

PLANNING COMMITTEE AGENDA

Tuesday, 02 March 2021 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

Councillor J Abbott	Councillor Mrs I Parker (Vice Chairman)
Councillor K Bowers	Councillor F Ricci
Councillor T Cunningham	Councillor Mrs W Scattergood (Chairman)
Councillor P Horner	Councillor Mrs G Spray
Councillor H Johnson	Councillor N Unsworth
Councillor D Mann	Councillor J Wrench
Councillor A Munday	

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

Documents: Agendas, Reports, Minutes and public question time questions and statement can be accessed via www.braintree.gov.uk

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

For further information on how the Council processes data, please see the Council's Privacy Policy. https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

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

PUBLIC SESSION

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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 2nd February 2021 (copy previously circulated) and 16th February 2021 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	App. No. 19 02304 OUT - Plc Hunwick Ltd, Kings Road, HALSTEAD	6 - 39
5b	App. No. 20 01167 FUL - 54 Coggeshall Road, EARLS COLNE	40 - 57
5c	App. No. 20 01483 FUL - 83 Chapel Hill, HALSTEAD	58 - 84
5d	App. No. 20 01880 FUL - Little Catleys Farm, Catley Road, WHITE COLNE	85 - 100
5e	App. No. 20 02001 FUL - Land opposite Jaspers, Jaspers Green, SHALFORD	101 - 125

PART B

Minor Planning Application

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

PRIVATE SESSION

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7 Urgent Business - Private Session

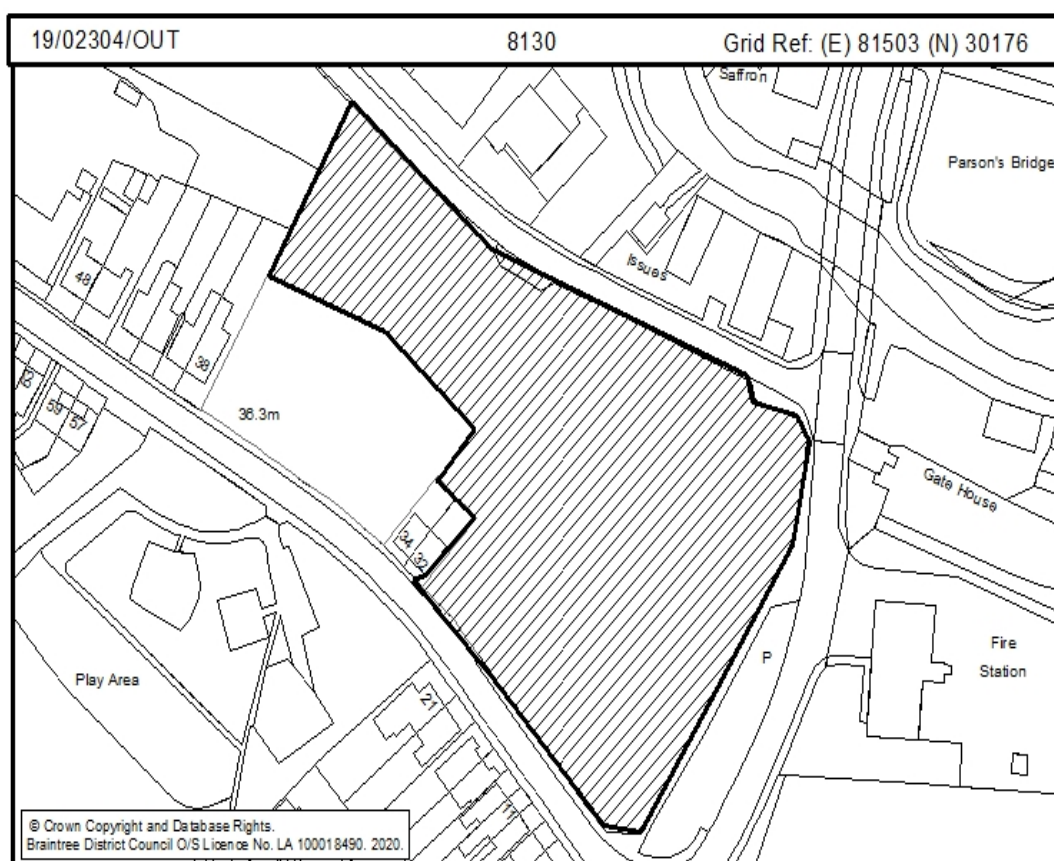
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A

AGENDA ITEM NUMBER 5a

APPLICATION NO: 19/02304/OUT DATE: 19.12.19
VALID:
APPLICANT: AR Clarke (Builders) Ltd
C/o Agent
AGENT: Stanfords
Mr Peter Le Grys, Stanfords, The Livestock Market,
Wyncolls Road, Colchester, CO4 9HU
DESCRIPTION: Outline application for four x 2 bed houses, five x 4/5 bed
houses, 12 flats and 10 commercial units for B1(a) office
purposes (with all matters reserved other than means of
access, layout and scale).
LOCATION: Plc Hunwick Ltd, Kings Road, Halstead, Essex, CO9 1HD

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2RSB9BF0IJ00>

SITE HISTORY

17/00356/FUL	Continued use of properties as residential dwellings	Granted	12.04.17
19/00017/REF	Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat	Appeal Allowed	19.08.19
18/01119/FUL	Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat		17.08.18
18/01121/OUT	Outline application for four x 2 bed houses, eight x 3 bed houses, 28 flats and 8 commercial units for B1(a) office purposes (with all matters reserved other than means of access, layout and scale).	Refused	19.12.18
19/01856/DAC	Application for approval of details reserved by conditions 3 & 4 of approved application 18/01119/FUL	Granted	13.01.20
20/02124/NMA	Non-Material Amendment to permission 18/01119/FUL granted 17.08.2018 for: Construction of seven dwellings comprising four x three bed houses, two x 2 bed houses and one x 1 bed flat. Amendment would allow: Incorporation of the two stores to the ground floor of plot 5, incorporation part of the first floor flat of plot 7 to plot 5, enlargement of staircase to serve plot 7, creation of large store for plot 7, insertion of additional ground floor window to front elevation of plot 5 and	Granted	25.01.21

amendment to size of window that would now serve plot 5, rather than plot 7.

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites

RLP10	Residential Density
RLP33	Employment Policy Areas
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS4	Provision of Employment
CS7	Promoting Accessibility for All
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
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP17	Housing Provision and Delivery
LPP26	Comprehensive Redevelopment Area - Factory Lane West/Kings Road
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Neighbourhood Plan

None

Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

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

Essex Parking Standards

Open Space SPD

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.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the Town Boundary of Halstead and is currently allocated as an Employment Area in the Draft Local Plan.

The site measures approximately 0.67 hectares and comprises part of a vacant cleared site that was an engineering works involved in metal fabrication. The former engineering buildings were demolished and the site cleared in 2016, with the exception of the original offices immediately to the east of the application site, which have since been converted into two houses (32 & 34 Kings Road).

Over half of the application site lies within Flood Zone 2 and a small portion to the east lies in Flood Zone 3.

The application site is surrounded on three sides by highway, namely Kings Road, Parsonage Street and Factory Lane West.

The site has existing industrial and residential uses to the north and west, residential to the south and the fire station and one dwelling to the east.

PROPOSAL

The application is seeking outline planning permission for the construction of four, 2 bed houses, five, 4/5 bed houses 12 one bedroom flats and 10 commercial units (B1a). This application is considering the means of access, layout and scale, whilst matters relating to landscaping and appearance are reserved for consideration at a later date.

The commercial units are proposed in the northern corner of the site and would front onto Factory Road West. These units would be served by a new vehicular access and would have 20 parking spaces located behind the buildings. To the east of the new commercial buildings is a parking area for 12 residential flats which are located at the junction of Parsonage Street and Factory Lane West. To the south of the flats are 5 properties that front onto Parsonage Street. The four smaller houses are located in the southern part of the site and they front onto Kings Road. Parking for these properties is proposed to the rear, and access to these spaces is proposed from Kings Road.

With regards scale, the proposed commercial units are two storey, along with dwellings plots 8 through to 16, whilst the flatted block would have three floors.

To the west of the application site is a small portion of land where planning permission has been granted following an appeal for 7 residential units, 6 houses and one flat (Application Reference 18/01119/FUL). The details of this development are shown on some of the plans submitted for this application.

SUMMARY OF CONSULTATION RESPONSES

BDC Environmental Health

No objection. Conditions suggested regarding hours of work, no burning of waste, submission of a mud and control management scheme, no piling and contamination works carried out in accordance with section 11.2 of the Brown 2 Green Phase II Site Investigation Report (dated January 2020, 1879/Rpt 2v2).

BDC Landscape Services

No comments received.

BDC Ecology

No objection subject to conditions to securing Ecological enhancements.

ECC Highways

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

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions regarding the submission of the construction traffic management plan, the provision of suitable visibility for each vehicular access, the provision of a footway around the whole site, and the provision of residential travel information packs for each new dwelling.

Essex Police

There will always be risks associated with rear parking courts which if not resolved will result in crime and residents parking their cars on the highway

outside their homes instead of within the allocated areas. Rear parking must be convenient, and not generate or raise the fear of crime.

Lighting, layout and rear gate security with key lockable accessibility from either side being important and contributing to that feeling of safety. With the flats it is important to consider robust access control, visitor entry system and a mail delivery system that does not compromise the security of the building at any time.

Anglian Water

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request that an informative be added regarding this issue.

Wastewater Treatment

The foul drainage from this development is in the catchment of Halstead Water Recycling Centre that will have available capacity for these flows.

Used Water Network

This response has been based on the following submitted documents: Flood risk assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted Flood Risk Assessment and can confirm that the proposals for surface water drainage are acceptable to us. We require this document to be listed as approved plans/documents if permission is granted.

ECC Suds

No objection, conditions suggested.

BDC Housing Research and Development

This mixed use scheme includes 21 residential units. In accordance with Policy CS2 of the Adopted Core Strategy, 30% of the residential element should be provided as affordable homes. The number of homes therefore required for affordable housing equates to 6.

Though it is usual for details concerning the type and mix of dwellings to be the subject of reserved matters applications, as a fairly detailed site layout drawing has been submitted, ideally an affordable housing mix comprising 6 x 2 bedroom 4 person flats would be our preference for best addressing housing need.

However, we note the site's constraints on parking etc and that the flatted element of the scheme comprises all one bedroom flats. Therefore, we would be prepared to accept 6 x one bedroom flats providing they all be offered at Affordable Rent.

Other requirements concerning affordable housing are:

- Affordable units should meet Nationally Described Space Standards
- Affordable units accessed at ground level should be compliant with Building Regulations Part M(2)
- Affordable dwellings should be deliverable without reliance on public subsidy.

It is noted that the applicant has stated in the submitted Planning Statement that Vacant Building Credit should be applied to this application which would extinguish any affordable housing obligation. We are of the view and recommend that VBC should not be applied in this case as the previous industrial buildings were demolished some 4 years ago. Furthermore, in the previous refused application (18/01121/OUT) this was not put forward as an argument against affordable housing provision.

ECC Independent Living / Extra Care

No comments received.

NHS

The proposed development is likely to have an impact on 4 GP Practices operating within the vicinity of the application site. These GP practices do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated.

The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 50 residents and subsequently increase demand upon existing constrained services.

The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity, in line with the emerging STP Estates Strategy by way of reconfiguration, refurbishment or extension of the Elizabeth Courtauld Surgery; a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. The CCG calculates the level of contribution required, in this instance to be £7,889. Payment should be made before the development commences.

The CCG therefore requests that this funding be secured through a Section 106 Planning obligation, linked to any grant of planning permission.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Braintree District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning

documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

ECC Education

We will not be seeking any S106 education contributions on this occasion.

Environment Agency

Concerns regarding existing contamination within the site and recommend the following:

- Provide a suitable controlled water risk assessment, according to the guidance provided below. It is likely that a further field data collection would be needed, to complement and update the available data.
- Locate the on-site UST; geophysical methods can be employed.

A number of conditions are suggested.

The street elevations document does not indicate any change in the finished floor levels and we assume that they will remain at the set level of 35.10m AOD. If these floor levels are changed to any lower than we request that you re-consult us.

BDC Waste Services

The proposed development will not cause any issues for collections, or the storage of waste.

PARISH / TOWN COUNCIL

Halstead Town Council

Halstead Town Council has no objection to the site being developed but asked that the design/layout of houses and in particular parking spaces as well as access/egress of the site be redesigned.

REPRESENTATIONS

15 representations received from 16 addresses making the following comments:

- Concerns that the proposals will result in on street car parking that could affect access for emergency vehicles.
- Welcomes the access from Factory Lane West.
- The proposals will be detrimental to the occupants of Kings Road, particularly with regards on street car parking, as many properties on Kings Road do not have access to off-street car parking.
- Insufficient car parking provided.
- New access onto Kings Road would lead to loss of on-street car parking.

- Concerns that No.32 and 34 Kings Road do not have access to off-street car parking.
- Factory Road West is not wide enough to accommodate the increase traffic generated by this new development.
- Insufficient infrastructure for the new dwellings.
- No need for more offices, as there are empty offices elsewhere in Halstead.
- Concern that the proposal will result in flooding.
- Less homes should be proposed.
- Kings Road and Factory Lane West should both be widened and proposed accesses are unsafe. Access should be from Parsonage Street.
- Request for parking in Balls Chase to be restricted to residents only.
- Anxiety caused by not being able to park outside dwellings on Kings Road.
- Would welcome permit parking along Kings Road.
- Vehicles from Kings Road park in surrounding streets.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it

somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

The Development Plan

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

The application site is located within the Town Development Boundary in Halstead, where new development is considered acceptable in principle.

Within the Draft Local Plan, the application site has been allocated for re-development and is shown to be a Comprehensive Redevelopment Area (discussed below).

Overall, in terms of the Adopted Local Plan, the Adopted Core Strategy, the Draft Local Plan and the NPPF, the principle of the redevelopment of the site is supported in principle in planning policy terms.

SITE ASSESSMENT

Location and Access to Services and Facilities

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

development in inter alia Braintree, 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.

In this case, the application site is located within the Town Development Boundary of Halstead, and within the town centre and is therefore located in a highly sustainable location with excellent access to services and facilities as well as a range of public transport services. This weighs in favour of the proposal in the overall planning balance.

Site Designation

The application site is located within the Town Boundary of Halstead and within a designated Employment Area. The site was previously used for B2 purposes, however this ceased in 2016 and all the derelict buildings have been removed from the site.

Draft Local Plan Policy LPP26 states the following:

Comprehensive Redevelopment Area - Factory Lane West/Kings Road, Halstead

Land at the Harrison Works, Kings Road is allocated as a mixed use re-development. Proposals for redevelopment for the following uses will be supported;

- *Employment B1 and B8*
- *Small scale retail proposals which do not materially impact on Halstead Town Centre*
- *Residential uses which are not located on the ground floor*
- *Parking*
- *Retention of the boiler house*

This policy includes reference to a boiler house, which lies to the NE of the application site and was originally included in the policy in the 2016 version of the new Local Plan. The allocation was amended following consultation and now no longer includes the land that the boiler house sits on and therefore reference to this structure should have been removed from Policy LPP26 of the Draft Local Plan.

Policy LPP26 of the Draft Local Plan advises that any application for development would have to be accompanied by a flood risk assessment which demonstrates that the proposals would not significantly increase flood risk in Halstead for the lifetime of the development that occupiers and users of the site are at minimal risk of flooding events, and that in the event of flooding the sites can be evacuated safely.

The Draft Local Plan has been submitted for examination and two objections have been received regarding the above policy, however neither objected to the site being used for residential purposes. Therefore in accordance with paragraph 48, as outlined above, the LPA can afford limited weight to the above policy.

Given the above, it is considered that in principle of the use of the site for both residential and B1(a) commercial purposes is accepted.

Design, Appearance and Layout

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

Paragraph 127 states that developments should aim to 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'. Policy CS9 of the Adopted Core Strategy states that 'the Council will promote and secure the highest possible standards of design and layout in all new development'.

This is an outline application where appearance and landscaping are reserved matters. The application includes details regarding layout, scale and access.

The application site is broadly L shaped and both commercial accommodation and residential units are proposed.

In the northern corner of the site, accessed from Factory Road West, 10 commercial units are proposed. These units front onto the road and an area of landscaping is shown as a soft buffer to the new pedestrian pavement. The units are split into two blocks and the vehicular access is shown between the two blocks. The vehicular access would serve 20no. parking spaces that would be dedicated solely to the commercial units. Officers are content with the layout proposed and consider that these units would relate well to Factory Lane West and the existing nearby commercial units. An illustrative streetscene has been provided and indicates that the scale of the commercial units would be two storey blocks, however the appearance of the units would be dealt with in a later reserved matters application.

Adjacent to the parking for the commercial uses is the parking area for the residential flats. The two parking areas are shown to be separated by a large landscaping strip that would soften this open space within the site.

The eastern corner of the site, where Factory Road West connects to Parsonage Street, a three storey block of flats is proposed. The block turns the corner of the road junction and the flats would front onto this junction and create an active frontage to the street. To the rear of the flats an area of

private amenity space is proposed along with pedestrian access to the parking area dedicated to the flats. The landscaping details for this space is not for consideration at this time, and would be dealt with by a reserved matters application. The illustrative streetscene indicates that the flats would be a three storey block in scale, and that the block could be a landmark building for this prominent corner of the site.

To the south of the flats are two pairs of semi-detached houses which would front onto Parsonage Street and a detached house that would be located at the junction of Kings Road and Parsonage Street. These properties all have a garage located in the rear gardens along with a surface car parking space. This parking would be accessed via a private drive off of Kings Road.

To the west of this access is a terrace of four dwellings (Plots 8-11) are proposed. These houses would front onto Kings Road and to the west of Plot 8 is a private drive serving the off street car parking for the 4 dwellings.

The illustrative streetscene indicates that Plots 8-16 would have the appearance of traditional housing, which would be in keeping with the nearby housing along Kings Road and Ravens Road.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with 50sq.m or more of private garden space and three plus bedroom dwellings should be provided with 100sq.m or more.

All the house plots are provided with the minimum garden size requirement of the Essex Design Guide.

With regards the flats the Essex Design Guide provides the following guidance:

For two or more bedroomed flats communal residents' gardens must be provided on the basis of a minimum area of 25sq.m per flat. They must be screened by above-eye-level walls or hedges, and must contain a sitting-out-area that receives sunshine during at least part of the day. Unusable strips of space between car parks or roads and buildings will not be counted as part of the communal garden provision. Although similar provision is welcomed for one-bedroomed flats it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. Applicants should check with their local planning authority the circumstances under which a garden for one-bedroomed flats may be foregone.

In this case, the flats would all comprise of one bedroom and would be served by a communal amenity space of approximately 330sq.m for all of the occupants of the new block. It is therefore considered that level of amenity space for the flats is considered acceptable and accords with the EDG.

Officers considered that the applicant has demonstrated that the site can adequately accommodate the level of development proposed in an acceptable layout and complies with policies outlined above.

Impact on Neighbour Amenity

Matters of layout and scale are submitted for assessment and determination and therefore it is possible to consider the impact on residential amenity at this stage. Officers are of the opinion that the layout proposed would not unreasonably impact upon the amenity of neighbouring residential properties. However reservations are raised with regards the relationship between Plots 10 and 11 and No.32 Kings Road, in that any first floor front facing windows would directly overlook the private garden serving this property, harmful to its amenity and contrary to guidance from the NPPF and Policy RLP90 of the Adopted Local Plan. The applicant or any successor should be mindful of this when designing the dwellings.

Highway Issues

Paragraph 109 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The whole site would be served by 4 vehicular access points, two on Factory Road West and two on Kings Road. The northern most access on Factory Road West would solely serve the commercial units and the 20 parking spaces proposed. The second access on Factory Lane West would serve the residential flats and 14 parking spaces dedicated to those occupiers.

The two vehicular accesses on Kings Road are shown to be private drives and the spaces serving residential dwellings at Plots 8-16.

The Highways Authority has considered the proposal and raise no objections subject to a series of conditions. A condition requiring the access into the site to be constructed to an acceptable standard is recommended to be attached to any grant of consent, along with a condition requiring a construction management plan and the construction of the vehicle parking areas.

The Essex Parking Standards (2009) requires that every new two or more bedroomed property requires a minimum of two off street car parking spaces. The proposal provides two spaces for Plots 8-16 of the houses and one space each for the proposed one bedroom flats. There is some tandem parking for Plots 10 and 11 which not favourably, however has been allowed at adjacent site.

The Essex Parking Standards 2009 requires 1 parking space per 30sq.m of new B1(a) office space. The proposal would provide 542sqm of new office floor space which equates to 18 car parking spaces. The scheme provides 20

parking spaces for the new office units, thus according with the Policy requirement.

A number of comments made by local residents raise concerns about the impact the development will have on the existing on-street parking situation in Kings Road. A number of nearby properties, given their age and proximity to the road, do not have off-street car parking and occupiers are reliant on parking their vehicles along Kings Road.

Given the nature of Kings Road in this location, although the proposal cannot address current parking issues, any new development should not contribute to a rise in on-street parking. Officers consider that the parking provision for both the commercial and residential units complies with Policy RLP56 of the Adopted Local Plan and is acceptable in this regard.

Flood Risk

The sequential, risk-based approach to the location of development is used to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

Over half of the site is located within Flood Zone 2 and a small portion lies within Flood Zone 3. No development is proposed in Flood Zone 3.

Application of the sequential approach in the plan-making and decision-making process helps ensure that development can be safely and sustainably delivered. According to the information available, other forms of flooding should be treated consistently with river flooding in mapping probability and assessing vulnerability to apply the sequential approach across all flood zones.

Within the planning statement it is claimed that the District as a whole and in particular Halstead, has an insufficient supply of housing land with a lesser level of flooding, which therefore justifies the development.

The site was referred to as HATR299 in the Site Allocations document, and included in the Strategic Flood Risk Assessment 2 (SFRA2). Using the strategic flood risk information presented within the Level 1 SFRA, Braintree District Council undertook the Sequential Test to document the process whereby future development is steered towards areas of lowest flood risk. Where it was not possible to accommodate potential development sites outside those areas identified to be at risk of flooding, the Exception Test is required, as set out in Table 1-1. This Level 2 SFRA Report provides information to support the application of the Exception Test for future development sites.

The SFRA concludes with the following:

Based on the strategic assessment of flood risk and the recommendations for mitigation measures set out above, it is considered that proposed development on this site could be suitably designed to satisfy part 2) of the Exception Test subject to submission of a detailed site specific Flood Risk Assessment that adequately accounts for any loss of floodplain storage and incorporates appropriate finished floor levels. However, the use of the site as a care home or sheltered accommodation should be carefully considered with regard to emergency planning.

Given the above it is considered that the site has been sequentially assessed as part of the SFRA2 and it is capable of being developed and could be designed to satisfy part 2 of the Exception Test, subject to the submission of a detailed site specific flood risk assessment (FRA). The application is supported by an FRA and the Environment Agency do not raise any objections to the proposals on flooding grounds.

Sustainable Urban Drainage

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

A Flood Risk Assessment (FRA) has been submitted with the application and identifies the site as being located mainly within Flood Zone 2 and a small portion lies within Flood Zone 3.

The FRA has considered the potential impact of the development on surface water runoff rates, given the increase in impermeable areas post-development.

The Lead Local Flood Authority (LLFA) at Essex County Council have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, and raise no objection to the granting of planning permission and recommended a number of conditions, which would be attached to any grant of planning permission.

Contaminated Land

Paragraphs 178 and 179 from the NPPF relates to land contamination. It states that planning decision should ensure that:

(a) A site is suitable for its proposed use taking into account of ground conditions and any risks arising from land instability and contamination. This

includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

(b) After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

(c) Adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy RLP64 of the Adopted Local Plan relates to contaminated land. It states that the application proposing development on or near a site where contamination may exist, should carry out a thorough investigation, so as to establish the nature and extent of the contamination. Development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination as not to:

a) Expose the occupiers of the development and neighbouring land uses, including in the case of housing, the users of gardens, to unacceptable risk;

b) Threaten the structural integrity of any building built, or to be built, on or adjoining the site;

c) Lead to the contamination of any watercourse, waterbody or aquifer;

d) Cause the contamination of adjoining land or allow such contamination to continue;

e) Have an adverse effect upon natural habitats and ecosystems.

Where possible contamination should be treated on site. Any permission for development will require that the remedial measures agreed with the authority must be completed as the first stage of the development.

Policy LPP73 of the Draft Local Plan reflects similar restrictions.

The Environment Agency were consulted on the application and following the submission of additional information during the life of the application, raise no objection in terms of contamination. A number of conditions are suggested and will be recommended on any grant of planning permission.

Habitat Regulations Assessment (HRA / RAMS)

The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would

be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling) for delivery prior to occupation. This matter will be secured via a Section 106 legal agreement.

PLANNING OBLIGATIONS

Paragraph 56 of the NPPF sets out that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were proposing to grant it permission.

- **Affordable Housing** – Policy CS2 of the Core Strategy states that for developments of this size, affordable housing will be provided on-site with a target of 30% affordable housing provision on sites in rural areas. The Council's Housing Enabling Officer has accepted a mix of six, one bedroom flats offered at Affordable Rent, which has been agreed with the applicant and will be secured through a S106 Agreement.
- **Health** – NHS England advise that the development is likely to impact the GP practice within the vicinity of the application site and that the practice do not have sufficient capacity to meet the demand arising from a development of this size. A financial contribution was therefore requested of £7,889 to mitigate the impacts of the proposal and would be directed towards the Elizabeth Courtauld Surgery.

It is acknowledged that local residents have raised concerns with regard to the impact of the development on the local healthcare services. However the NHS previously considered that financial contributions would allow them to carry out the necessary infrastructure improvements to mitigate against the impacts of this development.

- **Open Space** – Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is a good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards.

The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make provision on-site for informal and amenity open space and an outdoor equipped play area.

A financial contribution £15,523.36 would be sought for outdoor sport improvements at Ramsey Road Recreation Ground and £10,571.16 for equipped play improvements at King George V Playing Field.

There is also a requirement to secure the on-going maintenance of the amenity space provided on site. These aspects could be secured through a S106 Agreement.

- **HRA** - The site lies within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. Given the scale of the development, the developer would be required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling) for delivery prior to occupation.

Subject to the above matters being incorporated into a legal agreement to ensure their provision, the development would be made acceptable in these respects.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to

meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

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

When applying the 'titled' balance and in terms of benefits, the application would deliver 15 market homes and 6 affordable units along with 10 commercial units, within the development boundary and the resulting economic benefits that stem from the construction of the new properties both during the construction period and after occupation of the development.

Officers are content that the site is sufficient in size to accommodate the residential and commercial development proposed and that the layout and scale proposed is acceptable and that there is no in principle reason to withhold outline planning permission. Furthermore the proposal would result in the redevelopment of a brownfield site in a sustainable location. The finer details of the proposal in terms of landscaping and appearance, would be dealt with at a later stage, when a reserved matters application is submitted.

When considering the planning balance and having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts would not significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

Affordable Housing

- 6 one bedroom flats at affordable rent

Health Care Financial Contribution

- £7,889 towards the reconfiguration, refurbishment or extension of the Elizabeth Courtauld Surgery, Halstead

Public Open Space

- Financial contribution towards outdoor sports improvements at Ramsey Road Recreation Ground- £15,523.36

- Financial contribution towards equipped play improvements at King George V Playing Field, Kings Road - £10,571.16
- On-site open space management plan.

Habitat Regulations Assessment (HRA / RAMS)

- Financial contribution towards ecological mitigation - £125.58 per dwelling.

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

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

APPROVED PLANS

Location Plan	Plan Ref: 1729-10	Version: A
Site Survey	Plan Ref: 1729-201	Version: A
Street elevation	Plan Ref: 1729-112	Version: C
Highway Plan	Plan Ref: 1729-12	Version: B
Site Layout	Plan Ref: 179-11	Version: G
Site Layout	Plan Ref: 179-11	Version: G

1 Details of the:-

- (a) appearance of the building(s); and the
- (b) landscaping of the site

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

Application for approval of the reserved matters shall be made to the local planning authority not later than [3] years from the date of this permission.

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

Reason

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

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

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

Reason

To ensure adequate off-street parking, residential amenity and garage space is provided within the site in accordance with the standards adopted by the local planning authority.

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

Reason

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

- 5 The Reserved Matters application that seeks approval of appearance of the building(s) as detailed within Condition 1 for a relevant phase of the development, shall be accompanied by full details of the location and design of the refuse bins and recycling materials separation, storage areas and collection points. Where the refuse collection vehicle is required to go onto any road, that road shall be constructed to take a load of 26 tonnes.

The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units within the phase of the development that the Reserved Matters application relates and shall be retained in the approved form thereafter.

Reason

To meet the District Council's requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability.

- 6 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works.

This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting. The landscaping scheme required by Condition 1 shall also incorporate proposals for the inclusion of defensible space and associated planting/boundary treatments around the flat block, to safeguard the amenity of future residents.

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

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

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

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

Reason

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

- 7 Prior to first occupation of the commercial element 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.

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

Reason

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

- 9 The commercial element of the development hereby approved shall not be occupied until the car parking area indicated on the approved plans, including any accessible parking spaces for disabled persons have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

- 10 The residential element of the development shall not be occupied until the car parking area indicated on the approved plans, including any accessible parking spaces for disabled persons have been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards.

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

Monday to Friday - 08:00-18:00 hours

Saturday - 08:00-13:00 hours

Sunday - No work

Bank Holidays - No work

Reason

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

- 12 No occupation of any part of the development hereby approved shall take place until the following have been provided and completed.

a. The site accesses as shown in principle on the planning application drawing 1729-12 Rev C. The demonstrated vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic, be clear to ground and retained free of any obstruction at all times.

b. Residential Travel Information Packs in accordance with Essex County

Council guidance.

c. The footway around the entire site, as shown in principle of the planning application drawing 1729-12 Rev C.

Reason

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

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

Reason

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

- 14 Prior to the commencement of the development hereby approved a site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site shall be submitted in writing to the Local Planning Authority.

The site investigation scheme shall include full details of the remediation measures required and how they are to be undertaken.

The development shall be carried out in accordance with the site investigation scheme.

Following the completion of remediation measures a verification plan demonstrating that the approved remediation strategy have been carried out. The plan may also identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater

Protection Position Statements (2017) A4 - A6, J1 - J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- 15 Prior to the first use of the commercial element of the development, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- 16 If, during development on any part of the site, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7. National Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- 17 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

Infiltration through contaminated land has the potential to impact on groundwater quality.

- 18 The residential element of the development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) in line with National Planning Policy Framework (NPPF; paragraphs 170 and 178), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7. National

Planning Policy Framework (NPPF) paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 178).

- 19 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 10l/s for all storm events up to an including the 1 in 100 year rate plus 40% allowance for climate change, maximising the use of infiltration on site.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

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.

To provide mitigation of any environmental harm which may be caused to the local water environment

Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to

increased flood risk and pollution hazard from the site.

- 20 Prior to the first occupation of both the residential and commercial elements of the development, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

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

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

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

Reason

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

- 22 Prior to development reaching slab level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species/habitats and allow the LPA to

discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 23 Prior to commencement of the development a construction traffic management plan, to include but not be limited to details of vehicle/wheel cleaning facilities within the site and adjacent to the egress onto the highway and a dust and mud control management scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason

To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

- 24 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) the commercial buildings hereby approved shall be used for purposes in Use Class B(1) and for no other purpose/s.

Reason

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

INFORMATION TO APPLICANT

- 1 - The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
 - All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
 - All highway related details should be agreed with the Highway Authority
 - There shall be no drainage of surface water onto the highway.

- 2 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

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

3 (1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

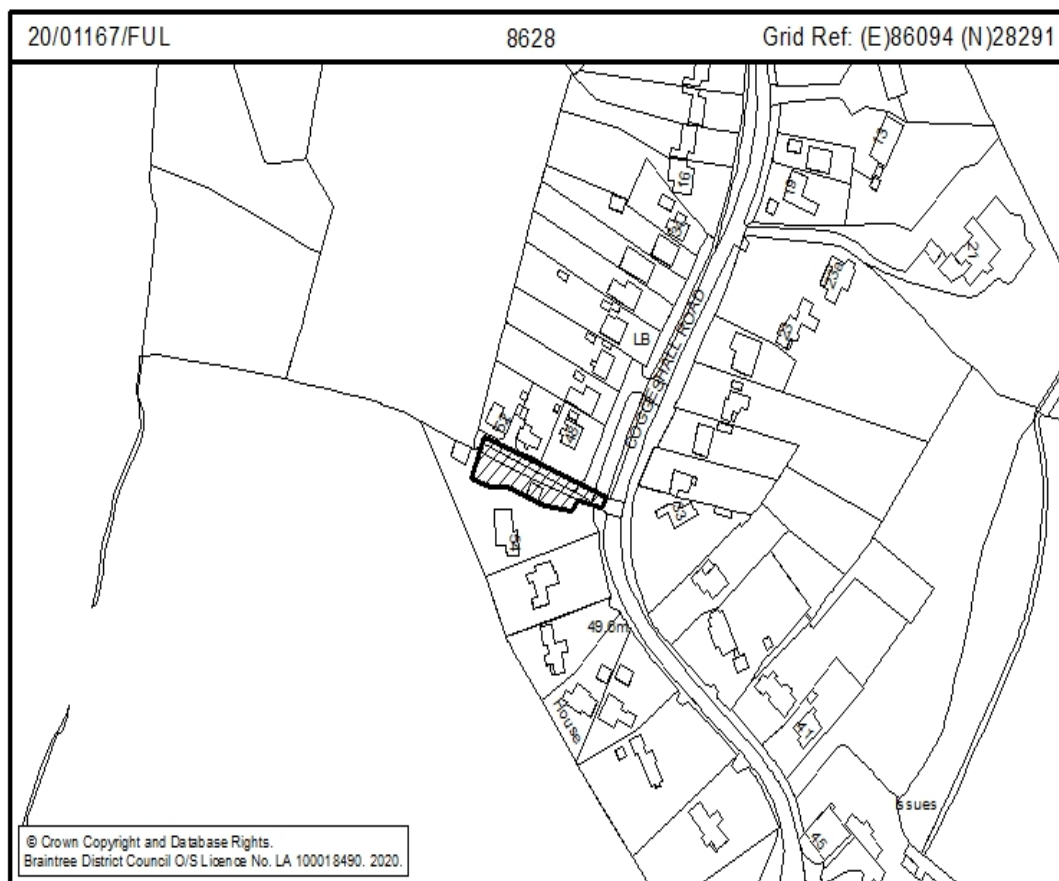
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/01167/FUL DATE: 20.07.20
VALID:
APPLICANT: Mr & Mrs A Osborne
54 Coggeshall Road, Earls Colne, Essex, CO6 2JR
AGENT: Harrington's Architecture And Design Ltd
Ian Harrington, Truro House, 2 Burrows Road, Earls Colne,
Colchester, CO6 2RZ
DESCRIPTION: Erection of 2 detached bungalow-style dwellinghouses
accessed off existing shared private drive.
LOCATION: 54 Coggeshall Road, Earls Colne, Essex, CO6 2JR

For more information about this Application please contact:
Fiona Hunter on:- 01376 551414 Ext. 2521
or by e-mail to: fiona.hunter@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDRIIQBFFNY00>

SITE HISTORY

19/02127/HH	Two-storey side/rear extension, provision of balcony to rear of existing house, alterations to fenestration and alterations to the driveway entrance with new gate, walls and brick piers.	Granted	21.01.20
20/01166/HH	Erection of single-storey 2 bay cart-lodge and alterations to the driveway entrance with new gate, walls and brick piers.	Granted	09.10.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage

Earls Colne Neighbourhood Plan

No plan has yet been submitted for consideration and therefore no weight can be attributed.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Earls Colne Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site as existing comprises the amenity area for No.54 Coggeshall Road, and the adjoining grass verge along the private drive serving No.50, 52 & 54A Coggeshall Road. The site also currently comprises a garage serving No.54 Coggeshall Road, the removal of which has recently received planning permission (Application Reference: 20/01166/HH) as part of proposals to erect a new garage to the south of No.54 Coggeshall Road. Detached dwellings generally typify the character along Coggeshall Road, with the neighbouring properties at No.50 & 52 Coggeshall Road being single storey in height.

The site is not located in the Earls Colne Conservation Area and is approximately 180m away from the closest Listed Building. There is a public right of way along the private drive to the north of the proposed location for the dwellings.

PROPOSAL

The application in this case seeks planning permission to erect two detached two bedroom dwellings. Both of the dwellings would have their own individual access from the private drive, parking areas to the side with two spaces each and landscaping. 'Plot One' would be sited to the east of the application site, while 'Plot Two' would be sited adjacent to No.54A Coggeshall Road. Both dwellings would have pitched roofs, with Plot One featuring a gable front porch, and Plot Two featuring a catslide front porch. Both dwellings would have private garden space, with Plot One's amenity space situated to the side

of the dwelling, and Plot Two's amenity space to the rear of the proposed dwelling.

SUMMARY OF CONSULTATION RESPONSES

Essex Highways

No objection subject to a number of conditions relating to the access, no loose materials and provision of travel packs. Also request a Construction Management Plan.

Ecology

No objection, but recommend ecology informatives.

BDC Landscape

Raise no objection and confirm the correct calculation of root protection areas.

PARISH / TOWN COUNCIL

Earls Colne Parish Council

Object to the application for the following summarised reasons:

- Overdevelopment of site
- Out of keeping with street scene
- Additional traffic will be exiting onto Coggeshall Road at a dangerous bend in the road.

REPRESENTATIONS

No representations received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing

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

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

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

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

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan however state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is predominately located within the village envelope of Earls Colne (the boundary of the village envelope cuts across the edge of the site) and as

such, in accordance with the above policies, the principle of developing the site for residential is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; *In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.*

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply

position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The NPPF (2019) encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103).

In this case, the application site is located in Earls Colne, which is a 'key service village' in the settlement hierarchy. It is therefore located in a sustainable location with good access to services and facilities as well as a range of public transport. The location of the application weighs in favour of the proposal in the overall planning balance.

Design, Appearance and Layout

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

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

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

The application proposes to demolish the existing wall to the amenity area for No.54 Coggeshall Road, and erect two, one and a half storey detached dwellings, both with two bedrooms. In terms of size, 'Plot One' would have a 100sq.m floor area, and 'Plot Two' would have 113sq.m floor area. The proposed dwellings would be situated along a single track road which forms the existing access to No.50, 52 & 54A Coggeshall Road. The proposed dwellings would be sited opposite the existing dwellings of No. 50 & 52, both of which are modest bungalows with pitched roofs and gable ended porches to the front elevation. Both of the proposed dwellings would not look out of character in the area, being modest and traditional in terms of their form and appearance.

'Plot One' would be sited on the location of the existing garage serving No.54 Coggeshall Road, but be larger in terms of footprint, while 'Plot Two' would be sited adjacent to the neighbouring property of No.54A. In terms of the proximity to the site boundaries, the proposed dwellings would be set back from the existing private drive, maintaining a grass verge to the front of the

proposed dwellings and following the building line of the existing No. 54A. There would also be the opportunity for landscaping in front of the proposed dwellings providing a suitable area of defensible space and good outlook.

Concerns have been raised by the Parish Council in respect to the size of the houses comparative to the plot, and their relationship to the area more generally. However, taking into account the above, Officers are satisfied that the proposed dwellings would be successfully accommodated within the site without detriment to the street scene. The applicant utilised the Council's pre-application advice service and positively engaged with Officers. The proposals now under consideration as part of this application have overcome previous areas of concern regarding the scale of development on the plot.

In terms of internal amenity, the quality of accommodation would be of a suitably high standard, with both dwellings exceeding the relevant minimum standards for internal space set out in the Nationally Described Space Standards (NDSS). Revisions were sought to Plot 2 with regards to the fenestration, in order to overcome concerns over provision of light to bedrooms and the design of elevations. The habitable spaces proposed would benefit from a suitable provision of light, outlook, and privacy. It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers. In terms of external amenity, both dwellings would be provided with in excess of 50sq.m of private garden space.

Overall, from a design, amenity and layout perspective, it is considered that the proposed dwellings are acceptable and not be detrimental to the character and appearance of the area.

Impact on Neighbour Amenity

A core principle of the National Planning Policy Framework is that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

In terms of proximity, 'Plot Two' would be situated along the boundary with No.54A Coggeshall Road, separated at a distance of 6.0 metres by the proposed parking for the dwelling and the existing parking area for No.54A. Both plots would be sited opposite No.50 & 52 Coggeshall Road, which are existing single storey dwellings. The proposal has been designed to minimise neighbouring impact by staggering the front elevations to prevent the front windows from being directly opposite windows to the existing dwellings. In terms of distance, the proposed dwellings have been set back from the private drive to provide a defensible space and to maintain a distance of 10 metres between the front elevations of the existing and proposed dwellings. In terms of the proposed roof lights for the dwellings, these would be to provide light into the first floor levels of the properties, but would not allow for overlooking to neighbouring dwellings.

Taking all of the above into account, it is considered that the proposed dwellings would not have a detrimental impact on the amenity of neighbouring properties by virtue of overshadowing, overbearing or loss of privacy.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan both require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres.

The site proposes to utilise parking arrangements for the dwellings set back from the private drive to the side of the proposed dwellings. The proposal seeks to provide two parking spaces for each dwelling, in accordance with the Council's Adopted Parking Standards.

The private drive also serves a public right of way (public footpath No.32), and concerns have also been raised over the intensification of the existing access onto Coggeshall Road. However, given the modest increase in the number of units it is not anticipated that movements to and from the application site would intensify the extent that would be to the detriment of either the public right of way or the surrounding highway network.

Essex Highways have considered the application and raise no objection to the development, subject to a number of conditions regarding the utilisation of the private drive during construction due to the public right of way. It is recommended that these conditions be imposed.

Ecology & Trees

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

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

There is very little by way of existing mature vegetation within the site where the dwellings would be located. In terms of Ecology, the proposals were

considered by the Council's Ecological Officer, who raised no objection, but recommended a number of informatives.

The applicant has provided information regarding an existing tree located outside the application site, which would be situated to the south of the amenity area for Plot Two. This is an unprotected ornamental Judas tree located within the retained private garden area of No.54 Coggeshall Road. The Council's Landscape Officer has confirmed that the root protection area for this tree would not be encroached by the proposed dwellings and therefore its retention is feasible within the constraints of the development. However it is noted that it is situated within close proximity to the amenity space of Plot Two and the canopy would overhang a small corner of this garden. This may result in future pressure to prune or remove the tree, however the applicant has confirmed that there is an intention to retain it. It should be noted that it is not subject to a TPO and is not located within a Conservation Area, it therefore could be removed without further permission. Whilst it is a good specimen, it provides limited amenity value to the character of the surrounding area due to its size and position within a private garden. Further protection of this tree is therefore not warranted in the context of this application and the anticipation of future pressure for its removal or pruning would not outweigh the granting of permission. The imposition of a condition ensuring its retention is not considered appropriate given its limited amenity value and otherwise acceptable landscaping of the development.

Overall from a landscape and ecology perspective, it is considered that the development is acceptable.

Habitat Regulations Assessment (HRA / RAMS)

Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the 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. 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, this application was submitted prior to 1 September 2020 which is the cut of date prior to which mitigation could not be secured for the following reasons:

- The amount of development at 99 units or less that was likely to be approved prior to the adoption of the RAMS (which will require financial contributions for all residential proposals), is comparatively minimal.

- There were no specific costed HRA mitigation projects identified and no completed clear evidence base to give the Local Planning Authority the 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.

It was therefore concluded that the amount of development approved under schemes of 99 unit or less prior to the adoption of the RAMS would 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, given that the application was submitted prior to the 1 September 2020 cut-off date.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);

- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In this case, the proposal would bring in a number of benefits to the economic and social objectives of sustainable development; including employment during construction, contribution to the vitality of the village and two additional dwellings towards the housing supply, although these benefits are limited given the scale of development proposed. There would also be an environmental benefit in that the site is in a reasonably accessible location. The proposal would not have a detrimental impact upon neighbouring residential amenity and is considered to be acceptable in highway terms, subject to the imposition of conditions.

When considering the planning balance, having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is approved for the proposed development.

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	
Site Layout	Plan Ref: 1905-01B
Proposed Plans	Plan Ref: 1905-03B
Proposed Plans	Plan Ref: 1905-04C
Street elevation	Plan Ref: 1905-02C
Visibility Splays	Plan Ref: SITE PLAN SHOWING HIGHWAY ACCESS DETAILS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

- 5 On commencement of the development the access to No. 54 Coggeshall Road shall be utilised as a temporary construction access. No construction traffic shall access the development from public footpath No. 32 (Earls Colne).

Reason

To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 6 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development

iv. wheel and underbody washing facilities

The approved plan shall be adhered to throughout the construction period.

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

- 7 Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 43m as shown on submitted drawing, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with the development and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 9 The public rights and ease of passage over public footpath No. 32 (Earls Colne) shall be maintained free and unobstructed at all times.

Reason

To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

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

INFORMATION TO APPLICANT

1 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 32 (Earls Colne) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant temporarily closing the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:
SMO1 Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

2 GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

b) Materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;

c) Rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

3 NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Hedgerows are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4 BIODIVERSITY ENHANCEMENT

As no biodiversity enhancement measures are identified in the documents submitted, I recommend that, to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019, reasonable biodiversity enhancement measures will need to be provided. Given the scope of this application, I recommend this includes the provision of integrated bird and bat boxes, and the implementation of Hedgehog Friendly Fencing (13x13cm Holes at the base of a fence) to allow free movement of hedgehogs throughout the site.

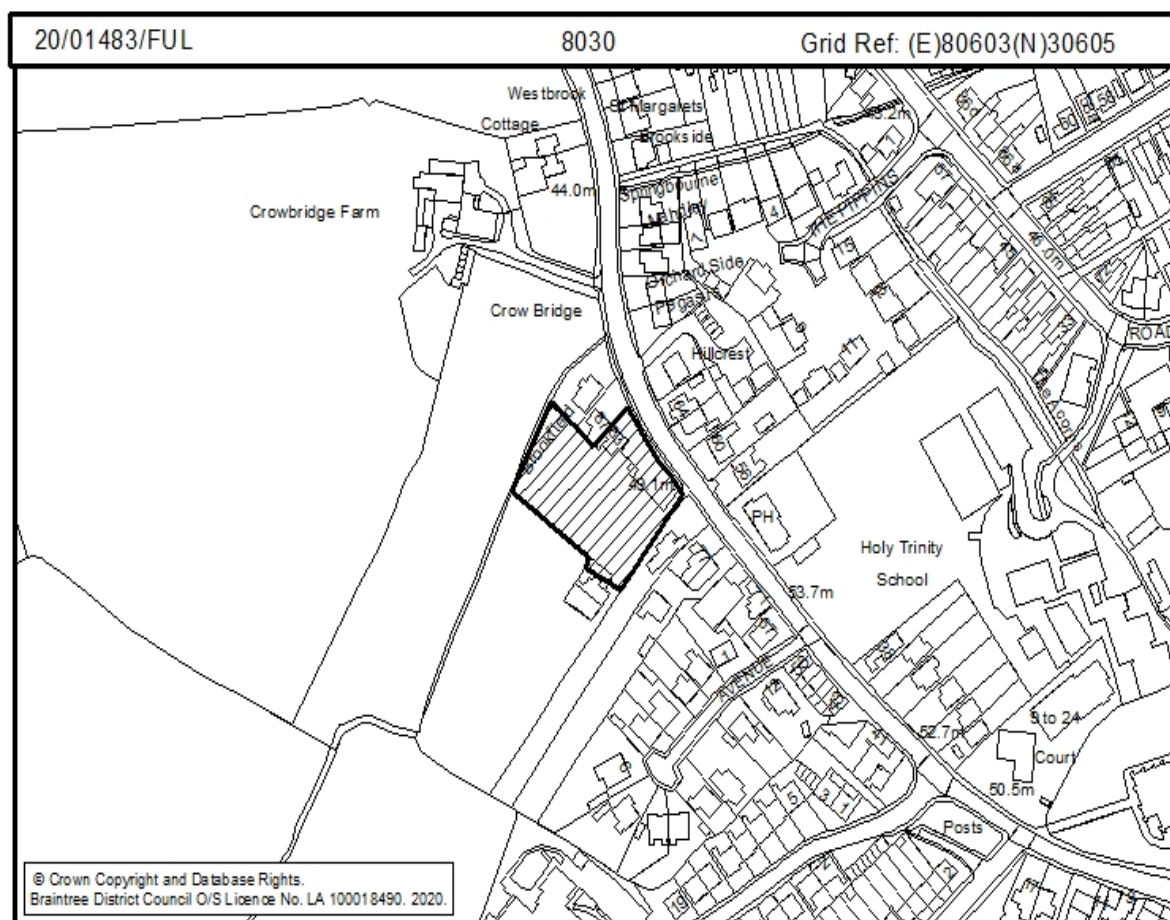
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01483/FUL DATE: 08.09.20
VALID:
APPLICANT: Messrs Day and Banning
C/O Agent
AGENT: Andrew Stevenson Associates
Mr Andrew Stevenson, 21A High Street, Great Dunmow,
Essex, CM6 1AB
DESCRIPTION: Erection of 5no. dwellings with associated parking and
garaging and alterations to previously approved and part
implemented scheme for the erection of a replacement
dwelling.
LOCATION: 83 Chapel Hill, Halstead, Essex, CO9 1JP

For more information about this Application please contact:
Lisa Page on:- 01376 551414 Ext. 2516
or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGCHSUBFGJQ00>

SITE HISTORY

19/00029/REF	Outline Planning Application with all matters reserved except access, for the erection of 5 new dwellings and associated development	Appeal Allowed	26.06.19
12/01462/FUL	Erection of two storey extension, alterations, refurbishment and erection of detached garage	Withdrawn	30.01.13
13/00464/FUL	Erection of two storey extension	Granted	19.06.13
13/01342/ELD	Application for a Lawful Development Certificate for an Existing Use - Use of land as a private garden associated with the dwelling at 83 Chapel Hill, Halstead.	Granted	21.01.14
15/01082/FUL	Proposed replacement dwelling, access and landscaping	Refused	30.10.15
15/01349/FUL	Proposed replacement dwelling and alterations to existing access along with associated landscaping	Granted	23.12.15
18/00509/OUT	Outline Planning Application with all matters reserved except access, for the erection of 5 new dwellings and associated development	Refused	20.07.18

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local

Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP15	Replacement of Dwellings in the Countryside
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Halstead Town Council have objected to the application contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located on the western side of Chapel Hill, Halstead. A small portion of the site is located within the Town Boundary of Halstead (the siting of the replacement dwelling approved under Application Reference 15/01349/FUL), but the remainder of the site is located in the countryside. The majority of site is located within a Local Wildlife Site.

The site is an irregular shape and comprises an area of 2,470sq.m, primarily located adjacent to, and behind No.83 and No.87 Chapel Hill. The site is located in an elevated position and adjoining properties located on land much higher than the road.

There are a number of listed buildings within the wider setting of the site, including the Grade II listed Bird in Hand Public House, Crowbridge Farm Cottages and Barn at Crowbridge Farmhouse.

Outline planning permission has been approved (at appeal) under Application Reference 18/00509/OUT for the erection of 5 dwellings. The outline permission approved the access and the layout, with all other matters reserved. A copy of the Appeal Decision is included as an Appendix to this report for information.

PROPOSAL

This application is seeking full planning permission for the erection of 5no. dwellings with associated parking and garaging. Plot 3 is also provided with a small detached office building (whereas Plot 4 and 5 also have a home office but which adjoins their attached garage). The application also seeks permission for alterations to the previously approved and part implemented scheme for the erection of a replacement dwelling. This would result in 6 dwellings on the application site.

All six dwellings would be served by a single vehicular access point from Chapel Hill. A detached (replacement dwelling) and pair of dwellings are sited along the frontage of the site with their allocated parking located to the rear. Beyond, is a further pair of dwellings and a detached dwelling, which also benefit from allocated parking provision. All of the dwellings would have a private rear garden.

SUMMARY OF CONSULTATION RESPONSES

BDC Environmental Health

No objections. Recommend that any permission shall include the imposition of conditions in regards to hours of working; no burning of refuse, waste materials or vegetation on site; a dust and mud control management scheme; and that no piling be undertaken until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority.

BDC Waste Services

Comment that residents from Plots 3, 4 and 5 will have to take their bins towards the main road (within a 20 metres distance). Alternatively the whole driveway needs to be built to a standard the same as Adopted Highway with a size 3 turning head at the end of the driveway.

ECC Highways

Comment that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority. Recommend conditions be imposed in regards to the submission of a Construction Traffic Management Plan (CTMP); construction details of the access driveway; provision of visibility splays; closure of old access; and the provision of residential travel information packs for the new dwellings.

ECC Archaeology

No objections subject to a condition requiring a programme of archaeological investigation.

Essex Fire and Rescue

No objection.

Historic Buildings Consultant

No objection - further details set out below.

BDC Landscape Services

No objection. Comment that it is expected that a suitable landscape scheme be secured that reflects the details and direction of an approved Landscape and Ecology Management Plan.

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures.

PARISH / TOWN COUNCIL

Halstead Town Council object to the application and raise the following concerns:

- Effect on surrounding areas;
- Loss of countryside and access to it;
- Visual impact on the town.

REPRESENTATIONS

The application was advertised by way of site notice, press notice and neighbour notification. No neighbour representations have been received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually

supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

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

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

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

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

The Development Plan

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

Whilst the siting of the replacement dwelling is located within the designated town boundary, the remainder of the application site is located outside of it and as such is located on land identified 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.

Outline planning permission has been approved under Application Reference 18/00509/OUT for the erection of 5 dwellings. The outline permission approved the access and the layout, with all other matters reserved. The principle of residential development at the site is therefore established.

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from

the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

SITE ASSESSMENT

Location and Access to Services and Facilities

The site lies on the edge of Halstead, outside of the town development boundary and thus falls within the countryside. Whilst this is contrary to Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy which states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside...', outline planning permission has already been approved under 18/00509/OUT for the erection of 5 dwellings. The principle of residential development at the site is therefore established.

The issue of whether this is an appropriate location for new housing was also addressed by the Inspector in allowing the appeal for 5no. dwellings at the site. The Inspector noted the dwellings would not be isolated but would be directly adjacent to the development boundary, and thus the policy conflict would be minor. The site is adjacent to the town boundary for Halstead and is within reasonable walking distance of its services and facilities.

As noted above, the Council accepts that it cannot demonstrate a 5 year supply of housing land, and therefore paragraph 11 of the Framework applies, and applications should be considered in the context of the presumption in favour of sustainable development.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. 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. Furthermore, Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development.

The outline permission (Application Reference 18/00509/OUT) approved the layout. The layout sought within this application generally remains the same as previously approved. It would provide an acceptable layout that respects the density of nearby development and the dwellings would not appear cramped or congested within their plots.

The 2 dwellings sited on the site frontage (Plots 1 and 2) are of a 2 storey scale which reflects the scale of dwellings in the locality, in particular, the dwellings that front onto Chapel Hill. They are designed with a simple and traditional appearance, with a modest front porch canopy, and rear 2 storey gable projection. The use of chimneys adds interest.

The dwellings to the rear of the site (Plots 3, 4 and 5) are 1 storey. They are more fragmented in their design, and equally use architectural features to add interest. The reduced scale of the buildings to the rear ensures that the dwellings would not appear unduly prominent in the landscape. Although the site backs on to open countryside, to the south west of the site mature vegetation and topography significantly restricts views of open countryside whilst residential development bounds the rest of the site. The dwellings would not appear out of scale with nearby built form and nor would they be unduly prominent in the locality.

In terms of materials of construction, these would include red brickwork plinth, with walls above surfaced in pre finished render and pre finished weatherboard. Roofing materials are proposed with a natural slate and plain tiles. The materials are sympathetic to the locality.

The changes to the replacement dwelling, sought also within this application, include modest changes to its footprint and fenestration. The changes are modest and do not alter the overall scale, mass and design of the dwelling. In particular from the frontage elevation the changes are limited. It would remain a high quality dwelling and would be appropriate to the street scene and wider locality.

Acceptable amenity will be provided for future occupiers of the proposed dwellings, and the relationship between the proposed dwellings would ensure future occupiers amenity is not harmed by overlooking, loss of light or an adverse outlook. Internally, the dwellings will be provided with accommodation in accordance with the Nationally Described Space Standards, whilst externally the garden is provided with amenity space in accordance with the Essex Design Guide.

Heritage Impacts

The site is located within the wider setting of numerous heritage assets including the Grade II listed Bird in Hand Public House, Crowbridge Farm

Cottages, and the Barn at Crowbridge Farmhouse. The impact of 5no. dwellings to these heritage assets was assessed on the outline application as acceptable.

Given the location and scale of development, Officers remain of the view that there would not be any adverse effect upon the character of the existing residential setting of the Bird in Hand Public House. Equally, while there would potentially be some limited visibility of part of the development within the setting of Crowbridge Barn when viewed looking south from the heritage asset, to the north and west of the site are open fields with occasional mature trees, which provide the immediate historic setting of Crowbridge Barn and separate it from the site. The undeveloped character of these areas would adequately preserve the rural setting of Crowbridge Farm.

Impacts on all the heritage assets remains acceptable.

Impact on Neighbour Amenity

One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Local Plan Review which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.

The 2 proposed frontage properties are set forward of the adjacent property to the south east. This siting, was agreed on the outline permission, and due to the spacing between the proposed dwellings and this neighbour, there would remain no unacceptable impact upon this neighbour from outlook, loss of light or overlooking.

Plot 3 which sits behind the 2 frontage properties, is sited at a distance of 10 metres from the south-eastern boundary. Given the 1 of the dwelling, it would prevent unacceptable impacts to the neighbours amenity from overlooking or loss of light.

The replacement dwelling, as per the extant permission, sits adjacent to No.87 and would not result in adverse impact to their amenity. The rear dwelling (Plot 4) is also sited such that it would have an acceptable relationship with No.87 and the replacement dwelling.

Highway Issues

The access remains the same as was approved under the outline permission for 5 dwellings. In any event, a Transport Statement has been submitted which addresses trip generation. It is noted that the development would result in minimal vehicular activity in the vicinity and as such would not have a significant impact on the local road network in terms of highway safety and capacity. The Highway Authority raises no objections to the development.

The site is currently served by an access to the south of the site on Chapel Hill which will be permanently closed to vehicular traffic as part of the application. A new access is proposed onto Chapel Hill, between the replacement dwelling and the semi-detached pair. Visibility splays at the access of 2.4 x 90 metres can be achieved to the east and west. These sightlines are acceptable and thus the access would be acceptable in highway safety terms.

Internally the site provides acceptable access and a suitable sized turning head can be provided in accordance with the needs of refuse servicing and deliveries. This will ensure that vehicles can enter and exit the site onto Chapel Hill in a forward gear.

In regards to parking provision, Plots 1 and 2 are three bedroom dwellings and are provided with 2 vehicle parking spaces to the rear of their gardens. Plots 3, 4 and 5 are four bedroom dwellings, provided with 3 parking spaces within their immediate curtilages. The replacement dwelling is a four bedroom dwelling and is provided with 2 parking spaces. The parking provision would be in accordance with the Councils Adopted Parking Standards.

Ecology

The application has been submitted with an Ecological Survey and Assessment (Essex Mammals, December 2020). This relate to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation. Officers are satisfied that sufficient ecological information is currently available for determination, and which provides certainty for the LPA of the likely impacts on protected and Priority species.

The Ecological Assessment has concluded that the buildings to be demolished have no potential to support roosting bats and no evidence of bats was found. Further, the Ecological assessment indicates that there are no suitable trees on site which contain roost features for bats. However, it does indicate that the tree and hedging to be removed have the potential to support nesting birds. Therefore, the mitigation measures identified in the Ecological Survey and Assessment for nesting birds, should be secured and implemented in full.

The application site previously formed part of the Local Wildlife Site (LoWS) Bra149 – Chapel Hill Meadow. However, as noted within the correspondence from Essex Wildlife Trust (John Moore, Local Wildlife Sites Coordinator, July 2018), the application site was surveyed as being used as a garden and unlikely to be restored, and was recommended for de-selection. However, the recommendations of the Essex Wildlife Trust Officer are supported, in that an Ecological Management Plan for the remaining parts of the LoWS, to maintain it in good ecological condition and to mitigate the harm from the loss of the application area, should be secured by condition.

A stretch of hedgerow is required to be removed to facilitate the new access, however, this will be compensated for with native hedgerow replacement planting to the north-west boundary. This will ensure that sufficient compensation planting will be delivered to offset impacts for the removal. A condition will secure the replacement with appropriate species.

In addition, the proposed reasonable biodiversity enhancements as detailed in the Ecological Survey and Assessment are supported. These reasonable biodiversity enhancement measures have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be finalised within a Biodiversity Enhancement Layout and will be secured via condition.

Habitat Regulations Assessment (HRA / RAMS)

The site lies outside of any 'Zone of Influence' and therefore HRA would not apply in this case.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

There would be an economic benefit, due to the creation of jobs during construction and the contribution that the occupiers of the new dwellings would make to the local economy. There would also be a social benefit, due to the creation of new dwellings, and the contribution that this would make to the Council's current lack of a 5 year housing land supply. The dwellings are also sited to the edge of a settlement and are sustainable in term of access to services and facilities. In terms of environmental sustainability, the development would retain the majority of trees and planting on site, and additional planting is to be secured via condition. Additionally, biodiversity net gain will be secured via an ecological enhancement plan. Overall, positive social, economic and environmental benefits are identified.

No harm has been identified in terms of other planning considerations and matters in regards to the layout and design of the development, neighbour amenity, highway consideration and ecology matters are all considered acceptable.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is approved for the proposed development.

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

Carport / Cartlodge Details	Plan Ref: 316	Version: A
Proposed Floor Plan	Plan Ref: 5089 306	Version: B
Section	Plan Ref: 5089 305	Version: B
Proposed Plans	Plan Ref: 5089 319	
Section	Plan Ref: 5089-313	Version: C
Section	Plan Ref: 5089-304	Version: C
Proposed Elevations	Plan Ref: 314	Version: B
Proposed Elevations	Plan Ref: 311	Version: B
Proposed Floor Plan	Plan Ref: 310	Version: B
Proposed Block Plan	Plan Ref: 5089-303	Version: C
Location Plan	Plan Ref: 301	Version: A
Elevations	Plan Ref: 307	Version: A
Floor Plan	Plan Ref: 308	Version: A
Elevations	Plan Ref: 309	Version: A
Elevations	Plan Ref: 317	

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

Reason

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

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

Reason

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

- 3 Prior the commencement of any above ground development, an illustrated schedule of the type and colour of the materials to be used in the external finishes, and samples of the proposed brick and roofing materials, shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the roofing materials, render, brickwork (including brick bond), windows, doors and rainwater goods. The development shall thereafter be implemented in accordance with the approved details.

Reason

In the interests of the appearance of the development and the wider locality.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by Class A of Part 1 of Schedule 2 of that

Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 5 The garages and cartlodge hereby permitted shall only be used for the parking of vehicles or for domestic storage associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking and garage space is provided within the site in accordance with the standards adopted by the Local Planning Authority.

- 6 Prior to the first occupation of the dwellings hereby permitted, the vehicle parking areas indicated on the approved plans, shall be hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. The development shall only be implemented in accordance with the approved details.

Reason

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 7 Prior to the first occupation of the dwellings hereby permitted, full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority: -
 - All boundary treatments, noting siting, height, design and appearance;
 - Hard surfacing treatments, including method of drainage to ensure that there is no discharge of surface water onto the Highway;
 - Full soft landscaping proposals, to include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, including replacement tree planting (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests of highway safety and convenience; amenity of neighbouring occupiers and future occupiers; and the wider visual amenity of the area.

- 8 No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. a dust and mud control management scheme
- The approved Statement shall be adhered to throughout the construction period.

Reason

To ensure that on-street parking of these vehicles in the adjoining streets does not occur.

- 9 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access to be no less than 5.5 metres for at least the first 6 metres from the back of footway and provided with an appropriate dropped kerb crossing.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

- 10 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on visibility Drawing No. DR1, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety.

- 11 The existing access at shown on the Drawing No. DR1 shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into first beneficial use.

Reason

To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 12 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason

To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

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

Reason

In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 14 Prior to the first occupation of the dwellings hereby permitted, all mitigation measures and/or works as detailed in the Ecological Survey and Assessment (Essex Mammal Surveys, December 2020) shall be carried out. This may include the appointment of an appropriately competent person to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 15 Prior to the first occupation of the dwellings hereby permitted, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Survey and Assessment (Essex Mammal Surveys, December 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be thereafter be retained.

Reason

To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats

& species).

- 16 Prior to the first occupation of the dwellings hereby permitted, a Landscape and Ecological Management Plan (LEMP) for the ongoing management of the Local Wildlife Site Bra149 Chapel Hill Meadow, shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development. 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 organisation 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 LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local

planning authority.

Reason

In the interests of Protected and Priority Species.

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

Reason

In the interest of amenity of neighbouring properties.

- 19 No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]:
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the Written Scheme of Investigation approved.

Reason

To properly provide for archaeology.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 21 May 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/Z1510/W/18/3217003

83 Chapel Hill, Halstead, CO9 1JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr B.Day against the decision of Braintree District Council.
 - The application Ref 18/00509/OUT, dated 14 March 2018, was refused by notice dated 20 July 2018.
 - The development proposed is the erection of 5 new dwellings and associated development.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection 5 dwellings and associated development at 83 Chapel Hill, Halstead, CO9 1JP in accordance with the terms of the application, Ref 18/00509/OUT, dated 14 March 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The application was submitted in outline with details of access and layout sought and appearance, landscaping and scale reserved, and I have dealt with the appeal on this basis.
3. The Publication Draft Local Plan has been submitted for examination but remains unadopted. The development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). It is on the basis of these adopted policies that I have based my decision.
4. The application was determined prior to the publication of the revised National **Planning Policy Framework (2018)(the 'Framework')**. **The parties have been** given the opportunity to comment on the implications of this on the appeal. During the course of the appeal a further revised Framework was published (February 2019). As policies of the Framework that are material to this case have not changed fundamentally, I have taken it into account in reaching my decision and am satisfied that this has not prejudiced either party.
5. The appellant has offered an area of land to the rear of the site for public access. However, the land is outside the red line boundary and, in the absence of a legal agreement, I have no mechanism to secure it for this purpose. I am therefore unable to take this matter into account in my consideration of the appeal.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

7. Chapel Hill is a winding road with properties generally located either side of the highway. The appeal site is located within a generally residential area and forms part of a garden to No 83 which has now been demolished. Although the appeal site lies outside the development boundary, it comprises a gap within an almost continuous frontage of dwellings which front onto Chapel Hill. The land generally rises up towards the south west, significantly restricting views of the countryside beyond, and slopes down towards the north west which allows views of Crowbridge Farm.
8. The proposed dwellings would be accessed off Chapel Hill and would be laid out with a pair of semi-detached dwellings facing towards the highway, a pair of semi-detached dwellings to the rear of the replacement dwelling for No 83 and a detached dwelling in the southern corner of the site. Although the appeal is in outline, the appellant has indicated that the proposed dwellings would be set down on level terraces within the site.
9. Policy CS5 of the Braintree District Council Local Development Framework Core Strategy (Core Strategy) (2011) 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 of the countryside, amongst other things. Policy RLP2 of the Local Plan Review (LPR) (2005) states that new development will be confined to the areas within Town Development Boundaries and Village Envelopes. Whilst the majority of the site would be located outside the development boundary, the dwellings would not be isolated but would be directly adjacent to the development boundary. The policy conflict would therefore be minor.
10. Policy CS8 states that development must have regard to the character of the landscape and its sensitivity to change, and Policy RLP80 of the LPR states that proposals should not be detrimental to the distinctive landscape features and habitats of the area. The appeal site comprises a gap between an otherwise continuous frontage of development along the south western side of Chapel Hill. Although the site backs on to open countryside, to the south west of the site mature vegetation and topography significantly restricts views of open countryside whilst residential development bounds the rest of the site. The appeal scheme would introduce urbanising development into the gap, however, as Chapel Hill is generally characterised by residential development along this section of the road, this would not be out of character. I agree that the character of Chapel Hill changes, however, the change is most significant, and of most importance towards Crowbridge Cottages, to the north of the site.
11. I note the Council did not recommend that the site be included as an allocation for housing within the emerging development plan due to, in part, its landscape sensitivity to change. However, this related to a larger site. The appellant has submitted landscape visual appraisal and mitigation proposals in support of the appeal which suggest a range of measures including setting the houses down on level terraces, tree and shrub planting and retention of vegetation.

Moreover, matters of detailed design and scale could be carefully controlled at the reserved matters stage. Whilst the appeal scheme would result in landscape change, for the reasons given above, and due to its relationship to existing built development within Halstead, it would not diminish the landscape character of the countryside.

12. Whether or not the Council is able to demonstrate a 5 year supply of housing, **the Framework makes clear the Government's aim of significantly boosting the supply of housing.** The site is adjacent to the town boundary for Halstead and is within reasonable walking distance of its services and facilities. The appeal scheme would provide an additional 5 dwellings in an accessible location and is a matter to which I attach substantial weight.
13. Taking all of the above into consideration, although there would be minor conflict with Policies CS5 of the Core Strategy and RLP2 of the LPR, there would be no harm to the character and appearance of the countryside and therefore no conflict with Policies CS8 of the Core Strategy and RLP80 of the LPR in this regard. Thus, I conclude that the appeal site would be an appropriate location for the proposed development and would comply with the overall strategic approach set out within the Core Strategy, in particular, Policy CS7, which states that future development will be provided in accessible locations to reduce the need to travel.

Other Matters

14. The site is located in an area within which are a number of listed buildings, including Crowbridge Farm Barn, Crowbridge Farm Cottages and the Bird in Hand Public House which are all Grade II listed buildings. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed buildings affected, and their settings. The appeal scheme would not adversely affect the generally residential setting of the Bird in Hand Public House. The Council asserts that the presence of Plots 4 and 5 when viewed from Crowbridge Farm could be harmful to this heritage asset, however, this has not been identified as a reason for refusal. The site is physically detached from Crowbridge Farm with an intervening field and mature vegetation which would preserve the rural setting of Crowbridge Farm. Moreover, the buildings would be viewed against the context provided by other built development in Halstead along Chapel Hill and Orchard Avenue. I therefore conclude that the proposed development would preserve the setting of the aforementioned listed buildings.
15. Part of the appeal site, although managed as a domestic garden, is identified as part of a wider site which has been designated as a Local Wildlife Site (LoWS) known as Chapel Hill Meadow. An Ecology and Biodiversity Implications document submitted in support of the application concluded that the area is now of low habitat value when compared with the damp grassland habitat in the remainder of Chapel Hill Meadows LoWS. Given its management as a domestic cottage garden, and in the absence of any evidence of protected species, it is reasonable to conclude that the appeal scheme would not have an adverse impact on protected species. I accept that the appeal scheme would result in the loss of an area of land which is designated as a LoWS, however, as the site has lawful use as a private garden, I have no evidence that it would be restored as such in the event that this appeal is dismissed. Although the

appellant has indicated that he is agreeable to the imposition of conditions to secure an Ecological Management Plan for the remaining part of the LoWS, such a condition would not meet the tests of reasonableness, since the ecological value of the appeal site has already been diminished by its use as a private garden.

16. Concerns have been raised by interested parties regarding the effect of the appeal scheme on highway safety. Off-street parking is proposed, and adequate visibility splays could be secured by condition. I have no substantive evidence that the road is not capable of accommodating the traffic that would be generated by the development. Furthermore, the dwellings would be within walking distance of a range of facilities and services reducing the reliance of future occupants on the private car. Significantly, the Highway Authority has not objected to the proposal subject to the inclusion of conditions.
17. Concern has also been raised regarding the adequacy of infrastructure and amenities, including schools and healthcare provision and empty shops and business premises. However, I have no substantive evidence that local infrastructure and amenities could not accommodate the modest demands generated by the appeal scheme.
18. Although the Council has identified Policy CS7 of the Core Strategy as part of its reason for refusal, it is acknowledged within the Officer Report that the site is adjacent to the town boundary for Halstead and is within reasonable walking distance to the services and facilities within Halstead. The proposal would therefore accord with Policy CS7 which states that future development will be provided in accessible locations to reduce the need to travel.
19. Concern has been raised regarding flooding in the area. However, the appeal site is not identified as within an area at risk of flooding and matters relating to drainage would be addressed under other legislation. Concerns have also been raised regarding pollution from the development, however, this would be addressed by other legislation during the construction phase.
20. The appeal site is located within a generally built up area with dwellings on either side of the road. There is therefore already a degree of overlooking. The appeal scheme is in outline and whilst layout is before me, appearance and scale are yet to be determined. It would be possible to ensure that the proposed dwellings would not have an adverse effect on privacy by way of overlooking at the reserved matters stage.
21. I note concerns raised by interested parties that the appeal scheme may lead to future applications for more dwellings. However, I have no other proposals before me and must consider the appeal on its own merits.

Conditions

22. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others. Since the application is in outline, I have included conditions relating to the submission and timing of reserved matters applications and the commencement of development. I have not imposed conditions to secure details which would be addressed at the reserved matters stage including materials, boundary treatments and landscaping.

23. I agree that it is necessary to secure the provision of an adequate access, visibility splays and parking and to prevent the release of surface water onto the highway via condition in the interests of highway safety. I also agree that, given the proximity of the site to residential properties it is necessary to limit the hours of construction, ensure no burning on site during the construction phase to secure a Construction Method Statement. Given the sloping nature of the site it is necessary to secure details of site levels and finished floor levels.
24. The Council has suggested conditions to secure an archaeological investigation of the site and any necessary works. Given that Halstead is a historic settlement and the proximity of listed buildings I agree that such conditions are necessary in the interests of preserving the archaeological interest of the site.
25. The Council has suggested a condition to control piling within the site and secure dust mitigation. However, such a condition is not necessary in this instance since noise and vibration would be controlled by other legislation.
26. The Council has suggested the inclusion of a condition to remove rights, as permitted by the Town and Country Planning (General Permitted Development)(England)Order 2015. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. I am not persuaded on the evidence before me that it is necessary to restrict permitted development rights since such rights would already be reasonably controlled by conditions set out in the aforementioned Order.

Conclusion

27. For the reasons given above, and having regard to all matters raised, the appeal is allowed.

M Savage

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing numbers 101 B, 103 A, 104, 105 and DR1 but only in respect of those matters not reserved for final approval.
- 5) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
 - i) 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;
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

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

- 6) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and [if indicated by the Desk Top Study submitted with the application]:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 7) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 6.
- 8) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development; and
 - iv) Wheel and underbody washing facilities.
- 9) The provision of 2 off street parking spaces per dwelling shall be laid out and made available prior to the first occupation of the dwellings and retained as such thereafter.
- 10) Prior to first occupation of the dwellings, the private drive shall be constructed at right angles to the highway boundary and the existing carriageway. The width of the access shall be no less than 5.5 metres for at least the first 6 metres from the back of the footway and provided with an appropriate dropped kerb crossing.
- 11) Prior to first occupation of the dwellings, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on visibility drawing no. DR1, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 12) Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday, and between 0800 and 1300 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 13) There shall be no burning of material on site during the construction of the development.
- 14) There shall be no discharge of surface water onto the Highway.

PART A

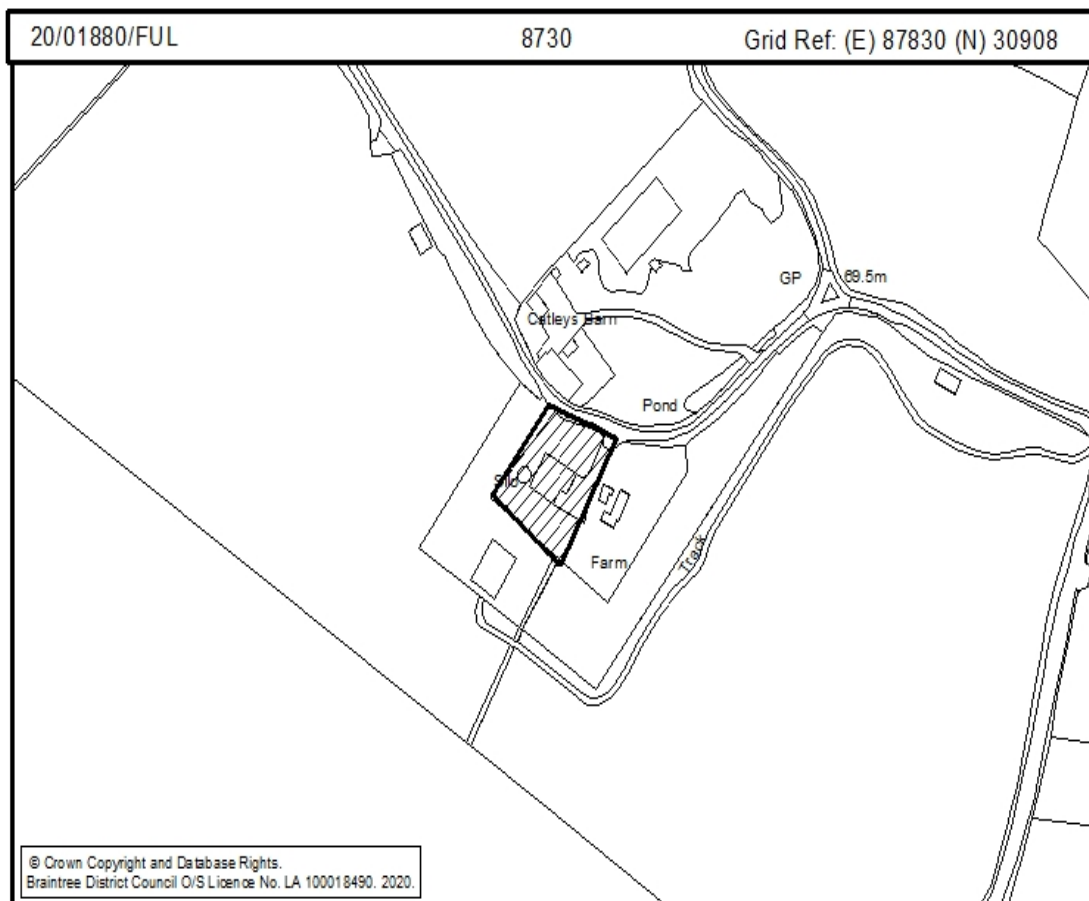
AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/01880/FUL DATE: 08.12.20
VALID:
APPLICANT: Mr B Wisdom
Little Catleys Farm, Catley Road, White Colne, Essex, CO6 2QQ
AGENT: Louise Gregory
Old Market Office, 10 Risbygate Street, Bury St Edmunds, IP33 3AA
DESCRIPTION: Demolition of existing agricultural building and erection of 1 x 5 bedroom two-storey dwellinghouse
LOCATION: Little Catleys Farm, Catley Road, White Colne, Essex, CO6 2QQ

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

or by e-mail to: lisa.page@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJOMQ8BFHO800>

SITE HISTORY

05/02221/AGR	Erection of general purpose agricultural building	Permission not Required	02.12.05
06/01430/FUL	Demolition of existing extensions and erection of new single storey and two storey extensions	Granted	06.09.06
20/00106/COUPA	Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development - Change of use to 1no. residential dwelling	Permission not Required	11.03.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity

LPP71 Landscape Character and Features
LPP75 Energy Efficiency

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide
Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as White Colne Parish Council object to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within open countryside, some 1.5 miles to the north-east of White Colne.

The site measures approximately 0.10 hectares and consists of an agricultural building and silo, sited adjacent to the dwelling, known as Little Catleys Farmhouse. The site benefits from a shared access onto the road, with a shared gravel driveway. The site is generally open to all its elevations, though on the north-western frontage are a row of established conifer trees. There is a Public Right of Way (PROW) that runs north to south, generally running alongside the site boundary via the shared access.

Beyond the site lies agricultural land, with the erection of an open sided barn, storing hay barrels.

PROPOSAL

This application seeks the demolition of the existing agricultural building and silo on site and the construction of a detached 5 bedroom dwelling. The dwelling would be sited to the same general area as the agricultural building. Access for the dwelling would be shared with the existing access used by the existing dwellinghouse on site (Little Catley's Farm).

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Comment that given the existing access, the scale of the proposed development and the area to be available for parking within the site, the proposal is acceptable.

ECC Fire & Rescue Service

Draw attention to the following matters: - Access, building regulations, water supplies, and sprinkler systems.

BDC Ecology

No objection subject to securing a financial contribution towards visitor management measures at the Blackwater Estuary Special Protection Area and Ramsar Site and Essex Estuaries Special Area of Conservation, (in line with the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy); and ecological mitigation and enhancement measures.

PARISH / TOWN COUNCIL

White Colne Parish Council object to the application and raise the following comments:

- Would be intrusive in the open countryside. (Our policy, supported by our Village Design Statement, is to resist all such development outside the village envelope);
- The development is not sustainable - there is no bus, no hard service footpath, nor street lighting. Would increase the use of private vehicles down a quiet single track country lane;
- Already a dwelling on site - no evidence to support another dwelling on site;
- Noise and light pollution would be increased.

REPRESENTATIONS

The application was advertised by way of site notice; neighbour letters; and a press notice.

A letter from the 'Ramblers' was received, commenting that White Colne public footpath 4 [PROW 119_4] is present on the site.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

The application site is located outside of an identified town or village boundary and lies within a countryside location. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan.

The application has therefore been advertised as a departure from the Development Plan.

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; *In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.*

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it

somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

SITE ASSESSMENT

Location and Access to Services and Facilities

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village Envelopes. Outside of these areas countryside policies will apply'. As stated above, the site lies outside of a village / town boundary and is therefore within the countryside.

Policy CS5 of the Adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change.

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

The development will bring some social benefits with the provision of housing and economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities in the locality.

However, given that the application proposes only a single dwelling, limited weight is assigned to this. In terms of environmental sustainability, the development would have a neutral impact.

Furthermore, there are no local services in terms of shops, doctors, education or similar, to meet day to day needs of occupiers, and the site does not benefit from reasonable public transport provision to provide realistic opportunities for future occupiers to access shops, service and employment opportunities. Future occupiers would be reliant on the private vehicle and this weighs against the proposal in sustainability terms.

Fall-back Position

Despite the site lying within a countryside position and not meeting with the sustainability objectives of the NPPF, there is a fall-back position on the site that forms a material consideration to the assessment of the application.

The principle of a dwelling on the site has been established via a prior approval change of use (falling under permitted development via Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). This prior approval (application reference 20/00106/COUPA), for the change of use of the agricultural building to 1 no. dwelling, (together with associated operational development), permits the creation of a dwelling with a total floor area of 359 metres.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, approval has already been given for the existing barn on the site to be converted to a dwelling. Numerous appeal decisions and case law (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314) has set out and established what weight is to be applied to such a fall-back position.

If the application was refused, Officers consider that the change of use of the building approved under the GPDO would be highly likely to proceed. This fall-back position is a material consideration to which significant weight is attached. Given the similarity of the two schemes, and in light of the *Mansell* case, Officers consider the fall-back position in this case a significant material consideration to justify a departure from the Development Plan policies identified above.

Furthermore, the dwelling proposed within this current application is considered to be of a higher quality design than the dwelling created via the GPDO scheme, which would result in a somewhat awkward design and a dwelling that would not appear in keeping with other properties in the locality. The proposed dwelling in contrast, would have the appearance of a more traditional Essex barn style dwelling and would be more in keeping. The proposed scheme is also smaller in floor area, proposing 272sqm, whereas the GPDO scheme created 359sqm. In addition, the associated curtilage and

parking layouts proposed in the current application is more logical and provides a better amenity for future occupiers than the GPDO scheme. Furthermore, the permitted GPDO scheme would be no less sustainable in terms of its location than the current scheme.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. 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. Furthermore, Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development.

Similar to the barn it replaces, the proposed dwelling would be sited centrally within the plot, and this, together with the scale of the building would ensure it would not appear cramped or congested. The dwelling has an active elevation facing the roadside and would be acceptable.

The proposed dwelling is of a traditional barn appearance, being 2 storey in scale and constructed with a brick plinth, timber cladding to the facades (together with timber joinery), and a clay tiled roof. Fenestration is generally of limited proportions, save for a glazed recessed porch entrance area which extends to the 1st floor, and a bi-fold door feature on the south-west elevation. This would result in a high quality development and one which is sympathetic to its locality.

There are a number of conifer trees to the north-western elevation, which are not shown as being retained on the plans. Although they do provide a screen in some longer views of the site, given their species, they are not considered appropriate, nor do they add positively to the character and appearance of the rural area. The planting of more appropriate soft landscaping to the site boundaries and the site more generally (to be secured via condition), will enhance the locality and assist in assimilating the dwelling on the plot. Furthermore, in terms of the impact upon the local landscape, the scale of the proposed dwelling and its sympathetic design, would ensure that there would be no greater impact upon the landscape than the existing barn. Conditions removing permitted development for extensions and alterations (including roof alterations), outbuildings and the erection of fencing, is imposed to enable the LPA to retain control over these matters in the interests of the appearance of the development, and the wider character and appearance of the rural area.

In terms of amenity for future occupiers, they would not be unduly affected by disturbance from adjacent agricultural workings and the barn to the south-west whilst it is open sided, is only used to store hay barrels. In terms of the development itself, the internal and external layout provides acceptable amenity for future occupiers in accordance with Nationally Described Space Standards and the Essex Design Guide.

Impact on Neighbouring Residential Amenities

One of the core principles set out in the NPPF is that planning should 'always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants'. This is supported by Policy RLP90 of the Local Plan Review which states that 'there shall be no undue or unacceptable impact upon the amenity of any nearby residential properties'. The emerging plan has similar objectives.

Given the siting of the dwelling in the plot, its design and siting, and its relationship with neighbours, there would be no adverse impact upon the amenity of nearby properties. Furthermore, the adjacent dwelling of Little Catleys Farmhouse is within the ownership of the applicant.

Highway Considerations

The dwelling would be served by the existing access onto the highway. It is a shared access with the adjacent dwelling, Little Catleys Farmhouse. Traffic generation from 1no. dwelling is likely to be reduced from the former agricultural use. In any event, associated traffic from the dwelling will be limited, and the existing access is acceptable. The Highway Authority has raised no objection.

There is adequate provision on the site for the parking and turning of vehicles in accordance with the Councils adopted parking standards.

Ecology

There are 2 non-statutory Local Wildlife Sites within 1 km of the proposed development site. However, the development is small in size and extent and is situated a sufficient distance away to cause any adverse impacts to these non-statutory designated sites.

In regard to Great Crested Newts (GCN), whilst there is a pond situated approximately 56 meters from the site, this is separated by the road and is considered to be a dispersal barrier to GCN (should they be present in the pond). In addition, the agricultural building is situated on hard standing with short mown amenity grass and gravel surrounding, and does not provide any terrestrial habitat that would attract GCN and therefore no further survey is considered to be necessary.

In regard to bats, the building to be demolished is considered to be unlikely to support roosting bats or breeding barn owls.

Officers are therefore satisfied that there is sufficient ecological information available for determination and that this provides certainty for the LPA of the likely impacts on Protected and Priority species/habitats so the development can be made acceptable.

In addition, reasonable biodiversity enhancements shall be provided with this application to deliver measurable net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. The biodiversity enhancement measures (which could include the provision of bird nest boxes and bat roost boxes and native planting) should be finalised within a Biodiversity Enhancement Layout to be secured via condition.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. New development of this type is likely to have a direct effect on areas of the Essex Coastline which are protected by International, European and National wildlife designations through increased visitor pressure on these sites.

It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £125.58 per new dwelling erected towards offsite visitor management measures at the above protected sites. This financial contribution has been secured by way of an up-front card payment made under S111 of the 1972 Local Government Act.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so

that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

In this case the site lies outside of an identified town or village boundary and lies within a countryside location, where the principle of the proposed development is not supported by Policies within the Adopted Local Plan. Furthermore, the development is not considered to meet with the wider sustainability objectives of the NPPF.

However, 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, approval has already been given for the existing barn on the site to be converted to a dwelling. Officers consider that the change of use of the building approved under the GPDO would be highly likely to proceed if the current application was refused. This is a material consideration to which significant weight is attached, and in light of the Mansell case, would justify a departure from the Development Plan policies.

Furthermore, the dwelling proposed is considered of a higher quality design than the dwelling created via the GPDO scheme. The floor area created is also smaller. In addition, the associated curtilage and parking layout is more logical and provides a better amenity for future occupiers. The GPDO scheme would also be no less sustainable in terms of its location than the current scheme.

Other planning considerations in regards to ecology, amenity of future occupiers and neighbours, and highways matters are acceptable.

As such, when considering the planning balance and having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts would not significantly or demonstrably outweigh the benefits, when assessed against the policies in

this Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations and Floor Plans Plan Ref: FP-20-01
Location / Block Plan Plan Ref: FPS1 20-01

- 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 Above ground construction shall not be commenced until samples of the types and colour of the materials to be used in the external finishes of the building(s) hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such.

Reason

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

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

Reason

In order that the Local Planning Authority may exercise control over any

proposed future extensions in the interests of residential and/or visual amenity.

- 5 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 a dwelling-house consisting of an alteration to its roof, as permitted by Class B 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 roof extensions in the interests of residential and/or visual amenity.

- 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 provision of any building or enclosure within the curtilage of the dwelling-house, as permitted by 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 outbuildings in the interests of residential and/or visual amenity.

- 7 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 gate, fence, wall or other means of enclosure shall be erected or constructed, 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 that the Local Planning Authority may exercise control over any proposed future mean of enclosure in the interests of visual amenity.

- 8 No development shall take place until full details of both the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) and of the finished garden levels and hard surfaces in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development and harm to the rural character of the

site and locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

- 9 Prior to the first occupation of the dwelling hereby permitted, full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority: -
- All boundary treatments, noting siting, height, design and appearance;
 - External lighting details;
 - Bin storage provision;
 - Hard surfacing treatments;
 - Full soft landscaping proposals, to include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason

In the interests of the appearance of the development and the wider rural locality.

- 10 Prior to the first occupation of the dwelling hereby permitted, a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

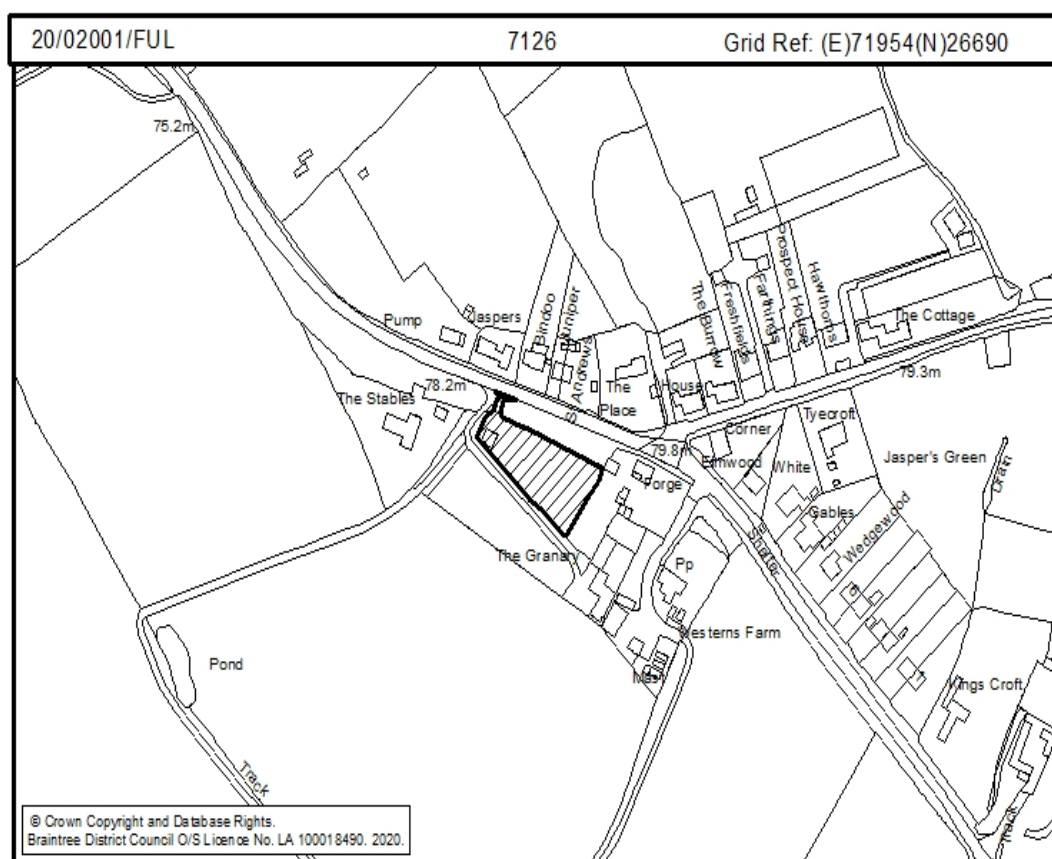
AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/02001/FUL DATE: 27.11.20
 VALID:
 APPLICANT: Essex Village Properties Ltd
 C/O Phase 2 Planning, 270 Avenue West, Great Notley,
 CM77 7AA
 AGENT: Edward Parsley Associates Ltd
 Scott Andrews, West End Barn, The Street, Rayne,
 Braintree, CM77 6RY, United Kingdom
 DESCRIPTION: Construction of three dwelling houses alongside ancillary
 vehicle access, parking, landscaping and other associated
 works - Revised scheme
 LOCATION: Land Opposite Jaspers, Jaspers Green, Shalford, Essex

For more information about this Application please contact:

Melanie Corbishley on:- 01376 551414 Ext. 2527

or by e-mail to: melanie.corbishley@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKGEQYBFHYW00>

SITE HISTORY

00/00045/REF	Proposed erection of one dwellinghouse	Appeal Dismissed	09.03.01
09/00050/REF	Erection of one no. detached dwellinghouse and garage	Appeal Dismissed	06.04.10
18/00066/REF	Erection of one dwelling and garage	Appeal Allowed	13.12.18
00/01455/OUT	Proposed erection of one dwellinghouse	Refused then dismissed on appeal	06.10.00
09/00618/FUL	Erection of one no. detached dwellinghouse and garage	Refused then dismissed on appeal	06.07.09
18/00592/OUT	Erection of one dwelling and garage	Refused	21.05.18
19/01744/FUL	Construction of three dwelling houses alongside ancillary vehicle access, parking, landscaping and other associated works	Granted	05.06.20
20/01314/DAC	Application for approval of details reserved by condition 5, 6, 12 and 15 of approved application 19/01744/FUL	Granted	24.12.20
20/01641/FUL	Construction of three dwelling houses alongside ancillary vehicle access, parking, landscaping and other associated works - Revised scheme	Application Returned	

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP16	Hamlets and Small Groups of Dwellings
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

LPP1	Development Boundaries
LPP41	Infill Developments in Hamlets

LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Shalford Parish Council have objected to the application contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the south of Jaspers Green, in the area of countryside between Panfield and Shalford. The site is broadly rectangular with an access to the west. The site measures approximately 57m wide with a maximum depth of 32m and is currently used as open pasture land with trees bordering the highway frontage of the site.

There is a listed property located to the east and another to the north.

PROPOSAL

This application is a revised proposal following a previous application which was granted planning permission (Application Reference 19/01744/FUL) for the 'construction of three dwelling houses alongside ancillary vehicle access, parking, landscaping and other associated works'. This application was considered by Members at the Planning Committee meeting held on 2nd June 2020.

The submitted drawings are a revision of the previously approved planning application with internal alterations to provide an additional second floor through the conversion of the loft space.

The size, height and scale of the proposed dwellings would remain the same as previously approved.

The only external changes include the addition of roof lights which will be installed flush with the roof tiles on Plot 2, one in the front elevation and two in the rear elevation.

In Plot 3, two additional small windows are proposed, one in the front gable and one in the rear gable, along with two rooflights in the side elevation.

The application proposes that Plots 2 and 3 would change to 4 bedroomed properties instead of 3 bedroomed properties as approved under application reference 19/01744/FUL.

To enable the creation the additional fourth bedrooms in Plots 2 and 3, an amendment is proposed to the staircase arrangement on the first floor to enable access to the second floor. In Plot 2 the new rooflights would serve an en-suite bathroom and the 4th bedroom and in Plot 3 the new small casement windows would serve a master (4th) bedroom and an en-suite bathroom.

Plot 1 remains a 5 bedroom dwelling as approved under application reference 19/01744/FUL.

The proposed site plans also indicates that an additional parking space would be created for Plots 2 and 3. The extra space for Plot 2 would be situated behind those approved and would extend into the proposed garden. The extra space for Plot 3 would lie in front of the spaces proposed and does not intrude into the proposed garden for Plot 3.

It should be noted that since the grant of the previous planning application, development has commenced on site.

SUMMARY OF CONSULTATION RESPONSES

ECC Archaeology

An archaeological evaluation has been completed at the above site in response to an earlier application, no further work was required and there are no recommendations on this application.

ECC Highways

A site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given the width of highway boundary to provide adequate visibility splays, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Councils adopted parking standards, the proposal is acceptable to the Highway Authority, subject to conditions regarding the provision of visibility splays, the construction of the proposed access and the provision of residential travel information packs for the new dwellings.

BDC Environmental Health

No objection, conditions suggested.

BDC Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

BDC Landscape Services

No comments received.

Historic Buildings Consultant

No objections to the revised scheme.

Essex Fire and Rescue

No objection.

PARISH / TOWN COUNCIL

Shalford Parish Council

The Parish Council recommend Refusal of this application.

Over development of the site leading to overbearing nature with respect to neighbouring property, potential highways issues and by creating a 3 floor property it is out of keeping with the other properties in Jaspers Green.

The developer has constructed and advertised these properties prior to the revised planning application being granted.

There are concerns that this plot is not large enough to accommodate all the cars that this development brings and the privately owned track leading to the Granary and farmland will be obstructed/used for extra parking with the owners being unable to use the track they own and access their property.

REPRESENTATIONS

12 representations received from 7 addresses making the following comments:

- Loss of privacy to the garden belonging to The Granary
- Increase in cars accessing the site which could result in on road parking
- Overdevelopment of the site
- A further loss of the historic nature of Jaspers Green
- Little green space/garden - just car parking for up to 12 vehicles

- More hard landscaping with the increased threat of flooding
- Concerns about some of the answers on the application form.
- The proposed gardens are very small.
- The Inspectorate's words seems to have been misinterpreted by the Committee and allowing this development to go ahead has resulted in gross over development.
- Concerns about the safety of the vehicular access for the site.
- The development is totally out of keeping with the area.
- Residents feel that Braintree Council have not listened to previous objections and feel very let down by Braintree Council.
- These houses are not in keeping with the hamlet and are totally overbearing; the semi-detached properties are so close to our boundary that they give the impression of actually being in the garden of The Granary.
- Concerns that part of the entrance to the site lies outside the red line and is owned by ECC.
- Concerns where the sewerage would be dealt with and concerns about increased use of nearby treatment plant.
- Concerns that trees have not be suitably protected.
- Properties already being advertised for sale as four bedroom houses.
- Overbearing to the properties opposite the site.

REPORT

Background

Outline planning permission was refused in May 2018 for the erection of one dwelling pursuant to application reference 18/00592/OUT. However the subsequent appeal was allowed in December 2018. The Inspector stated:

“7. Jaspers Green is a settlement of around 30 dwellings. The appeal site is a parcel of land that is surrounded by dwellings on three sides and by the access road to a further dwelling, The Granary, on its rear boundary. The land forms part of the same title deeds as Jaspers opposite, and is currently used as a garden for that property. Jaspers’ garage is situated upon the land albeit not within the red line subject to the proposal. For these reasons, I find that the development would represent infill development of a piece of land which is integral to the settlement and not characteristic of development of the open countryside. Accordingly, I do not consider that there would be a risk to the intrinsic character and beauty of the countryside (paragraph 170 of the Framework)”.

“11. The hamlet was historically focused on a small number of buildings at its centre of which no.s 1 and 2 Western’s Cottages, The Granary and The Olde Place remain and are listed buildings. The Council has said that the proposed extra dwelling would harm the setting in which these heritage assets, and the settlement as a whole, are experienced by diminishing this focus. It is concerned that inappropriate development such as the ribbon development has changed the hamlet’s character. However, this development would not in

my view constitute ribbon development but the infilling of a gap in line with RLP16.”

“12. Further, and significantly, I do not find that the character of the settlement today is as described by the Council in its account of the historical context. The hamlet has been the subject of ribbon development for a long period, involving a number of twentieth century dwellings, and this has already diluted the historical focus around the older buildings to the extent that it is largely indiscernible. I do not find that the erection of one dwelling in a gap in the hamlet would have any significant effect on this current character. Although the large share of modern development has been on the north side of the street, The Stables and the garage block together with the garden forming the appeal site do not contribute to any discernible central historical focus.

13. The proposed development would not have any appreciable effect on the designated heritage assets and their settings. There would be no indivisibility with The Olde Place due to that building’s orientation and vegetative screening between the sites. No.s 1 and 2 Western’s Cottages and The Granary are separated from the appeal site by the garden of Forge Cottage. The former cannot be seen from the appeal site, while the upper roof of The Granary can be seen above trees and hedges. While the new dwelling would be within the same view as the upper roof of The Granary when seen from some angles, most of the listed building is hidden from view and the addition of a new dwelling would not significantly affect the glimpsed view of the top of the roof. Approval of reserved matters would also ensure the protection of the setting”.

The appeal decision is appended to this Committee report.

Following this appeal decision, a new application was submitted for the construction of three dwellings (Application Reference 19/01744/FUL). Below is text from pages 45 and 46 of the Committee report for that application.

Policy RLP16 of the Adopted Local Plan specifically makes reference to the circumstances that would not be supported by this policy. These include individual isolated dwellings, an extension of ribbon development and gaps that accommodate more than one dwelling. As indicated above, the Inspector concluded that the development of the site for one dwelling did not constitute ribbon development but infilling of a gap in line with Policy RLP16.

The current proposal would not comply with Policy RLP16, as the development includes more than one dwelling.

The width of the site has been increased when compared to the appeal site and three dwellings are now proposed, a detached house and pair of semidetached houses. Whilst this is an increase in built form, the proposed layout would not be out of keeping with the prevailing pattern of development in Jaspers Green, which is made up of detached and semi-detached houses.

Officers are of the view that there is no significantly greater harm to the countryside which would in this case, particularly taking account of the extant planning permission, would justify refusal of the application for reason of harm to the countryside.

It is considered that within the context of Jaspers Green and the appeal decision, which allowed for one new dwelling on the site, the development of the application site for three dwellings cannot be reasonably objected to. Officers have concluded that the site is of a sufficient size to accommodate three dwellings and would not result in a level of landscape harm to warrant the refusal of planning permission.

The planning balance concluded with the following paragraphs:

When applying the 'titled' balance and in terms of benefits, the application would deliver three market homes and the resulting economic benefits that stem of the construction of three new properties both during the construction period and after occupation of the development.

With regards harms, the principle of residential development of the site for one dwelling has been established by the allowed appeal in 2018. Officers are content that the site is sufficient in size to accommodate three dwellings and therefore given the appeal decision, Officers are of the view that whilst the proposal conflicts with the Development Plan a refusal on these grounds could not be substantiated at further appeal.

Following discussions with the applicant, the layout of the scheme and the individual designs of the dwellings have been improved and are considered appropriate to the semi-rural location and in keeping with the character of Jaspers Green.

Within the context of Jaspers Green and the implications of the appeal decision, Officers are of the view that the proposals at hand would result in limited harm to the countryside and as set out earlier in the report there would be no harm to the setting of the nearby heritage assets.

When considering the planning balance and having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of the proposal would outweigh the harms, when assessed against the policies in the Framework taken as a whole.

This application was considered and determined by the Planning Committee on 2nd June 2020, and planning permission was granted on 5th June 2020.

Principle of Development

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated town boundary and as such is located on land identified 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 Draft Local Plan. The proposed development is therefore contrary to it, in particular Policy LPP1 which also states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

5 Year Housing Land Supply

On the 24th of January 2021, the government published the delayed Housing Delivery Test results. This assesses the housing delivery of each authority in England, against their target supply over a three year period. If the local planning authority does not meet or exceed the target then various 'penalties' are in place. In ascending order of impact these are: the production of an Action Plan setting out how the authority will increase housing supply; the imposition of a 20% buffer to the 5 year supply calculation; and the presumption in favour of sustainable development (or 'tilted balance').

Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The publication of the Housing Delivery Test results and the resulting reduction of the buffer in the 5 year Housing Land Supply from 20% to 5% is a material change to the housing position and the consequences of it must be considered with regards to the Council's 5 Year Housing Land Supply.

The Council publishes a 5 Year Housing Land trajectory as of 31st March each year, the most recent position therefore as of the 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However since that housing trajectory has been published, it has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that; In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures.

Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it

somewhere between the two figures proposed. If we consider and accept the Inspector's finding within that inquiry in respect of four of the sites which the Council included within its trajectory, then this would remove 516 homes from the supply. Applying the 5% buffer (as opposed to the 20% buffer she applied, given that it was prior to the latest HDT results) would mean that as at today the Housing Land Supply of the District stands at 4.59 years.

It should be noted, however, that it is approaching the end of the monitoring year and the Council will undertake a full review of the Housing Land Supply position as at the 31st March 2021, which it will publish as soon as it is complete.

It is also a material consideration that the Council has now published committee papers which make a recommendation to adopt the shared Section 1 Strategic Plan. If that Plan is adopted by Council when it considers the matter on the 22nd February 2021, then the Council will need to calculate its 5 year Housing Land Supply based on the housing target within the Local Plan. This will result in a higher target and consequently the 5 Year Housing Land Supply position will fall.

Given all of the evidence before it the Council considers that the current 5 year Housing Land Supply for the District is 4.59 years.

SITE ASSESSMENT

The principle of developing the site for the construction of three dwellings was established by planning application reference 19/01744/FUL, as set out above.

Design, Appearance and Layout

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

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

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

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

Policy RLP9 of the Adopted Local Plan requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Adopted Local Plan considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the Adopted Local Plan and Policy CS9 of the Adopted Core Strategy seek a high standard of design and layout. Policy LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

The design and scale of the dwellings remain as previously approved under application reference 19/01744/FUL. The appearance of Plot 2 will alter slightly with the inclusion of one rooflight to the front elevation and two rooflights in the rear elevation.

With regards Plot 3 a single casement window is proposed in the approved front and rear gables and two rooflights are proposed in the side elevation.

No alterations are proposed to Plot 1.

It is acknowledged that a number of neighbours are concerned that the proposal is not in keeping with the hamlet of Jaspers Green, however as set out above there will only be a marginal change in the appearance of the Plots 2 and 3 by the inclusion of the additional windows and rooflights and within the context of the wider street scene are considered to be acceptable.

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with three or more bedroom dwellings should be provided with 100sq.m or more.

The garden for Plot 2 has been reduced in size by 16sq.m by the inclusion of a third parking space, which would intrude into the garden space. Despite this, the garden measures 140sq.m in size. The garden sizes for Plots 1 and 3 remain as previously approved.

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

As indicated in the earlier committee report, whilst the garden size of the garden serving Plot 3 is acceptable, it does have an awkward shape and therefore to ensure that the garden space for Plot 3 is maintained, it is recommended that a condition removing permitted development rights for extensions and outbuildings is attached to any grant of consent.

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

Each property is provided with the necessary amount of car parking spaces in accordance with the Essex County Council Vehicle Parking Standards 2009.

Members are advised that no change in the overall height of the approved dwellings is proposed by this application.

Officers consider that the proposals comply with Policies RLP9, RLP10, RLP56 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, LPP55 of the Draft Local Plan and the NPPF.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering applications for planning Permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their settings or any features of special architectural or historic interest which they possess.

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

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

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

Policies RLP90 and RLP100 of the Adopted Local Plan seek to conserve local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Adopted Core Strategy requires developers

to respect and respond to the local context particularly where proposals affect the setting of a listed building.

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

As recognised by the NPPF, heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm or loss requires clear and convincing justification with great weight given to the asset's conservation – the more important the asset, the greater the weight should be given. The setting of a building, whilst not an asset in itself, can contribute to the significance of the asset. The Practice Guidance identifies setting as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

No objection has been raised by the Council's Historic Buildings Consultant to the proposed application and therefore the revised scheme complies with the policies and guidance outlined above.

Impact on Neighbour Amenities

Paragraph 127 of the NPPF states that planning policies and decisions should create places with a high standard of amenity for existing and future users. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity. Similar sentiment is reflected in Policy LPP55 of the Draft Local Plan.

The siting and position of the dwellings remains the same as approved under application reference 19/01744/FUL.

No objection is raised to the new one rooflight to the front elevation of Plot 2 and the one additional window in the front elevation of Plot 3 in terms of neighbour amenity, as they overlook a grassed area and the public road.

The revised planning application also relates to the insertion of two rooflights in the rear elevation of Plot 2 and a single casement window in the second floor of the rear elevation of Plot 3.

To enable the creation of the additional fourth bedrooms in Plots 2 and 3, an amendment is proposed to the staircase arrangement on the first floor to enable access to the second floor. In Plot 2 the new rooflights would serve an en-suite bathroom and the 4th bedroom and in Plot 3 the new small casement window would serve a master (4th) bedroom.

Concerns have been raised regarding the loss of privacy these windows would have in relation to the land to the south of the application site, which belongs to The Granary and is used as garden.

Plots 2 and 3 are located 8.7m and 4.7m from the southern boundary of the application site respectively, the same as the earlier application, and the resulting relationship between the dwellings and the land to the south was considered acceptable by Members in June 2020.

Whilst this current application is seeking planning permission for two rooflights in the rear elevation of Plot 2 and one small second floor casement window in the rear elevation of Plot 3, they will be no closer to the land owned by The Granary than the windows approved under application reference 19/01744/FUL and would not give rise to an increase in a level of overlooking which would justify the refusal of planning permission. Therefore Officer's consider that it would be unreasonable to withhold planning permission on these grounds.

Highway Issues

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

Although a number of local residents have raised concerns regarding highway safety, the Highways Authority have assessed the proposals and confirm that a site visit has been undertaken and the documents accompanying the planning application have been duly considered. Given the width of highway boundary to provide adequate visibility splays, the scale of the proposed development and the area to be available for parking within the site, the proposal is acceptable to the Highway Authority.

Habitat Regulations Assessment (HRA / RAMS)

The application site is not located within a 'Zone of Influence' and therefore a Habitat Regulations Assessment is not required in this case.

PLANNING BALANCE AND CONCLUSION

The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), granting permission unless: (i) the application of policies in the Framework that protect

areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

When applying the 'titled' balance and in terms of benefits, the application would deliver three market homes and the resulting economic benefits that stem from the construction of three new properties both during the construction period and after occupation of the development.

The principle of residential development at the site for three dwellings has been established by the planning permission granted last year. Officers are content that the minor modifications proposed are acceptable and a refusal on the grounds raised by neighbours could not be substantiated at further appeal.

When considering the planning balance and having regard to the above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts would not significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently it is recommended that planning permission is granted for the proposed development.

Consequently it is recommended that planning permission is granted for the proposed development.

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: LO-01	
Proposed Floor Plan	Plan Ref: LO-06	Version: Plots 2 & 3
Proposed Floor Plan	Plan Ref: LO-07	Version: Plots 2 & 3
Proposed Elevations	Plan Ref: LO-08	Version: Plots 2 & 3
Proposed Elevations	Plan Ref: LO-09	Version: Plots 2 & 3
Proposed Site Plan	Plan Ref: LO-10	
Proposed Floor Plan	Plan Ref: LO-11	Version: Plot 1
Proposed Elevations	Plan Ref: LO-12	Version: Plot 1
Proposed Block Plan	Plan Ref: LO-13	

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

Reason

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

- 2 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 and/or provision of any building within the curtilage of the dwelling-house at plot 3, as permitted by Classes A and E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order) should the post and rail fence along the site frontage be removed, details of any replacement enclosure shall be submitted and approved in writing by the Local Planning Authority, and once approved carried out in accordance with such details and thereafter retained in the approved form.

Reason

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

- 4 The development shall be carried out in accordance with the details approved under 20/01314/DAC which relate to materials samples, archaeological works, mud control management and tree protection.

Reason

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

- 5 All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Adonis Ecology, August 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 6 Prior to occupation of the development, access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason

To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 7 Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits

of the highway, in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

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

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

Reason

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

- 10 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.

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

Reason

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

- 12 No retained tree identified on the approved plans listed above shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and details, without the prior written approval of the local planning authority.

If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted, in accordance with details which shall be agreed in writing by the local planning authority.

Reason

To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 6 November 2018

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 13th December 2018

Appeal Ref: APP/Z1510/W/18/3204656

Land opposite Jaspers, Jaspers Green, Shalford CM7 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Bearfield against the decision of Braintree District Council.
 - The application Ref 18/00592/OUT, dated 29 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is erection of one dwelling.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one dwelling at Land opposite Jaspers, Jaspers Green, Shalford CM7 5AX in accordance with the terms of the application, Ref 18/00592/OUT, dated 29 March 2018, subject to the following conditions:
 - 1) Details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Main Issue

2. The main issue in this appeal is whether the proposed development would be suitably located under the Council's countryside policies.

Procedural Matters

3. This is an outline application with all matters reserved.
4. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been revised. In light of this comments were sought from the Council and the appellant. I have considered the appeal on the basis of any comments received and the revised Framework.

Reasons

5. The site is located in the countryside and falls outside the defined village envelope as identified in Policy RLP2 of the Braintree District Local Plan Review 2005 (the 'LP') and Policy CS5 of the Braintree District Local Development Core Strategy 2011 (the 'CP').
6. Policy RLP16 'Hamlets and Small Groups of Dwellings' of the LP states that where there is a defined nucleus of at least ten dwellings and where it would not be detrimental to the character of the surroundings exceptions may be made for the filling of a gap, for a single dwelling, between existing dwellings.
7. Jaspers Green is a settlement of around 30 dwellings. The appeal site is a parcel of land that is surrounded by dwellings on three sides and by the access road to a further dwelling, The Granary, on its rear boundary. The land forms part of the same title deeds as Jaspers opposite, and is currently used as a garden for that property. Jaspers' garage is situated upon the land albeit not within the red line subject to the proposal. For these reasons, I find that the development would represent infill development of a piece of land which is integral to the settlement and not characteristic of development of the open countryside. Accordingly, I do not consider that there would be a risk to the intrinsic character and beauty of the countryside (paragraph 170 of the Framework).
8. The land is comparable in size to the land occupied by The Stables to the west. Other single dwellings in the hamlet are situated on land of similar size, such as Forge Cottage to the east and The Olde Place to the north. Therefore I do not find it unreasonable, or out of character with the area, for the land to be developed with a single dwelling. I have considered the appeal determined in 2001¹ where the Inspector was of a view that the land could accommodate more than one dwelling. However, The Stables had not been developed at that time and so the current local context is different.
9. Accordingly, the exemption to countryside policies in RLP16 applies if the proposed development would not be detrimental to the character of the surroundings.
10. An appeal determined in 2010² was dismissed largely because details of the proposal submitted under a full application were unacceptable to the character and appearance of the area. This appeal proposal is an outline application. Accordingly detailed character and appearance issues can be addressed and controlled by the Council through approval of reserved matters, including layout, scale, appearance, access and landscaping. In allowing this appeal, and permitting the outline application, I must be satisfied however that the principle of a dwelling in this location will not significantly harm the character of the surroundings.
11. The hamlet was historically focused on a small number of buildings at its centre of which no.s 1 and 2 Western's Cottages, The Granary and The Olde Place remain and are listed buildings. The Council has said that the proposed extra dwelling would harm the setting in which these heritage assets, and the settlement as a whole, are experienced by diminishing this focus. It is concerned that inappropriate development such as the ribbon development has

¹ APP/Z1510/A/00/1052724, Hearing conducted on 23 January 2001

² APP/Z1510/A/09/2118253, Site visit made on 19 March 2010

changed the hamlet's character. However, this development would not in my view constitute ribbon development but the infilling of a gap in line with RLP16.

12. Further, and significantly, I do not find that the character of the settlement today is as described by the Council in its account of the historical context. The hamlet has been the subject of ribbon development for a long period, involving a number of twentieth century dwellings, and this has already diluted the historical focus around the older buildings to the extent that it is largely indiscernible. I do not find that the erection of one dwelling in a gap in the hamlet would have any significant effect on this current character. Although the large share of modern development has been on the north side of the street, The Stables and the garage block together with the garden forming the appeal site do not contribute to any discernible central historical focus.
13. The proposed development would not have any appreciable effect on the designated heritage assets and their settings. There would be no intervisibility with The Olde Place due to that building's orientation and vegetative screening between the sites. No.s 1 and 2 Western's Cottages and The Granary are separated from the appeal site by the garden of Forge Cottage. The former cannot be seen from the appeal site, while the upper roof of The Granary can be seen above trees and hedges. While the new dwelling would be within the same view as the upper roof of The Granary when seen from some angles, most of the listed building is hidden from view and the addition of a new dwelling would not significantly affect the glimpsed view of the top of the roof. Approval of reserved matters would also ensure the protection of the setting.
14. Jaspers Green has very limited services and facilities. However, there is a bus stop very close to the appeal site with regular services to Braintree which has an extensive range of services and facilities and a railway station. The bus service also has a closer stop at a supermarket, and closer still at a post office and a leisure centre. Therefore, the occupiers of the new dwelling would not be wholly reliant on the motor car, and could support local public transport services in place to serve Jaspers Green and nearby villages.
15. For the above reasons, I find that the proposed development would be suitably located under the Council's countryside policies and is not contrary to Policies CS5, CS7, CS8 and CS9 of the CS, Policies RLP2, RLP16, RLP80 and RLP100 of the LP or Policies LLP1 and LPP60 of the Braintree District Publication Draft Local Plan 2017. These policies seek to ensure sustainable development in the countryside which protect its character and appearance, along with the places and heritage assets within and surrounding it. The proposal, which does not relate to an isolated home in the countryside due to its connection with the settlement, is also in accordance with the countryside policies of the Framework.

Other Matters

16. Nearby residents have raised concerns about privacy, highway safety, access arrangements, drainage and nuisance from construction activities. These matters were not contained in the Council's reasons for refusal. As this is an outline application only, these issues can be addressed through consideration and approval of reserved matters.

Planning Balance

17. The Council cannot by its own statement demonstrate a 5 year supply of housing land. Its development plan is therefore out of date with the Framework, which directs in these circumstances that permission for sustainable development should be presumed unless any adverse impacts significantly and demonstrably outweigh the benefits of proposal when assessed against the policies of the Framework as a whole.
18. The proposal would produce a home in a suitable location, without significant and demonstrable adverse impacts. Permission should be granted. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Andrew Walker

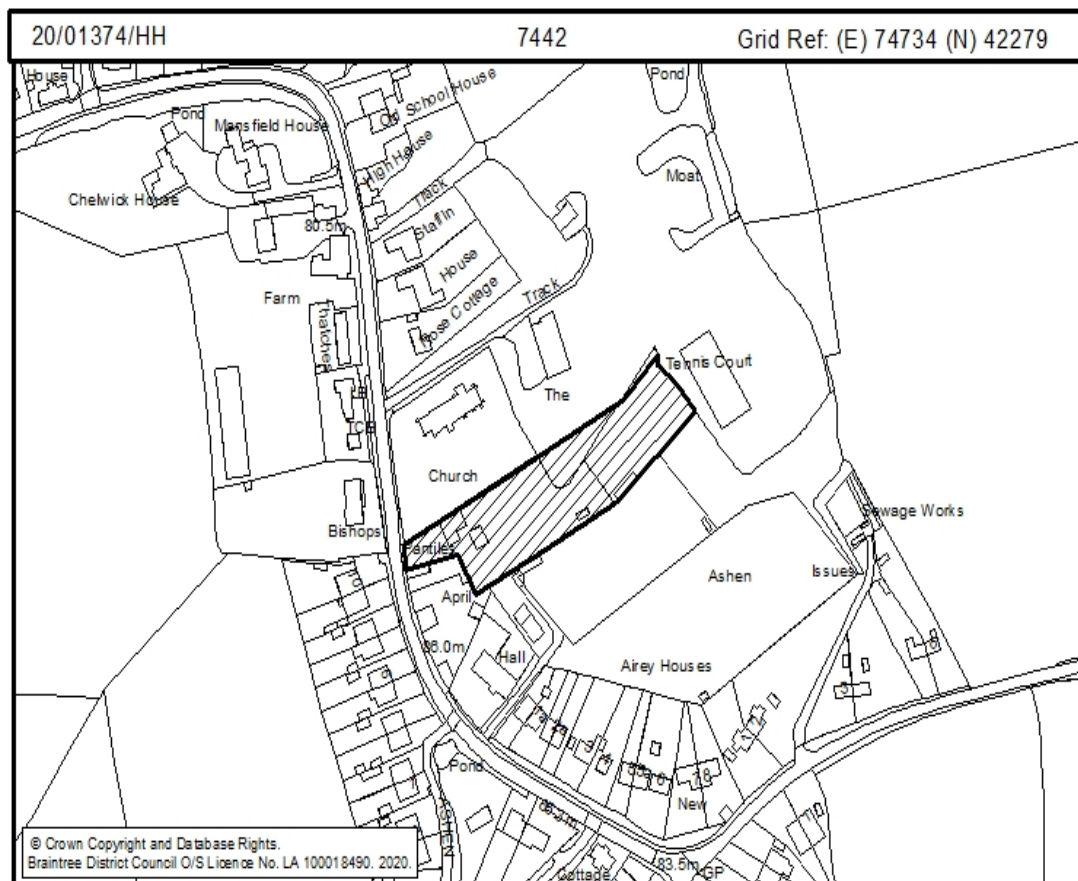
INSPECTOR

PART B

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/01374/HH
DATE: 28.08.20
VALID:
APPLICANT: Mr D Green
C/O Agent
AGENT: Dean J Pearce
2/3 Milestone, Hall Street, Long Melford, Suffolk, CO10 GHE
DESCRIPTION: Erection of a part two storey and part single storey side and rear extension, alterations to materials, fenestration and new front porch. Erection of replacement ancillary outbuilding.
LOCATION: Pantiles, The Street, Ashen, Essex, CO10 8JN

For more information about this Application please contact:
Jack Street on:- 01376 551414 Ext. 2515
or by e-mail to: jack.street@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QFENYQBF0J900>

SITE HISTORY

04/00096/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Uproot 1 tree	Granted	25.02.04
89/00838/P	Proposed Alterations	Granted	06.06.89
20/00329/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - 1- Leyland Cypress - Crown lift to 4M on the driveway side due to Access issues across driveway, 2 - Papauma - Removal of Suckers and one lateral branch Reduction (100mm) - to support access to fence replacement 3 - Escallonia - Remove tree - Very Unhealthy 3/4 dieback already, 4 - Acer Palmatum - Remove - fighting for space less than 75mm at 1m, 5 - Cottoneaster - Crown Lift 3.5M & Spur removal, 6 - Bullace Plum - Crown Lift-the crown lift will effectively support a reshape that should hopefully encourage a more healthily balanced growth and 7 -Wild Plum - Prune and Reshape	Granted	17.11.20

POLICY CONSIDERATIONS

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

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

On the 10th December 2020, the Council received the Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Local Plan. This report has confirmed that the section 1 Local Plan is sound subject to the modifications proposed by the Inspector.

The local authority will now move forward with the examination of the section 2 of the Draft Local Plan.

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new scheme of delegation as Ashen Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is partially located within the Ashen village envelope as defined by the Adopted Local Plan (the boundary cuts through the rear garden area). As such, the rearmost section of the application site is located within the countryside.

The host dwelling is a detached non-listed residential dwelling sited on the eastern side of The Street. The dwelling is set back a considerable distance from the street scene and the adjacent properties to the south, whereby the building is set close to the conclusion of the gardens associated with the neighbouring properties 'Long Entry Cottage' and 'April Cottage'. Both of the aforementioned neighbouring properties are Grade II listed.

St. Augustine's Church, which is statutorily listed as being of Grade I value in the list of Buildings of Special Architectural or Historic Interest, borders the site immediately to the north. Adjacent to this heritage asset, and north-east of

the site area, is The Old Rectory which is Grade II listed. For completeness, a further Grade II listed building is set across The Street from the application site to the north-west; Bishop's Hall. The site is set within the Ashen Conservation Area.

The dwelling is of a red-brick appearance and, as its namesake implies, utilises concrete pantiles as roof coverings. The property features a porch bay on the front façade of the property and otherwise conventional fenestration. The core-building displays an 'L-plan' layout, formed of a core building with a rear projecting gabled element that spans the north half of the rear wall. The side (south) flank of the building currently features a small covered area that is open to the sides and contained within the form of the core building, and infills the 'L-plan' layout.

The dwelling currently features a detached garage unit to the rear of the dwelling to provide facilities for parking at the property contained within a gated section of the site. Parking is also possible in front of the dwelling given the set back of the site from the highway.

Officers note that the property enjoys a substantial degree of rear amenity space, though the works in this application are contained within the curtilage of the host dwelling.

PROPOSAL

The proposal seeks planning permission for several different aspects of development as follows: a two storey rear/side extension to infill the 'L-plan' layout of the structure; a single storey extension to connect the existing detached structure with the core building; the erection of a new detached garage to account for the loss of the existing garage; the erection of a new porch; and the alteration of the property's materials from facing brickwork to render.

It is noted that revisions have been sought to the original submission. The revisions to the original submission have relocated the detached garage further away from the boundary shared with the neighbouring properties to the south; have modified the appearance of the front porch; and have specified the rendering of the property will be painted white.

The two storey element would extend from the rear wall of the core building by a depth of approximately 4.0 metres and from the side flank of an existing rear projection by 3.50 metres (approx.). The proposed extension in this position would respect the building line established by the existing rear projection and the side flank of the core building. With regards to height, this aspect would measure approximately 7.0 metres from ground level to ridge, which is formed from a pitched gable roof. The proposed gable is smaller in size and height than the adjacent rear projection. The extension would feature a window to the rear and a high-level window to the side (serving a dressing room). The structure would otherwise serve a hallway at ground floor level.

The proposed single storey extension that would link the existing detached garage would connect these two buildings at the rear position of the dwelling. This would be part of an overall alteration of the nature of the existing detached building, which would cease use as a garage and assume a domestic function with proposed floor plans suggesting a sitting room, dining area, kitchen area and utility room in the rear area. It is noted that the existing ridge height of the building would be lowered. The extension would feature dark grey horizontal weatherboarding and a natural slate roof pitched at 22.5 degree and 3.50 metres in height. Four conversation-style velux windows would be inserted across the western roof plane of the pitched roof, and two conventional windows on the western wall. Two large panes of glass would be inserted on the rear of the structure.

Continuing assessment to the rear of the property, the application proposes the erection of a detached ancillary outbuilding. With reference to the plan and discussion with the applicant, this building would be used for the purposes of vehicle parking. In terms of dimensions proposed, the detached outbuilding would measure 6.0 metres in length and 9.0 metres in width, with a total height of 3.750 metres at the ridge of the proposed hipped roof. The roof would be pitched at 22.5 degrees. The outbuilding would feature dark-stained featheredge weatherboarding across its walls, a natural slate roof, and three sets of garage doors to suit a purpose for vehicle parking.

The application also proposes a new front porch, which would require the existing front porch bay to be removed. The overall bulk of the porch has been reduced from the original submission and its proposed design and appearance. The porch is shown on revised plans to measure approximately 1.31 metres in depth from the front wall of the core building and 2.58 metres in width, with a height of approximately 3.55 metres from ground level to apex. The porch would be rendered to match the rendering proposed to the core building.

SUMMARY OF CONSULTATION RESPONSES

Historic England

No comment. Historic England did not wish to offer any comments, and deferred to the opinion of the ECC Historic Buildings Consultant.

ECC Historic Buildings Consultant

No objection to revised plans. No objection was raised to the principle of the scheme and the Historic Buildings Consultant considered many of the changes to the materials used in the dwelling to be an enhancement of the character of the Conservation Area and the setting of the Listed Buildings. However, concern was raised to the original scheme with regards to the proposed colour of the render to be used on the core building.

Following the revision of the original submission, the colour choice of the render was changed from grey to white. The Historic Buildings Consultant felt

this was appropriate and raised no objection. No objection was also raised to the change in roof form as demonstrated on the revised plans. As such, no objection has been raised to the revised scheme.

BDC Landscapes

No objection, subject to condition. Landscapes were consulted to assess the potential impacts of the proposal on a semi-mature ash tree sited to the rear of the residential plot of April Cottage. The applicant and the neighbouring property have both provided commissioned arboriculture reports to assess the potential impacts on the tree, and the Council's Landscape Officer has been able to provide a view based on the evidence available.

The relocation of the detached outbuildings as demonstrated in the revised plans has been deemed to move the footprint of the building outside the root protection area of the ash tree. It is not considered that the impact is significant. No objection was raised by the Landscapes Officer, though on the recommendation that a condition be attached to any approval that the Tree Protection Plan provided by Underhill Consultancy (ref. Tree Protection Plan UTC-0533-P05-TPP 13.10.2020) is in place before development commences on site.

PARISH / TOWN COUNCIL

Ashen Parish Council

Ashen Parish Council raised no objection to the extension to the house, though raised objection to the garage on the grounds of its size and placement. This stance was reaffirmed by the Parish Council on 26.01.2021, in which the Parish Council further stipulated that the windows on the south-facing elevation of the property should contain obscure glass and that the health of the ash tree in the vicinity should be monitored.

Officers are in agreement that the side elevational windows should be obscure glazed, which has been agreed with the applicant to be controlled by condition. Further, the comments raised with regards to the health of the ash tree are shared by the Landscapes Officer in their recommendation for a Tree Protection Plan. Each is recommended as a condition should planning permission be granted.

REPRESENTATIONS

A site notice was displayed outside the entrance to the host dwelling for a 21 day period and immediate neighbours were notified in writing. Representations were received to the original submission and subsequent revisions. The following comments were received in objection to the original submission:

- Adverse impact on the residential amenity caused by the introduction of two new windows into the side elevation of Pantiles. These would have

views onto the private rear garden associated with Longways Cottage and result in a loss of privacy/ overlooking.

- Adverse impact on the residential amenity caused by noise, as a result of the proposed extension of the access drive adjacent to the rear, back fence of Longways Cottage.
- No tree survey/ tree impact assessment - prepared in accordance with BS 5837: 2005 (now updated to BS 5837: 2012) - was submitted as part of this planning application.
- The original position of the new garage was close to an ash tree sited in a neighbouring property. An arboricultural report dated 20.09.2020 was submitted by the objecting party which noted the original location of the detached garage could be within the root protection area of the ash tree. The Council was minded to “ensure that it is not negatively impacted. To this end the Council should ensure that both the development is not detrimental, and that sufficient protective measures are agreed to protect the tree during the construction phase” (Paragraph 5.8 of the Urban Forestry Arboricultural Report dated 20.09.2020).
- The development would block views of the countryside from neighbouring properties.

Following the submission of revised plans and an arboricultural report from the applicant dated 15.10.2020, the following objections were received:

- There is no planning precedent within Ashen for allowing an owner of a residential property to extend their access drive into their rear garden.
- The applicant is trying to develop a relatively small area of land, in relation to the total plot size of Pantiles, because this is all that is available to them within the Ashen village envelope. The proposal is viewed as overdevelopment.
- The works would negatively impact on the health of the ash tree.
- Concerns raised toward noise were maintained.
- Concerns raised toward the loss of a view were maintained.
- The proposal is tantamount to backland development.

One comment was received in support of the revised scheme, which outlined the following reasons in favour of approval:

- The property gives little utility given its sizeable plot.
- The reduced roof heights would also benefit views from all aspects.
- The modification to the appearance of the dwelling would enhance the existing design and appearance.

REPORT

Principle of Development

The application site is located within the Ashen village envelope, though it is noted that the residential plot of Pantiles is bisected by the formal development boundary as defined in the Adopted Local Plan. The works

would be located within the parameters of the development boundary, and thus subject to relevant policies for such areas.

The application is supported in principle in accordance with Policies RLP3 and RLP17 of the Adopted Local Plan and Policies LPP1 and LPP38 of the Draft Local Plan, though subject to criteria on design, amenity and other material considerations. Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policies LPP38 and LPP55 outline acceptable design and appearance criteria for developments proposed.

Given the relationship of the property with the development boundary and adjacent countryside land, consideration will be given to Policy CS5 of the Adopted Core Strategy.

In addition to the above, the site is located within the vicinity of several listed heritage assets, including the Grade I Listed St. Augustine's Church to the north. Regard shall therefore be given to Policy RLP100 of the Adopted Local Plan and Policies LPP50 and LPP60 of the Draft Local Plan. Further to this, the property lies within the Ashen Conservation Area, and thus regard will also be given to Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 makes reference to the requirement for good design, and how a failure to achieve good design can warrant refusal of a planning application, specifically where poor design fails to take the opportunities available for improving the character and quality of an area.

In addition to this, Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan outline that the siting, bulk, form and materials of the extension should be compatible with the original dwelling; extensions should be subordinate to the original dwelling in terms of bulk, height and position; and that regard will be as to the cumulative impact of extensions and outbuildings on the original character of the property and its surroundings.

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

In the interest of clarity and clear presentation, the several aspects of the proposal are addressed separately below before a concluding section which will consider the overall impact and cumulative effect of the proposal.

Proposed two storey extension

The proposed two storey enlargement to the rear of the dwelling would infill a section of the site currently contained by the rear and side elevation of the existing 'L-Plan' layout of the building. The proposed extension would respect the building line established by the side and rear of the existing building, and can be considered as enveloped within the footprint of the structure.

At present, the property features a rear projection which displays a two storey gabled protuberance from the core building. The proposed extension would reflect the design and appearance of this existing projection to the rear, with the plans demonstrating the proposed extension to display a gabled appearance at a similar pitch. It is noted that the height and width of the proposed extension would be smaller in size than that of the existing projection, whereby the proposed addition would appear deferential and subordinate to the existing arrangement.

By virtue of the siting, bulk and form of this extension, it can be considered a clear, compatible addition to the dwelling. Its rendered composition would be in-tune with the general rendering of the property, whereby this premise is acceptable. The proposed roof materials would be reclaimed from the existing outbuilding, and would not introduce any detrimental harm in terms of design and appearance. Whilst a significant addition, the extension would respect the existing rear projection and appear deferential to its size, height and bulk. It can be considered that this extension shows an acceptable level of subordination to the host dwelling despite its significant size.

As such, this aspect of the proposal is considered acceptable when considered against design and appearance criteria outlined in the relevant policies.

Proposed single storey extension

The single storey extension would play a key functional role in the modification of the host dwelling, in that it would provide a connection between a currently detached garage building and the host dwelling. The intended effect of this connection would be to promote a domesticated use for the garage as indicated by the floor plans. The plans show the structure would accommodate a sitting room, dining area, kitchen area and utility room.

The actual extent of built form to be introduced to the residential footprint is limited to the rear of the existing projection and proposed two storey extension from the property. The core building itself would act as a significant screen of the development from public vantage points across the highway, and views would primarily be visible from the adjacent churchyard. Irrespective of the level of observation of the development, the introduction of a single storey extension in this position such as that designed is not objectionable.

The works are read cumulatively with an intention to lower the overall height demonstrated by the existing structure. The existing structure is close to 5 metres in height (4.873m approx.) and the proposed works would bring this down to a proposed 3.50 metres. Given that the additional single storey extension to be introduced to the rear of the structure would largely be concealed by the core building, this aspect of the scheme could be read as a reduction in the prominence of the existing structure in this position.

Whilst considered a unique arrangement, it is not a wholly objectionable premise. The single storey extension would be subordinate to the main dwelling, and is considered compatible with by virtue of the proposed siting, bulk and form. The proposed materials are considered complementary to the host dwelling, and would introduce an acceptable mix of materials at an appropriate palette. This aspect is therefore considered acceptable.

Proposed detached outbuilding

The proposed outbuilding would introduce a means for vehicular parking to be undertaken in this area of the residential footprint. Vehicular parking is currently provided by the detached garage adjacent to the proposed location for the outbuilding, whereby the premise of parking in this area is set.

The proposed outbuilding would be angled at 90 degrees from the existing outbuilding, and set at a distance of 8 metres from its side flank. The structure would be set some 5.50 metres from the residential boundaries to the west, and 1.80 metres from the boundary to the south. The structure would measure a height of 3.750 metres, which slightly exceeds the 3.50 metres of the single storey element proposed to the rear of the host dwelling, though is significantly lower than the existing ridge height of the current outbuilding. The distance between the two structures would reduce the impression of a difference in height.

Though the structure would be of a large size, this is not to say that it would represent an unacceptable form of development. It would still reasonably appear as a subsidiary component of the residential plot, and ancillary to the host dwelling. The creation of a permeable shingle covering would establish a visual and functional relationship between the host dwelling and outbuilding.

The outbuilding is considered a deferential addition to the residential plot, and a compatible structure within the curtilage of the host dwelling. The size, bulk, form and materials proposed are considered compatible with the core building, and the size is considered subordinate to an acceptable degree. On balance, the outbuilding would not introduce a level of harm considered detrimental in this case on design and appearance grounds that would warrant planning permission being withheld.

Proposed front porch

The proposed front porch would require the loss of an existing porch bay to accommodate the development. The loss of the existing porch bay is not

considered objectionable given the enhancement introduced by the proposed replacement in the revised plans. There must be a great level of sensitivity employed in the design of a porch given the potential impact on the front façade of a building, whereby poor design can unacceptably harm both the character of the dwelling and street scene.

On this occasion, the porch is considered a well-designed aspect of the scheme that corresponds well with the character of the host dwelling and wider street scene. The porch ties in appropriately with the desire to render the property, and establishes a subordinate but clearly compatible addition to the core building. This aspect of the scheme is considered compliant with policy criteria.

Proposed rendering of the host dwelling

For completeness, Officers include the desire to render the host dwelling as an individual aspect. Changing the materials of a property can alter the perception of a property, as well as impact on the general appearance of the street scene and wider locality. The choice of render must be careful to be in keeping with surrounding properties, whilst also demonstrating a sensitivity to expected styles and palettes distinct to the region.

The original submission included a desire to have the render painted grey, though in the interests of nearby listed buildings and the wider Conservation Area, the revisions have changed this to white. The existing facing brickwork is incongruous to the wider setting when viewed in context with neighbouring properties, and the proposed change is acceptable.

Cumulative assessment of all aspects

Though an intensive level of development is proposed in the plans to modify the host dwelling, the material impact on the character of the dwelling and wider street scene is not considered objectionable. Each component is contained within the curtilage of the dwelling, and displays a clear functional and visual relationship with the main dwelling. The works would not be considered to constitute an overdevelopment of the plot. When viewed from public vantage points, the development proposed would not unacceptably rescind the character of the host dwelling and street scene.

Each aspect is considered compatible and subordinate to an acceptable degree, with the rendering of the property considered an enhancement of the property to better tie in neighbouring properties. The components of this application do not amount to an unacceptable level of development, and contribute to an overall acceptable scheme.

The scheme is therefore considered to comply with the design and appearance criteria as outlined in Policies RLP3, RLP17 and RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policies LPP1, LPP38 and LPP55 of the Draft Local Plan.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. Such requirements are further enforced by the NPPF.

The representations received have noted that the development could give rise to an unacceptable degree of overlooking on the adjacent residences. The proposal would see the introduction of windows on the side elevation of the host dwelling at first floor level. It is noted by Officers that one of these windows is to be obscure glazed given that it serves a bathroom, whereas the other is a high-level window that serves a dressing room. The plans indicate the dressing room would benefit from another window on the rear elevation.

Officers accept the premise of this argument, and feel it is appropriate to condition that both of the side elevational windows at first floor level on the southern elevation of the property should be obscure glazed. This is a view shared by the Parish Council. Following discussion with the applicant, it has been agreed that this can be controlled by way of a planning condition, whereby concern of overlooking is considered reasonably addressed.

The concern raised toward the loss of a view of the adjacent countryside to the east is acknowledged, though Officers note that the right to a view is not protected by planning legislation or policy criteria. A valid objection to development would arise should the development amount to introducing an unruly, oppressive form of overbearing development, though on this occasion no such impact has been identified given the layout of the development in relation to residential plot boundaries.

It is not considered that the proposal would give rise to unacceptable impacts that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy. As such, this policy criteria is considered met.

Impact on the Significance of the Listed Building and Conservation Area

Whilst Pantiles is an unlisted property, it is sited in the vicinity of several buildings statutorily listed as being of Grade II value in the list of Buildings of Special Architectural or Historic Interest. St. Augustine's Church, adjacent to the property to the north, is of Grade I value. Paragraph 193 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, when considering whether to grant listed building consent for any works, special regard shall be had as to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In addition, Policy RLP100 of the Adopted Local Plan, and Policy LPP60 of the Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building.

Further, the site is located within the Ashen Conservation Area. Given the siting of the application site in relation to the Conservation Area, Officers will have regards to Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan. Advice was sought from the Council's Historic Buildings Consultant to ascertain the acceptability of the scheme in line with the abovementioned policy considerations, and Paragraph 192 of the NPPF.

In assessment of the original scheme, the Historic Buildings Consultant raised no objection to the majority of the proposed scheme, the changes to the materials used in the dwelling to be an enhancement of the character of the Conservation Area and the setting of the listed buildings. The new single storey extension was not considered to result in an increased impact on the designated heritage assets. The proposed second storey extension was not considered to result in an over-dominant built form within the listed building's setting. Similarly, it was noted that the new garage is screened by the existing hedged plot boundary and the use of natural slate and feather-edged weatherboarding is appropriate.

Concern was raised toward the colour of the proposed render, with the Consultant noting this as a purely a modern trend for which there is no historic precedent for its widespread historic use in Essex. The revised proposal to paint the render light was supported by the Consultant. Furthermore, the revisions to roof form of the garage are not objected to.

Arboriculture

The application is supported by an Arboricultural impact assessment. The Landscaping Team were consulted to assess the potential impacts of the proposal on a semi-mature ash tree sited to the rear of the residential plot of April Cottage. The applicant and the neighbouring property have both provided commissioned arboriculture reports to assess the potential impacts on the tree, and the Council's Landscape Officer has been able to provide a view based on the evidence available.

The relocation of the detached outbuildings as demonstrated in the revised plans has been deemed to move the footprint of the building outside the root protection area of the ash tree. It is not considered that the impact is significant. No objection was raised by the Landscapes Officer, though on the recommendation that a condition be attached to any approval that the Tree Protection Plan provided by Underhill Consultancy (ref. Tree Protection Plan

UTC-0533-P05-TPP 13.10.2020) is in place before development commences on site. This can be secured by a condition on any grant of consent.

Highways Considerations

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 vehicle parking in accordance with ECC Vehicle Parking Standards, which state that “prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided”. The Parking Standards suggest that a house of two bedrooms or more should demonstrate at least two off-road parking spaces.

The application would remove an existing garage facility in favour of an intended domestic use. Parking provisions would instead be provided by the proposed outbuilding in the southern section of the site. Officers did initially have concern as to the ability for a vehicle to successfully navigate to and from this area, though upon a site survey Officers noted the ability of the applicant to park a vehicle adjacent to the existing outbuilding whereby this concern was addressed.

The garage facility proposed would comply with the parking standards, though it is also noted that parking can be provided in front of the dwelling given the setback of the property from the highway. As such, the application is considered compliant with the necessary criteria.

CONCLUSION

The proposal introduces several aspects of development through one application although, when viewed both as individual components and cumulatively, no one element is considered unacceptable to an extent that would require planning permission to be withheld. Each aspect of the scheme represents a subordinate addition to the main dwelling, demonstrates a clear functional and visual relationship, and is compatible with the existing building. The existing character would be retained, with the material changes to the appearance of the main building considered an enhancement to better tie the property into the surrounding area.

Following assessment of the proposal, Officers consider that the development can be considered an agreeable scheme that introduces no detrimental harm on grounds of design and appearance, impact on neighbours, heritage, landscapes or highway safety. As such, the application is recommended for approval subject to conditions as discussed in this report.

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

Existing Elevations and Floor Plans	Plan Ref: 20/71/01	
Existing Elevations and Floor Plans	Plan Ref: 20/71/02	
Existing Elevations	Plan Ref: 20/71/03	
Proposed Elevations and Floor Plans	Plan Ref: 20/71/04	Version: A
Proposed Elevations and Floor Plans	Plan Ref: 20/71/05	Version: C

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

Reason

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

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

Reason

To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality, the Conservation Area, and the listed buildings adjacent to the site.

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

Reason

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

- 4 The first floor windows on the south-facing elevation, serving a dressing room and bathroom as shown on plan nos. 20/71/04 REV A and 20/71/05 REV C, shall be glazed with obscure glass to a minimum of level 3, and fixed shut below a height of 1.7m above first floor finished floor level and shall be so retained at all times.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

- 5 The measures set out in the Tree Protection Plan submitted with the application as provided by Underhill Consultancy (ref. Tree Protection Plan UTC-0533-P05-TPP 13.10.2020) shall be in place before development commences on site and retained throughout the construction period.

Reason

To ensure the protection of the nearby Ash Tree throughout the construction period.

INFORMATION TO APPLICANT

1 In respect of Condition 4, 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