located would remain as storage and would not form part of the area of the outbuilding proposed for the new dwelling unit. Furthermore there is a separation distance of around 13.5 metres between these windows and Shepherds Cottage and therefore these windows would not have a detrimental impact on the privacy of Shepherds Cottage.

In terms of other properties in the local area, there are sufficient separation distances between these properties and the proposed development for the proposed development not to have a detrimental impact on loss of light, privacy or in terms of being overbearing.

### Highway Considerations

ECC Highways have raised no objections to the proposal and therefore the site access is acceptable in terms of Highways safety. In terms of car parking arrangements, it is considered that there is sufficient space for parking provision at the proposed new dwelling. In terms of parking for Shepherds Cottage, there would still be a driveway to the front of the property for parking provision.

### Habitat Regulations Assessment (HRA / RAMS)

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

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

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

the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

## PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

communities' health, social and cultural well-being); and an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In terms of the economic and social objectives the development would bring about some benefits including employment during the construction period and a contribution, albeit a limited one, to the Council's housing land supply.

In terms of the environmental objective, the application site is located on the boundary with the Hatfield Peverel village and therefore is accessible to services within the village. Furthermore Church Road benefits from a pavement on the other side of the road to the application site and therefore this would encourage walking into the village and not result on reliance on car travel in accordance with Policy CS7 of the Adopted Core Strategy. Whilst the proposed dwelling is located in the countryside, the proposal is for the conversion of an existing outbuilding. The proposal would result in a reduction in the footprint of built form on the application site. The changes proposed to the outbuilding to form a new dwelling would be less intrusive on the character of the area and Shepherd's Cottage (Grade II Listed building) in comparison to the current outbuilding at Shepherds Cottage. Moreover, the proposal would not be detrimental to the character of the countryside or the character of the Grade II Listed Shepherds Cottage which was confirmed in comments provided by the Historic Building Consultant.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the moderate weight afforded to the conflict with the Development Plan. The proposed development would constitute sustainable development and it is recommended that planning permission is granted.

## 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: 01 | Version: A |
| Proposed Site Plan  | Plan Ref: 02 | Version: A |
| Proposed Floor Plan | Plan Ref: 05 | Version: A |
| Proposed Elevations | Plan Ref: 06 |            |

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

To enhance the appearance of the development and in the interests of visual amenity and privacy as well as ensuring appropriate detailing having regard to the listed buildings adjoining this site.

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

Sundays, Public and Bank Holidays - no work

Reason

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

- 6 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, as permitted by Class A, B, C, D, E of Part 1 of Schedule 2 and no erection of fences or means of enclosure as permitted by Class A of

Part 2 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

In order to secure the satisfactory development of the site.

- 7 No development shall take place, including demolition, until the local planning authority has been provided with the results of a bat survey to establish the presence/absence of roosting bats on the development site. The results of this survey must be submitted, in writing, to the local planning authority.

Reason

This information is needed prior to the commencement of development to ensure there is no harm caused to a protected species.

INFORMATION TO APPLICANT

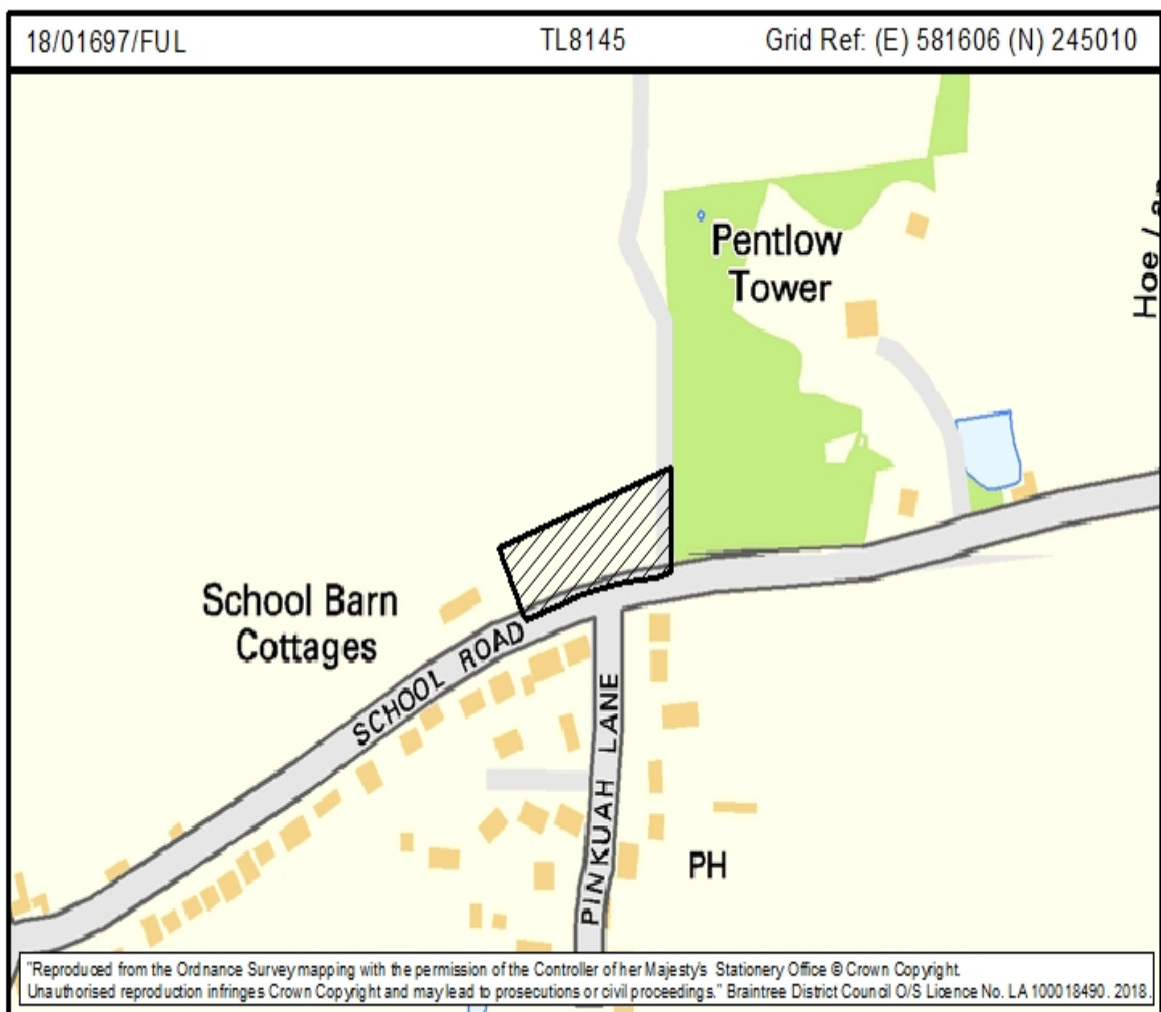
- 1 Any works to the roof area should be undertaken with care and caution. The applicant is advised that if any evidence of bats, or potential bat roost, is discovered all works must cease immediately and a suitably qualified Ecologist contacted for further advice.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01697/FUL DATE: 25.09.18  
 VALID:  
 APPLICANT: K New 2U Homes Ltd  
 C/O Agent  
 AGENT: Mr Ben Elvin  
 122 Constable Road, Ipswich, IP4 2XA  
 DESCRIPTION: Erection of 4 single-storey dwellings and formation of new  
 village amenity area/play area  
 LOCATION: Land North Of, School Road, Pentlow, Essex

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](mailto:juliet.kirkaldy@braintree.gov.uk)



## SITE HISTORY

|              |   |   |          |
|--------------|---|---|----------|
| 17/00042/REF | Residential development comprising 3 no. terraced dwellings, 2 no. semi-detached two storey dwellings and 2 no. detached single storey dwellings, erection of detached cartlodge and new vehicular access | Appeal<br>Dismissed                       | 24.10.17 |
| 16/00931/FUL | Erection of 1 no. detached and 2 no. semi-detached two storey dwellings with a detached cartlodge outbuilding together with new vehicular accesses  | Refused                                   | 20.07.16 |
| 16/02151/FUL | Residential development comprising 3 no. terraced dwellings, 2 no. semi-detached two storey dwellings and 2 no. detached single storey dwellings, erection of detached cartlodge and new vehicular access | Refused<br>then<br>dismissed<br>on appeal | 03.02.17 |

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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



It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

|        |   |
|--------|---|
| RLP2   | Town Development Boundaries and Village Envelopes                     |
| RLP7   | Housing and Mixed Use Sites   |
| RLP8   | House Types   |
| RLP9   | Design and Layout of Housing and Mixed Use Areas                      |
| RLP10  | Residential Density   |
| RLP22  | Accessible Housing and Lifetime Housing                               |
| RLP49  | Pedestrian Networks   |
| 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   |
| 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  |
| RLP105 | Archaeological Evaluation   |

## 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  |
| 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  |

## Other Material Considerations

Essex Parking Standards Design and Good Practice 2009

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

## SITE DESCRIPTION

The application site is located on the northern side of School Road within the settlement of Pentlow. Pentlow does not have a development boundary and is therefore located within the 'countryside' for planning purposes.

The application site measures approximately 0.32ha and is fallow land enclosed with a wooden post and rail fence to the northern and eastern boundaries of the site.

There is an existing track to the east of the site, with a field gate providing existing access into the site. A Public Right of Way runs along this track. The track provides access to a couple of residential properties and a farm.

To the west of the site is a row of 3 terraced properties. The site's southern boundary with School Road is bounded with an established hedgerow.

In terms of the wider context there is existing residential development (predominately detached dwellings) to the south of the site along School Road and Pinkuah Lane. To the north of the site is open countryside. There are Grade II listed buildings (Pentlow Tower and The Coach House) to the north east of the site. This is over 150 metres from the site and is screened by a wooded area and thus is not visible from the application site.

## PROPOSAL

This application seeks planning permission for the erection of 4 single storey dwellings and the formation of a new village amenity area/play area.

The proposed dwellings are orientated fronting onto School Road.

The semi-detached dwellings on Plots 2 and 3 would be served by a vehicular access off School Road. Plot 4 to the east of the site would be served by a new access off the existing track. The existing access to the west of the site off School Road is proposed to be used for Plot 1. Each property would be served by an area of private amenity space.

A village amenity and play area is proposed to the west of the site between Plot 1 and the existing row of 3 terraced dwellings.

A previous application (application reference 16/00251/FUL) for a similar form of development on the site has previously been refused and then subsequently dismissed on appeal. This is a material consideration in the determination of the current application.

## REPRESENTATIONS

The planning application has been advertised as a Departure from the provisions of the Development Plan. A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified by letter.

One letter of representation has been received in response to the neighbour notification, the contents are summarised below:

There should be no permanently lit security lighting allowed, because of the close proximity to nesting wildlife (specifically Tawny Owls) in the adjacent wood.

## CONSULTATIONS

### BDC Environmental Health

No objection subject to conditions relating to the following due to the proximity of residential dwellings:

- Hours of working;
- Hours of vehicular movements linked to construction;
- No burning of construction refuse;
- Submission of Construction Management Plan for approval;
- Submission of piling noise/vibration for approval if piling to be used.

### ECC Highways

No objection subject to conditions relating to visibility splays, car parking details, submission of a Construction Method Statement, improvements to bus stop.

### Pentlow Parish Council

The following representation has been received,

*'Pentlow Parish Council (PC) has agreed a strategic direction to support the building of a few affordable homes at an early entry level to the housing market with the design of those homes in keeping with the village characteristics.'*

*With regard to application 18/01697/FUL all four properties are three bedroom, two with ensuite facilities, and are not considered entry level. At*

*least one should be entry level to allow for first time purchase. This is supported by NPPF, Paragraph 71; it contains provisions for entry-level exception sites suitable for first-time buyers or those looking to rent their first home.*

*The ancillary aspects are the areas where clarity and planning conditions are requested:*

- Highways recommendation and conditions addresses some of the street furniture but should also cover the following:*
- The existing phone box relocation and reconnection of this to a power supply;  
The incorporation of the present Silver Jubilee bench within any new bus shelter;*
- The maintenance, cost of maintenance and ownership of the proposed village amenity needs to be clarified and planning conditions agreed to ensure this becomes a benefit in perpetuity for the village’.*

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2018

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

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

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

The NPPF underlines the Government’s objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land

that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

### The Development Plan

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

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

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

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to Policy RLP2 of the Adopted Local Plan, Policy CS5 of the Adopted Core Strategy and the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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

### 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will

be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

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

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

The strategy set out in the 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".

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

The site is located within close proximity to existing residential development such it is reasonable to conclude that the site is not isolated in this respect given that it is physically related to the existing settlement of Pentlow.

Notwithstanding this, there are no facilities or amenities, other than a village hall within Pentlow or within reasonable walking distance of the site and the settlement does not appear to benefit from a bus service. It can be argued therefore that the site is poorly located in terms of its functional connectivity to services.

The Planning Inspector stated in the Appeal Decision:- *'Pentlow has a handful of local services including a village hall, public house and children's day nursery. These facilities are a short and comfortable walk from the appeal site. There is also a church nearby. Nevertheless, the village is devoid of most everyday services such as schooling and shops. There is also little in the way of employment opportunities nearby save for a small grouping of businesses in the vicinity of Buntings Farm. A rural settlement is unlikely to provide a full range of everyday services but Pentlow is particularly limited in this respect and this would explain why it does not benefit from a settlement boundary.*

*11. To access most everyday facilities it would be necessary for future residents of the appeal scheme to travel to surrounding villages and towns, including Cavendish, Clare and Sudbury. To access the facilities in these settlements on foot would require future occupants of the appeal scheme to undertake long walks along unlit rural roads, which for long sections are devoid of pavements and subject to steep gradients. As such, these are not routes along which pedestrians would travel frequently, particularly in inclement weather or after dark. The distance and unappealing walking environment would deter future residents from walking to the available facilities in the nearest settlements.*

*12. For similar reasons cycling is unlikely to be pursued by future occupants of the appeal site as a regular alternative to travel by a private motorised vehicle. This is especially so as journeys by bicycle from the appeal site to local facilities would not be short or easy and would therefore require a reasonably high level of mobility and competency.*

*13. There does not appear to be a bus service to the village but there is a 'Demand Responsive' (DRT) service operated by Essex County Council. This allows residents to travel between 0600 and 2000 Monday to Saturday by*

*making bookings in advance. However, this would incur a cost every time a future resident wanted to access more than the limited services available in Pentlow<sup>3</sup>. It also requires bookings to be made in advance and the vehicle may not always take the most direct route. As a consequence this may not always be a particularly convenient form of regular travel. As such, DRT is unlikely to function as a regular substitute for travel by private motorised transport for most residents, especially if they have access to their own vehicle.'*

It is further stated in paragraph 14 of the Appeal Decision, 'Daily journeys to work and school would soon add up to a high number of miles travelled with the associated carbon emissions'.

The Planning Inspector concluded in the Appeal Decision:- *'that the appeal scheme would provide homes that would be remote and thus isolated from everyday services and facilities. In this instance, the remoteness of the appeal site would result in social and environmental harm as it would leave future occupants of the proposed dwellings largely reliant on private vehicles with limited travel choices. Therefore the proposal would be at odds with Policy CS7 of the CS which seeks to direct future development to accessible locations'.*

Overall, given the location of the site, it is poorly located to everyday services and facilities and would result in social and environmental harm as well as leading to high dependency on private vehicles with limited travel choices and would therefore conflict with the requirements of Policy CS7 of the Adopted Core Strategy which weighs against the proposal in the overall planning balance.

#### Design, Layout and Landscaping

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted 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 (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 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'.

Pentlow comprises of a small collection of residential properties which are relatively eclectic in design. Within the immediate vicinity, to the west of the application site is a terrace of three houses which have a distinct cottage appearance and simple form. Immediately opposite the site are a series of bungalows of differing designs. School Road has a strong linear form with dwellings fronting the street.

The proposed 4 (3 bedroom) bungalows are set back from the road frontage.

### Plot 1

A detached bungalow is proposed on a wide plot. The front elevation has an overall width of 16 metres and a depth of 11 metres this includes an integrated garage on the west elevation which is subservient in height to the ridge height of the bungalow. A protruding front gable is proposed. There is at least 2 metres proposed between the bungalow and the boundary to the east and west.

### Plot 2 and 3

A pair of semi-detached bungalows is proposed in the centre of the site. The front elevation has an overall width of 12 metres with projecting front and rear gables on the east and west elevations and an overall depth of 14 metres. Integrated garages are proposed in the centre of the built form.

### Plot 4

The plot tapers at the frontage with School Road. The detached bungalow has been orientated differently to that of Plot 1 to fit within the site. The front elevation has an overall width of 9 metres and a depth of approximately 17 metres. A detached garage is proposed in the rear garden with access gained from the adjacent track to the east of the site.

The single storey element of the proposed dwellings would reduce the impact on the street scene (*in comparison to the previous application which proposed a 2 storey development*) and would reflect the form of local development and distinctiveness with the bungalows adjacent to the site. The dwellings would integrate into the existing site context and complement the linear form of the village. However, as noted by the Planning Inspector in the Appeal Decision, *'the existing open and undeveloped character would be eroded, being replaced by housing and its associated paraphernalia. This would disrupt the near distance views across the appeal site from School Lane and from the footpath along the eastern boundary of the appeal site'*.

The surrounding development is predominately characterised by brick/partially rendered and cladded bungalows. The application proposes slate roof tiles with vertical timber cladding and cement boarded render. The proposed materials are sympathetic to the countryside setting.

The main part of the established frontage hedgerow is to be retained apart from the new access points proposed onto School Road. As noted by the Planning Inspector in the Appeal Decision *'The retention of the frontage hedge would not soften the development to a necessary extent as the suburban layout would still be evident through the wide site entrance and views through the hedge are likely to be possible in the winter months when it has shed its leaves'*.

An indigenous hedge is proposed on the rear boundary which would screen and soften the proposed development from longer distance views, limiting

harm to the countryside and wider landscape including any panoramic views in the Belchamp Farmland Plateau landscape character area.

These concerns raised by the Planning Inspector are still relevant in the determination of this application and have not been overcome. The wide access point proposed on School Road would expose the proposed suburban development and there would be views through the hedge in the winter months.

### Village Amenity and Play Area

The proposed village amenity and play area measures approximately 426sq.m and has road frontage with School Road and abuts the rear boundary of the site with the open countryside. It is situated to the west of the site with the eastern boundary abutting Plot 1. The existing vehicular access to the site would be retained and is adjacent to the proposed village amenity and play area.

The agent has stated in the supporting information that, *'The provision of a village amenity area/play area would offset the current absence of such a provision such that would reduce the need for current residents to travel for such a facility'*.

Policy CS10 of the Adopted Core Strategy states that the Council will ensure there is a good provision of high quality and accessible green space. New developments are required to make provision for public accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space Supplementary Planning Document sets out further details on how these standards will be applied. A development of this size would not be required to provide on-site open space or a financial contribution towards open space provision.

The Braintree District Council Open Spaces Action Plan sets out a list of outline proposals for the provision and enhancement of open spaces in Braintree District. Its purpose is to demonstrate the need for the provision and enhancement of open spaces and to enable Council officers to demonstrate where financial contributions being sought from developers under the Open Spaces Supplementary Planning Document will be spent. The Open Spaces Action Plan for 2018 states, 'no known requirements' for provision and enhancement of open spaces in Pentlow.

### Garden Size

The Essex Design Guide 2005 refers to 100sq.m of amenity space provision for 3 or more bedroom dwellings which, *'has been found to be an acceptable and workable minimum size that accommodates most household activities and is at the same time adequate to offer visual delight, receive some sunshine and encourage plant growth'*.

The size of amenity space for each plot is not specified on the submitted plans. However, the amenity space proposed has been measured by officers and exceeds 100sq.m for each plot and therefore the proposed provision accord with the Essex Design Guide 2005 guidance.

### Highways and Parking

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off street parking in accordance with the Council's Adopted Parking Standards.

The application proposes an integral garage for Plots 1 (3.4 x 7 metres) 2 and 3 (2.8 x 7 metres) and a detached garage for Plot 4 (6 x 6 metres). A driveway is also proposed for each dwelling providing an additional off street parking space.

The Essex Vehicular Parking Standards 2009 states, a minimum garage size for cars of 7 x 3 metres (internal dimension). It further states, 'any smaller and the garage could not be considered a parking space or count towards the parking space allocation'.

Whilst the proposed provision of car parking is considered sufficient the size of the integral garages for the semi-detached dwellings (Plots 2 and 3) falls slightly short of the garage size stated in the Essex Vehicular Parking Standards 2009. It is acknowledged that there is space within the layout of the site for these garages sizes to be increased in size to comply with the standards. However, although there is scope for the layout of car parking to be amended such as to be policy compliant, the scheme as proposed falls contrary to the adopted parking standards. In addition no visitor car parking is provided. The application can reasonably be refused for this reason.

There are two vehicular access points proposed off School Road and a further access point proposed off the track to the east of the site. The Highways Authority raise no objections to the proposal, subject to a series of conditions being placed on any grant of consent.

### Impact on Neighbouring Residential Amenities

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires consideration to be given to the amenity of neighbouring properties.

The proposed dwellings would be well separated from existing residential properties and would not give rise to any material detriment to the amenity of nearby residential properties. The proposal is considered to be acceptable in this regard.

### Impact on Heritage Assets

The site is located to the west of two listed buildings. The site is however well screened from these heritage assets and separated and screened by a substantial wooded area. The site is not viewed in association with the adjacent heritage assets and thus it is not considered that the character or setting of the listed buildings would be adversely affected by the proposed development.

### Habitat Regulations Assessment (HRA / RAMS)

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

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

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

### CONCLUSION AND PLANNING BALANCE

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

character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

In terms of the economic and social objectives the development would bring about some benefits including employment during the construction period and a contribution, albeit a limited one, to the Council's housing land supply. It is not considered that the development of four dwellings would have a positive impact on the vitality of the community or result in the creation of new services

within the village. The application proposes a village amenity and play area and therefore it would deliver some social benefits for the village. However, as noted in the Open Spaces Action Plan there are 'no known requirements' for the provision or enhancement of open space in Pentlow and the Green Spaces Strategy does not require a development of this size to provide on-site provision or a financial contribution towards open space provision. Households would still be dependent upon travel by car to use other services and facilities. This is therefore given limited weight in the planning balance assessment.

In terms of the environmental objective, development should contribute to protecting and enhancing the natural, built and historic environment. As discussed above the proposal in terms of layout and design would integrate into the existing site context and would complement the linear form of the village. However, the existing open and undeveloped character would be eroded and the proposed suburban development would be exposed through removal of part of the existing hedgerow. Therefore it is considered that the proposed development would be harmful to the character and appearance of the locality.

Furthermore, the settlement of Pentlow has limited facilities, amenities and employment opportunities. It has a poor range of day to day services and facilities which prevents residents being able to meet their needs within the village. Development at the proposed location would leave future occupants of the proposed dwellings with limited travel choices to access jobs, facilities and amenities which are located beyond the village and place a reliance on the private car.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not constitute sustainable development and it is recommended that planning permission is refused.

It is therefore recommended that, had the local planning authority been able to determine the application, outline planning permission would have been REFUSED for the following reasons:

### RECOMMENDATION

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

- 1 The site is located in the countryside outside of the defined village envelope. The settlement of Pentlow has limited facilities, amenities and employment opportunities. It has a poor range of day to day services and facilities which prevents residents being



able to meet their needs within the village. Development at the proposed location would leave future occupants of the proposed dwellings with limited travel choices to access jobs, facilities and amenities which are located beyond the village and place a reliance on the private car. The site is a greenfield site and would not facilitate the use of previously developed land. The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Pentlow itself or support the long term future of services/facilities in other villages. The introduction of new residential development in this location is therefore contrary to the objectives of local and national policies to secure sustainable patterns of development. When considering the NPPF as a whole, the development would not significantly contribute to the three roles of sustainable development and it is concluded that the poor location of the site in terms of access to services and facilities would result in a proposal which is not sustainable development. The adverse impacts would significantly and demonstrably outweigh any benefits of the development. For these reasons the proposal would fail to accord with the NPPF, Policy RLP2 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy and Policy LPP1 of the Braintree District Publication Draft Local Plan.

- 2 The proposal by way of the undersized car parking spaces and garages and lack of provision for visitor car parking fails to provide adequate off street car parking to satisfy the adopted car parking standards as set out with Supplementary Planning Document 'Parking Standards Design and Good Practice' 2009. This under provision of car parking would result in a poor level of amenity for future occupiers, the potential for ad hoc car parking and the displacement of vehicles on to the street, of harm to residential and visual amenity and highway safety. The proposal is therefore considered to be contrary to Policy RLP56 of the Braintree District Local Plan Review and Policy LPP45 of the Braintree District Publication Draft Local Plan.
- 3 The NPPF requires planning to always seek to secure high quality design as key aspect of achieving sustainable development. The proposal development urbanises and erodes the rural character of the site and wider area and would fail to successfully integrate into the area. As such the proposal would have a detrimental impact upon the character of the area and the visual amenity afforded to the countryside as a result. The proposal is therefore contrary to the NPPF, Policy RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS9 of the Braintree District Core Strategy and Policies LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Location Plan Site Plan

Plan Ref: 16/009-09

General Plans & Elevations

Plan Ref: 16/009-10

General Plans & Elevations

Plan Ref: 16/009-11

General Plans & Elevations

Plan Ref: 16/009-12

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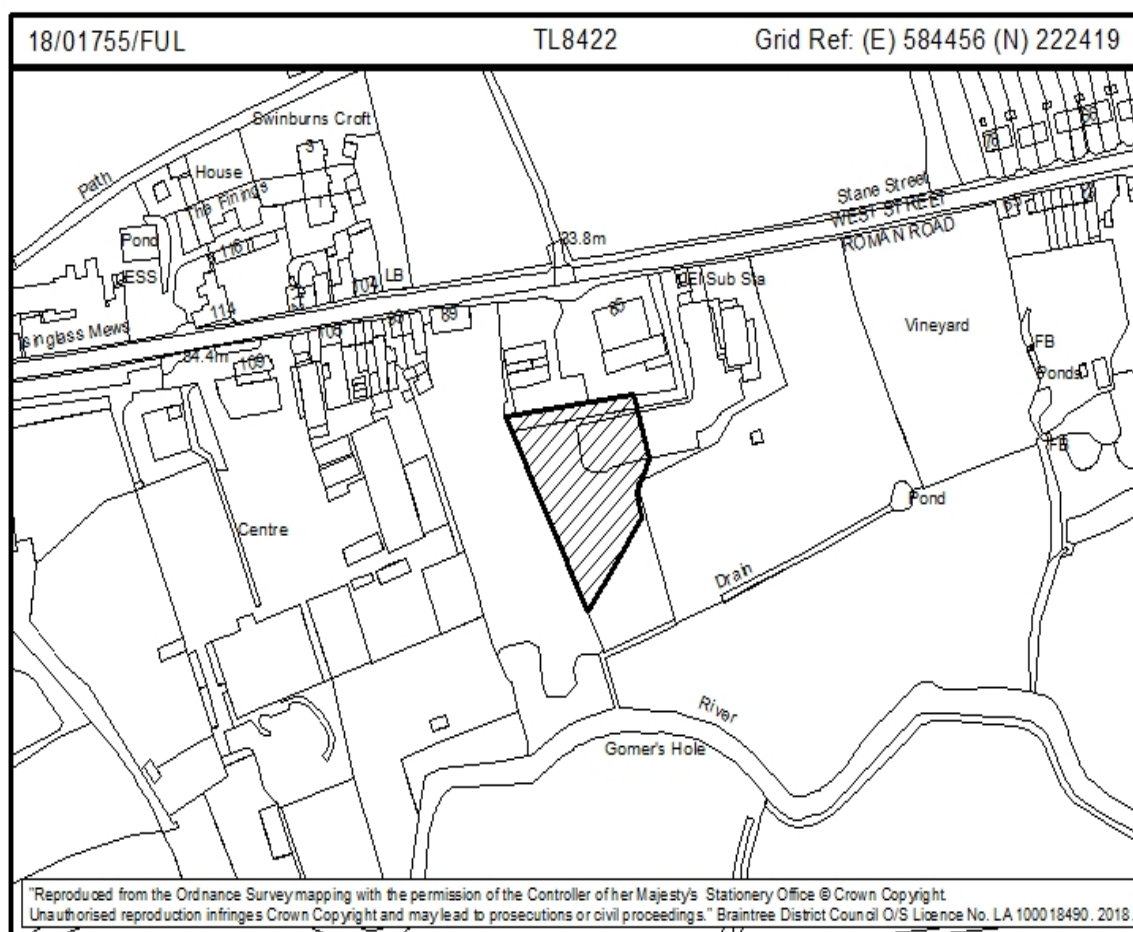
PLANNING DEVELOPMENT MANAGER

# AGENDA ITEM NUMBER 5c

## PART A

APPLICATION NO: 18/01755/FUL DATE: 10.10.18  
 VALID:  
 APPLICANT: Mrs Jane Mohan  
 West Street Vineyard LLP, West Street, Coggeshall, CO6 6NS, Essex  
 AGENT: Mr Martin Ingham  
 Melville Dunbar Associates, The Mill House, Kings Acre, Coggeshall, CO61NY, United Kingdom  
 DESCRIPTION: Construction of dwelling with ancillary B&B wing.  
 Construction of equipment store for vineyard.  
 LOCATION: West Street Vineyard, West Street, Coggeshall, Essex, CO6 1NS

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



## SITE HISTORY

|              |  |                             |          |
|--------------|--|-----------------------------|----------|
| 00/01897/FUL | Erection of vineyard wine centre, dwelling for manager and construction of vehicular access and car park - Renewal of Application No. 93/01061/FUL           | Granted                     | 20.04.01 |
| 04/01627/FUL | Erection of vineyard wine centre, dwelling and garage for wine centre manager, car parking and alterations to existing access                                | Withdrawn                   | 23.12.04 |
| 93/00520/FUL | Proposed vineyard wine centre, ancillary dwelling, car park and access to highway  | Refused                     | 01.07.93 |
| 93/01061/FUL | Proposed Vineyard Wine Centre, ancillary dwelling car park and proposed access to highway  | Granted with S106 Agreement | 22.05.96 |
| 05/00851/FUL | Erection of vineyard wine centre, dwelling and garage for wine centre manager, car parking and service road with new junction                                | Withdrawn                   | 24.06.05 |
| 05/01720/FUL | Proposed erection of vineyard wine centre, dwelling and garage for wine centre manager, car parking and service road with new junction                       | Granted                     | 25.11.05 |
| 08/01052/FUL | Erection of vineyard wine centre, external store, dwelling and garage for wine centre manager, car parking and alterations to existing access to West Street | Granted                     | 23.07.08 |
| 10/60015/PAM | New dwelling and Wine Centre/Winery (previous app 08/01052/FUL)  |                             | 08.07.10 |
| 10/01121/FUL | Erection of a visitor centre, service road and car parking and new family dwelling with tractor/carport  | Granted with S106 Agreement | 24.12.10 |
| 11/00154/DAC | Application for approval of details reserved by condition nos. 5, 6, 7, 8, 9,  | Granted                     | 20.09.11 |

|              |  |         |          |
|--------------|--|---------|----------|
|              | 10, 11, 14, 15, 16, 17, 19<br>and 21 of approval<br>10/01121/FUL   |         |          |
| 11/00052/NMA | Application for a non-material amendment following a grant of planning permission 10/01121/FUL - Move kitchen service door to Visitor Centre from north to west elevation; addition of door to cellar in the south elevation of Visitor Centre; and, alteration of sustainability statement from specifying Bayfrite as constructor, planned constructor is Hanse Haus | Granted | 29.07.11 |
| 11/01109/FUL | Material amendment to allow variation of condition 2 of 10/01121/FUL (addition of wheelchair access to basement to conform with Disability Regulations) - Erection of a visitor centre, service road and car parking and new family dwelling with tractor/carport  | Granted | 13.10.11 |
| 12/00824/MMA | Minor material amendment to basement access and provision of solar panels  | Granted | 20.08.12 |
| 12/00030/NMA | Application for a non-material amendment following grant of planning permission 10/01121/FUL - Erection of a visitor centre, service road and car parking and new family dwelling with tractor/carport   | Granted | 03.07.12 |
| 12/01641/FUL | Erection of an electrical substation   | Granted | 05.02.13 |
| 13/00070/FUL | Variation of condition no. 12 of approved application 10/01121/FUL - Hours to be amended from 09:00 - 17:00 to 07:30 - 23:00 hours on any day  | Granted | 04.04.13 |
| 13/00040/DAC | Application for approval of details reserved by condition no. 17 of approval 10/01121/FUL  | Granted | 11.03.13 |

|              |   |         |          |
|--------------|---|---------|----------|
| 13/01488/MMA | Variation of condition no. 2 of approved application 10/01121/FUL - Amendments to fenestration to suit internal layout changes and increase ridge height of garage block. | Granted | 24.03.14 |
|--------------|---|---------|----------|

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2            Town Development Boundaries and Village Envelopes

|        |  |
|--------|--|
| RLP12  | Permanent Agricultural Dwellings       |
| RLP36  | Industrial and Environmental Standards |
| RLP39  | Expansion of Local Firms               |
| RLP56  | Vehicle Parking                        |
| RLP65  | External Lighting                      |
| RLP69  | Sustainable Urban Drainage             |
| RLP70  | Water Efficiency                       |
| RLP73  | Waste Minimisation                     |
| RLP74  | Provision of Space for Recycling       |
| RLP76  | Renewable Energy                       |
| RLP77  | Energy Efficiency                      |
| RLP79  | Special Landscape Areas                |
| RLP84  | Protected Species                      |
| RLP90  | Layout and Design of Development       |
| RLP145 | Additional Tourist Attractions         |

#### Braintree District Local Development Framework Core Strategy 2011

|     |                                      |
|-----|--------------------------------------|
| CS4 | Provision of Employment              |
| CS5 | The Countryside                      |
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment       |

#### Braintree District Publication Draft Local Plan 2017

|       |  |
|-------|--|
| SP1   | Presumption in Favour of Sustainable Development                   |
| SP4   | Providing for Employment and Retail                                |
| SP6   | Place Shaping Principles   |
| LPP1  | Development Boundaries   |
| LPP37 | Housing Type and Density   |
| LPP40 | Rural Workers Dwellings in the Countryside                         |
| LPP45 | Parking Provision  |
| LPP50 | Built and Historic Environment                                     |
| LPP51 | An Inclusive Environment   |
| LPP55 | Layout and Design of Development                                   |
| LPP60 | Heritage Assets and their Settings                                 |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat            |
| LPP69 | Tree Protection  |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features                                   |
| LPP78 | Flooding Risk and Surface Water Drainage                           |

#### 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



## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as the application is considered to be of significant public interest.

## SITE DESCRIPTION / CONTEXT

The site is located to the west of Coggeshall, just outside of the village boundary. The wider site was originally granted planning permission for a vineyard wine centre with managers dwelling under application reference 93/01061/FUL and has been renewed and amended a number of times, most recently under application reference 10/0111/FUL. The visitor wine centre, with associated car parking has been constructed and is operational. (The approved dwelling was not constructed but remains extant). There is existing access onto West Street and parking for 31 vehicles. The land slopes gently from north to south.

The site subject to this application, is approximately 0.18 hectares in area located to the western corner of the wider vineyard site, which currently forms an informal storage area and open space.

## PROPOSAL

The application seeks full permission for a 3 bedroom dwelling with office (within an equivalent position to the extant dwelling), stated to be required to enable the owners to undertake the day to day management of the site. In addition, the application seeks permission for the erection of a single storey building to provide for three bed & breakfast rooms, ancillary to the main dwelling, and the construction of equipment store for the vineyard. It is understood that these would be funded using an EU Grant. Vehicular access will be via the existing access with West Street. The site lies within Flood Zone 1.

The application has been submitted with a Design and Access Statement, Preliminary Ecological Appraisal and Tree Survey.

## CONSULTATIONS

ECC Highways – Do not object to the application.

ECC Ecology Section – No objections subject to securing a financial contribution towards visitor management measures for the Blackwater Estuary SPA/Ramsar site and further biodiversity mitigation and enhancement measures.

## PARISH COUNCIL

Coggeshall Parish Council support the application and make the following comments: -

- The dwelling house should be tied to the business and not sold in the future as a separate property;
- Development supports and encourages new employment opportunities within the village by providing facilities for an existing local business;
- Is sited in an area which has been identified as a green coalescence buffer - an area separating the conservation area and the West Street cluster of listed buildings - close to other buildings used for commercial purposes and more distant from adjacent heritage assets. It is screened from public view being sited below the level of the road and surrounding properties and will therefore have minimal impact on the rural character of its setting or the significance of nearby heritage assets and their setting;
- On balance consider the public benefit derived from the proposal outweighs the minimal impact on heritage assets and the environment;
- Welcome the proposed use of planting to screen the development and the measures to manage flood risk and drought prevention. Encourage the use of native species in the planting; the inclusion of electric vehicle charging facilities; the inclusion of further sustainable design features.

## REPRESENTATIONS

The application was advertised by way of site notice and neighbour notification and in the local press as a Departure from the provisions of the Development Plan.

1 objection letter has been received from a nearby resident, raising the following objections:-

- Impact on the setting of heritage assets in particular the listed buildings in West Street – the proposed development would be clearly visible from and falls within the wider setting of No. 89 West Street, a Grade II Listed Building;
- Harm is not outweighed by public benefit;
- Schools and GP services already at capacity;
- Due to scale and massing and proximity to neighbours boundary, development will be overbearing, and will result in loss of sunlight, overshadowing, overlooking and loss of privacy to No.89;
- Impact to neighbours amenity of No. 89 from general noise disturbance;
- Design is in contrast to the typical character of the area;
- Site is outside of the Village Envelope.

## REPORT

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

## The Development Plan

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

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

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

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

However, whilst a new dwelling in such a countryside location is considered contrary to the Adopted Local Plan and the emerging Draft Local Plan, there is provision within Policy RLP12 of the Adopted Local Plan and Policy LPP40 of the Draft Local Plan for agricultural workers dwellings. In regards to the proposed bed and breakfast provision, there is policy support for the 'expansion of local firms' under Policy RLP39 of the Adopted Local Plan. Compliance with these policies is discussed in detail later in this report.

## 5 Year Housing Land Supply

In order to determine whether a given application for a housing scheme should be granted contrary to the provisions of the Development Plan, the Council needs to understand the current housing land supply situation.

In accordance with the PPG, the Council published the housing land supply situation in its Annual Monitoring Report dated 31 December 2017. Following best practice, the Council updated its position on the basis of completion rates in March and June 2018.

However, in July 2018, the Government published a revised NPPF. The Council is bound to take into account this revised version of national policy by s.70(2)(C) Town and Country Planning Act 1990.

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

- Step 1 is the calculation of housing need from the household projections – this derives a baseline target. When new projections are published (usually every 2 years), these should be taken into account and the target recalculated. The 2016 based household projections were published on 20 September 2018;
- Step 2 is an adjustment to take account of affordability, using the most recent published local affordability ratio – this derives a target number of dwellings per annum. New affordability ratios are planned to be published every year. The most recent (2017) local affordability ratios were published in Spring 2018;
- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

The 5 Year Housing Land Supply target is then calculated as follows: target number of dwellings per annum x 5 years + appropriate buffer (the Council currently accepts that the appropriate buffer for the Braintree District is 20% as required by the NPPF as there has been a significant under-delivery of housing over the previous 3 years).

Since 31<sup>st</sup> March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

That said, it is important to note that the latest update position is not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the NPPF. That will be done within the 2018 annual monitoring report which is due to be published on 31<sup>st</sup> December 2018.

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31<sup>st</sup> March 2018) must also be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing

undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Location and Access to Services and Facilities

The site was originally granted planning permission under application reference 93/01061/FUL and has been renewed and amended a number of times – most recently under application reference 10/01121/FUL. The approved visitor centre, access and car parking have been constructed and are operational. Although the approved dwelling was not constructed it remains extant and could be erected at any point in the future. Due to the imposition of a legal agreement and planning conditions, this dwelling, were it erected, would be required to be occupied in connection with the vineyard.

This current application seeks to erect a similarly tied dwelling within an equivalent position to the extant dwelling. The principle of a new dwelling on this site is therefore established and this application merely seeks to alter its size and design.

This application also seeks permission for the erection of a single storey wing to provide 3 bed and breakfast units of accommodation that would remain ancillary to the main dwelling and complement and support the vineyard as a tourism and visitor destination. There is policy support for the 'expansion of local firms' under Policy RLP39 of the Adopted Local Plan. This policy states that the expansion of established local businesses on to unallocated sites, outside development limits (such is this site) will be considered subject to set criteria. The criteria relates to:-

- The site being adjacent to a village envelope; there being no unacceptable impact on the landscape, the local road network, nearby residential areas, conservation areas, listed buildings, scheduled ancient monuments and other nationally important remains, historic parks and gardens or areas of nature conservation importance;
- The site is adjacent to the existing premises and the size and scale of any extension is in proportion to the existing development;

- There is a named user for the development, who shall be the first occupant. A planning condition will be attached to any permission to this effect;
- The proposals are accompanied by a travel plan;
- The proposals should secure existing jobs or will create new jobs

In addressing the above criteria, the development is adjacent and in very close proximity to the village envelope, and as discussed later within the report; there is considered to be no unacceptable impact on the landscape or any other special designations, highways or neighbouring amenity. The site is adjacent to the existing premises and is modest in size, relating to the proportion of the existing development. The development would develop and support the existing business and allow the opportunity for the creation of further jobs. A travel plan can be secured via condition. Overall, the development is considered to comply with the abovementioned criteria.

The Authority are keen to encourage tourist accommodation within the District, and such proposals are given support under Policy RLP146 of the Adopted Local Plan, which states that proposals for hotels or bed and breakfast accommodation will be permitted within village envelopes and town development boundaries if the character and appearance of the locality will not be damaged. It states that within the countryside, the conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings. Whilst this site is not within the village envelope, it does lie adjacent to it and there are no buildings to convert and therefore some positive weight is given to the provision of tourism.

There is further support for such a proposal within the NPPF in Chapter 6 entitled 'building a strong, competitive economy'. Paragraph 83 relates to supporting a prosperous rural economy and states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings as well as enabling the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside.

The NPPF, similar to the approach in Policy RLP39 of the Adopted Local Plan, states that there should be recognition that to meet local business needs in rural areas, sites may have to be found adjacent to or beyond existing settlements, and that in such circumstances, it will be important to ensure that development is sensitive to its surroundings.

In terms of the sustainability aspect and in addressing the three objectives, it is clear that the development would provide a benefit in terms of economic sustainability by enabling the expansion of an established local business and in attracting more visitors to the site and enabling associated spending in the area. Environmentally there would be a neutral impact. The site is on the edge of Coggeshall, and has footpath linkages to the village which has services and facilities to meet the day to day needs of the owners of the new residential

dwelling. Further, the new dwelling would also add to the Councils housing land supply. The social sustainability of the site is therefore met.

### Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Further, Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek to ensure a high quality design and layout in all developments. At the national level, the NPPF is also clear in its assertion (Paragraph 124) that 'good design is a key aspect of sustainable development' and that (Paragraph 127) developments should 'function well and add to the overall character of the area... are visually attractive as a result of good architecture, layout and effective landscaping... (and should) establish or maintain a strong sense of place'.

The dwelling and bed and breakfast unit are proposed to be located adjacent to one another fairly central within the application site. They are sited on a different orientation to the grain of development within the area wherein development characteristically runs parallel to West Road. However, the vineyard building is sited at 90 degrees to West Road and the more varied siting of the dwelling and bed and breakfast unit would not appear harmful to the pattern of development in the area. The siting would provide a natural surveillance across the site, including the vineyards, the visitor centre and the proposed bed and breakfast building. The vineyard storage building and car parking for the uses is sited discreetly to the north-western corner.

Due to the land level changes (with the site situated on lower ground level than the land to the north) and the presence of landscaping, particularly to the western boundary, the development would not appear prominent from the north or west. Existing landscaping can be protected and strengthened by way of condition. Furthermore, in terms of landscape impact, although the west and southern aspect of the site is more open, given the scale and design of the development, there would be no adverse impact upon the landscape character.

In terms of the detailed design of the buildings, the dwelling and bed and breakfast unit take a more modern approach of a simple form with a monopitch roof. Both of these buildings would be constructed in white render with aluminium/timber composite windows in grey and aluminium grey grilles on its southern elevation. The northern, front elevation would be constructed in fibre cement slate clad as per the roofing material. The development in terms of its size, scale and design would be in keeping with the commercial units to the north and to the size, scale and materials of the existing visitor centre.

### Heritage

The site is not located within a Conservation Area. However, there are other designated heritage assets in the form of listed buildings within the locality,



namely the Grade II Listed Buildings to the north-west of the site, the closest being No. 89 West Street.

Given the distance between No.89 West Street and the site, the detailed size, siting and design of the buildings and the limited inter-visibility due to the land level changes and existing landscaping, there would be no adverse impact upon the significance or setting of the listed buildings.

#### Impact on Neighbour and Future Amenity

The NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. This is reinforced by Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan which requires that there be no undue or unacceptable impact on the amenity of any nearby residential properties.

In terms of the impact to future occupiers, the dwelling provides for 3 bedrooms at first floor, whilst the ground floor provides for living accommodation including a large kitchen dining room which will be used in connection with the bed and breakfast use. This dwelling provides for acceptable internal and external garden amenity space in accordance with the Essex Design Guide and National Space Standards. The bed and breakfast units equally provide acceptable amenity.

In terms of the impact to neighbouring properties, given the relationship of the development to the commercial properties to the north, there would be no unacceptable impact upon their amenity. The residential neighbour at No.89 does have an extensive garden that runs the entire length of the sites western boundary. Given the siting the dwelling, its internal layout and the landscaping at the boundary and on the neighbouring site, there would be no unacceptable impact from overlooking, or loss of light. A condition to require obscure glazing of the flank first floor dressing and en-suite windows could be imposed in the interests of neighbouring amenity.

#### Highway Issues

The application proposes that the development will be served by the existing vehicular access onto West Street. The Highways Authority have assessed this and raise no objections.

In terms of parking, the development proposes 3 additional and allocated spaces for the dwelling, and 4 spaces in connection with the bed and breakfast use. This provision is in accordance with the Councils parking standards and no objection is therefore raised.

#### Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding), wherein flood risk would not be a constraint to development.

## Ecology

The application has been submitted with a Preliminary Ecological Appraisal. This provides certainty for the Local Planning Authority of the likely impacts on Protected and Priority species and habitats. It is considered that with appropriate mitigation measures, lighting details and a biodiversity enhancements, to be secured via condition, the development can be made acceptable.

## Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. Whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of development at 99 units or less that is likely to be approved prior to the adoption of the RAMS, which will require financial contributions for all residential proposals, is comparatively minimal.

It is therefore concluded that the amount of development approved under schemes of 99 unit or less prior to the adoption of the RAMS will be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites.

Notwithstanding the above, at the present time, there are no specific costed HRA mitigation projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution for off-site mitigation at relevant European designated sites for schemes of this size

## CONCLUSION AND PLANNING BALANCE

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

order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Although the Council can currently demonstrate a 5 Year Housing Land Supply (5.83 years as at 31<sup>st</sup> March 2018), this latest update position, as identified above, is not an annual monitoring report based on a comprehensive assessment of sites in accordance with the revised definition of 'deliverable' in the NPPF. Therefore the current position of 5.83 years does not represent a robust housing supply position. In addition, and as highlighted above, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years, which will on adoption of the Local Plan, result in a higher 5 Year Housing Land Supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factors which affect the robustness of the Council's current 5 Year Housing Land Supply, are also considered to be important material considerations, which in Officers view, justify attributing only moderate weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

As set out in Paragraph 8 of the NPPF, and in achieving sustainable development, the proposal would result in clear economic and social benefits in terms of enabling the expansion of an established local business and its proximity and accessibility to the centre of Coggeshall. The principle of the erection of a new agricultural dwellinghouse has been established on this site and permission remains extant for the erection of such a dwelling. Further, the application would comply with Policy RLP39 of the Adopted Local Plan and Chapter 6 of the NPPF in relation to the expansion of established local businesses on to unallocated sites. In terms of environmental sustainability, there would be no adverse impact, and matters in relation to ecology and landscaping are acceptable. Furthermore, the layout and design of the proposal is of high quality, and highway access and parking considerations are appropriate.

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:
  - A tie to link the dwellinghouse to the vineyard business.

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

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

### RECOMMENDATION

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

### APPROVED PLANS

|                     |                      |            |
|---------------------|----------------------|------------|
| Location Plan       | Plan Ref: 1548-PL001 |            |
| Block Plan          | Plan Ref: 1548-PL02  | Version: D |
| Existing Site Plan  | Plan Ref: 1548-PL003 |            |
| Proposed Plans      | Plan Ref: 1548-PL004 | Version: A |
| Proposed Elevations | Plan Ref: 1548-PL005 | Version: A |
| Proposed Elevations | Plan Ref: 1548-PL006 | Version: A |
| Proposed Sections   | Plan Ref: 1548-PL07  | Version: A |
| Proposed Plans      | Plan Ref: 1548-PL008 |            |

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

#### Reason

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

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

#### Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 The dwellinghouse and bed and breakfast units shall not be sold, transferred, leased or otherwise disposed of except by way of a disposal comprising the whole of the site edged in blue on the approved plans.

#### Reason

In order to enable the local planning authority to give consideration to any residential use of the property other than as a single dwelling unit and the consideration of a separate business use.

- 4 No above ground development shall commence unless and until samples of external materials for the development hereby approved, together with

details/and or a schedule of the types and colour of the materials to be used for the windows and vent grilles, 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.

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

-A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;

-Full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall only be implemented in accordance with the approved details.

Reason

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

- 6 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house or the erection of outbuildings as permitted by Class A and Class 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 in the interests of residential and visual amenity.

- 7 The first floor dressing room and en-suite windows on the south-west facing elevation shall be glazed with obscure glass to a minimum of level 3, and shall be so retained at all times.

Reason

In order to safeguard the privacy of adjoining occupiers

- 8 Development shall not be commenced unless and 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 enhance the appearance of the development and in the interests of amenity and privacy.

- 9 Prior to the first occupation of the dwellinghouse or first use of the bed and breakfast unit, whichever is first, details of hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- Colour and type of material for all hard surface areas and method of laying;
- Minor artefacts and structures, including furniture, play equipment, CCTV or signage;
- A planting plan to include schedule of plants, noting species, planting sizes and proposed numbers/densities, together with an implementation programme.

Thereafter, the works shall be implemented and carried out in full accordance with the approved details.

**Reason**

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

- 10 Prior to the 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.

- 11 No external lighting shall be erected without the prior submission of full details to the local planning authority.

Reason

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

- 12 Prior to occupation of the development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The provision of the Travel Plan shall be adhered to at all times.

Reason

In the interests of sustainable development.

INFORMATION TO APPLICANT

- 1 In respect of Condition 7, the applicant is advised that glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

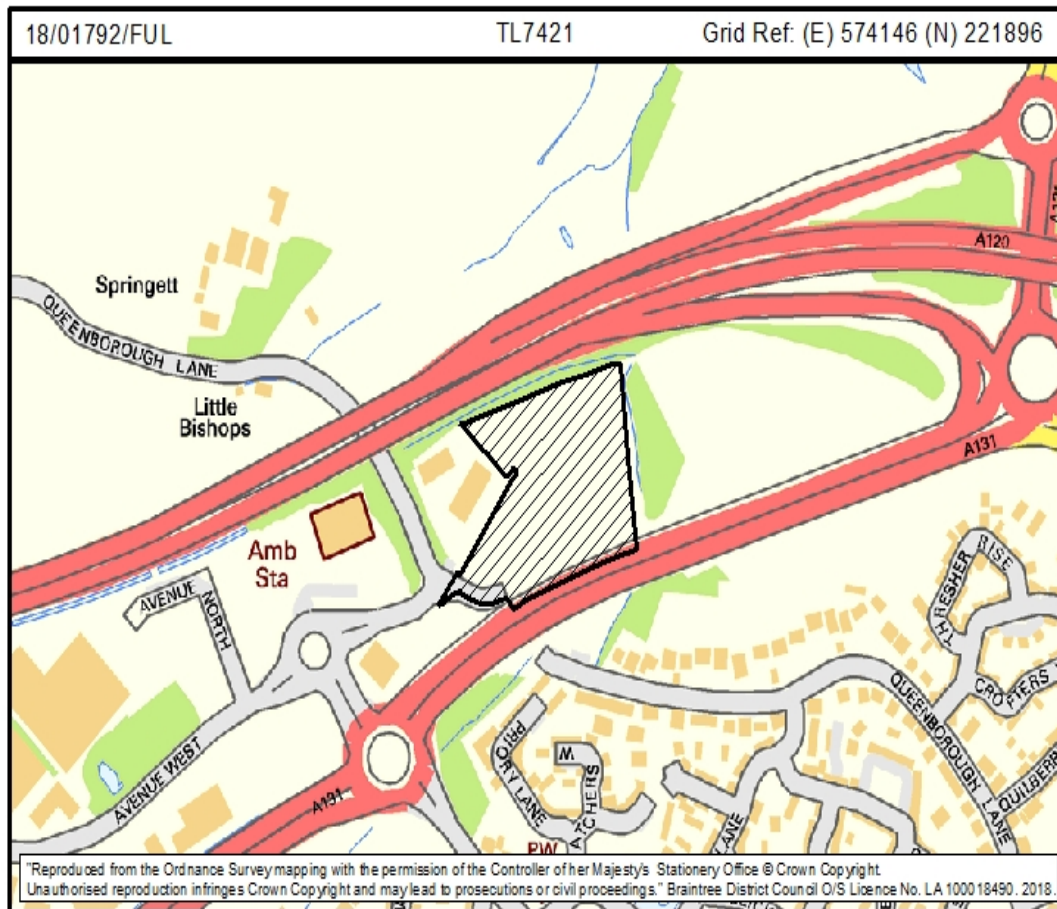
PART A

APPLICATION NO: 18/01792/FUL      DATE: 02.10.18  
 VALID:  
 APPLICANT: Mr Jeremy Brett  
 1 Tamdown way, Braintree, CM7 2QL, UK  
 AGENT: Phase 2 Planning  
 Mr Matthew Wood, 250 Avenue West, Skyline 120, Great Notley, Braintree, CM77 7AA, UK  
 DESCRIPTION: New office development comprising purpose-built office building, access, car parking, soft landscaping and associated development  
 LOCATION: Land West Of 100, Avenue East, Skyline 120, Great Notley, Essex

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)





## SITE HISTORY

|              |   |                             |          |
|--------------|---|-----------------------------|----------|
| 89/00641/P   | Neighbourhood development comprising residential development (maximum 2000 dwellings); business park (Class B1 uses up to maximum of 400,000 sq. ft.); neighbourhood supermarket and ancillary shop units; primary school site and primary school extension site; health centre; community centre; church site; public house; restaurant; hotel with conference facilities; public open space; country park including sports centre and outdoor pitches; woodland and balancing lake; associated landscaping; highways, and associated mounding and landscaping; associated and ancillary development | Granted                     | 12.12.91 |
| 07/00437/OUT | An amended proposal for the development of part of the Skyline 120 Business Park  | Granted with S106 Agreement | 14.06.07 |
| 15/00582/FUL | Erection of 18 no. units for B1(c), B2 and B8 uses along with ancillary service yards, car parking, cycle and motor cycle parking   | Granted with S106 Agreement | 21.03.16 |
| 16/01558/FUL | Erection of 20MW standby electricity generation facility and ancillary works  | Granted                     | 02.11.16 |
| 16/02095/FUL | The erection of a single 7,010.5sqm GEA (B8 use) unit with a first floor office element, and ancillary B1a office and B1c workshop , together with associated parking, vehicle turning and landscaping.   | Granted with S106 Agreement | 09.05.17 |
| 17/00874/DAC | Application for PART APPROVAL of details reserved by condition no. 22   | Granted                     | 12.07.17 |

|              |   |                                |          |
|--------------|---|--------------------------------|----------|
|              | of approved application<br>16/02095/FUL   |                                |          |
| 17/00886/DAC | Application for approval of details reserved by condition nos. 7 and 9 of approved application 16/02095/FUL   | Granted                        | 22.06.17 |
| 17/00927/DAC | Application for approval of details reserved by condition nos. 6 and 8 of approved application 16/02095/FUL - INSO FAR AS IT RELATES TO THE ACCESS ROAD ONLY  | Part Grant,<br>Part<br>Refused | 06.09.17 |
| 17/00965/ADV | Display of 4 x Non illuminated fascia signs   | Granted                        | 25.07.17 |
| 17/01387/DAC | Application for approval of details reserved by condition no. 6 and 8 of approved application 16/02095/FUL  | Granted                        | 12.03.18 |
| 17/01697/DAC | Application for approval of details reserved by condition no. 3 of approved application 16/02095/FUL  | Granted                        | 28.09.17 |
| 17/01928/NMA | Application for a non-material amendment following grant of planning permission 16/02095/FUL (The erection of a single 7,010.5sqm GEA (B8 use) unit with a first floor office element, and ancillary B1a office and B1c workshop, together with associated parking, vehicle turning and landscaping) Increased size of 2 loading bay doors on south elevation | Granted                        | 27.11.17 |
| 17/02014/NMA | Application for a non-material amendment following grant of planning permission 16/02095/FUL (The erection of a single 7,010.5sqm GEA (B8 use) unit with a first floor office element, and ancillary B1a office and B1c workshop , together with associated parking, vehicle turning and  | Granted                        | 21.12.17 |

|              |   |         |          |
|--------------|---|---------|----------|
| 17/02122/NMA | landscaping) Increased width of glazed screen on south elevation<br>Application for a non-material amendment following grant of planning permission 16/02095/FUL (The erection of a single 7,010.5sqm GEA (B8 use) unit with a first floor office element, and ancillary B1a office and B1c workshop , together with associated parking, vehicle turning and landscaping) - alternative landscape arrangement   | Granted | 16.01.18 |
| 17/02181/NMA | Application for a non-material amendment following grant of planning permission 16/02095/FUL (The erection of a single 7,010.5sqm GEA (B8 use) unit with a first floor office element, and ancillary B1a office and B1c workshop , together with associated parking, vehicle turning and landscaping) - Small increase in the size of the yard area at the front and for a marginal adjustment to the siting of the security hut, for operational reasons | Granted | 22.12.17 |
| 18/00246/DAC | Application for approval of details reserved by condition nos. 13, 22, 24 and 25 of approved application 16/02095/FUL.  | Granted | 23.07.18 |
| 18/00584/DAC | Application for approval of details reserved by condition nos. 17 and 18 of approved application 16/02095/FUL.  | Granted | 12.06.18 |
| 18/01096/DAC | Application for approval of detail reserved by condition 11 of app no. 16/02095/FUL   | Granted | 01.08.18 |
| 18/01230/VAR | Application for a variation of conditions 2 and 15 of planning permission 16/02095/FUL - Change to  | Granted | 29.08.18 |

the surfacing material of the main car park to the east of the building and to the pavement area to the east of the building.

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspector's views on policy SP3 of the Section 1 Plan which covers housing requirements. The letter concludes that

the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing needs, which for Braintree is 716 dwellings per annum.

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

|       |  |
|-------|--|
| RLP2  | Town Development Boundaries and Village Envelopes                    |
| RLP3  | Development within Town Development Boundaries and Village Envelopes |
| RLP27 | Location of Employment Land  |

|        |   |
|--------|---|
| RLP28  | Employment Land Provision               |
| RLP31  | Design and Layout of Business Parks     |
| RLP33  | Employment Policy Areas                 |
| RLP51  | Cycle Parking                           |
| RLP54  | Transport Assessments                   |
| RLP55  | Travel Plans                            |
| RLP56  | Vehicle Parking                         |
| RLP64  | Contaminated Land                       |
| RLP67  | Flood Risk in Undeveloped Areas         |
| RLP69  | Sustainable Urban Drainage              |
| RLP74  | Provision of Space for Recycling        |
| RLP76  | Renewable Energy                        |
| RLP84  | Protected Species                       |
| RLP90  | Layout and Design of Development        |
| RLP92  | Accessibility                           |
| RLP105 | Archaeological Evaluation               |
| RLP137 | Open Space Standards                    |
| RLP163 | Infrastructure and Community Facilities |

#### Braintree District Local Development Framework Core Strategy 2011

|      |  |
|------|--|
| CS4  | Provision of Employment                        |
| 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                   |
| SP4   | Providing for Employment and Retail                                |
| SP5   | Infrastructure & Connectivity                                      |
| SP6   | Place Shaping Principles   |
| LPP1  | Development Boundaries   |
| LPP3  | Employment Policy Areas  |
| LPP7  | Design and Layout of Employment Policy Areas and Business Uses     |
| LPP45 | Parking Provision  |
| LPP50 | Built and Historic Environment                                     |
| LPP53 | Provision of Open Space, Sport and Recreation                      |
| LPP55 | Layout and Design of Development                                   |
| LPP68 | Protected Species, Priority Spaces and Priority Habitat            |
| LPP70 | Protection, Enhancement, Management and Monitoring of Biodiversity |
| LPP71 | Landscape Character and Features                                   |
| LPP75 | Energy Efficiency  |
| 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 reported to Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

## SITE DESCRIPTION

The application site is located on Avenue East, Seybourne Park, Great Notley. It forms a fairly prominent site situated between the A131 to the south and the A120 to the north. The application site is located on a designated employment site within the District and is sited between existing commercial units, more noticeable adjacent to the recently constructed Weston Logistic warehouse building.

The site is currently undeveloped consisting of rough meadow land with tree and hedge planting to the eastern, northern and western boundaries. A modest copse of trees is sited to the west of the site. There is a gentle fall in gradient across the site from west to east. Further, there is an existing artificially created embankment bund located towards the southern boundary which is not to be retained.

The site is accessed from Avenue East to the west of the site linking it to the wider Skyline 120 Business Park and local road network.

The nearest residential properties to the site are located to the south beyond the A131 and existing vegetation.

## PROPOSAL

This application seeks full planning permission for a major new commercial development comprising a purpose-built 3 storey B1(a) office building of 3825sq.m, together with vehicle car parking to provide a total provision of 266 spaces, motor cycle provision (12 spaces), bicycle provision (56 spaces), and associated soft planting and amenity. The site will remain accessed via Avenue East to the west of the site linking it to the wider Skyline 120 Business Park and the local road network.

The proposal has been subject to lengthy pre-application discussions, which has resulted in the submission of this detailed application. The application has been submitted with a range of supporting documents including:-

- Archaeology Evaluation Report;
- Construction, Environmental and Logistics Management Plan;
- Ecology Report;
- Landscape Strategy;
- Arboricultural Impact Assessment;

- Outline Drainage Strategy;
- Transport Statement and Travel Plan;
- Travel Plan;
- Energy & Sustainability Statement
- External Lighting Design;
- Waste Management Plan;
- Utilities Statement.

## CONSULTATIONS

### Statutory Consultees

Highways England – Comment that the development is unlikely to have a severe impact as it is a replacement of uses on an existing permission and could result in less impact than the existing extant use.

ECC Highways – Comment that the impact of the proposal is acceptable subject to Conditions in respect of vehicle access and parking areas and a financial contribution towards the Travel Plan. They further note that the proposal will not be offered for adoption.

ECC SUDS (Local Lead Flood Authority) – No objections subject to conditions for a surface water drainage scheme and maintenance plan to be submitted and agreed.

ECC Archaeology – Note that an archaeological evaluation has been undertaken, which provides adequate information on the nature of the archaeological remains that survive below ground. No significant archaeological remains were revealed and no further investigation is required.

ECC Economic Growth and Development – Comment that the development will create the need for an additional 12 childcare places. Seek a financial contribution to expand local provision.

### Internal Consultees

BDC Ecology - No objection subject to securing biodiversity mitigation and enhancement measures.

BDC Landscape - Landscape Services have been consulted on the amended plans received 20/12/18. Members will be updated at Planning Committee.

BDC Environmental Health - Comment that lighting and signage details and air quality screening assessment should be submitted. Recommend conditions be imposed on any permission in regards to contamination, a dust and mud control management scheme, details of hours operation of external lighting, hours of working and noise level from any external plant or machinery.



BDC Economic Development - Support the application. Comment that the development will provide purpose built employment offices for 320 employees with the potential to create new job roles. Comment that there is a proven demand for suitable employment sites within the Braintree District and note that the site will remain host to a top 20 by turnover business within the district, safeguarding existing jobs by relocating a growing business within the local area.

### Parish Council

Great Notley Parish Council have responded stating they would support conditions on any planning consent to provide landscaping to alleviate neighbour amenity in terms of light and impact of vehicle movements, and which would promote a more acceptable visual impact.

### REPRESENTATIONS

The application was advertised by way of site notice, press notice and neighbour notification.

1 letter of representation has been received neither objecting to nor supporting the application, raising the following comments:-

- Raise questions in regards to the access and whether there is an entrance and exit point. Vehicles exiting at the south-east corner joins the Skyline Avenue at a dangerous double-bend and would meet with HGVs coming from the Weston Homes and could create unnecessary difficulty;
- Impact to neighbours amenity from light intrusion from vehicle headlights exiting in a southerly direction from the car park. Lights would shine directly across the dual carriageway and beyond. This could be avoided if substantial non-deciduous planting was located at the Carpark exit points on the A131 carriage way side of the Skyline Avenue;
- Request that car park lighting is kept to a low height to minimize risk of light intrusion;
- Seek any external lighting on the southern elevation to be turned off outside of working hours. Comment that signage on the northern elevation may distract drivers on the A120;
- Seek an increase in the number of non-deciduous planting at the site including to the southern side of the Skyline Avenue (nearest the dual-carriage way) to afford local resident screening amenity and to help minimize distraction for drivers on the A131;
- Comment that earth bunding and/or a noise-reducing fence screening North-East and North-West of the building alongside the A120 perimeter would help reduce traffic noise for employees and visitors to the site;

- Concern that the existing corpse of trees on the eastern boundary will be adversely impacted. Any loss of trees should be replaced by substantial tree replacements;
- Request that car park lighting is kept to a low height to minimize risk of light intrusion.

## REPORT

### PRINCIPLE OF DEVELOPMENT

The application site is formally allocated as employment land within the Adopted Local Plan Review. Policy RLP28 of the Adopted Local Plan sets out that land allocated for employment will be considered appropriate for business (Use Class B1), general industrial (B2) and storage and distribution (B8) uses. The Draft Local Plan also identifies this site as an employment area, wherein Policy LPP3 states that such B1, B2 and B8 uses will be considered appropriate and will be permitted and retained. This application seeks the erection of 3825sq.m of B1(a) office use, which will be in accordance with the Adopted Local Plan and Draft Local Plan policies.

In accordance with the above employment use land designation, the wider 'Skyline' site was granted outline planning permission (application reference 07/00437/OUT) for employment development which included a masterplan for the site. (This permission requires Reserved Matters to be submitted with a 10 year period which expired in June 2017). This site also benefits from full planning permission (application reference 15/00582/FUL) for the erection of 18 units for B1; B2 and B8 uses. This was granted 21st March 2016 and therefore remains extant.

There is further support for the development within the NPPF at section 6 entitled 'Building a strong, competitive economy'. Paragraph 80 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this instance, the proposed development seeks to provide a purpose-built new office headquarters for Nexus Infrastructure, which currently comprise of Tamdown, Triconnex and ESmart Networks. Nexus Infrastructure are currently located on the Springwood Industrial Estate in Braintree, but are outgrowing their existing site and therefore seek a larger fit-for-purpose site within the Braintree area. Given Nexus's history and employee work base they wish to stay local and specifically within Braintree. In accordance with the NPPF, the development would facilitate the expansion of this local business (which is seen to be one of the most significant employers to the local economy), and meet with its specific needs, enabling the site to employ 320 staff which would have a positive impact upon the economy.

In summary, regarding the principle of development, the development would amount to appropriate development in accordance with policies within the Adopted Local Plan, the Draft Local Plan and the NPPF. The main other

planning considerations therefore relate to the layout, design and appearance; impact on neighbouring amenity; highway considerations; and similar.

## SITE ASSESSMENT

### Layout, Design and Appearance

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted 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 (Paragraph 56) that 'good design is a key aspect of sustainable development' and that (Paragraph 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 applicant proposes to construct a new 3 storey B1(a) office building, as a flagship headquarter building for an existing well established company. The applicant underwent extensive pre-application advice and worked closely with BDC Officers to produce a high quality design which will meet the requirements of both the NPPF and the policies of the Adopted Local Plan and Draft Local Plan.

In terms of its layout, the building is sited to the north of the site, with parking to the south, which follows a similar pattern to surrounding developments. The building due to its siting, will be clearly visible from key viewpoints from the A120 and to the south from the A131. However, the scale relates to surrounding developments and with a high quality design and interest to these elevations, there is an opportunity to improve the appearance of the wider employment site.

Indeed the design of the building is considered high quality and a different approach to some other adjoining 'box like' developments. The architectural design provides a strong rhythmic fenestration with relatively deep reveals and the fenestration detailing successfully breaks up the scale and mass of the building.

The application also has a focus on landscape design and the application proposes a soft landscaping strategy, which retains and strengthens existing soft landscaping features around the boundaries of the site, and between the internal access road and the A131. Soft landscaping proposals have also been incorporated within the site's parking area to soften its impact within this landscape. In terms of means of enclosure, in contrast to neighbouring commercial units, wherein there is a high means of enclosure which provides a harsh and deadening effect, the application proposes a 0.45 metre high knee rail enclosure supported by soft planting to its frontage. The landscape approach will result in an improvement to the wider employment area and specifically on the site itself will add to the quality of the development.

The application also includes details of lighting and signage, stating that external lighting will only be used during normal office hours (no later than 6pm on weekdays and no use at weekends). In regards to signage, this has been designed into the building to ensure a high quality design.

Overall, in regards to the layout, design and appearance, Officers are content that the size, scale and design of the building and the landscape approach to the site would be sympathetic to adjoining sites and would result in a high quality development that would positively enhance the character and appearance of the locality, as well as raising and setting the standard for the quality of the commercial development in the locality more generally.

#### Impact on Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan also require that the impact of the proposal on the amenity of the area must be acceptable.

The closest residential properties are located to the south, past the internal access road (Avenue East) and 4 lanes of the A131. The dwellings in Queensborough Lane are sited approximately 160 metres from the site. Given this distance, the intervening roads and the landscape planting as existing and proposed as part of the development, it is not considered that there would be undue harm to neighbours amenity from outlook, light pollution or general noise and disturbance. A number of conditions to ensure the amenity of the occupiers of these dwellings is not harmed by light pollution or similar can be imposed on any permission.

Further, the siting of the building and its parking layout, would have no adverse impact upon the amenity of neighbouring commercial development.

Overall, it is not considered that the proposal would have a detrimental impact upon neighbouring residential amenity.

#### Highway Considerations

The development would utilise the existing site access from Avenue East which serves the neighbouring Weston building. Essex County Highways have reviewed the development and are content that the development would not result in undue impact to highway capacity or highway safety.

In terms of parking, the development proposes 246 staff car parking spaces plus 10 accessible spaces and a further 10 visitor spaces (total 266 spaces of which 8no. are electric vehicle charging points). Provision is also made for 12no. spaces for motorcycles and 56no. cycle spaces.

In terms of vehicle parking, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan set out that proposals should be designed in accordance with the Council's adopted Parking Standards which state that 1 car parking space per 30sq.m of new B1 office space is required

as a maximum. For this development it would equate to a maximum of 128 spaces. As the development proposes 266 total parking spaces, it is clear that there is a significant over-provision of vehicle parking. In justifying this over provision, the submission details the operational need for a higher number of spaces than the standards permit, and further a detailed Transport Assessment and Travel Plan have been submitted to promote sustainable methods of travel.

In terms of the operational needs, it is outlined that the needs and operation of the business are such that numerous comings and goings are a regular occurrence throughout the working day for the vast majority of staff due to site meetings and general meetings with other contractors and similar. It is understood that the applicants have reviewed the modes of transport that their employees currently use to get to work and in line with the submitted travel plan and future aspirations. There is awareness in regards to the over-provision and to assist with encouraging sustainable modes of travel, a detailed travel plan has been submitted, together with the provision of on-site secure cycle storage and showering and associated storage facilities. On balance, and given the justification outlined, it is considered that it can be accepted in this case.

The vehicle parking spaces themselves fall below the adopted Essex County Council's Parking Standards, which states the preferred bay size to be 5.5m x 2.9m, and only in exceptional circumstances will the minimum bay size of 5.0m x 2.5m be acceptable. The proposed spaces meet with the minimum bay size. In justifying the reduced size of the bays the agent states that despite the sites long-standing employment allocation, an appropriate scheme on the site has not been delivered. As outlined above, the proposal would enable Nexus Infrastructure to relocate. Being a significant local employer, the Authority are keen that the company will be safeguarded in the longer-term and retained within the District. It is understood that the proposed scheme is only viable if a set number of on-site car parking spaces can be accommodated (to cater for existing and future staff levels and given the nature of the business). Further, and as discussed above, the NPPF is clear that in order to build a strong, competitive economy, significant weight should be placed on the need to support economic growth and productivity taking into account local business needs. In this instance the needs of the business in relation to parking numbers are outlined and as detailed, there is a desire to allow the expansion and retention of this local company. The site is unlikely to accommodate the necessary amount of parking and more fundamentally could not provide the high quality soft landscaping if required to provide spaces in accordance with the larger standards, where the consequence would be a detrimental impact upon the overall quality and appearance of the site and locality.

In terms of motorcycle parking the 12 spaces proposed would be in accordance with the Essex County Council standards. The cycle parking spaces are proposed to be provided through the use of two-tier racks located within a dedicated secure and covered cycle store in close proximity to the main entrance to the building. Further, a total of 5 showers (including one accessible) and 56 lockers are accommodated at ground floor level for bicycle

users. This provision and design is in line with Essex County Council standards for office buildings and is acceptable.

Overall in regards to highways matters, the development would provide acceptable access such that there would be no impact to highway capacity, safety or similar. Further, Officers are content that in this case, there is a clear justification for the overprovision of parking numbers, which relate to the operational needs for the business and as the development would enable Nexus Infrastructure to relocate. Being a significant local employer, the Authority are keen that the company will be safeguarded and retained within the District. In regards to the size of the spaces themselves, this is accepted in this particular case given the viability of this commercial development and the need to accommodate a high quality landscaping scheme. Furthermore, the site provides for a good provision and quality of motorcycle and cycle provision.

### Contamination

The application has been submitted with a detailed contamination assessment. This assessment has not identified any significant sources of contamination which may pose a risk to end users, groundworkers, controlled waters, offsite receptors, or vegetation. No remediation is considered necessary to protect the identified receptors. The contamination assessment has been assessed by BDC Environmental Health who have no adverse comments.

### Flood Risk

The site is located within Flood Zone 1, the lowest zone of flood risk and as such flood risk is not considered a constraint to the development.

Essex County Council were consulted as the Lead Local Flood Authority and raise no objections subject to conditions for a surface water drainage scheme and maintenance plan to being submitted and approved by the Local Planning Authority. Given the scale and nature of the application this is considered reasonable and necessary.

### Ecology

The application has been submitted with an Ecology Report relating to the residual and likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation. This has been assessed and Officers are content that there is sufficient ecological information available for determination

In accordance with the document, it is recommended that any permission includes a condition to secure a construction environmental management plan to include risk assessment of potentially damaging construction activities, identification of "biodiversity protection zones", practical measures to avoid or reduce impacts during construction, the location and timing of sensitive works

to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, responsible persons and lines of communication, the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person and use of protective fences, exclusion barriers and warning signs. Further conditions can be imposed to secure a lighting design scheme for biodiversity and a Landscape and Ecological Management Plan (LEMP).

## SECTION 106 AGREEMENT

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

### Open Space

Policy CS10 of the Adopted Core Strategy requires new development to make appropriate provision for publically accessible open space or improvement of existing. The Council's Open Space SPD sets out further details on how these standards will be applied.

A commercial development of this size is required to make a financial contribution of £36,796.50 towards the off-site provision of casual or informal open space and outdoor sports provision. In this instance there is an identified project in terms of upgrading the footpath links from the site to the Country Park.

### Travel Plan

Policy RLP55 of the Adopted Local Plan states that major new commercial developments are required to formulate and implement travel plans that will be secured by a Section 106 Agreement.

In this respect, ECC Highways have requested a fee of £5,000 (plus the relevant sustainable travel indexation), payable on occupation of the development, to cover a minimum 5 year period from the date of occupation, in relation to assessing and monitoring the Travel Plan.

Lastly, in respect of the request from ECC Economic Growth and Development for a financial contribution towards additional childcare places, it has not been demonstrated to the satisfaction of the Local Planning Authority that the request meets the tests for a planning obligation.

## CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located on a designated employment site and proposes B1(a) office use. The principle of development is compliant with

Adopted Local Plan policies and policies within the Publication Draft Local Plan and is therefore acceptable.

The development will retain and enable the expansion of the company which is a key employer within the District. Weight is given to the economic benefits of the development and the employment of 350 staff. Further, the layout and scale of the development is in keeping with adjoining sites, and the detailed design and appearance and strengthening of landscaping across the site would result in a high quality development that would positively enhance the character and appearance of the locality. Whilst there is an overprovision of car parking spaces that only meet with the minimum space standards, the specific needs of the end user, the desire for the company to relocate on the site and the overall economic benefits of the development are such that this can be justified in this case. The development is otherwise acceptable in terms of its impact on highways, neighbouring amenity, ecology, flood risk and similar.

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:

- Public Open Space (financial contribution of £36,796.50 towards the off-site provision of casual or informal open space and outdoor sports provision. Trigger point for payment being prior to first use of the development).
- Travel Plan (A financial contribution of £5,000, plus the relevant sustainable travel indexation, payable on occupation of the development, to cover a minimum 5 year period from the date of occupation, in relation to assessing and monitoring the Travel Plan).

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

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

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:

Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-



## APPROVED PLANS

1079\_P050 REV P1  
1079\_P055  
1079\_P062  
LL574-100-0001A  
LL574-100-0002A  
LL574-100-0031A  
LL574-100-0071A  
LL574-100-0081A  
LL574-100-0275A  
NXS-WSD-00-00\_DR-E-9601 P3  
1079\_P103  
1079\_P104  
1079\_P021  
1079\_P020  
1079\_P010  
1079\_P061  
1079\_P060  
1079\_P120,  
P121,  
P140,  
P150,  
P100,  
P101  
P102  
P001

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

### Reason

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

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

### Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

- 3 No above ground development shall commence unless and 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 only be implemented in accordance with the approved samples.

Reason

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

- 4 Prior to the first use of the building hereby approved, the hard and soft landscaping scheme shall be implemented in full accordance with the plans hereby approved. 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.

- 5 The means of enclosure as indicated on the approved plans shall be erected prior to first use of the development hereby approved. 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 or constructed without the written permission of the Local Planning Authority.

Reason

To ensure the development does not prejudice the appearance of the locality and to protect the appearance of the area.

- 6 Prior to the first use of the building hereby approved, full details of the external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved details.

Reason

In the interests of visual and neighbouring amenity.

- 7 Prior to the commencement of above grounds works, details of wheel washing facilities shall 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

In the interests of highway safety.

- 8 No development shall commence unless and until a dust and mud control management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to throughout the site clearance and construction process.

Reason

In the interests of highway safety.

- 9 No development shall commence unless and until a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason

To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 Prior to the first use of the building, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

#### Reason

To allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 11 No development shall commence unless and until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate compliance with the NSTS and ECC's Sustainable Drainage Systems Design Guide and should include but not be limited to:

- evidence that the discharge hierarchy has been considered when choosing a suitable outfall for the site, in accordance with Planning Practice Guidance. Where infiltration is being ruled out, verification of the unsuitability of infiltration should be provided, in accordance with BRE 365 testing procedure.
- limiting discharge rates from the site as close as reasonably practicable to the 1 in 1 year greenfield run-off rate from the development for all rainfall events up to the critical 1 in 100 year + 40% climate change event.
- evidence of sufficient surface water storage so that runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designed to flood that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building.
- evidence that adequate attenuation storage applies with appropriate controlled runoff rates has been provided to ensure a half empty time of 24 hours for the critical event is provided or enough volume is provided to contain a 1 in 10 year rainfall event within the storage within 245 hours of the 100 year rainfall event.
- evidence that SUDS and drainage measures have been designed to accommodate storm runoff during times when the outfall is tide locked, the storage provision should be calculated by modelling a 1 in 10 year rainfall event with climate change included, coinciding with a 1 in 20 year inclusive of climate change tidal event.
- evidence of sufficient storage to ensure no off site flooding as a result of the development during storm, events up to and including the 1 in 100 year plus climate change event. Provide details of pre-and post 100 year, 6 hour runoff volume.

- 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 system
- a final drainage plan which details exceedance and countenance routes, FFL and ground level and location and sizing of any drainage features
- a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the first use of the development.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective treatment of surface water runoff to prevent pollution.

- 12 No development shall commence unless and 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.

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.

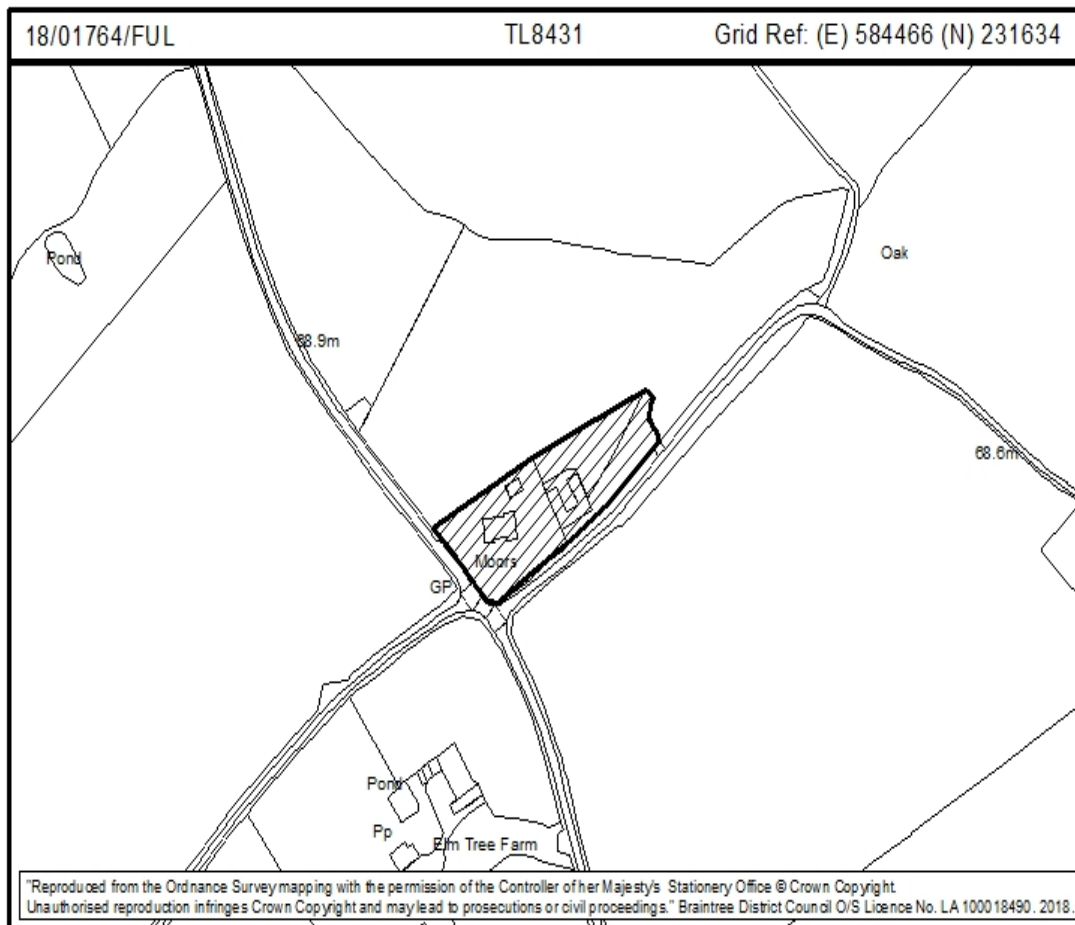
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 18/01764/FUL      DATE: 27.09.18  
VALID:  
APPLICANT: Mr & Mrs Brooks  
Moors Farmhouse, Brickhouse Road, Colne Engaine, CO6 2HH  
AGENT: Mr Nigel Chapman  
Nigel Chapman Associates, Kings House, Colchester Road, Halstead, CO9 2ET, United Kingdom  
DESCRIPTION: Proposed garden machinery/classic car collection storage building  
LOCATION: Moors Farmhouse, Brickhouse Road, Colne Engaine, Essex, CO6 2HH

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](mailto:sam.trafford@braintree.gov.uk)



## SITE HISTORY

|               |  |           |          |
|---------------|--|-----------|----------|
| 00/01390/FUL  | Construction of timber framed stable block/storage shed                                | Granted   | 20.09.00 |
| 87/00760/P    | Demolition of existing house and erection of one dwellinghouse                         | Granted   | 09.07.87 |
| 85/01357/P    | Additional use of knights estate for the breeding and grazing of welsh mountain ponies | Withdrawn | 09.12.85 |
| 75/00236/P    | Erection of agricultural dwelling  | Withdrawn | 20.05.75 |
| 90/00127/PFHS | Erection of detached double garage   | Refused   | 28.02.90 |
| 90/01486/PFHS | Erection of double garage  | Refused   | 20.11.90 |
| 05/01233/FUL  | Proposed outbuilding to replace existing structures                                    | Granted   | 09.08.05 |

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The authorities will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in



decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

|       |   |
|-------|---|
| RLP2  | Town Development Boundaries and Village Envelopes   |
| 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                      |
| CS8 | Natural Environment and Biodiversity |
| CS9 | Built and Historic Environment       |

#### Braintree District Publication Draft Local Plan 2017

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

#### Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

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

This application is being reported to the Planning Committee as the Agent acting on behalf of the Applicants is related to a member of staff.

## SITE DESCRIPTION

The application site consists an existing residential dwellinghouse known as Moors Farmhouse, which is situated outside of any designated development boundary, approximately 1km to the north of Colne Engaine.

The site currently contains the main dwelling itself, and a 'U' shaped building which is used for a garage and an annexe. The second building is located outside of the curtilage of the main dwellinghouse.

## PROPOSAL

The application seeks full planning permission for the erection of a single storey outbuilding, located to the east of the main dwelling, which would be used to store the applicant's classic car collection.

The building would measure 29.8 metres in length, and 7.1 metres in depth and would be sited against the boundary with Brickhouse Road. It would be clad in black weatherboarding and have a slate roof.

The submitted floor plans indicate the building would contain 13 vehicles.

## CONSULTATIONS

Colne Engaine Parish Council – No Comments.

## REPRESENTATIONS

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

## REPORT

### Principle of Development

For sites located outside of designated village envelopes and development boundaries, Policy RLP2 of the Adopted Local Plan states that countryside policies apply. Policy CS5 of the Adopted Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan elaborate on this, allowing development to existing habitable dwellings within the countryside provided that the development is "in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot upon which it stands". It reiterates that "extensions will

be required to be subordinate to the existing dwelling in terms of bulk, height, width and position”.

It is understood that the need for additional storage on the site for the applicant's car collection arises from a need to vacate an off-site storage facility.

The proposed outbuilding, at almost 30 metres in length, would be larger than the main dwelling. In this regard, the proposed building would not be subservient to the dwelling. The cumulative effect of both the existing annexe/garage building and the proposed car collection building would result in a form of development that would compete with the host dwelling and represent the inappropriate overdevelopment of the site.

Furthermore, although Officers recognise the applicant's need for a location to store their vehicles, this does not in itself form justification for such a large building in a countryside location. The collection of cars on this scale is not a use which would typically be considered ‘incidental’ to the use of the dwelling.

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

The proposed building would appear to be considerably large in terms of length, at almost 30 metres and located hard up against the southern boundary of the site, being highly visible from Brickhouse Road. This expanse of development this to the road would result in a degree of harm being caused to the character and appearance of the street scene and the rural setting of the site. There would be a form of urbanising effect rising from the proposed development, which would be alien to this area.

In this regard, the proposed development is not acceptable in terms of its design, appearance or layout.

#### Impact on Neighbour Amenity

Having regard to the location of the application and its relationship to residential properties, it is considered that the proposal would not have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

#### Highway Issues

It is acknowledged that the proposed development would provide covered parking spaces on the site. Notwithstanding this, there remains sufficient space on the site to park two cars, in accordance with the Council's Adopted Parking Standards.

## CONCLUSION

The proposal in this case is for the erection of a large building in the countryside. The building would be highly visible in the street scene, and result in harm being caused to the rural character of the area. Furthermore, it would not be subordinate in terms of its form or size to the host dwellinghouse and would represent the inappropriate overdevelopment of the site.

In addition, the applicant's motivation to store their car collection, which has arisen through the need to vacate an off-site premises, does not in itself justify the erection of such a large building in a rural location. There are other off-site storage facilities which could be utilised as an alternative.

## RECOMMENDATION

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

- 1        The proposed building, by virtue of its design and excessive length, would result in a form of development which would be out of keeping with the rural character of the locality, would have a detrimental impact upon the character and appearance of the countryside and the wider area, and would represent the inappropriate overdevelopment of the site. The proposal is therefore considered to be contrary to the NPPF, Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS9 of the Braintree District Core Strategy, and Policies LPP1, LPP38, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

## SUBMITTED PLANS

|                     |                      |
|---------------------|----------------------|
| Location Plan       | Plan Ref: 17/1101/12 |
| Block Plan          | Plan Ref: 17/1101/13 |
| Existing Floor Plan | Plan Ref: 17/1101/2  |
| Existing Elevations | Plan Ref: 17/1101/3  |
| Proposed Plans      | Plan Ref: 17/1101/9  |
| Proposed Plans      | Plan Ref: 17/1101/16 |
| Block Plan          | Plan Ref: 17/1101/17 |

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER