

PLANNING COMMITTEE AGENDA

Tuesday, 06 November 2018 at 07:15 PM

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

Health and Safety: Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 30th October 2018 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications:-

5a	Application No. 18 00746 FUL - Fishing Lakes, Great Yeldham Hall, Toppesfield Road, GREAT YELDHAM	5 - 19
5b	Application No. 18 01124 FUL - White Court, Braintree Road, SHALFORD	20 - 33
5c	Application No. 18 01262 FUL - Helions Great Hall, Sages End Road, HELIONS BUMPSTEAD	34 - 46
5d	Application No. 18 01276 FUL - 85 Colchester Road, HALSTEAD	47 - 66
5e	Application No. 18 01377 OUT - Orchard Barn, Shalford Green, SHALFORD	67 - 78

PART B

Minor Planning Applications:-

There are no applications for consideration under Part B.

6

Urgent Business - Public Session

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

7

Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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Urgent Business - Private Session

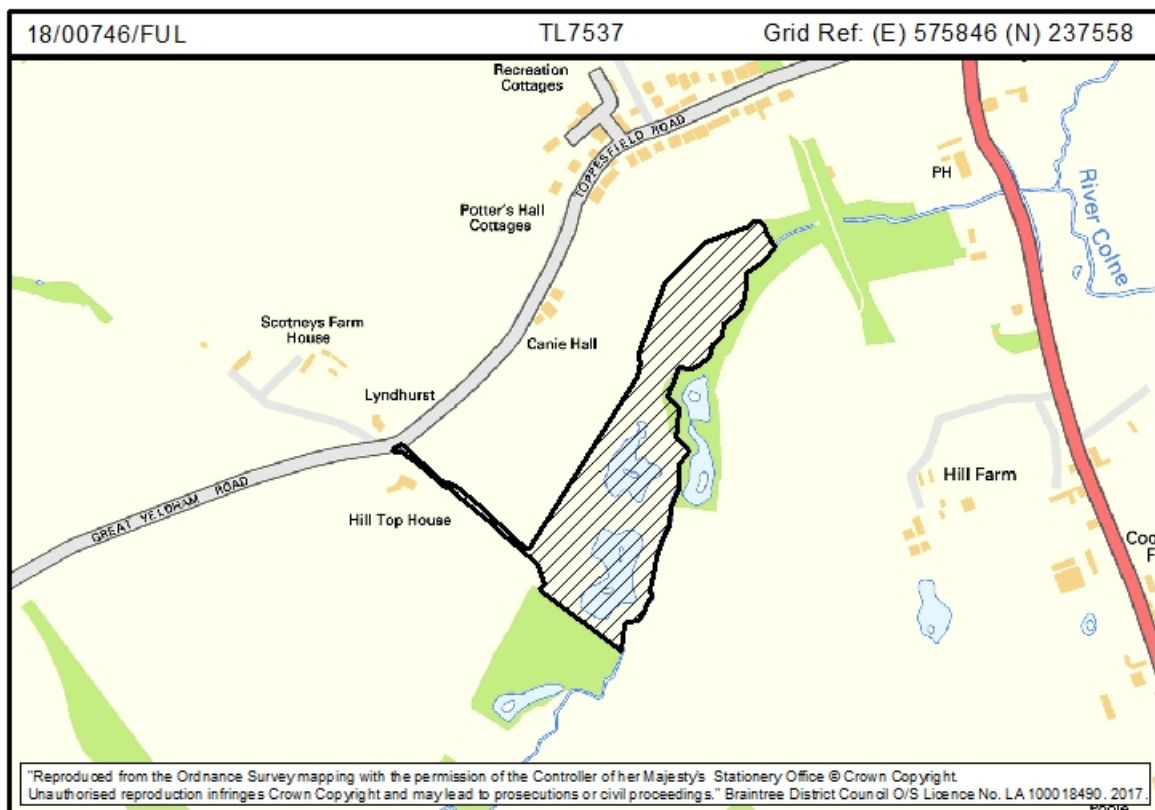
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 18/00746/FUL DATE: 23.05.18
 VALID:
 APPLICANT: Angling Couture Ltd
 Mr D Hilton, C/o Agent
 AGENT: Berrys
 Mrs Helen Howie, Beech House, Anchorage Avenue,
 Shrewsbury Business Park, Shrewsbury, SY2 6FG
 DESCRIPTION: Planning application for the enlargement of two existing fishing lakes to create one larger fishing lake; the creation of a parking area; the change of use of land for siting four mobile units to provide anglers' toilets, a tea room, a tools shed; office with family cabin. Retention of new electricity supply and enclosure.
 LOCATION: Fishing Lakes, Great Yeldham Hall, Toppesfield Road, Great Yeldham, 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



POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP53	Generators of Travel Demand
RLP67	Flood Risk in Undeveloped Areas
RLP80	Landscape Features and Habitats

RLP83	Local Nature Reserves, Wildlife Sites, Sites of Local Nature Conservation Importance and Regionally Important Geological / Geomorphological Sites
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP67	Flood Risk in Undeveloped Areas
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
LPP8	Rural Enterprise
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage

Other Material Considerations

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to Planning Committee at the request of Cllr van Dulken.

SITE DESCRIPTION

The application site is located to the south of Great Yeldham and currently contains two fishing lakes. The site is located wholly within the countryside and the vast majority of the site lies within Flood Zone 2 and 3.

The site is designated as a Local Wildlife Site and is accessed via a narrow unmade access track from Toppesfield Road. A public right of way runs along this access track and there are a number of other nearby public rights of way.

The Toppesfield Brook runs along the eastern boundary of the site.

PROPOSAL

This application seeks planning permission for the enlargement of two existing fishing lakes to create one larger fishing lake.

The proposals include the creation of a parking area and the change of use of land for siting of four mobile units to provide anglers' toilets, a tea room, a tools shed and office with family cabin.

The application is also seeking retrospective permission for the retention of new electricity supply and enclosure.

CONSULTATIONS

Great Yeldham Parish Council - Objection.

Comments made on the revised submission:

The proposed development will still result in significant harm to Yeldham Station Marsh Local Wildlife Site (LoWS). Excavation works to create the enlarged lake would result in the loss of a significant area of marshy grassland and lush marginal habitats including reed- and sedge-beds. It would also result in harmful impacts on nearby trees. The revised application does not meet the aims of the Core Strategy and Policies CS5 and CS8, Policies RLP 80, 83, 84, and 86.

The Parish Council is concerned that the application will result in increased disturbance including lighting, noise and recreational impacts causing biodiversity loss and negative impacts on retained priority habitats (Floodplain Grazing Marsh and Lowland Deciduous Woodland). Concerns with proposed erection of 8 mobile units including holiday lodges and the proposed activities for the Tea Room:

- cupcake cookery classes for children/parents, group activities and tuition by national and international experts as part of baking -themed holidays and specialist weekends
- venue for a range of community groups such as mums and toddler meetings, slimming club events and private clubs. The village already benefits from the Reading Room (the Village Hall) which provides a venue for clubs/private hirers.

These facilities will increase human presence and activity to the area with an increase in noise, lighting and recreational impacts and vehicle movement throughout the day and night. How can these facilities and activities induce a quiet location and ambiance dedicated for fishing? The revised application does not meet the aims of the Core Strategy mentioned above and Policies RLP 62, 65 and 144.

Toppesfield Parish Council - Application was supported.

BDC Emergency Planning - No comments

BDC Environmental Health - No objection, suggests conditions.

BDC Economic Development - Support this application as it evidences economic growth for the business and surrounding area. It will create the equivalent of 3.5 full time jobs, and is diversifying its business model to encourage an increase in turnover and investment. Suitable infrastructure will be developed to support the model and provide further amenities to the service users and for the locality. The proposed development will retain sustainability for future needs.

ECC Suds - Holding objection due to insufficient information, namely:

- Groundwater levels have not been determined to demonstrate whether base of infiltration system can be situated 1 m above groundwater table.
- No calculations have been provided for sizing of the soakaways. It is further noted that the infiltration rates provided have not been calculated in accordance with BRE365 (which suggests that the average infiltration rate between the 25% and 75% depth be ascertained). Half drain down time calculations apply to all forms of temporary attenuation features, including soakaways.
- No proposed layout of the drainage system has been provided. We note that the correspondence from the Applicants agent (reference SA29622/HH) states that the proposals are still in flux and there is a preference to defer undertaking any form of drainage design until full planning permission has been granted. Whilst, this scenario would be considered (with mitigating circumstances) at outline planning stage, it is not considered acceptable at full planning application stage.
- The proposals suggest no form of water quality treatment for storm water prior to disposal of storm runoff via soakaways. Chapter 26 of the SuDS Manual should be referred to, which will give guidance on the types of SuDS approaches which will provide sufficient mitigation.

Environment Agency - After consideration of the supplementary ecology letter (dated 7th Aug) in combination with the remaining application documentation the biodiversity objection can be withdrawn based on the following being taken into account:

The proposal will still cause the loss of Floodplain Grazing Marsh (priority habitat) however an appropriate Landscape and Ecological Management Plan (LEMP) could enhance the remaining habitat and provide a net gain. This should be approved by the appropriate authorities to include a long term management plan of the site features and species as well as measures to enhance and maintain the habitat. It is expected that an appropriate level of detail is included to compensate for the features or habitat lost through development which would include native tree planting and a focus on enhancement of the remaining priority habitat. Further details of the LEMP should include that stated in the supplementary ecology letter provided by

Skilled Ecology Consultancy Ltd (dated 7th August 2018). The loss of priority habitat is only acceptable if a net gain in biodiversity is planned through the LEMP. We suggest that the condition included in section, "Potential to harm a Local Wildlife Site through loss of priority Floodplain Grazing Marsh" of this letter be appended to any planning application.

The proposed mitigation for water voles should be taken under license and follow best practice in line with the Water Vole Mitigation Handbook 2016.

No objection with regards Flood Risk following the submission of a revised drawing.

ECC Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority; given the existing access, the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Council's adopted parking standards for the proposal, subject to conditions regarding the widening and straightening of the existing access and that no unbound surface material should be used.

Ramblers Association - Application form not online, queries regarding the land outside the red line owned by the applicant, have Toppesfield PC been consulted; will there be free public access to non-anglers to the wider site beyond the public footpaths, and if yes, how with this fit with the ecological and wildlife aspects of the site.

Open Spaces Society - Objection for the following reasons:

Road and pedestrian safety, concerns about harm to biodiversity of the site and flooding public footpath, objection to any diversion of the public footpath.

BDC Landscaping - No comments received.

BDC Ecology - The application has seen a reduction in the amount of proposed development, further survey work has been carried out and the loss of trees and the impact on oak trees has been considered further. Although no Arboricultural Impact Assessment has been completed it is confirmed that no mature trees are to be removed. The supplementary letter also states that plans have been amended to increase the Root Protection Area (RPA) around existing trees and the large oaks will now remain on a spit of land. The Loss of part of the Local Wildlife Site habitat has been re-considered and it is accepted that the current lack of management of the site has caused degradation and loss of habitat for which it was originally designated. Although the extension of the lakes will cause a permanent loss of land, including Floodplain Grazing Habitat, an opportunity exists to work with the landowners and achieve retention and improvement of the remaining Floodplain Grazing Marsh. The provision of a long term management plan (minimum 10 years) for the grazing marsh area could be submitted to ensure the area remains in Positive Conservation Management and to ensure no further loss and no net loss for biodiversity.

Additionally, a second water vole survey has now been completed, as requested and evidence of water vole on the site has been confirmed. Although the population is considered to be low a water vole mitigation method statement will be required in accordance with Water Vole Mitigation Handbook 4.9.2, and a water vole licence will be required as there is temporary displacement and disturbance to habitat. The mitigation method statement should include a clear and accurate plan to show how the bankside vegetation will be removed and replaced.

Therefore the objection submitted on 13/07/2018, can now be removed but conditions are recommended if the application is approved.

Anglian Water - No comments

Essex Wildlife Trust- Objection

The revised plans do not address our concerns and the proposed development will still result in significant harm to Yeldham Station Marsh Local Wildlife Site (LoWS). Excavation works to create the enlarged lake would result in the loss of a significant area of marshy grassland and lush marginal habitats including reed- and sedge-beds. It would also result in harmful impacts on nearby trees.

We are concerned the application may result in increased disturbance including lighting, noise and recreational impacts causing biodiversity loss and negative impacts on retained priority habitats (Floodplain Grazing Marsh and Lowland Deciduous Woodland). The negative effects of recreational impacts include trampling and general disturbance to vegetation.

We have further concerns regarding the accuracy of the submitted plans, in relation to the edges of the proposed lake and existing trees on the site.

REPRESENTATIONS

63 representations received making the following comments:

- Single track access to site is not safe or appropriate
- Alternative access to site should be considered
- Development would be too dominant in the area
- Concern about residential use in the countryside
- Flood plain, not suitable for permanent structures
- Concerns about cross contamination
- Loss of substantial ecosystem and biodiversity due to lake enlargement
- Work started prior to planning application being determined
- Harm to habitats for existing wildlife
- Large amount of development would not be conducive to a quite environment for fishing
- New substation is located in a floodplain
- Damage to existing public footpaths
- Anticipated level of visitors would scare the remaining wildlife away
- Level of development would urbanise the area

- Noise and light pollution
- Concern about otter fence
- Definition of buildings as mobile is misleading
- Tea room, toilet and cabins would be out of keeping with the character of the area
- Would the tea room be targeting non-fishermen?
- Concern about the future use of the site
- Development is outside the village envelope
- Size of development is larger required by fisherman and bird watchers
- Confusion over the proposed opening hours
- Concerns about flooding
- New café will take customers from existing nearby establishments
- Concerns about access for emergency vehicles
- Concern about the number of trees removed from the site
- Commercial enterprise for a very rural area, totally out of keeping for the
- surroundings and without the infra-structure in place to support it, so all this has to be put in place too causing further disruption and destruction
- Increased activity in the area
- Conflicts with RLP145, RLP90
- Concerns about the proposed holiday accommodation
- Concerns about future pressure for a dwelling to be built on the site
- Concern that the café would be an attraction in its own right which is not appropriate in this location
- Conflict with Policy RLP36 as the proposal would have a poor relationship with the neighbouring farmland
- Conflicts with Core Strategy and NPPF
- Concern about sewage disposal from new toilets
- The site is subject to covenants when it was sold 20 years ago
- Concerns that the lakes are being topped up by using the nearby river
- Café and extra activities on the site would not be conducive to carp fishing
- Concern that the new substation does not comply EA regulations and Buildings Regulations
- Noise from new substation
- New substation not in keeping with setting
- Concerns that an existing public footpaths will be used for commercial purposes
- Building shown on plan in adjoining field do not exist
- Access road is a country track with a public footpath

37 supportive representations received making the following comments:

- Excellent facilities with lots of facilities for families
- Great place for the community to go and socialise
- Local wildlife and walks would be enhanced
- Shower block is welcomed
- Impressed with work carried out so far

- Lodge accommodation would be perfect for families
- Otter fence is good as it protects the fish
- Facilities will benefit local anglers
- The site had become very overgrown which made it difficult to fish
- Provide a hobby for younger people
- Wildlife will not be affected by the proposed work
- Expanding port needs more venues like this
- Proposals would support the village, pub and shops

It should be noted that 16 of the supportive representations have been received from addresses outside the District.

REPORT

PRINCIPLE OF DEVELOPMENT

The site is located within the countryside in an area where new development is restricted to appropriate uses in the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside in accordance with Policy CS5 of the Adopted Core Strategy. Policy CS8 of the Adopted Core Strategy states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

As outlined above the site currently contains two small fishing lakes, which up until recently were neglected and underused. There are no other facilities on the site. The site is accessed via an unmade track from Toppesfield Road.

The proposal seeks to enlarge the two lakes by joining them together, as well as adding a number of structures on the site to be used as an angler's toilet, tea room, tool shed and office with family cabin. The submitted block plan shows an area of new hardstanding that could accommodate 16 parking spaces along with a hard surfaced access track.

Whilst the application submission indicates that the structures would be mobile, as they comply with the definition of the static caravan, the Council contends that these units would be permanent structures with utility connections for services. The new café is intended for both visiting anglers and other visitors. The business plan submitted in support of the application sets out that the café would also be used to as a community meeting point, for example over 60 half price lunches, mums and toddlers events, slimming club events etc. It is also intended that the applicant's wife would run cake decorating classes from the café.

One of the structures is intended to be used as a manager's cabin which would contain an office, reception and a family room to be used by the manager's children. The structure also contains two bathrooms, a large kitchen and store. The cabin would be 6.1m wide and 18.9m long.

Whilst it is accepted that the fishing lakes and their current low scale use are appropriate in the countryside, the proposals that form part of this application are considered excessive, and would introduce a significant amount of extra development onto a site, which is devoid of any built form at present. The proposals would increase activity, and in particular vehicular activity on the site, to its detriment.

The site is over 1km from the centre of Great Yeldham and given this distance can only realistically be accessed by the private motor car. The application would introduce a new business (café/cake decorating classes) into an inappropriate and isolated location in the countryside beyond the village envelope of Great Yeldham, which is an unsustainable location.

The proposed structures, the area of car parking and hardsurfaced access, combined with the increased activity would not protect and enhance the landscape character and amenity of the countryside nor have regard to the character of the landscape and is therefore considered contrary to Policies CS5 and CS8 of the Adopted Core Strategy.

Flood Risk and Surface Water 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.

The site lies in flood zone 2 and 3 and following the submission of additional information the Environment Agency do not raise an objection on flooding grounds.

Despite the submission of additional surface water drainage information the consultants acting on behalf of the Local Lead Flood Authority have maintained their holding objection to the proposals. In particular matters on the following matter remain outstanding:

- Groundwater levels have not been determined to demonstrate whether base of infiltration system can be situated 1 m above groundwater table.
- No calculations have been provided for sizing of the soakaways. It is further noted that the infiltration rates provided have not been calculated in accordance with BRE365 (which suggests that the average infiltration rate between the 25% and 75% depth be ascertained). Half drain down time calculations apply to all forms of temporary attenuation features, including soakaways.

- No proposed layout of the drainage system has been provided. We note that the correspondence from the Applicants agent (reference SA29622/HH) that the proposals are still in flux and there is a preference to defer undertaking any form of drainage design until full planning permission has been granted. Whilst, this scenario would be considered (with mitigating circumstances) at outline planning stage, it is not considered acceptable at full planning application stage.
- The proposals suggest no form of water quality treatment for storm water prior to disposal of storm runoff via soakaways. Chapter 26 of the SuDS Manual should be referred to, which will give guidance on the types of SuDS approaches which will provide sufficient mitigation.

Given this holding objection, the proposal conflicts with guidance from the NPPF.

Impact on Ecology and Biodiversity

As set out earlier, Policy CS5 of the Adopted Core Strategy states that development outside town boundaries and village envelopes should protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

During the life of the application there has been a reduction in the amount of proposed development, further survey work has been carried out and the loss of trees and the impact on oak trees has been considered further.

Although no Arboricultural Impact Assessment has been completed it is confirmed that no mature trees are to be removed. A supplementary letter submitted from the applicant's planning agent also states that plans have been amended to increase the Root Protection Area (RPA) around existing trees and the large oaks will now remain on a spit of land. Loss of part of the Local Wildlife Site habitat has been re-considered and it is accepted that the current lack of management of the site has caused degradation and loss of habitat for which it was originally designated. Although the extension of the lakes will cause a permanent loss of land, including Floodplain Grazing Habitat, an opportunity exists to work with the landowners and achieve retention and improvement of the remaining Floodplain Grazing Marsh. The provision of a long term management plan (minimum 10 years) for the grazing marsh area could be submitted to ensure the area remains in Positive Conservation Management and to ensure no further loss and no net loss for biodiversity.

Additionally, a second water vole survey has now been completed, as requested and evidence of water vole on the site has been confirmed. Although the population is considered to be low a water vole mitigation method statement will be required in accordance with Water Vole Mitigation Handbook 4.9.2, and a water vole licence will be required as there is temporary displacement and disturbance to habitat.

Should the application be considered appropriate a number of conditions would be recommended regarding the submission of a landscape and ecological management plan, lighting design strategy, water vole mitigation scheme and submission of the appropriate licence and a restriction on the removal of vegetation during the bird nesting season.

Design, Appearance and Layout

Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LLP50 of the Draft Local Plan all seek a high standard of design and layout.

Paragraph 124 of the NPPF states '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'.

The 'mobile' units have a utilitarian design and appearance that would be alien additions in the countryside and be harmful to the landscape character in this location contrary to the NPPF, Policies CS5 and CS8 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that the Council will seek a high standard of layout and design in all development, large and small in the District. It sets out a number of criteria which includes that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. Paragraph 127 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants.

The closest residential dwelling lies 220m from the nearest lake, and is located adjacent to the access track that serves the site from Toppesfield Road. The proposals would lead to a significant increase in vehicular traffic along the access track than currently experienced. This increase in vehicular activity, both related to the fishing use and the café use, would be detrimental to the amenity of the neighbouring occupier contrary to the abovementioned policies.

With regards to the impact of the proposals on residential properties located to the north of the site along Toppesfield Road, it is considered that there is sufficient distance between these dwellings and the lake area to ensure the amenity levels for these residents are not materially affected.

Retention of Electricity Supply and Enclosure

The electricity enclosure is located to the north of the site near a Public Footpath. The enclosure is a green painted breeze block structure and is

highly visible from the footpath. The enclosure has a utilitarian design and appearance that is an alien addition in the countryside and is harmful to the landscape character in this location contrary to Policies CS5 and CS8 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan.

Highway Issues

ECC Highways state that from a highway and transportation perspective the impact of the proposal is acceptable given the existing access, the scale of the proposed development and the area to be available for parking within the site. They have however requested the following condition to be added in the event of granting planning permission:

Prior to occupation of the development the existing vehicular access shall be widened and constructed at right angles to the highway boundary to the width of the area shown within the red line, as shown on drawing no. SA 29622 02. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.

Whilst these works can be accommodated within the red line of the application site, they would result in an overtly urban feature within an existing rural street scene, harmful to the landscape character in this location contrary to Policies CS5 and CS8 of the Adopted Core Strategy and Policy RLP90 of the Adopted Local Plan.

CONCLUSION

The site is located within the countryside in an area where new development is restricted to appropriate uses to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside in accordance with Policy CS5 of the Adopted Core Strategy. Policy CS8 Adopted Core Strategy states that where development is permitted in the countryside it must have regard to the character of the landscape and its sensitivity to change.

Whilst the Council acknowledges the applicant's business aspirations for the site, the introduction of the 'mobile' units, the over engineered vehicular access and the retention of the electricity enclosure would be harmful to the character and appearance of the countryside. Furthermore the siting of the 'café' in this isolated location, some distance from the village of Great Yeldham would result in an unsustainable form of development, conflicting with the policies outlined above and guidance from the NPPF.

The application fails to provide detailed information with regards flood risk and drainage and a holding objection is maintained by the Local lead Flood Authority. It is therefore considered that the proposal conflicts with the guidance contained within paragraphs 163 and 170 of the NPPF.

RECOMMENDATION

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

- 1 The proposal is contrary to Policies CS5 and CS8 of the Braintree District Local Development Framework Core Strategy in that the development would fail to contribute to and enhance the landscape character of the local environment within the countryside.

 Furthermore the proposals would result in an unsustainable form of development, conflicting with the policies outlined above and paragraphs 170 and 83 of the National Planning Policy Framework with regards to failing to respect the character of the countryside.
- 2 The application has failed to provide detailed information with regards to flood risk and drainage contrary to Policy LPP78 of the Publication draft local Plan and therefore conflicts with the guidance contained within paragraph 163 of the National Planning Policy Framework.

SUBMITTED PLANS

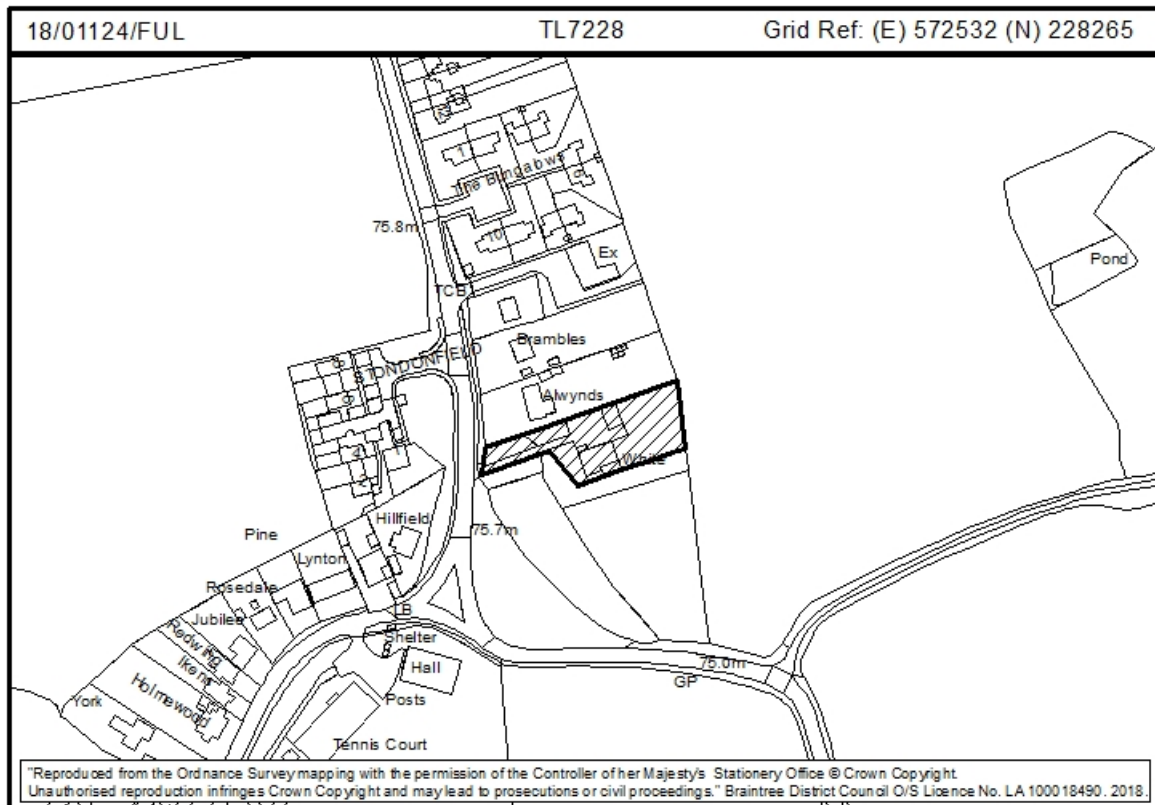
Location Plan	Plan Ref: SA 29622 01
Site Plan	Plan Ref: SA 29622 02
Block Plan	Plan Ref: SA 29622 03
Flood Risk Assessment	Plan Ref: SA 29622 04
Proposed Plans	Plan Ref: SA 29622 05
Proposed Plans	Plan Ref: SA 29600 06
Proposed Plans	Plan Ref: SA 29600 07
Block Plan	Plan Ref: SA 29622 08

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01124/FUL DATE: 26.06.18
 VALID:
 APPLICANT: Mr Steve Wheelhouse
 Hoe Mill Barns, Manor Road, Woodham Walter, Maldon,
 CM9 6GH
 AGENT: Petro Designs Ltd
 Mark Morgan , Unit 20, West Station Yard, Spital Road,
 Maldon, CM9 6TS
 DESCRIPTION: Demolition of dwelling and erection of 2no. detached
 dwellings with detached double garages with drive onto
 existing access.
 LOCATION: White Court, Braintree Road, Shalford, Essex, CM7 5HF

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



SITE HISTORY

17/00047/REF	Proposed demolition of existing dwelling, garaging and outbuildings and erection of 3 no. 5 bedroom detached dwellings and 3 no. 4 bedroom detached dwellings	Appeal Dismissed	27.11.17
78/01512/P	Erection of a 6 foot high fence along the southern boundary	Granted	
05/01587/FUL	Erection of single storey extension, alterations to existing kitchen and re-positioning of existing conservatory	Granted	23.09.05
09/00654/FUL	Erection of detached cartlodge/store	Granted	30.06.09
09/00738/FUL	Erection of extension and alteration works to create annexe accommodation	Granted	15.07.09
15/01117/OUT	Erection of 4 no. detached dwellings and associated garages, car parking, landscaping and external works.	Granted with S106 Agreement	20.11.15
16/02023/FUL	Proposed demolition of existing dwelling, garaging and outbuildings and erection of 3 no. 5 bedroom detached dwellings and 3 no. 4 bedroom detached dwellings	Refused then dismissed on appeal	05.04.17
18/00278/REM	Reserved Matters application following Outline Planning Permission 15/01117/OUT. Erection of 4 no. detached dwellings and associated garages, car parking, landscaping and external works.	Granted	26.04.18
18/01574/DAC	Application for approval of details reserved by conditions 3, 4, 7, 15, 16 and 18 of planning approval 15/01117/OUT.	Pending Consideration	
18/01848/DAC	Approval of details reserved by condition 14 of planning permission 15/01117/OUT.	Pending Consideration	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, because an objection has been raised by the Parish Council, contrary to Officer recommendation.

SITE DESCRIPTION

The application site contains a property known as White Court, which is a bungalow, and is located within the village envelope of Shalford. To the south west of the site are a number of protected trees. The site is served by an existing vehicular access from Braintree Road.

To the north of the site is residential development which is a mix of single storey and two storey dwellings.

An area of land to the south west of site is allocated as a Visually Important Space and Informal Recreation space in the Publication Draft Local Plan.

A reserved matters application was recently approved for four dwellings on a site directly to the south of the site (application reference 18/00278/REM refers).

PROPOSAL

This application relates to the demolition of an existing dwelling known as White Court and the construction of two detached dwellings and two detached garages. The submitted block plan also indicates a new section of driveway which would connect to the existing vehicular access.

CONSULTATIONS

ECC Highways - No objection. A number of conditions are suggested regarding visibility and the width of the private drive.

BDC Landscape - No comments received.

Shalford Parish Council - The Parish Council feels that this would be over development of the site. The applicant has already put in an application for 6 properties on the whole site which was turned down on appeal; the applicant subsequently put in the original application for 4 houses which was approved. An application has now been submitted for a further 2 properties which would bring the site up to 6 again. The Parish Council recommend refusal.

REPRESENTATIONS

Two representations received, one following the submission of the revised proposal, from the neighbouring property making the following comments:

- Misleading information contained within the application.
- Occupiers did not agree to the proposed development, contrary to the submitted Design and Access Statement.
- The proposal would not be in keeping with the character of the area
- Loss of privacy from first floor windows
- Layout and gaps left between buildings would not be as spacious as existing development in the area
- Overbearing and visually intrusive to occupiers of Alwynds, to the detriment of their amenity

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development within Town Development Boundaries and Village Envelopes will be acceptable in principle, subject to detailed design considerations. The site is located within the Village Envelope of Shalford.

The principle of the proposed development therefore complies with the Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

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

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

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

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

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

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph

11 of the NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

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

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

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

SITE ASSESSMENT

Design, Appearance and Layout

During the life of the application the design and layout of the dwelling that adjoins the neighbouring residential property to the north has been significantly altered. The design of the dwelling changed from a two storey house to a bungalow and was relocated closer to the front boundary of the site.

The revised siting and design of the bungalow in place of a two storey dwelling is considered acceptable both in relation to Alwynds, the proposed dwellings to the south and the wider street scene.

The design of the second dwelling, which remains unchanged, mirrors that of the design of the four dwellings approved under 18/00278/REM on the immediately adjacent land to the south and is considered acceptable in terms of its relationship to the approved scheme.

The garden for the bungalow is approximately 292sq.m and the garden for the house is approximately 240sq.m. Therefore both properties would have gardens that exceed the minimum amenity sizes required by the Essex Design Guide, which is 100sq.m.

Impact on Neighbour Amenity

Originally the dwelling was two storey, with first floor front facing windows that would have overlooked the private garden belonging to Alwynds next door.

As outlined above the design of this dwelling has been altered during the life of the planning application to show a bungalow and has been relocated closer to the front of the site. The ground floor side elevation of the proposed bungalow which would abut Alwynds contains two bathroom windows. Given the existing boundary treatment between the new dwelling and Alwynds, this relationship is acceptable. A small high level rooflight serving an ensuite is shown in the north facing elevation towards Alwynds. The rooflight window is located sufficiently high enough within the roof to ensure that views from it would be restricted and that the privacy of the neighbouring property would be adequately preserved.

The proposals would not result in overdevelopment of the site, and would sit comfortably in the streetscene, particularly in the context of the four dwellings recently approved directly to the south of the application site.

Highway Considerations

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, particularly given the previous permission granted under application reference 15/01117/OUT and the scale of the proposed development.

Conditions regarding the visibility splays and the size of the private drive have been recommended by ECC Highways, which are included within the set of proposed conditions.

Parking

Detached garages are shown for each property which have an internal measurement of 7.5m by 6m, which is sufficient to provide space for two parked cars and therefore complies with the adopted Parking Standards.

CONCLUSION & PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located within the designated village envelope of Shalford and is therefore in compliance with Development Plan and the Publication Draft Local Plan.

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

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

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

In the case of this application, the proposal represents a net increase of one new dwelling within the designated Shalford Village Envelope. The proposal would have economic and social benefits, in terms of employment generated from the construction period and the provision of a new dwelling which would contribute to the supply of housing. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited in weight due to the scale of the development. Furthermore, there would not be any adverse environmental impacts arising from the

proposed development. The proposed dwelling would not have an unacceptable impact on the locality by virtue of its design, appearance and layout, and would not have an unacceptable impact on neighbouring residential amenities.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal outweigh the harms, and therefore consider the proposed development would constitute sustainable development and recommend that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: 12	Version: H
Garage Details	Plan Ref: 13	Version: B (Plot 1)
Proposed Plans	Plan Ref: 11	Version: D (Plot 2)
Garage Details	Plan Ref: 14	Version: C (Plot 2)
Proposed Plans	Plan Ref: 26A	

- 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 No above ground development shall commence unless and until samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.

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 revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in on the north facing elevation and roof slope hereby permitted without first obtaining planning permission from the local planning authority.

Reason

In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

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

Reason

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

- 6 Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 73 metres in both directions, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height 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 to ensure accordance with policy DM 1 of the Highway Authority's Development Management Policies, 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 the carriageway and provided with an appropriate dropped kerb crossing of the footway.

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.

INFORMATION TO APPLICANT

1 -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.

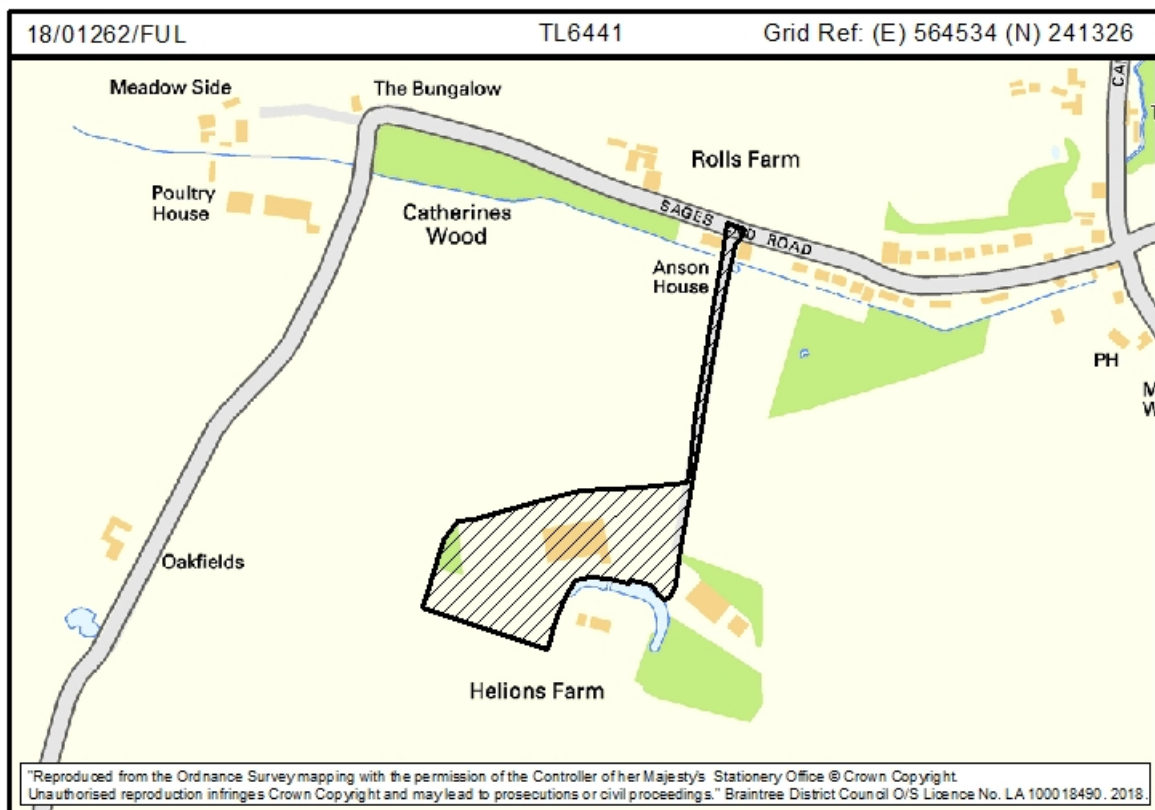
The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01262/FUL DATE: 11.07.18
 VALID:
 APPLICANT: Ms E King & Mrs King
 Helions Great Hall, Sages End Road, Helions Bumpstead,
 Essex, CB9 7AW
 AGENT: Cheffins Planning And Development
 Mr Ian Smith, Clifton House, 1 - 2 Clifton Road, Cambridge,
 CB1 7EA
 DESCRIPTION: Retention of temporary dwelling pertaining to the
 implementation of 13/00408/FUL (as amended) for three
 year period. Previously approved under 15/00115/FUL.
 LOCATION: Helions Great Hall, Sages End Road, Helions Bumpstead,
 Essex, CB9 7AW

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



SITE HISTORY

06/01375/COU	Conversion of barn to residential dwelling and associated studio and B1 (A & B) offices	Granted	15.08.06
09/01300/FUL	Amendments to planning permission 06/01375/COU to incorporate two residential dwellings, associated studio, B1 (A&B) offices, stables, horsebox storage and entrance security gates	Granted	08.12.09
10/00791/FUL	Amendments to planning permission 09/01300/FUL pertaining to house 2 mobile homes on-site	Granted	05.08.10
13/00408/FUL	Variation of condition 20 of planning approval 10/00791/FUL - To enable the retention of two mobile homes on site until July 2016	Withdrawn	31.12.15
15/00019/FUL	Installation of a Solar Photovoltaic (PV) panel array in paddock	Granted	16.04.15
15/00115/FUL	Application for retention of a temporary dwelling pertaining to the implementation of Planning Permission 10/00791/FUL.	Granted	30.03.15
15/00406/MMA	Application for a Minor Material Amendment to amend Condition no. 2 of Planning Permission 10/00791/FUL - erection of boiler room and flues to north-east corner of barn and insertion of rooflight in roof of main barn.	Granted	14.05.15
16/00949/FUL	Re-siting of two portacabins for construction amenity purposes during the build	Withdrawn	28.07.16
16/01658/NMA	Application for a non-material amendment following grant of planning permission 09/01300/FUL - To bring the permission in line with current best	Granted	24.10.16

practice by listing the specific plans under a new condition

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
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
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
LPP60 Heritage Assets and their Settings

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, as following consultation with the Chair and Vice-Chair, it was considered that the application could be significant in its impacts. The Committee should note that an appeal has been lodged with the Planning Inspectorate on the grounds of non-determination. Accordingly, the Committee cannot therefore determine the application, but can indicate how it would have determined it.

SITE DESCRIPTION

The application site consists of a range of former agricultural barn buildings located outside of any designated village envelope, approximately 0.56km outside the centre of the closest village, Helions Bumpstead. The site is located adjacent to Helions Farmhouse, an unlisted residential dwellinghouse located within a moated enclosure, which itself is designated as a scheduled ancient monument.

The barn building on the site has had numerous planning applications in the past for its conversion into a residential use.

Temporary residential accommodation was approved for occupation for the applicants on the site whilst the conversion works were being carried out. The building comprises a former farm office building and a portacabin type structure attached to it.

PROPOSAL

The application proposes the retention of the temporary residential accommodation on the site for a further period of three years. No physical alterations would take place to the building.

CONSULTATIONS

Helions Bumpstead Parish Council – No Objections.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. One letter of representation was received from a neighbouring dwelling known as Helions Farmhouse, which raises objection to the application on the grounds that they consider there is no valid planning application to convert the barn building, and therefore to renew a temporary permission for residential accommodation on the site would not be appropriate.

REPORT

Retention of Residential Accommodation on a Temporary Basis

This application proposes the retention of temporary residential accommodation on the site, to provide accommodation for the applicant and her mother whilst the conversion works are being carried out to the main barn. This would be for a renewed period of three years.

In this regard, Paragraph 3 in the 'Use of Planning Conditions' in the National Planning Policy Guidance provides a clear indication of how proposals for the renewal of temporary permissions should be determined:

"It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently".

In the case of this application, the temporary residential accommodation has been on the site in relation to the conversion of the barn for a period of approximately 8 years, since it was granted in 2010. Two previous applications have been submitted to renew the temporary permission, with this application representing the 3rd application for its retention.

In this time, aside from the demolition of the modern barns in front of the brick barn, no works have been carried out to the main barn or side 'wing' which would enable the applicant and her Mother to occupy it, so as to negate the need for the temporary residential accommodation. Although information has been submitted with the application in order to justify the renewal, which sets

out the personal circumstances for the accommodation and the situation of the applicant and her Mother, it would not prevent the same situation from arising in another three years.

Although the submitted planning statement provides an indication that the development should be completed within 3 years, and therefore that another renewal would not be necessary, there has been neither a timeline nor evidence submitted to satisfy Officers that this would be the case. In this regard, a decision has to be made as to whether it would be appropriate to renew the temporary planning permission for a further temporary period of time. In this case, it is not considered that it would be reasonable, or that sufficient justification has been provided, to renew the residential accommodation for a further temporary period of time.

Notwithstanding the above, the National Planning Policy Guidance indicates that a decision should be made for the retention of the residential accommodation on a permanent basis, which in effect represents a new permanent dwelling.

Retention of Residential Accommodation on a Permanent Basis

Principle of Development

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

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

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

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

5 Year Housing Land Supply

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

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

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

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

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

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

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

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

In addition, the Council's latest 5 year supply figure of 5.83 years (as at 31st March 2018) must also be considered in the context of the emerging

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

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

Site Assessment

The application site is located in an area approximately 0.56km outside of Helions Bumpstead. Within the village itself there are no services and facilities. There is a Post Office, which is only open for two days a week. There are public transport links to Haverhill, which itself is a large town, but this service only runs every 2 hours, with the last bus of the day leaving Helions Bumpstead at 15:05 toward Haverhill, and leaving Haverhill at 14:20 toward Helions Bumpstead. The site in this regard is not a sustainable location, and its occupants would rely on the private car to reach essential services and facilities.

The building itself is not of conventional construction, with half of it being a 'portacabin' type structure, and doesn't afford a high level of amenity to its occupants. Even if this part were removed, the remainder of the building would be too small to function adequately as an independent dwellinghouse.

The residential accommodation is not provided with any private, useable amenity space, and it is not clear where this could go on the site without prejudicing the scheme at the barn.

CONCLUSION & PLANNING BALANCE

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

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

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

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

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

There would be a social benefit brought about through the permanent retention of the residential accommodation, however this would be limited to the contribution that the net gain of a single dwelling would make to the Council's housing supply.

Conversely, there would be environmental and social harm caused as a result of the scheme, due to its location, which offers poor access to services and facilities by any means other than the private car. The building itself is small, and isn't of conventional construction. It would provide a poor level of amenity for its occupiers.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm identified and the moderate weight afforded to the conflict with the Development Plan. Officers therefore consider the proposed development would not constitute sustainable development, and although an appeal has been lodged against non-determination, Officers consider that if a decision had been made beforehand, refusal will have been recommended.

Other Issues

It is noted that the description of the proposed development as submitted by the applicants was "Retention of temporary dwelling pertaining to the implementation of 13/00408/FUL (as amended) for three year period. Previously approved under 15/00115/FUL."

It should be noted that application reference 13/00408/FUL was an application which was withdrawn before it could be determined. Therefore the description of development has been amended to "Retention of temporary dwelling" to more accurately reflect the proposal in this case.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
That if the Council had been able to determine the application, planning permission would have been refused for the following reasons:-

- 1 The proposed retention of the dwelling for a further period is contrary to National planning Policy Guidance which states that it will rarely be justifiable to grant further temporary permissions. No such justification has been put forward in this instance such as to support a further temporary grant of planning permission.

 The proposals are therefore considered to be contrary to Policy RLP2 of the Adopted Local Plan, Policy CS5 and CS7 of the Adopted Core Strategy, Policy LPP1 of the Draft Local Plan, and policies and guidance within the NPPF and the NPPG.
- 2 The site is in a countryside location, where development is resisted unless it is sustainable and located where it will enhance or maintain the vitality of rural communities. There are limited facilities and amenities within walking distance of the site and to allow the

retention of development in this location places reliance upon travel by car and, as a single dwelling, the proposal will not enhance or maintain the vitality of the area. Furthermore, the building itself is small and isn't of conventional construction. It would provide a poor level of amenity for its occupiers.

The application is not considered to constitute sustainable development, and is therefore considered to contrary to the NPPF, Policies RLP2 and RLP90 of the Adopted Local Plan, Policies CS5 and CS7 of the Adopted Core Strategy, and Policies LPP1, LPP50 and LPP55 of the Draft Local Plan.

SUBMITTED PLANS

Proposed Plans

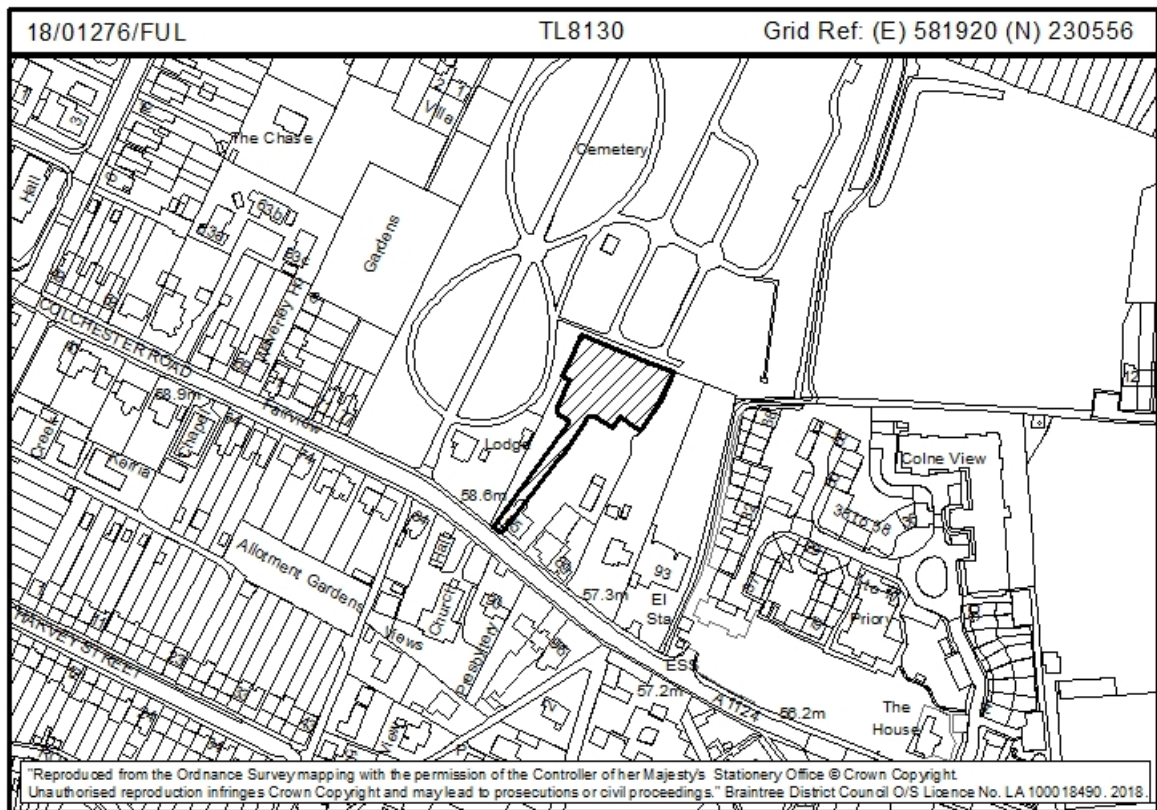
Plan Ref: HFB2015-TEMP ACCOM 1.0

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01276/FUL DATE: 24.07.18
 VALID:
 APPLICANT: Regent Square Limited
 Mr Jon Nash, 103 London Road, Braintree, Essex, CM7 2LF
 AGENT: LAP Architects & Interior Designers
 Mr Lawrence Walton, 123 New London Road, Chelmsford, Essex, CM2 0QT
 DESCRIPTION: Erection of 4 New dwellings and associated works
 LOCATION: 85 Colchester Road, Halstead, Essex, CO9 2EN

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



SITE HISTORY

13/00031/REF	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Appeal Dismissed	12.12.13
18/00023/REF	Erection of 4 no. dwellings and associated works - amendment to Terrace A following grant of planning permission reference no. 17/00638/FUL		
18/00050/REF	Erection of 4 no. dwellings and associated works - amendment to Terrace A following grant of planning permission reference no. 17/00638/FUL		26.09.18
90/00640/PFHS	Erection Of Side Extension And Conservatory To Rear Of Dwelling	Granted	16.05.90
12/01190/OUT	Alterations to existing house and the erection of 5 no. detached houses to the rear of the property served by a private drive	Refused then dismissed on appeal	13.03.13
17/00638/FUL	Erection of 8 no. residential dwellings and associated works	Granted	21.06.17
18/00026/FUL	Erection of 4 no. dwellings and associated works - amendment to Terrace A following grant of planning permission reference no. 17/00638/FUL	Refused	02.03.18
18/00574/FUL	Erection of 4 no. dwellings and associated works - amendment to Terrace A following grant of planning permission reference no. 17/00638/FUL	Refused	25.06.18

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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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)”.

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

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National Planning Practice Guidance (NPPG)

Braintree District Local Plan Review 2005

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RLP3	Development within Town Development Boundaries and Village Envelopes
RLP10	Residential Density
RLP56	Vehicle Parking
RLP65	External Lighting
RLP80	Landscape Features and Habitats
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

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

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP50	Built and Historic Environment

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee as Halstead Town Council have objected to the proposals, which is contrary to officer recommendation.

SITE DESCRIPTION

- The site is located within the development boundary for Halstead to the northern side of Colchester Road.
- The site is currently vacant with ground works underway. The site was formally excavated as a sand/gravel pit which has resulted in the site sloping significantly up to the north, eastern and western boundaries. These boundaries are heavily planted with vegetation and mature trees.
- The site is adjacent to the Halstead cemetery which contains a Grade II listed building.
- The cemetery is at a much higher land level than the application site.

PROPOSAL

The application proposes the erection of 4 no dwellings and associated works.

A scheme has previously been approved on the site (*reference 17/00638/FUL*) for a scheme of 8 dwellings. This full application seeks to amend the approved scheme by increasing the rear terrace part of the development from 3 dwellings to 4 dwellings. This is a full planning application (rather than a section 73 variation application) as it is an increase in dwellings on the site.

This revised scheme follows previous refusals (18/00574/FUL and 18/00026/FUL) for a similar character of development. Appeals have been lodged against these decisions and are awaiting determination.

CONSULTATIONS

Halstead Town Council

Previously the Council has objected due to close proximity to Cemetery Lodge and buildings within its curtilage. Previous comments made apply equally to this current application. Cllr Munday proposed that the Town Council recommend refusal of this application on grounds of the proposed development being not in keeping with the heritage environment, which was seconded by Cllr Gronland and carried unanimously.

BDC Environmental Health

No objection. However, in view of the proximity of nearby residential properties it is recommended that works of demolition, site clearance and construction are controlled to minimise disturbance to nearby residents. Conditions recommended.

Historic Buildings Consultant

This is an application for an amendment to a terrace of housing at the north end of a development in a rear garden off the Colchester Road. A scheme for two terraces of 3 and 5 houses each was approved in 2017. There have since been two attempts, both refused, to amend this scheme, driven by the cost of building a retaining wall at the north end of the site which occupies a former quarry. These two amendments, and the current application, have sought to revise the layout of the northern terrace of housing (terrace A) such that it revets the land behind it and acts as a retaining wall. There is a heritage constraint on the site in the form of the adjacent Halstead cemetery which includes a grade II listed lodge house. The cemetery dates from 1855, and is attractive and well maintained. It is included on the Essex Gardens Trust's Inventory of Historic Designed Landscapes of heritage and landscape value in the Braintree District. As an undesignated heritage asset, it is a material consideration in the planning process. A prominent feature of it is the stone boundary wall which can be regarded as a part of the curtilage of the listed building. The amendments to terrace A would increase development from 3 to 4 units, risking further intensity of development on a tight site, and move it closer to the cemetery boundary. The first of these amendments (18/00026/FUL) proposed that the terrace would be three storeys high. The conservation advice on the application was that, on grounds of proximity and increased height (just over 12m), the development would adversely affect the setting of the cemetery, in as much as it would be intrusive in views out from the cemetery. The second amendment (18/0574/FUL) proposed a two-and-a-half storey terrace with a ridge at 11.63m. The current application is for a lower two-and-a-half storey terrace with the attic storey more truly in the roof. This would bring the ridge down to about 10m, or about the height of the original approved development. This would seem to make the scheme more acceptable, if it were not that the accommodation would be enlarged by two rear wings about 4m deep and 8m wide developed on the higher ground at

first and attic storey level. These would add considerably to the bulk of the development, and to its prominence from within the cemetery. I do not consider that this amendment has overcome the previous objection.

Essex County Council Highways

No objection subject to conditions and informatives.

BDC Landscape Services

No representation received however, previous representation stated '*No objections to this planning application, however the Tree Protection Plan should be updated to take the change in layout into account. This could be submitted under condition but must be agreed in writing and in place on site prior to commencement of development*'.

REPRESENTATIONS

A site notice was displayed adjacent to the site for a 21 day period and immediate neighbours were notified by letter. 2 representations of objections were received. In summary the following comments were made:

Design and Layout

- Over development of the site.
- Intrusion of people using the cemetery due to overlooking of development.
- The cemetery wall could be damaged by development due to proximity.
- Increase in number and size of dwellings.
- Overlooking concerns due to proposed properties being taller with windows at all 3 levels and the proposed rear projections.
- Local surrounding gardens are large plots giving a green spacious area feeling; the proposal impinges on this through over development of a residential back garden.
- Any more interference or excavation into these banks could potentially cause damage to the listed structures as well as affecting the aesthetics of the surrounding area; the whole area from the cemetery and lodge eastwards along Colchester.
- The proposed development would not be in harmony with the character and appearance of the surrounding area.

Traffic and Parking

- There are existing problems with traffic and parking on Colchester Road. There will be less parking available.
- Poor visibility onto Colchester Road due to increase in cars parked.
- Increase in bedroom size to 4 bedrooms will bring additional impact of more vehicles.
- The proposed access is relatively narrow. It is a busy road. There have been a number of serious traffic collisions.
- A number of children cross the road at this point to access school/leisure centres.

- There is already increased flow of traffic from new Priory Hall development and this will increase with development at Central Park.

Trees and Vegetation

- Impact on trees on the bank which form part of the retention of the bank and part of the boundary. The substantial mature trees and shrubs contribute greatly to the stability of the bank and the privacy of all properties.
- There is no report submitted on the trees and wildlife with this application.
- The green open character would be compromised.
- The existing vegetation forms part of the historical environment.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 73 of the NPPF outlines that local planning authorities should identify and update annually a supply of specific deliverable sites

sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer.

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

The Development Plan

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

The application site is located within the Halstead Town Development Boundary whereby residential development is acceptable in principle, in accordance with Policy RLP2 of the Adopted Local Plan, which seeks to contain such development within defined development boundaries. Policy RLP3 of the Adopted Local Plan states that, within town development boundaries, residential development 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.

The principle of the proposed development therefore complies with the Development Plan and the emerging Draft Local Plan.

5 Year Housing Land Supply

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

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

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

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

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

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

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

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

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

Whilst the presumption in paragraph 11 of the NPPF is not engaged (due to the presence of a 5 Year Housing Land Supply), until the Council has ascertained that it can demonstrate a robust supply within its annual

monitoring report and given the Local Plan context described above, it is considered that only moderate weight can be attached to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

SITE ASSESSMENT

Site Location

The site was formerly excavated as a sand pit and for this reason it sits below the surrounding land to the north, east and west and these boundaries of the site slope significantly. This part of Colchester Road is characterised on the north side by large dwellings in large plots, which together with the extensive green area of the cemetery to the north and west give the area a generally spacious and verdant character, although there is no particular distinctiveness in terms of a common architectural style. The site is located adjacent to the Halstead Cemetery which contains a Grade II listed building. The area between the listed building and the site is heavily planted and the site is at a much lower level than the listed building and the cemetery.

Site History

The site benefits from an extant planning permission for the erection of 8 no dwellings (ref: 17/00638/FUL) and a further application for 5no. dwellings (ref: 15/01095/FUL). Recently, planning applications have been submitted for a similar character of development '*erection of 4 no. dwellings and associated works - amendment to Terrace A following grant of planning permission reference no. 17/00638/FUL*' reference 18/00026/FUL and 18/00574/FUL respectively. These applications were refused and subsequently appeals have been lodged and are awaiting determination.

The reason for refusal of 18/00574/FUL and 18/00026/FUL stated:

'The Local Planning Authority has a duty under Section 66(1) of the Listed Buildings & Conservation Areas Act 1990 to have special regard to the desirability of preserving the setting or any features of special architectural or historical interest which the Listed buildings possess. Replacement Local Plan (2005) Policy RLP100 "Alterations and extensions and changes of use to listed buildings and their settings" and the emerging Publication Draft Local Plan 2017 Policies LPP50 "Built and Historic Environment" and LPP60 "Heritage Assets and their Settings" support the statutory duties and the National Planning Policy Framework policy as regards heritage assets. As a result of its effect on views out from the adjacent cemetery the proposal would be harmful to the setting of the Grade II listed Cemetery Lodge and the buildings within its curtilage. The development would harm the significance of the heritage asset. The harm whilst material would be "less than substantial" as indicated in the Framework. The Council recognises the benefits of

additional land for housing but it considers that the limited public benefit arising from the proposal would not outweigh the harm that would be caused to the significance of the heritage asset. The proposal would therefore conflict both with the Council's statutory duty as regards listed buildings and their settings and with national guidance and local policies outlined above'.

These applications form a material consideration in the determination of this application. The proposed development is considered acceptable in principle and all other material considerations will be addressed below.

Design and Layout

The NPPF requires planning to always seek to secure high quality design. As set out above, Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan require development to respect the existing character of the settlement. Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy and Policy LPP55 of the Draft Local Plan seek a high standard of design and layout in all developments.

The development subject to this application proposes a very similar layout to the 2017 permission, but includes an additional 1 dwelling and thus presents an overall scheme comprising a terrace of 4 no. dwellings (previously 3 – 17/00638/FUL) and a terrace of 5 no. dwellings.

The agent has indicated in supporting information submitted with previous applications that, *'During the preliminary engineering assessment, it was discovered that the existing topography does not lend its self to the original retaining solution envisaged. This has been due to numerous factors, including the complexity of the temporary works required due to the proximity of the adjacent cemetery and existing mature trees that are to be retained. It was therefore felt that a more effective solution would be to use Block A as part of the retaining structure, with car parking and level access on the ground floor and habitable spaces at first and second floors. The result is a predominately level private garden to the rear, with gently sloping gardens at a higher level to the road structure below. In assisting with the retention of the site around the north and east/west boundaries, it has further been proposed to increase the number of 3 bedroom properties from 3 to 4, so allowing for the gradation of the ground to be minimised and the protection of the adjacent trees and cemetery maximised'.*

During the course of the application the concerns raised by officers regarding the proposed height and detail on the elevations were discussed with the applicant/agent. This included:

- The roof projections at the rear need to be subordinate to the main roof of the terrace.
- The dormers on the front are overly dominant and would appear more sympathetic with cat slide roofs.
- The porches on the front elevation should be omitted.
- Fenestration pattern on the front elevation could be simplified.

- Sufficient parking provision

Revised plans were subsequently submitted (8454/10 REV H) which address the above concerns.

The revised plans propose a roof height which is the same as that of the approved scheme 17/00638/FUL (2.5 storey) with the rear roof projection clearly subordinate to the main terrace roof.

A pair of rear projecting gables are proposed on the rear elevation projecting from the rear wall approximately 4 metres in depth and 8 metres in width.

The revised plans indicate that cat slide dormers and timber style cottage casement windows are proposed on the front elevation. This has simplified the front elevation design with a vertical/rectangle fenestration pattern as opposed to the large squares previously indicated.

Parallel parking spaces within the garage are proposed.

Amenity Space

The submitted 'Amenity Provision Plan' (reference 8454/07A) indicates the following amenity space provision:

- Plot 6 – 374sq.m
- Plot 7 – 100sq.m
- Plot 8 – 105sq.m
- Plot 9 – 147sq.m

The Essex Design Guide 2005 refers to 100sqm of amenity space provision for 3 or more bedroom dwellings which, *'has been found to be an acceptable and workable minimum size that accommodates most household activities and is at the same time adequate to offer visual delight, receive some sunshine and encourage plant growth'*. Given the sloping nature of the land these gardens will include sloping sections, there is adequate garden area on level land to provide sufficient useable outside space that accords with the standard set out in the Design Guide.

Car Parking and Access

There are no alterations proposed to the existing access arrangements (as approved under application reference 17/00638/FUL).

The submitted plans propose an undercroft garage for each dwelling providing two car parking spaces. The Essex Vehicle Parking Standards 2009 require a minimum of '2 spaces per dwelling for 2+ bedrooms'. The internal space measures 3 metres x 12.5 metres. The proposed provision accords with the Essex Vehicle Parking Standards.

Impact on Character and Setting of Adjacent Listed Building

The comments from the Historic Buildings Consultant are noted. At its narrowest point the proposed development (west elevation for plot 9) is situated approximately 3.5 metres from the cemetery wall. In the approved scheme the development is situated approximately 5 metres from the cemetery wall with car parking spaces separating the development. Although the development is closer to this wall this revision is marginal. The rear projections are set slightly lower than the ridge height for the main terrace. Although the rear projections increase the overall bulk, they are articulated and 'read' as an extension to the terrace.

Accordingly officers have concluded that the comments of the Historic Buildings Consultant have been addressed by the revised plans.

Impact on Neighbouring Amenity

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

The terrace will be the same height as the approved scheme, albeit it with a bulkier appearance. With the additional 4th dwelling to the east of the terrace the development will be closer to the boundary with 93 Colchester Road. However, there will still be a distance of 11 metres maintained. As with the approved scheme, there will be a terrace of 5 dwellings intervening between the proposal and the dwellings on Colchester Road. The proposal would have no adverse effect on outlook from the dwellings and would not result in unacceptable overlooking.

Impact on Existing Trees

Concerns have been raised by objectors regarding the impact on existing trees. An Arboricultural Impact Assessment (dated 20th July 2018) has been prepared by Tree Planning Solutions (TPS). A condition will be attached to the application to ensure works are carried out in accordance with the assessment.

Additional Dwelling

The proposed additional unit increases the bulky appearance of the scheme. However, it is noted that a decrease in bedrooms is proposed to 3 bedrooms (as opposed to 4 bedrooms as approved scheme 17/00638/FUL). The additional 4th dwelling does not have a detrimental impact on the layout of the scheme. Sufficient garden and car parking provision is provided in accordance with the standards.

HRA / RAMS

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

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

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

CONCLUSION AND PLANNING BALANCE

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

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

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

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

The principle of developing the site has been established with the approved scheme for the site (17/00638/FUL). This application seeks to amend the design and layout of the scheme as *'the existing topography does not lend itself to the original retaining solution envisaged'*. Revised plans have been received during the course of the application to address design concerns raised by officers. The revised scheme has addressed the visual massing of the terrace with its height reduced by the projecting T section to the rear. The revised scheme provides useable rear amenity space for prospective occupiers. It addresses the previous significant changes in levels which required a large retaining wall (as current approved scheme).

The proposed development would not have a detrimental impact upon the character of the site and street scene of which it forms part of. Furthermore, the development would not give rise to harm to the character or setting of the adjacent listed building. The scheme provides sufficient amenity and car parking provision in accordance with the Council's standards. The proposed development would deliver both social and economic benefits through the

provision of new housing. Subject to suitable condition, as identified above it is not considered that the proposal would give rise to environmental harm.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would constitute sustainable development and recommend that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

General Plans & Elevations	Plan Ref: 8454/10	Version: g
Site Plan	Plan Ref: 8454/03	Version: d

- 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-houses or provision of any building within the curtilage of the dwelling-houses as permitted by Class 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 amenity given the nature and size of the garden areas.

- 5 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order) no window, door or other means of opening shall be inserted above first floor finished floor level on the southern side elevation of plot 1 (as shown on drawing no. 8454/01) hereby permitted, in addition to those shown on the approved drawing no. 8454/11.

Reason

To enable the local planning authority to retain adequate control over the approved fenestration in the interests of residential amenity.

- 6 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order) the side elevation window to plot 1, serving the bathroom as shown on drawing no. 8454/11 shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above the first floor finished floor level. Thereafter the said window shall be retained and maintained in the approved form.

Reason

To enable the local planning authority to retain adequate control over the approved fenestration in the interests of residential amenity.

- 7 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

- 8 Parking will be provided in accordance with Drawing No. 8454/03. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason

To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies

- 9 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 alteration of the garages 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. The garages as indicated on Drawing 8454/10F as hereby approved shall only be used for the parking of vehicles associated with the dwelling and not used for living accommodation.

Reason

To ensure adequate parking space is provided in accordance with the Council's adopted Parking Standards and to prevent alterations to the garages.

- 10 The development shall be carried out in accordance with the recommendations as set out within the Preliminary Ecological Appraisal Survey, produced by Arbtech dated March 2017.

Reason

To safeguard any protect protected species that could be present on the site.

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

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

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

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

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

Reason

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

- 12 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

In the interests of residential amenity.

- 13 Prior to occupation of the development, the access arrangements as shown in Drawing 8454/03 Rev C shall be provided, including the shown clear to ground visibility splay with dimensions of metres by 2.4 x 43 metres in both directions, 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

In the interests of highway safety.

- 14 The development shall be carried out in accordance with the approved Arboricultural Report listed above, undertaken by Tree Planning Solutions (TPS), dated 20th July 2018.

Reason

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

INFORMATION TO APPLICANT

- 1 There shall be no discharge of surface water onto the Highway. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The 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, CO4 9YQ

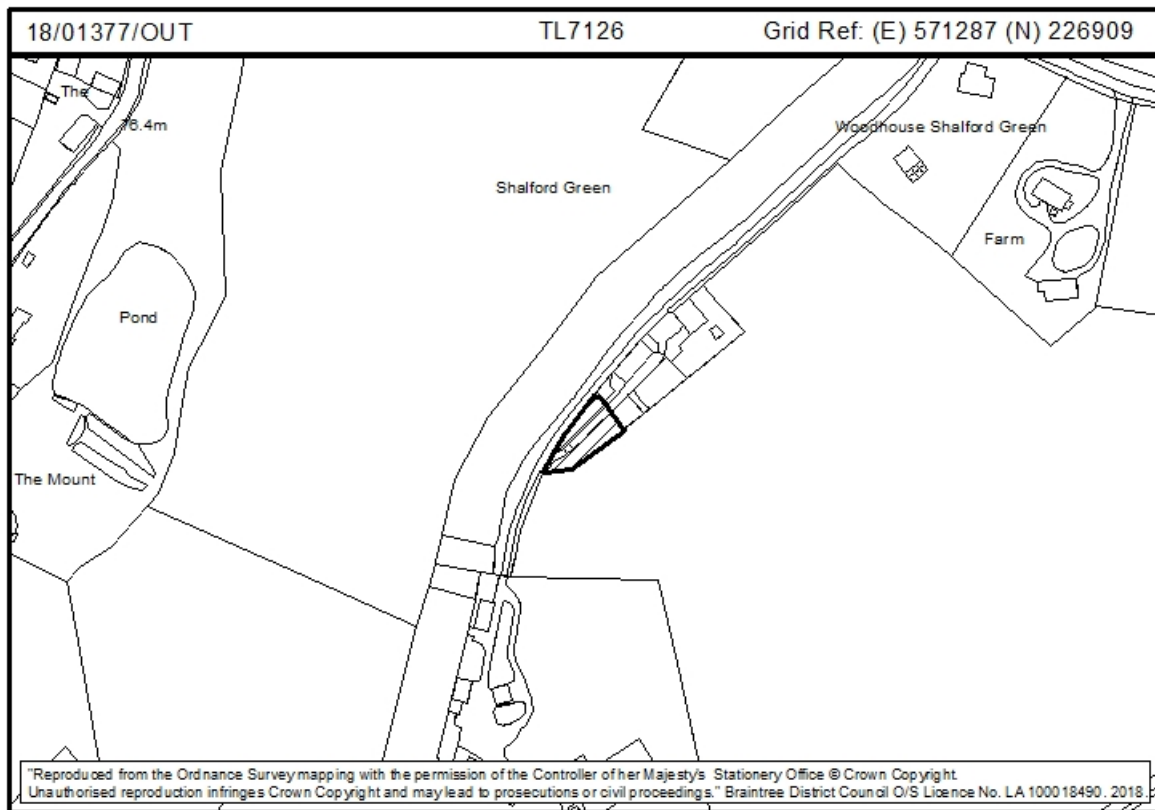
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART A

APPLICATION NO: 18/01377/OUT DATE: 11.09.18
VALID:
APPLICANT: Mr Derek Clark
Orchard Barn , Shalford Green, Shalford, CM7 5AY
AGENT: Penny Little
116 Oak Road , Rivenhall , CM8 3HG, United Kingdom
DESCRIPTION: Proposed 2 bedroom chalet style dwelling
LOCATION: Orchard Barn, Shalford Green, Shalford, Essex, CM7 5AY

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



SITE HISTORY

14/00031/COUPA	Prior approval for the change of use of an agricultural building to dwelling	Permission not Required	12.02.15
15/00055/DAC	Application for approval of details reserved by condition nos. 4 and 5 of approved application 14/00031/COUPA	Part Grant, Part Refused	11.03.15
17/00128/FUL	Erection of a cart lodge	Granted	17.03.17

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS1	Housing Provision and Delivery
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
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because the Parish Council are supporting the application which is contrary to the Officer recommendation.

SITE DESCRIPTION

The site is situated to the south of Shalford Green outside of the development boundary and is therefore situated within the 'open countryside'. The site is accessed off a narrow single track access road. There is one immediate neighbouring property to the north of the site and a further dwelling at the end of the track (The Orchard) and at the entrance (Woodhouse). The site currently forms part of the amenity garden space for Orchard Barn. To the

rear of the site is grazing farmland. A Public Right of Way 37 dissects through part of the site. A further Public Right of Way runs along the track.

PROPOSAL

The application seeks outline planning permission for the erection of a detached 2 bedroom chalet style dwelling with all matters reserved except access.

CONSULTATIONS

The Ramblers – No representation received.

Essex County Council Highways – No objection subject to conditions

REPRESENTATIONS

Shalford Parish Council – Support the application.

Neighbours - A site notice was displayed at the entrance to the track and a neighbour notification letter was sent to adjacent property. No representations were received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, paragraph 47 of the NPPF states that planning law requires that applications

for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

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

The Development Plan

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

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

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

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

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

5 Year Housing Land Supply

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

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

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

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

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

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications. To date, and based on these assessments, the Council within both Committee and Delegated reports, has acknowledged that it is unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph

11 of the NPPF (previously Paragraph 14 of the NPPF 2012) is engaged. However, applying paragraph 73 NPPF to its supply, the latest land supply update statement indicates a 5.83 years' supply.

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

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

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

SITE ASSESSMENT

Design, Appearance and Layout

The NPPF states that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development. Policy RLP 90 of the Adopted Local Plan and Policy LPP 55 of the emerging Local Plan states that the scale, density, height and elevational design of developments should reflect or enhance local distinctiveness.

Policy RLP9 of the Adopted Local Plan states that new residential buildings shall create a visually satisfactory environment, in-keeping with the character of the site and well-related to its surroundings.

The submitted plan indicates a 2 bedroom dwelling and a separate garage block.

The submitted plan indicates 124.5sq.m of amenity space for the proposed new dwelling. The proposed provision is in accordance with the Essex Design Guide 2005 which requires 100sq.m of amenity space provision for 3 or more bedroom dwellings. The amount of amenity space to be retained for the host dwelling is measured at approximately 250sq.m which is in accordance with Essex Design Guide 2005.

It is considered that a new dwelling could satisfactorily be accommodated on a site of this size in terms of the proposed layout, amenity and car parking provision.

As this is an outline planning application, with all matters reserved except access, the detailed design and layout is not a consideration at this stage. This would be considered at the Reserved Matters stage if outline planning permission is granted.

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.

As this is an outline planning application, with all matters reserved except access, it is not possible to undertake a detailed assessment on the impact upon neighbouring amenity. This would need to be assessed at the Reserved Matters stage if outline planning permission is granted.

Highway Issues

The site is proposed to be accessed off a new access to the south of the existing access for Orchard Barn.

Policy RLP56 of the Adopted Local Plan states that parking should be provided in accordance with the Councils adopted parking standards. For new dwellings with two bedrooms or more the standards indicate that a minimum of two off road parking spaces should be provided. The standards also state that parking spaces should measure 2.9m x 5.5m. Two parking spaces are proposed for the dwelling. This therefore accords with the above standard.

The Highway Authority have raised no objection to the proposal.

Public Right of Way

The effect of development on a Public Right of Way is a material planning consideration.

The location for the proposed development would occupy a visually sensitive and prominent position within the landscape by reason of its location close to this Public Right of Way.

It is stated on the submitted plan that the Public Right of Way 37 (which dissects through the southern part of the site) would be redirected subject to the approval of the outline application.

CONCLUSION & PLANNING BALANCE

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

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

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): an economic objective (to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and

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

The proposed development is not of a scale which would generate long term economic benefits or new services/facilities which would benefit the community's needs within Shalford Green itself or support the long term future of services/facilities in other villages. As the application proposes 10 or less dwellings the Planning Practice Guidance indicates that the local planning Authority should not generally seek to secure community benefits (e.g. affordable housing, public open space improvements) through planning obligations.

The provision of one dwelling would be relevant to the economic and social objectives, and would deliver social benefits through the provision of a new dwelling which would contribute to the Council's housing supply and economic benefits during the construction stage, although these benefits would be very limited due to the scale of the development proposed.

In terms of environmental objectives, the site is located along a narrow single track relatively remote from neighbouring properties. The surrounding development is sporadic. The site is situated approximately a mile away from the settlements of Great Saling and Church End Shalford where there are limited services and facilities, and approximately 2 miles from Panfield. The proposal would therefore place a considerable reliance upon the private car to meet the needs of future residents. The application site forms a pleasing open site within the countryside. The development of a dwelling would have a detrimental impact upon the attractive and open rural character and appearance of the countryside.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the moderate weight afforded to the conflict with the Development Plan. Officers have concluded that the environmental harm of residential development within the countryside and its remote location would demonstrably outweigh the limited economic and social benefits identified above. Officers therefore consider the proposed development would not constitute sustainable development and recommend that planning permission is refused.

RECOMMENDATION

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

- 1 The site is located in the countryside, outside the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy and would result in an inappropriate form of development within this countryside location. When considering the planning balance and having regard to the requirements of the NPPF as a whole, it is considered that the adverse impacts of the development, relating to; the site location with limited access to facilities, amenities and employment opportunities, poor public transport links and reliance on travel by car; and the impact upon the character and appearance of the countryside would significantly and demonstrably outweigh the benefits. The proposed development would thereby be contrary to the provisions of the National Planning Policy Framework and Policies RLP2 and RLP90 of the Braintree District Local Plan Review, Policies CS5, CS7 and CS9 of the Braintree District Core Strategy, and Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Location Plan

Existing Site Plan

Plan Ref: 5797/02A

Proposed Site Plan

Plan Ref: 5797/03A

CHRISTOPHER PAGGI

PLANNING DEVELOPMENT MANAGER