

PLANNING COMMITTEE AGENDA

Tuesday, 30 March 2021 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 16th February 2021 (copy previously circulated) and 16th March 2021 (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 | App. No. 20 00478 FUL - Land to the rear of 27 Duggers Lane, BRAINTREE | 6 - 21 |
| 5b | App. No. 20 00950 FUL - Land to the rear of 25 Duggers Lane, BRAINTREE | 22 - 37 |
| 5c | App. No. 20 01170 FUL - Parkfields Baptist Church, White Horse Avenue, HALSTEAD | 38 - 52 |
| 5d | App. No. 20 01515 FUL - Land rear of 197 London Road, BLACK NOTLEY | 53 - 90 |
| 5e | App. No. 20 01555 FUL - Hubbards Farm, Shalford Green, SHALFORD | 91 - 100 |
| 5f | App. No. 20 02126 FUL - Land South of Highfield Stile Road, BRAINTREE | 101 - 124 |

PART B

Minor Planning Applications:-

There are no applications in Part B.

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

7 Urgent Business - Private Session

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

PART A

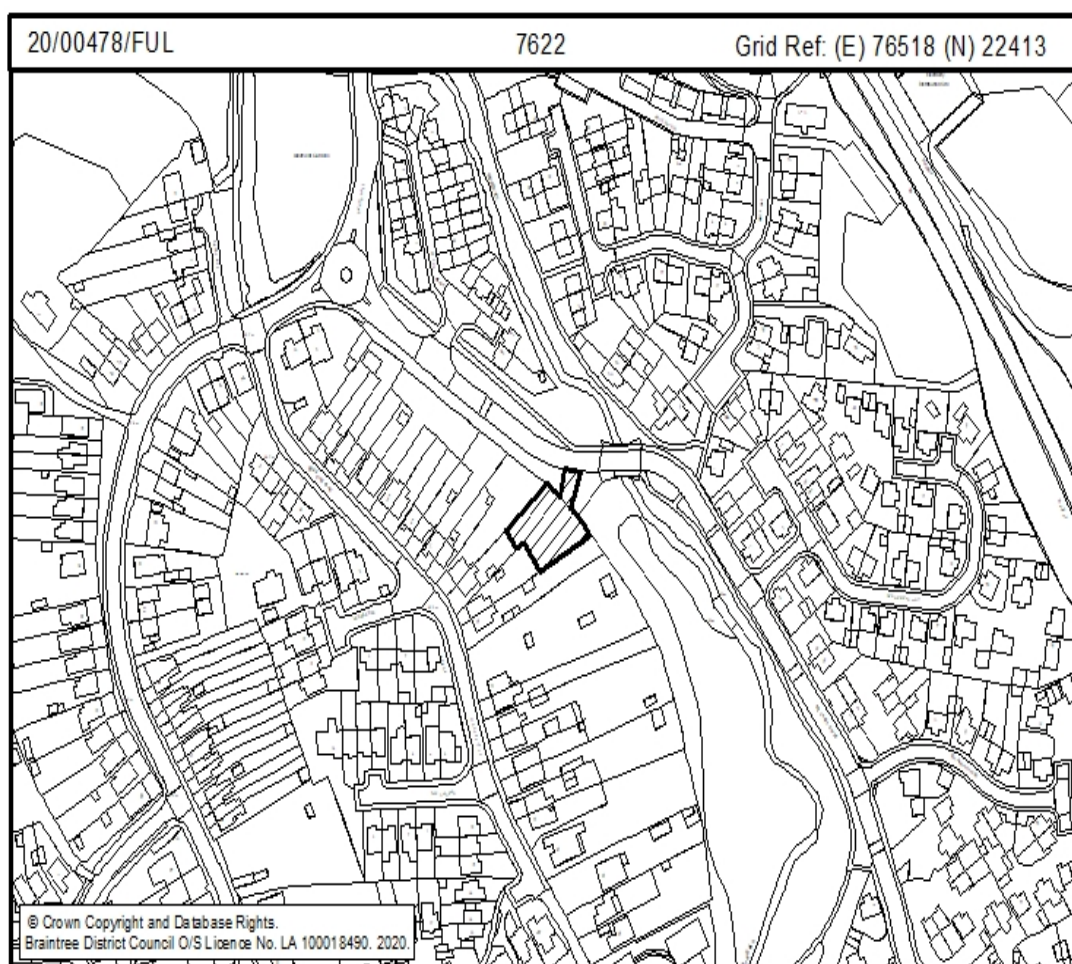
AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/00478/FUL DATE: 26.03.20
VALID:
APPLICANT: Mr T Poulter
27 Duggers Lane, Braintree, Essex, CM7 1BB
AGENT: Drawing Inc Ltd
Mr Geoffrey Eaton, 42 Sandmartin Crescent, Stanway,
Colchester, CO3 8WZ
DESCRIPTION: Erection of 2 x 3 bedroom two-storey detached
dwellinghouses with access from Mill Park Drive
LOCATION: Land To Rear, 27 Duggers Lane, Braintree, Essex, CM7
1BB

For more information about this Application please contact:

Ellen Cooney on:- 01376 551414 Ext. 2501

or by e-mail to: ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q74JPMBFLBR00>

SITE HISTORY

None

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2 Town Development Boundaries and Village Envelopes

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
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Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 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
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application was Called In by Cllr Wallace for the following reasons:

- The application gives vehicular access to the properties from the entrance road of Mill Park Drive on the right hand side. ECC has given permission in principle however this grass land is included in Mill Park Drive POS, and as far as a consultee is aware, belongs to BDC;

- The area on the right hand side previously was screened by a mix of vegetation which has been removed prior to permission being given, also described by a consultee;
- The vehicular access proposed by both applications sits on a blind corner when driving from inside the estate of Mill Park Drive and raises some highway concerns;
- The application is situated extremely close to the existing nature reserve and may impact on the local wildlife, especially as both applications would interfere with the ditch and wooded area that separates Mill Park Drive and Duggers Lane.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the Braintree development boundary. The site as existing comprises the eastern most part of the amenity area for No.27 Duggers Lane. A small parcel of land upon which the proposed access area would be sited is owned by Braintree District Council and forms a wide grassed verge. The site would be accessed from Mill Park Drive and is bordered by the dwellings on Duggers Lane to the west and to the east faces the dwellings of Megs Way beyond Mill Park Drive.

This area of Mill Park Drive is characterised by large areas of green space either side of the road which creates a physical and visual separation between the two housing estates. It forms a green link running north to south and is located adjacent to the Mill Park Drive Local Wildlife site. A significant amount of mature vegetation has been cleared from the site prior to the submission of this application. Part of the application site is located within Flood Zone 2.

A separate planning application (Application reference 20/00950/FUL) which seeks permission for one dwelling is proposed on the amenity space of No.25 Duggers Lane which is located directly to the north of the application site. This application has also been referred to the Planning Committee meeting for 30th March 2021.

PROPOSAL

The application seeks planning permission for the erection of two dwellings, a new access and associated landscaping.

The proposed dwellings would be situated in a prominent position on the western side of Mill Park Drive, within the rear garden of No.27 Duggers Lane. Both dwellings would have three bedrooms, and would have an internal floor area of 105sq.m. Private external amenity areas of 119sq.m and 143sq.m respectively would be provided.

The dwellings would be slightly set back from Mill Park Drive, whilst the parking would be located to the front with a large tarmac area to allow vehicles to manoeuvre within the site. Vehicular access would be provided via Mill Park Drive.

In terms of detailed design, the proposed dwellings would be two storey in height, although have been designed to have a reduced level eaves and as such catslide domers are proposed within the roof on both the front and rear elevations. The siting of the proposed dwellings are handed and slightly angled in their arrangement to address the access and street.

SUMMARY OF CONSULTATION RESPONSES

Environment Agency

Notes that the proposal does not impact on any flood defences managed by The Agency.

ECC Highways

No response received.

BDC Ecology

No objection subject to conditions

BDC Environmental Health

No response received.

BDC Landscaping

Objection due to the loss of important green space and vegetation. Notes that the new access is on the wettest part of the site and the ditch bordering the application site would need to be culverted if permission is granted.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

Site notices were displayed on Duggers Lane and Mill Park Drive and 10 objections were received and are summarised below:

- The dwelling would have a detrimental impact on the wildlife in the area.
- Neighbouring residents would lose views from their properties.
- The land proposed as an access is a popular pedestrian route and the application compromises this.
- The application is part of a wider speculative development.
- There will be a substantial loss of hedging which is home to many species of birds. There has also been a substantial loss of mature landscaping prior to the submission of the application.
- The 'dry' ditch noted on the plans does carry flood water which will need to be pumped away if the application is approved.

- The proposal will not enhance the character of the area.
- Approval would set a precedent for more ribbon development along Mill Park Drive.
- Mill Park Drive was designed as a green corridor between estates and was not intended for new developments.
- There is a lack of visibility when exiting the proposed access due to the bridge on Mill Park Drive.
- There are underground springs in the area which may cause the site to flood.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Shared Strategic Section 1 Local Plan (2021) and the Braintree District 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. Furthermore Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is located within the Braintree development boundary and as such, in accordance with the above policies, the principle of developing the site for residential purposes is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The

new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

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

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing

should be located where it will enhance or maintain the vitality of rural communities.

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

In this case, the application site is located in Braintree, which is a 'main town' in the settlement hierarchy, meaning that significant development is expected in the area. The main towns are locations which are most sustainable in the district and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible location which is a benefit that weighs in favour of the application.

Design, Appearance and Layout

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

The application proposes to erect two dwellings in the rear garden of No.27 Duggers Lane. Both dwellings would have three bedrooms, and would have

an internal floor area of 105sq.m. In terms of internal amenity, the relevant minimum standards for internal space are set out in the Nationally Described Space Standards (NDSS), for a three bedroom dwelling for six people this should be 103sq.m. As such this development would comply with this standard. Habitable rooms proposed would be suitably proportioned and would benefit from an appropriate provision of natural light and outlook. Private external amenity areas of 119sq.m and 143sq.m respectively would be provided, thus meeting adopted standards. It is therefore considered that the proposal would provide suitable living accommodation for any future occupiers.

The proposed dwellings would be situated in a prominent position on the western side of Mill Park Drive. There are wide areas of green spaces on either side of Mill Park Drive which form part of a network of pedestrian pathways which connect Braintree Village and Braintree town centre. This green space on both sides of Mill Park Drive characterises the area and is an integral part of the local landscape. The introduction of built form in this area would result in a stark and incongruous visual intrusion into the street scene.

The site is an important area of soft landscaping and vegetation in an otherwise urban environment, it creates a sense of spaciousness providing both a physical and visual green link within the street scene. The loss of this area would be harmful to the visual amenity of the area and would set a precedent upon which the future loss of such areas of open and green space could not be resisted.

This green space also provides vital separation between two existing housing estates, if this space and others are lost then the legibility of built form and urban structure in the area would be lost. This dwelling would become an overly dominant feature within the street scene, where there are no other dwellings sited in a similar fashion in the area. This dominance is not considered to be sympathetic to the character of the area and would not constitute good design.

In terms of detailed design of the proposed dwellings Officers raise significant concern regarding the characterisation of the houses. The dormer windows located on both the front and rear elevations are an alien feature in this form, whilst the porches show a degree of extravagance in an area which is characterised by modest dwellings. Furthermore the arrangement of the houses in such close proximity to each other results in an awkward combined massing. Whilst the scale or bulk of the individual dwellings would not be uncharacteristic of the area, the detailed design and arrangement represents an incongruous and awkward addition of two dwellings in an extremely prominent position in the street scene.

The dwellings would be slightly set back from Mill Park Drive, whilst the parking would be located to the front with a large tarmac area to allow vehicles to manoeuvre within the site. Overall, the proposed detailed design is considered unacceptable and the development would have a detrimental

impact on the character and appearance of the street scene. These factors weigh against the proposal in the overall planning balance.

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 Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed dwellings are proposed to be built on land rear to properties on Duggers Lane, meaning that the back gardens of the proposed dwellings back on to the rear amenity space of the dwellings at Duggers Lane. The Essex Design Guide states that:

'With rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'.

The proposed dwellings rear windows are sited approximately 29 metres from the rear windows of No.27 Duggers Lane, making the proposal compliant in this regard. However, there are significant differences in the levels between the application site and the dwellings on Duggers Lane. These properties are located at the top of a substantial slope, with the gardens sloping downwards towards Mill Park Drive. This means that even though there would be an acceptable distance between the properties, the proposed dwellings would be inevitably overlooked by the neighbouring dwellings. It is considered that this overlooking would have a detrimental impact to future occupiers of the proposed dwellings.

It is assessed that there would not be a detrimental impact in terms of overshadowing, overlooking or being overbearing.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan both require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres. In this case the proposed dwellings would be provided with 2 parking spaces each to the front of the properties, thus meeting adopted standards.

The proposed access crosses land owned by Braintree District Council to provide vehicle access onto Mill Park Drive. ECC highway authority have been consulted with regard to the proposal however no response has been

received. If any response is received, an update will be provided to Members at Planning Committee.

Ecology & Landscaping

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

A Preliminary Ecological Appraisal was submitted as part of the application. Ecology have posed no objection to the application subject to implementing ecological mitigation and enhancement measures.

BDC Landscape Services raise an objection to the application. Prior to the application submission, the properties at Duggers Lane were screened by mature, mixed vegetation. This boundary line included several mature conifers that have been removed. This removal had an immediate detrimental impact on the landscape amenity level. The combination of this green space along Mill Park Drive and the set-back rear gardens of Duggers Lane properties allows space between these two adjacent estates. The existing distancing is essential as it ensures low urban density and the maintenance of a natural continuum between two built areas. It makes a positive contribution towards local landscape legibility and coherence and it also plays an important role in promoting privacy and reducing overlooking views. The proposal would result in an alienation of public land which is part of a larger landscaping scheme.

Moreover, it is noted that the proposed vehicular access sits on the lowest and wettest area on site. A ditch runs along the boundary of the site, which is not depicted on any of the plans, this ditch would need to be culverted for this access to be implemented.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling). In this case, the submission of this application pre-

dated Officers requiring HRA contributions for schemes of 99 units or less. As no HRA payment has been made, a reason for refusal is recommended.

Flooding

The majority of the site falls within Flood Zone 1 with a small proportion to the site frontage being located within Flood Zone 2. However a Flood Risk Assessment has not been submitted for consideration with this application. Therefore insufficient information has been provided to fully assess the flood risk potential of the development and as such a reason for refusal is recommended on this basis.

Concern has been raised within the consultation representations regarding the potential implications for flooding given that the proposed access would cross an existing ditch. The application is not a major application or above 1ha, as such Essex SUDS do not provide comments. This is because usually the overall built area is small and the increase in surface water run off low. The Environment Agency have also commented that the development would not impact on any flood defences managed by The Agency. Notwithstanding this it is recognised that an existing ditch would have to be culverted to incorporate the proposed vehicle access. Should Members be minded to grant permission for the proposal, further details could be required by way of condition.

PLANNING BALANCE AND CONCLUSION

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

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

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

As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are

interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

In this case, the proposal would bring some benefits to the economic and social objectives of sustainable development; including employment during construction and a limited contribution to the housing supply, although these benefits are limited given the scale of development proposed.

The proposal would have a detrimental impact on the character and appearance of the area and would cause an erosion of important green space between two housing estates. Significant weight is attributed to this harm. The design of the proposed dwellings would be incongruous and out of place within the street scene. The proposed dwellings would also be overlooked by neighbouring dwellings from Duggers Lane, causing amenity issues to potential occupiers.

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

RECOMMENDATION

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

- 1 The proposed dwellings, as a result of their siting, would result in the loss of green space that provides vital separation between two

existing housing estates; the development would erode the legibility of built form and urban structure in the area. The site is an important area of soft landscaping and vegetation in an otherwise urban environment, it creates a sense of spaciousness providing both a physical and visual green link within the streetscene, which makes a positive contribution towards local landscape legibility and coherence. The loss of this space would result in an alienation of public land which is part of a larger landscaping scheme.

Furthermore, the detailed design and closely sited relationship of the dwellings to each other, would be incongruous and harmful within the streetscene, failing to respond to local vernacular, and detrimental to the character and appearance of the surrounding area.

Therefore the proposal would be contrary to the NPPF, Policies RLP2, RLP3, RLP8, RLP9, RLP10, RLP80, RLP81, RLP90 of the Adopted Local Plan, Policies SP1 and SP6 of the Adopted Section 1 of the New Local Plan, Policies LPP1, LPP37, LPP55, LPP70, LPP71 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

- 2 The proposed dwellings and rear amenity areas, as a result of their siting, would be overlooked by the adjacent properties on Duggers Lane, therefore failing to ensure a good standard of residential amenity to meet the needs of future occupiers. This landscape buffer currently plays an important role in promoting privacy and reducing overlooking views.

Therefore the proposal would be contrary to the NPPF, Policies RLP2, RLP3, RLP8, RLP9, RLP10 of the Adopted Local Plan, Policies SP1 and SP6 of the Adopted Section 1 of the New Local Plan, Policies LPP1, LPP37, LPP55 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

- 3 Policy RLP84 of the Adopted Local Plan states that the Council will where necessary impose planning obligations to ensure that new development will not have an adverse effect on protected species by reducing disturbance of habitats is managed and reduced to a minimum. Braintree District Council has adopted the Essex Recreation Avoidance Mitigation Strategy Supplementary Planning Document (SPD) which sets out the process and mechanisms for securing the delivery of management and mitigation at the Protected Sites. This requirement would need to be secured through a S106 Agreement. In the absence of an obligation the proposal would conflict with the development plan as regards:

- Financial contribution of £125.58 per dwelling to fund off-site Visitor Management at the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area.

As such the proposal is contrary to the above policy and adopted SPD and the Council would not be able to confirm that the development would not have an adverse impact upon the protected sites in accordance with the Habitats Regulations.

- 4 The application site partially falls within Flood Risk Zone 2 and the application has not been accompanied by a Flood Risk Assessment. As such insufficient information has been submitted in order to allow full consideration of the application with regard to flood risk, contrary to the NPPF, Policy SP1 of the Adopted Section 1 of the New Local Plan, Policy LPP78 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

SUBMITTED PLANS

Proposed Floor Plan	Plan Ref: PL11	Version: A
Proposed Elevations	Plan Ref: PL12	
Proposed Floor Plan	Plan Ref: PL13	Version: A
Proposed Elevations	Plan Ref: PL14	
Street elevation	Plan Ref: PL15	
Site Plan	Plan Ref: PL16	
Location / Block Plan	Plan Ref: EX00	Version: B
Proposed Plans	Plan Ref: PL10	Version: A
Site Layout	Plan Ref: PL16	Version: A
Highway Plan	Plan Ref: PL17	

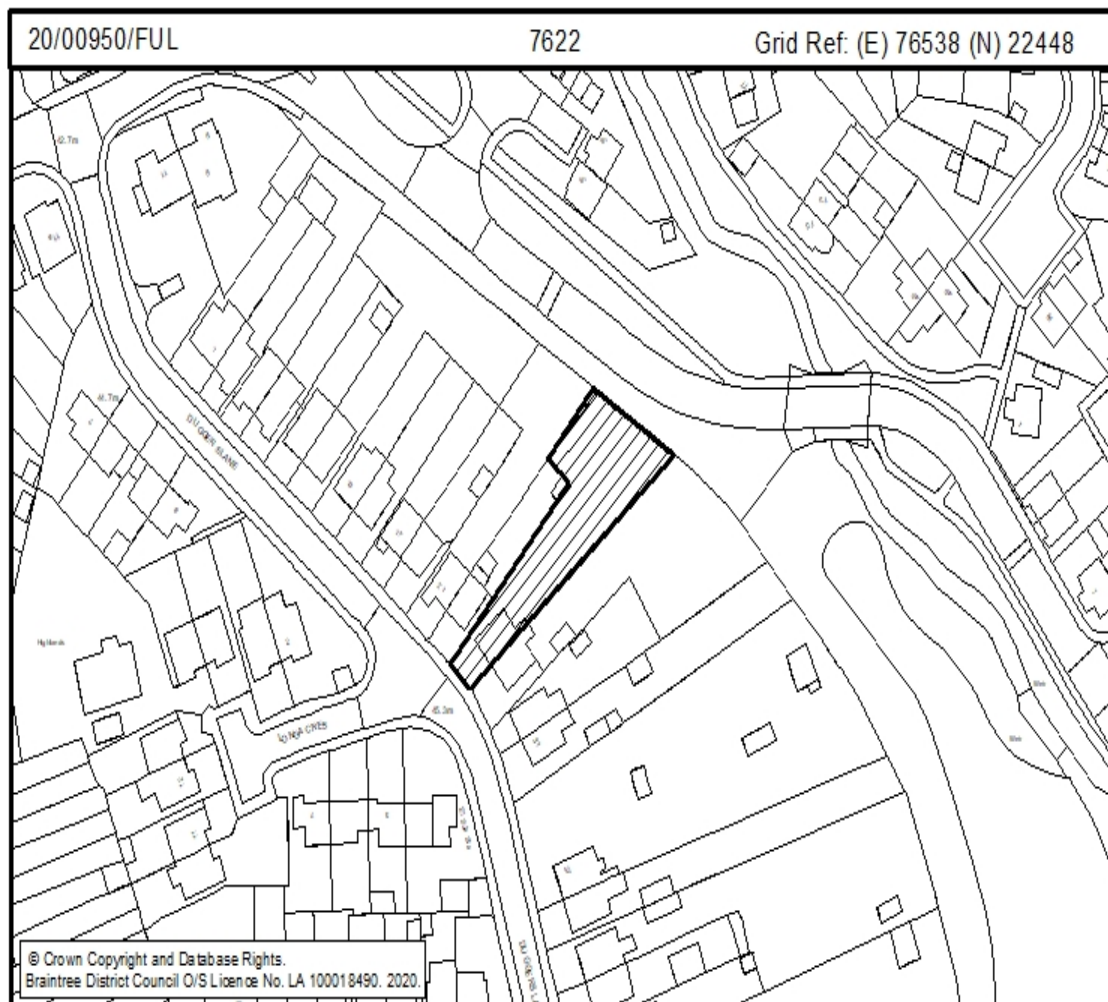
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5b

APPLICATION NO: 20/00950/FUL DATE: 15.06.20
VALID:
APPLICANT: Mr Sam Pickford
Hodnydods, Rebeck Mead, Gt Easton, Gt Dunmow, Essex,
CM6 2HE
AGENT: D Tuttlebury
Sycamores, High Easter, Chelmsford, Essex, CM1 4QR
DESCRIPTION: Erection of 1 x 3 bedroom two-storey detached
dwellinghouse with access from Mill Park Drive.
LOCATION: Land Rear Of, 25 Duggers Lane, Braintree, Essex

For more information about this Application please contact:
Ellen Cooney on:- 01376 551414 Ext. 2501
or by e-mail to: ellen.cooney@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC0BT0BF00A00>

SITE HISTORY

20/00689/HH	Erection of two-storey rear extension	Granted	23.07.20
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POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
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Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 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
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as the application was Called In by Cllr Wallace for the following reasons:

- The application gives vehicular access to the properties from the entrance road of Mill Park Drive on the right hand side. ECC has given permission in principle however this grass land is included in Mill Park Drive POS, and as far as a consultee is aware, belongs to BDC;
- The area on the right hand side previously was screened by a mix of vegetation which has been removed prior to permission being given, also described by a consultee;
- The vehicular access proposed by both applications sits on a blind corner when driving from inside the estate of Mill Park Drive and raises some highway concerns;
- The application is situated extremely close to the existing nature reserve and may impact on the local wildlife, especially as both applications would interfere with the ditch and wooded area that separates Mill Park Drive and Duggers Lane.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the Braintree development boundary. The site as existing comprises the eastern most part of the amenity area for No.25 Duggers Lane. A small parcel of land upon which the proposed access area would be sited is owned by Braintree District Council and forms a wide grassed verge. The site would be accessed from Mill Park Drive and is bordered by the dwellings on Duggers Lane to the west and to the east faces the dwellings of Megs Way beyond Mill Park Drive.

This area of Mill Park Drive is characterised by large areas of green space either side of the road which creates a physical and visual separation between the two housing estates. It forms a green link running north to south and is located adjacent to the Mill Park Drive Local Wildlife site. A significant amount of mature vegetation has been cleared from the site prior to the submission of this application.

A separate planning application (Application reference 20/00478/FUL) which seeks permission for two dwellings is proposed on the amenity space of No.27 Duggers Lane and is located directly to the south of the application site. This application has also been referred to the Planning Committee meeting for 30th March 2021.

PROPOSAL

The proposal seeks planning permission for the erection of one dwelling, a new access and associated landscaping. The proposed dwelling would be two

storey in height and comprise three bedrooms with an internal floor area of 97sq.m. An area of private amenity space of 93sq.m would be provided to the rear of the dwelling.

The proposed dwelling would be situated in a prominent position on the western side of Mill Park Drive within the rear garden of No.25 Duggers Lane. The dwelling would be slightly set back from Mill Park Drive, whilst the parking would be located to the side of the dwelling with a large tarmac area to the front and side to allow vehicles to manoeuvre within the site.

In terms of detailed design, the dwelling would be modest in terms of its scale, bulk and massing. It is proposed to be clad in render with interlocking roof tiles.

SUMMARY OF CONSULTATION RESPONSES

Environment Agency

Notes that the proposal does not impact on any flood defences managed by The Agency.

ECC Highways

No response received.

BDC Ecology

Holding objection due to insufficient information.

BDC Environmental Health

No response received.

BDC Landscape Services

Objection due to the loss of important green space and vegetation. Notes that the new access is on the wettest part of the site and the ditch bordering the application site would need to be culverted if permission is granted.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

Site notices were displayed on Duggers Lane and Mill Park Drive. 10 objections were received and are summarised below:

- The dwelling would have a detrimental impact on the wildlife in the area.
- Neighbouring residents would lose views from their properties.

- The land proposed as an access is a popular pedestrian route and the application compromises this.
- The application is part of a wider speculative development.
- There will be a substantial loss of hedging which is home to many species of birds. There has also been a substantial loss of mature landscaping prior to the submission of the application.
- The 'dry' ditch noted on the plans does carry flood water which will need to be pumped away if the application is approved.
- The proposal will not enhance the character of the area.
- Approval would set a precedent for more ribbon development along Mill Park Drive.
- Mill Park Drive was designed as a green corridor between estates and was not intended for new developments.
- There is a lack of visibility when exiting the proposed access due to the bridge on Mill Park Drive.
- There are underground springs in the area which may cause the site to flood.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, paragraph 59 of the NPPF highlights the

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

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005), the Braintree District Shared Strategic Section 1 Local Plan (2021) and the Braintree District 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. Furthermore Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan state that development within Town Boundaries will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. In order for any proposal to be considered acceptable it must therefore provide an acceptable level of amenity for future occupiers and existing adjacent neighbours, be of a high standard of design, make acceptable parking and access arrangements and not have an unacceptably detrimental impact in terms of neighbours, landscape and protected trees.

The site is located within the Braintree development boundary and as such, in accordance with the above policies, the principle of developing the site for residential purposes is acceptable subject to other detailed material considerations.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must

meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

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

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

SITE ASSESSMENT

Location and Access to Services and Facilities

The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

In this case, the application site is located in Braintree, which is a 'main town' in the settlement hierarchy, meaning that significant development is expected in the area. The main towns are locations which are most sustainable in the district and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible location which is a benefit that weighs in favour of the application.

Design, Appearance and Layout

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

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

The application proposes to erect one dwelling in the rear garden of No.25 Duggers Lane. The dwelling, which would have three bedrooms, would have an internal floor area of 97sqm. In terms of internal amenity, the relevant minimum standards for internal space are set out in the Nationally Described Space Standards (NDSS) for a three bedroom dwelling for six people this should be 103sqm. As such this development would fall short of this standard. However the habitable rooms proposed would be suitability proportioned and would benefit from an appropriate provision of natural light and outlook. An area of private amenity space of 93sq.m would be provided to the rear of the dwelling. The shortfall against adopted amenity space standards and the NDSS should be considered in the overall planning balance.

The proposed dwelling would be situated in a prominent position on the western side of Mill Park Drive. There are wide areas of green spaces on either side of Mill Park Drive which form part of a network of pedestrian pathways which connect Braintree Village and Braintree town centre. This green space on both sides of Mill Park Drive characterises the area and is an integral part of the local landscape. The introduction of built form in this area would result in a stark and incongruous visual intrusion into the street scene.

The site is an important area of soft landscaping and vegetation in an otherwise urban environment, it creates a sense of spaciousness providing both a physical and visual green link within the street scene. The loss of this area would be harmful to the visual amenity of the area and would set a precedent upon which the future loss of such areas of open and green space could not be resisted.

This green space also provides vital separation between two existing housing estates, if this space and others are lost then the legibility of built form and urban structure in the area would be lost. This dwelling would become an overly dominant feature within the street scene, where there are no other dwellings sited in a similar fashion in the area. This dominance is not considered to be sympathetic to the character of the area and would not constitute good design.

In terms of detailed design the dwelling would be modest in terms of its scale, bulk and massing. It would be clad in render with interlocking roof tiles and the solid to void ratio is considered to be acceptable despite lacking symmetry within the rear elevation. The dwelling would be slightly set back from Mill Park Drive, whilst the parking would be located to the side of the dwelling with a large tarmac area to the front and side to allow vehicles to manoeuvre within

the site. Overall, the proposed detailed design is considered acceptable and would not be out of character in the context of the surrounding area.

In consideration of the above, the proposed siting of the dwelling would be unacceptable and the proposal would have a detrimental impact on the character and appearance of the street scene. Which should be considered in the overall planning balance.

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 Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

The proposed dwellings are proposed to be built on land to the rear of properties on Duggers Lane, meaning that the back gardens of the proposed dwellings back on to the rear amenity space of the dwellings at Duggers Lane. The Essex Design Guide states that:

'With rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'.

The rear windows of the proposed dwelling are sited approximately 25 metres from the rear windows of no.25 Duggers Lane, making the proposal compliant in this regard. However, there are significant differences in the levels between the application site and the dwellings on Duggers Lane. These properties are located at the top of a substantial slope, with the gardens sloping downwards towards Mill Park Drive. This means that even though there would be an acceptable distance between the properties, the proposed dwellings would be inevitably overlooked by the existing properties on Duggers Lane. It is considered that this overlooking would have a detrimental impact to future occupiers of the proposed dwelling.

It is assessed that there would not be a detrimental impact in terms of overshadowing, overlooking or being overbearing.

Highway Issues

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Section 2 Plan both require that all new development is provided with sufficient vehicle parking spaces in accordance with Essex County Council's Vehicle Parking Standards. For a new dwelling with two or more beds the standards prescribe two spaces measuring 2.9 metres by 5.5 metres. In this case the proposed dwelling would be provided with 2 parking spaces to the side of the property, thus meeting adopted standards.

The proposed access crosses land owned by Braintree District Council to provide vehicle access onto Mill Park Drive. ECC highway authority have been consulted with regard to the proposal, however no response has been received. If a response is received, an update will be provided to Members at Planning Committee.

Ecology & Landscaping

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

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

BDC Ecology have issued a holding objection due to insufficient information submitted to allow them to fully assess the potential impact. The required information has been requested of the applicant but has not been provided.

BDC Landscape Services raise an objection to the application proposal. Prior to the application submission, the properties at Duggers Lane were screened by mature, mixed vegetation. This boundary line included several mature conifers that have been removed. This removal had an immediate detrimental impact on the landscape amenity level. The combination of this green space along Mill Park Drive and the set-back rear gardens of Duggers Lane properties allows space between these two adjacent estates. The existing distancing is essential as it ensures low urban density and the maintenance of a natural continuum between two built areas. It makes a positive contribution towards local landscape legibility and coherence and it also plays an important role in promoting privacy and reducing overlooking views. The proposal would result in an alienation of public land which is part of a larger landscaping scheme.

Moreover, it is noted that the proposed vehicular access sits on the lowest and wettest area on site. A ditch runs along the boundary of the site which would need to be culverted for this access to be implemented.

Habitat Regulations Assessment (HRA / RAMS)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the

developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site, (£125.58 per dwelling). In this case, the submission of this application pre-dated Officers requiring HRA contributions for schemes of 99 units or less. As no HRA payment has been made, a reason for refusal is recommended.

Flooding

The majority of the site falls within Flood Zone 1 with a small proportion to the site frontage being located within Flood Zone 2. However a Flood Risk Assessment has not been submitted for consideration with this application. Therefore insufficient information has been provided to fully assess the flood risk potential of the development and as such a reason for refusal is recommended on this basis.

Concern has been raised within the consultation representations regarding the potential implications for flooding given that the proposed access would cross an existing ditch. The application is not a major application or above 1ha, as such Essex SUDS do not provide comments. This is because usually the overall built area is small and the increase in surface water run off low. The Environment Agency have also commented that the development would not impact on any flood defences managed by The Agency. Notwithstanding this it is recognised that an existing ditch would have to be culverted to incorporate the proposed vehicle access. Should members be minded to approve, further details could be required by way of condition.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

In this case, the proposal would bring some benefits to the economic and social objectives of sustainable development; including employment during construction and a limited contribution to the housing supply, although these benefits are limited given the scale of development proposed.

The proposal would have a detrimental impact on the character and appearance of the area and would cause an erosion of important green space between two housing estates. Significant weight is attributed to this harm. The proposed dwelling would also be overlooked by neighbouring dwellings from Duggers Lane, causing amenity issues to potential occupiers. Furthermore minimum standards of internal and external amenity have not been met, although this shortfall is slight. There would also be potentially detrimental impacts to ecology and the further erosion of landscape and vegetation in the locality.

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

RECOMMENDATION

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

- 1 The proposed dwelling, as a result of its siting, would result in the loss of green space that provides vital separation between two existing housing estates; the development would erode the legibility of built form and urban structure in the area. The site is an important area of soft landscaping and vegetation in an otherwise urban environment, it creates a sense of spaciousness providing both a physical and visual green link within the streetscene, which makes a positive contribution towards local landscape legibility and coherence. The loss of this space would result in an alienation of public land which is part of a larger landscaping scheme.

Therefore the proposal would be contrary to the NPPF, Policies RLP2, RLP3, RLP8, RLP9, RLP10, RLP80, RLP81, RLP90 of the Adopted Local Plan, Policies SP1 and SP6 of the Adopted Section 1 of the New Local Plan, Policies LPP1, LPP37, LPP55, LPP70, LPP71 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

- 2 The proposed dwelling and rear amenity area, as a result of its siting, would be overlooked by the adjacent properties on Duggers Lane, therefore failing to ensure a good standard of residential amenity to meet the needs of future occupiers. This landscape buffer currently plays an important role in promoting privacy and reducing overlooking views.

Therefore the proposal would be contrary to the NPPF, Policies RLP2, RLP3, RLP8, RLP9, RLP10 of the Adopted Local Plan, Policies SP1 and SP6 of the Adopted Section 1 of the New Local Plan, Policies LPP1, LPP37, LPP55 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

- 3 Policy RLP84 of the Adopted Local Plan states that the Council will where necessary impose planning obligations to ensure that new development will not have an adverse effect on protected species by reducing disturbance of habitats is managed and reduced to a minimum. Braintree District Council has adopted the Essex Recreation Avoidance Mitigation Strategy Supplementary Planning Document (SPD) which sets out the process and mechanisms for securing the delivery of management and mitigation at the Protected Sites. This requirement would need to be secured through a S106 Agreement. In the absence of an obligation the proposal would conflict with the development plan as regards:

- Financial contribution of £125.58 per dwelling to fund off-site Visitor Management at the Blackwater Special Protection Area and Ramsar site & Essex Estuaries Special Protection Area.

As such the proposal is contrary to the above policy and adopted SPD and the Council would not be able to confirm that the development would not have an adverse impact upon the protected sites in accordance with the Habitats Regulations.

- 4 The application site partially falls within Flood Risk Zone 2 and the application has not been accompanied by a Flood Risk Assessment. As such insufficient information has been submitted in order to allow full consideration of the application with regard to flood risk, contrary to the NPPF, Policy SP1 of the Adopted Section 1 of the New Local Plan, Policy LPP78 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.
- 5 The application has not been accompanied by an Ecology Survey. As such insufficient information has been submitted in order to allow full consideration of the application with regard to the potential impact to ecology, contrary to the NPPF, Policy SP1 of the Adopted Section 1 of the New Local Plan, Policies RLP83 and RLP84 of the Adopted Local Plan, Policy LPP78 of Section 2 of the Draft Local Plan and Policy CS8 of the Adopted Core Strategy.

SUBMITTED PLANS

Proposed Elevations and Floor Plans	Plan Ref: Received: 16.06.2020
Design and Access Statement	Plan Ref: Received: 16.06.2020
Location Plan	Plan Ref: 2582/2
Site Layout	Plan Ref: 2582/2
Proposed Elevations	Plan Ref: 2582/2
Section	Plan Ref: 2582/2

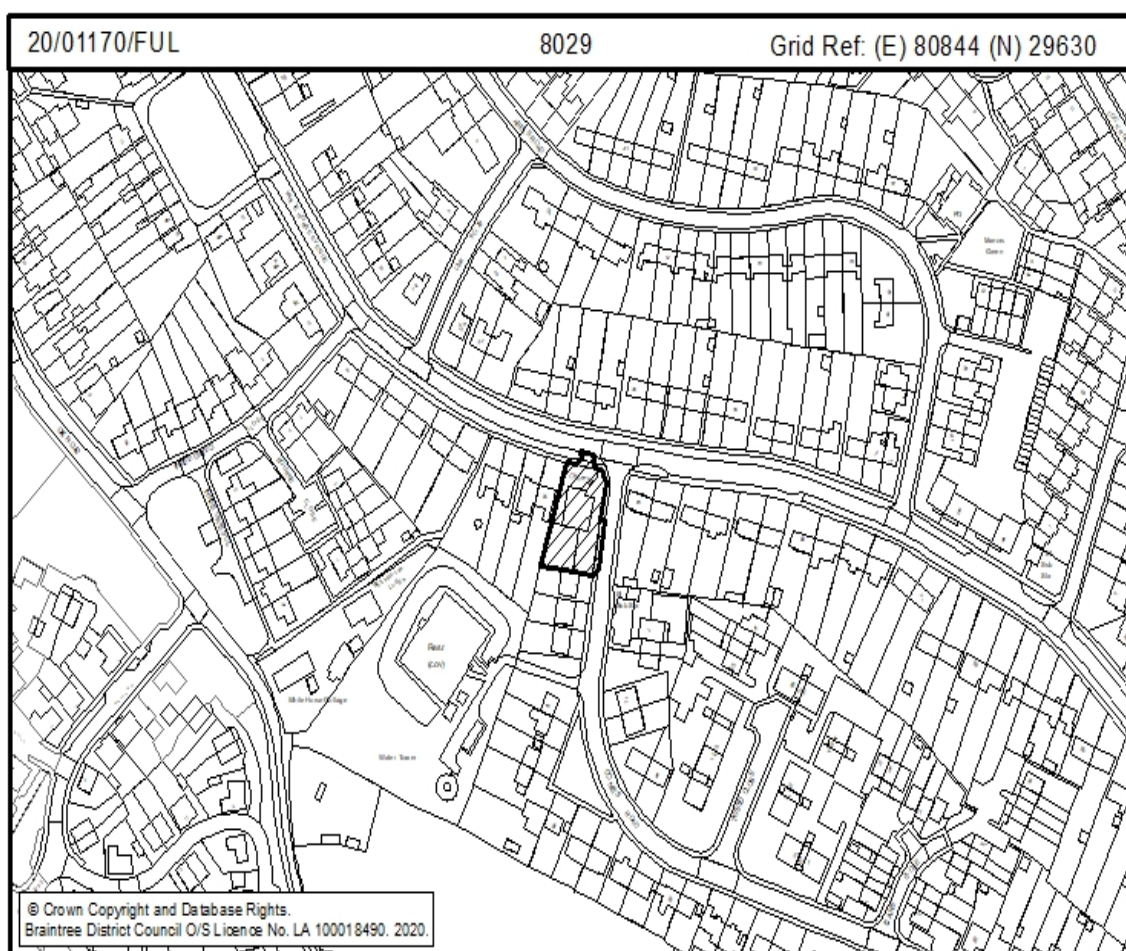
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01170/FUL
DATE: 28.07.20
VALID:
APPLICANT: Mr K Gee
Parkfields Baptist Church, White Horse Avenue, Halstead, CO9 1AJ
AGENT: Sue Bell Planning Consultant
Sue Bell, Ropers Hall, 9 Lodge Road, Writtle, Chelmsford, CM1 3HY, United Kingdom
DESCRIPTION: Demolition of Baptist church and construction of two pairs of semi-detached dwellings - revised application
LOCATION: Parkfields Baptist Church, White Horse Avenue, Halstead, Essex, CO9 1AJ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDRO47BFFO600>

SITE HISTORY

92/00107/E 13/00836/FUL	Notice Board Demolition of Church Hall and erection of 3 no. detached chalet-style houses on part vacant site	Granted with S106 Agreement	13.09.13
16/00108/DAC	Application for approval of details reserved by condition nos. 4, 7, 8 and 10 of approved application 13/00836/FUL	Part Grant, Part Refused	11.03.16
16/00540/DAC	Application for approval of details reserved by condition no. 3 of approved application 13/00836/FUL	Granted	15.04.16
17/00380/DAC	Application for approval of details reserved by condition nos. 4 and 5 of approved application 13/00836/FUL	Granted	07.03.17
18/01541/FUL	Demolition of existing church and the erection of 2 No. 3 bed semi-detached houses and 1 No. 2 bed detached house.	Granted	12.11.18
20/00269/FUL	Demolition of Baptist Church and erection of 4 No. Dwellings	Refused	30.03.20

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
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Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 Local Plan (2017)

SP1	Presumption in Favour of Sustainable Development
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
LPP55	Layout and Design of Development

Neighbourhood Plan

None

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site consists an existing Baptist Church building, to the rear of which was formerly a hall building which has been demolished, and three detached dwellings built in its place.

The site is set within the town development boundary of Halstead, and is set on the corner of White Horse Avenue and Conies Road. The surrounding locality is characterised by development which is uniform in its design and appearance.

PROPOSAL

The proposed development includes the demolition of the Baptist Church, and the erection of 4no. two bedroom residential dwellinghouses, comprising a semi-detached pair facing on to White Horse Avenue, and a semi-detached pair fronting Conies Road. The dwellings are identical in size and appearance, except Plot 3 which has a single storey side element providing space for a ground floor study. All the plots have an asymmetrical roof design, with lowered eaves to the rear of the property. The proposal includes the provision of landscaping to the corner of White Horse Avenue/Conies Road, and the installation of an access onto White Horse Avenue.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

Following revisions to access proposals, no objection is raised.

PARISH / TOWN COUNCIL

Halstead Town Council

Halstead Town Council objected to the application on grounds of overdevelopment of the site. The Town Council objected previously in August 2020, and still objects as there are too many houses for the site, and the access should be from the side road, it being too close to the junction on the main road.

REPRESENTATIONS

A site notice was displayed at the site and neighbours were notified by letter. Two representations were received at the time of writing the report.

One writing in support as the existing building is subjected to vandalism and has a negative contribution to the character and appearance of the street scene. One objection was received which did so on grounds that the existing building could be reused in some way.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

Currently the Council's statutory Development Plan consists of the Braintree District Local Plan Review (2005) and the Braintree District Core Strategy (2011) which are not superseded, the Shared Strategic Section 1 Local Plan (2021).

The application site is located within the designated development boundary as set out in the Adopted Local Plan and Draft Local Plan. In this regard, the principle of development complies with the Development Plan.

The site also benefits from an extant planning permission for residential development which is a material consideration in the determination of this application.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

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

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

SITE ASSESSMENT

Background

In 2013, planning permission was granted (Application Reference 13/00836/FUL) for the demolition of the former church hall, and the erection of 3 dwellinghouses. These dwellings have been built, and appear of good

design, with parking to the front, low eaves to the rear to prevent overlooking issues, and have successfully integrated into the street scene.

In 2018, planning permission was granted (Application Reference 18/01541/FUL) for the demolition of the Baptist Church building and the erection of a semi-detached pair fronting White Horse Avenue, and one dwelling fronting Conies Avenue, adjacent to the dwellings approved in 2013, and of identical design.

In 2020, planning permission was refused (Application Reference 20/00269/FUL) for the demolition of the Baptist Church and the erection of four dwellinghouses on the site. The reason for refusal for that application was as follows:

The proposed development, by virtue of the number of units, the proposed layout and design would result in overdevelopment of the site appearing contrived and incongruous, at odds with and of harm to the established character and appearance of the street scenes of both White Horse Avenue and Conies Road.

In addition the proposal by way of the siting of plots 3 and 4 in relation to no. 52 White Horse Avenue would result in an unacceptable level of overlooking of harm to the amenities of this neighbouring property.

The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposals are therefore considered to be contrary to Policies RLP3 and RLP90 of the Adopted Local Plan, CS9 of the Adopted Core Strategy, LPP50 and LPP55 of the Draft Local Plan, and the aims and objectives of the National Planning Policy Framework.

This application has been submitted in order to overcome these issues.

Design, Appearance and Layout

Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping.

The site measures approximately 775sq.m. At present, it contains a Baptist Church which is of conventional mid-20th Century construction, but has fallen in to some poor state of repair. The proposed demolition of the church building is not objectionable. The site already benefits from planning permission for the demolition of the church and the erection of a semi-detached pair of dwellings

and 1no. detached house and thus the redevelopment of the site for residential purposes has already been established.

This application seeks planning permission for the erection of 2no. dwellings fronting onto White Horse Avenue and 2no. dwellings onto Conies Road with associated car parking.

The dwellings facing onto White Horse Avenue would be in keeping with the established street scene in terms of their size, scale, siting in relation to the building line, and their design. These dwellings would be set back from the highway, retaining the sense of spaciousness which is characteristic at this section of White Horse Avenue. The application includes the provision of soft landscaping along the corner of White Horse Avenue into Conies Road, which would enhance the character and appearance of the street scene.

The dwellings fronting on to Conies Road would mimic the residential dwellings constructed as part of application reference 13/00836/FUL insofar as the lower eaves to the rear, but would incorporate the design, appearance and materials of those fronting White Horse Avenue, to provide the proposed development a sense of identity whilst remaining in keeping with the street scene.

Halstead Town Council's concerns in relation to overdevelopment of the plot are noted, however Officers consider that the dwellings are adequately spaced and have a similar density of the existing development in the immediate vicinity. The dwellings fronting White Horse Avenue would be set back from the highway and would not appear cramped. The relationship between these dwellings and those fronting Conies Road would also be acceptable, with adequate separation distances achieved. It is considered that whilst this proposal may represent the upper limit of the development that could be accommodated on the site, it does not represent an overdevelopment nor does it impinge upon the street scene to a negative degree, such to justify withholding planning permission.

The proposed car parking is sited in front of the dwellings for plots 1, 2 and 4 and to the side of Plot 3. White Horse Avenue, built post war is characterised predominately by generous front gardens laid to grass. These dwelling would not originally have had any on site car parking. It is evident that a number of properties in the immediate vicinity have included driveways and off street car parking. Furthermore the 3no. dwellings already built, in place of the Church Hall have car parking to the front of the site. Although such a car parking arrangement is a little contrived it is not completely at odds with the street scene and is not thought to give rise to an unacceptable level of harm.

Officers are satisfied that in terms of design and appearance and the layout of the site the proposal is acceptable, complying with the abovementioned policies and overcoming the previous reason for refusal in this respect.

Amenity Afforded to Future Occupiers of Proposed Dwellings

The National Planning Policy Framework seeks a high quality amenity for existing and future occupiers of neighbouring dwellings.

The proposed dwellings would be two bedroom, and have two storeys. The Nationally Described Space Standards states that the internal floorspace should measure at least 79sq.m. Both floors measure 40sq.m, and therefore the combined floorspace would equate to 80sq.m, just exceeding the requirements set out in the Nationally Described Space Standards.

Each habitable room inside each of the dwellings would have a window providing natural light and an outlook. Although Bedroom 2 in the dwellings would have a rooflight instead of a window, this would be to protect the residential amenities of other houses, and it is considered that the amenity afforded to the occupiers of the second bedroom would be acceptable.

The Essex Design Guide requires that dwellinghouses of 1 or 2 bedrooms shall be provided with outdoor amenity spaces of at least 50sq.m. The proposed dwellings within this application would each have an outdoor amenity space of more than 50sq.m each, and therefore the application complies with this requirement.

The application is considered acceptable in relation to the quality of future occupiers' amenity.

Impacts Upon Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties in terms of overlooking, overshadowing, loss of light or loss of privacy.

The dwellings have been designed in a manner, including a lowered eaves to the rear and the use of rooflights in place of windows, which ensures that neighbouring dwellings are not overlooked or overshadowed to an extent which would justify refusal of the application. This method was also used when the nearby dwellings were granted planning permission in 2013, and is considered to be acceptable.

Furthermore, it is considered that the height of the dwellings, together with their positioning, would ensure that sunlight and daylight to neighbouring dwellings would not be unreasonably affected.

The application is considered to be acceptable in respect of impacts to neighbouring residential amenities, in accordance with the abovementioned policies.

Highways, Transport and Parking

The Essex Parking Standards Design and Good Practice (2009) Supplementary Planning Guidance requires new residential dwellinghouses of two or more bedrooms to benefit from a minimum of two car parking spaces. The standards specify that parking spaces shall measure at least 5.5 metres x 2.9 metres.

The application includes the provision of two parking spaces to the required dimensions, for each of the proposed dwellings. The spaces would be usable and accessible and ECC Highways raises no objection.

Halstead Town Council's objections to the application in respect of access to the site from White Horse Avenue are noted; however Officers note that a similar access was approved in 2018 (Application Reference 18/01541/FUL), and that the Highway Authority raised no objections to this application subject to conditions requiring visibility splays to be maintained. It is therefore considered that it would not reasonable to refuse the application on grounds of highway safety.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, this application was submitted prior to 1 September 2020 which is the cut of date prior to which mitigation could not be secured for the following reasons:

- The amount of development at 99 units or less that was likely to be approved prior to the adoption of the RAMS (which will require financial contributions for all residential proposals), is comparatively minimal.
- There were no specific costed HRA mitigation projects identified and no completed clear evidence base to give the Local Planning Authority the ability to impose such a requirement for a proportionate, evidence based contribution for off-site mitigation at relevant European designated sites for schemes of this size.

It was therefore concluded that the amount of development approved under schemes of 99 units or less prior to the adoption of the RAMS would be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not therefore considered that the current proposal would result in a likely significant effect on European designated sites, given that the application was submitted prior to the 1 September 2020 cut-off date.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

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. The application site is located within the Development Boundary whereby the principle of residential development is acceptable and in accordance with the Development Plan.

The proposed development would provide a social benefit with four additional dwellings, contributing to the Council's Five Year Housing Land Supply, albeit somewhat limited by virtue of the small scale development proposed. There would also be economic benefits, by way of the creation of short term construction jobs whilst development is being built, and through the contribution that the occupiers would make to the local economy.

There would be a neutral environmental impact, balanced by the demolition of the Baptist Church which has fallen into disrepair and makes a negative contribution to the character and appearance of the street scene and its replacement with four dwellings, which would be of acceptable design and appearance.

When considering the planning balance and having regard to the Development Plan, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore recommended that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Proposed Plans	Plan Ref: 20/492/01	Version: D
Proposed Plans	Plan Ref: 20/492/02	
Topographical Survey	Plan Ref: AS1252-01	

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

Reason

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

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

Reason

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house/provision of any building within the curtilage of the dwelling-house, as permitted by Classes A, B 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

To ensure any extensions and/or provision of outbuildings is considered by the LPA in the interests of the appearance of the street scene and residential amenity.

- 4 Prior to the first occupation of the development, details of the landscaping on the north eastern corner of the site (as shown in drawing no. 20/492/01 Rev D) shall be submitted to and agreed 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.

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 first occupation of the development.

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

Reason

In order to enhance the character and appearance of the street scene.

- 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

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

- 6 Prior to any above ground works commencing details of all external materials (including but not limited to, brick, weatherboarding, roof tiles, driveway and footpath surface finish) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details agreed and thereafter retained in the approved form.

Reason

To conform with the pattern of the existing development in the locality.

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

Reason

To avoid displacement of loose material onto the highway in the interests of highway safety.

- 8 Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular accesses on Conies Road. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason

To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.

- 9 Prior to first occupation of the development hereby permitted the car parking spaces as shown on drawing no. 20/492/01/D shall be laid out, constructed in their entirety and made available for use. Thereafter the parking spaces shall be retained in the approved form and used solely for the parking of vehicles and for no other purpose that would impede vehicle parking.

Reason

To ensure adequate levels of car parking in accordance with the adopted standard and to prevent on street car parking in the interests of highway safety.

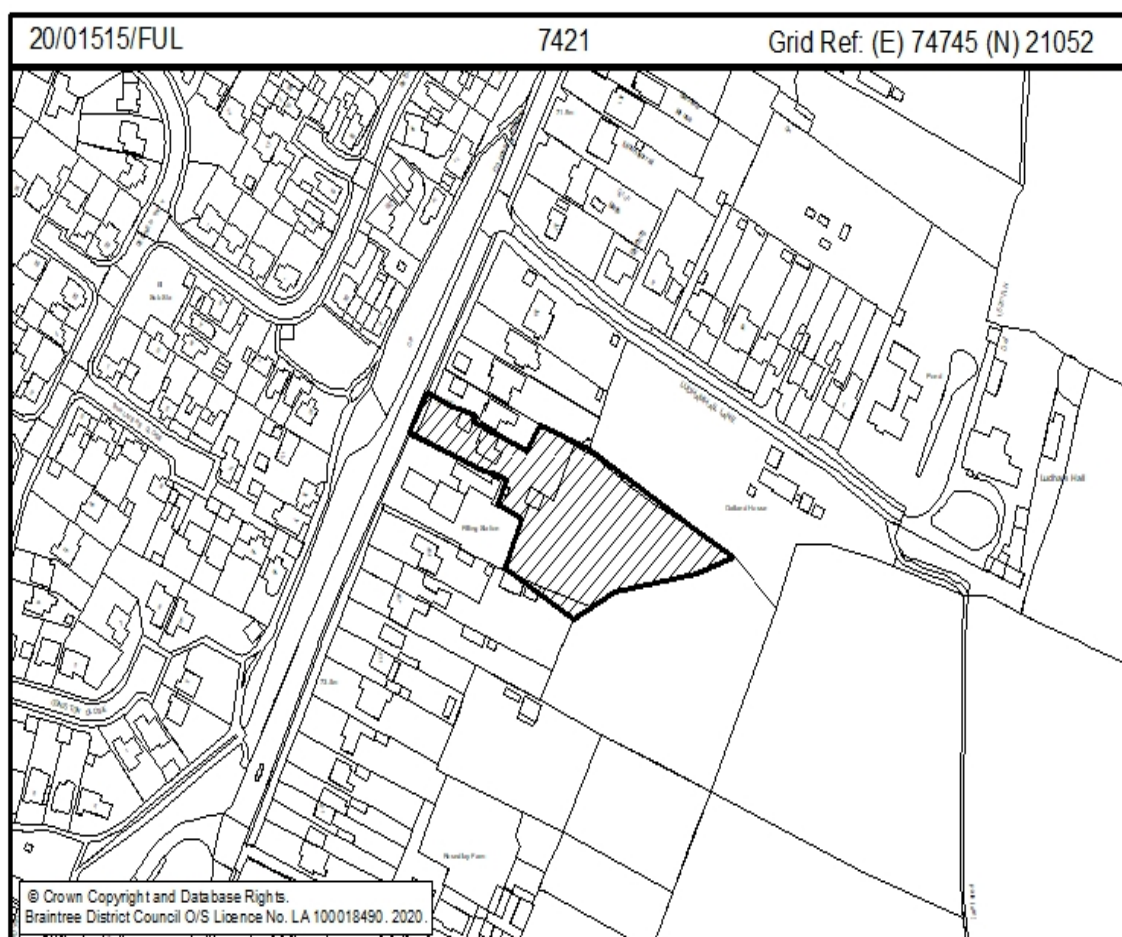
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/01515/FUL DATE: 23.09.20
VALID:
APPLICANT: Regent Square Ltd
Mr Jon Nash, 103 London Road, CM7 2LF
AGENT: Ashby Design Ltd
Miss Cecile Poupard, 13 Arm And Sword Lane, Hatfield,
AL9 5EH
DESCRIPTION: Erection of 2 x 2, 3 x 3, and 5 x 4 bedroom (10 units) two-storey dwelling houses, together with new vehicular and pedestrian access, associated car parking and landscaping.
LOCATION: Land Rear Of, 197 London Road, Black Notley, Essex

For more information about this Application please contact:
Mathew Wilde on:- 01376 551414 Ext. 2512
or by e-mail to: mathew.wilde@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGHPOTBF00A00>

SITE HISTORY

20/00008/REF	Erection of 12 No. dwellings together with new vehicular and pedestrian access, associated car parking and landscaping.	Appeal Dismissed	15.06.20
19/01575/FUL	Erection of 12 No. dwellings together with new vehicular and pedestrian access, associated car parking and landscaping.	Refused	17.01.20
20/00515/FUL	Erection of 3 x 2 bed, 2 x 3 bed and 7 x 4 bed two-storey semi-detached dwellinghouses (12 units), together with new vehicular and pedestrian access, associated car parking and landscaping.	Withdrawn	16.07.20

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP69	Sustainable Urban Drainage
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 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
LPP18	Strategic Growth Location - Land East of Great Notley, south of Braintree
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment

LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP79	Surface Water Management Plan
LPP81	External Lighting

Neighbourhood Plan

At the time of writing, no plan has been formally submitted for consideration for either Great Notley or Black Notley. As such, no weight can be attributed to these documents at this time.

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

Village Design Statement

Open Space SPD

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

The application was previously listed on the published agenda to be considered at the Planning Committee held on 16th March 2021, however following further discussions between the applicant and Officers on the issue of Affordable Housing provision, the application was withdrawn from the agenda.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site comprises land to the rear of 197 London Road. Although the site is opposite Great Notley, it is located within the Parish boundary of Black Notley.

The development site is located partially within and partially outside of the development boundary; the access, existing dwelling (No.197) and its immediate domestic curtilage are within the boundary, while the remaining land at the rear (the majority of the site) is located outside of the adopted Development Boundary.

The site is also adjacent to a filling station & car wash to the south, while being adjacent to other linear development on the east side of London Road. Further north, Ludham Hall Lane runs parallel to the northern boundary of the

site. This serves as an access to properties along this road but also as a Public Right of Way.

NOTATION

While the site is located partially within and partially outside of the development boundary for Great Notley, the whole site, including the petrol filling station, was allocated for residential development within the Section 2 Plan (BLAN 633). The site also backs onto a wider strategic allocation (BLAN 114) which has been allocated for a residential led mixed use development of up to 2,000 new homes in the Section 2 Plan.

PROPOSAL

The application proposes to erect 10 dwellings at the site, comprising 2 two bed, 3 three bed and 5 four bedroom properties. The proposal would close up the existing vehicular access that serves No.197 and No.195 London Road. It would create a new access onto London Road which would be in close proximity to the boundary of the site with the adjacent filling station. No.197 London Road would be retained, therefore the access road would go along the side of the house.

The spine road comprises a type 3 turning head in the middle, then a further smaller access road to access the properties at the rear. This is to provide suitable manoeuvrability but also would result in a mews type character. Eight of the ten houses would be inward facing, while Plots 5 and 6 would be perpendicular and face back along the access road.

In terms of scale, each of the dwellings would be two-storey in height. In terms of appearance, there would be a mixture of house types and styles, with some high quality features such as chimneys.

SUMMARY OF CONSULTATION RESPONSES

BDC Ecology

No objection subject to conditions.

BDC Waste

No objection subject to no liability from any damages (as road unlikely to be adopted) and bin pull distances of 20m or less.

BDC Environmental Health

No objection.

ECC Historic Buildings Consultant

No objection.

ECC SUDS

Require more information. However suggested conditions if Members were minded to approve the application (*see report for explanation*).

ECC Highways

No objection subject to conditions.

ECC Archaeology

No objection subject to conditions.

Anglian Water

No objection.

Essex Fire

No objection providing the site can accommodate a vehicle of 15 tonnes. Also nearest fire hydrant is close enough away.

Natural England

No objection subject to securing HRA.

Essex Police

No apparent concerns.

PARISH / TOWN COUNCIL

Black Notley Parish Council

Black Notley Parish Council objected to the application for the following summarised reasons:

- Beyond adopted development envelope (although acknowledge it has an allocation)
- Garage and car wash could cause neighbour issues
- Crammed development and wouldn't match character of area

REPRESENTATIONS

Two objection letters have been received setting out the following summarised objections:

- Affect views and loss of property value
- Loss of trees

Loss of habitats
Ditch and ancient hedge row should be kept
Increased traffic – dangerous route to school
Noise during construction
Impacts on privacy

REPORT

National Planning Policy Framework (NPPF)

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

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

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

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

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

The Development Plan

While part of the application site is located within the development boundary of Great Notley, it is primarily located outside of the development boundary and as such is located on land designated as countryside in the Adopted Local Plan (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 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 in this case seeks planning permission for the erection of 10 new dwellings primarily outside of settlement limits as defined by the Adopted Local Plan. The application would represent a departure from Policies RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy, and is therefore considered to be contrary to the Adopted Development Plan as a whole.

However, while a large part of the site is located outside of the development boundary in the Adopted Local Plan, the site, in conjunction with the filling station/car wash, has been allocated for residential development (BLAN 633) in the Section 2 Plan. This is because the filling station/car wash is one of a number that serves Great Notley already in the area; as such there was not a principle objection to its loss. The site is allocated together partially in order to secure a suitable development coming forward.

The application in this case does not propose to develop the entire draft residential allocation of BLAN 633, instead it seeks a more piecemeal approach to develop the main core of the site, with the existing dwelling retained and leaves the associated petrol filling station land in situ. The site also backs onto a wider strategic allocation BLAN 114 which has been allocated for a residential led mixed use development of up to 2,000 new homes. This large allocation is covered by Policy LPP18 in the Section 2 Plan and is to the east of the application site. The development must not therefore be prejudicial to BLAN 633 and BLAN 114. These particulars are explored further in the report.

To summarise, the development would mostly conflict with the Adopted Local Plan and Core Strategy, but would be partly in accordance with the Section 2 Plan.

5 Year Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

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

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

History

A planning application (Application Reference 19/01575/FUL) was previously submitted at this site for 12 dwellings in a different configuration, with the retention of the existing house (No.197). This application was refused planning permission and dismissed at appeal. Officers concerns were as follows:

- Negative impacts on character
- Poor design
- Not provide suitable amenity for existing or future occupiers
- Implications on strategic allocation
- Insufficient information in respect to noise
- Insufficient information in respect to surface water drainage
- No affordable housing contribution secured

The application was dismissed on appeal, but the Inspector did not agree with all of the issues that Officers raised above. The Inspector did however raise the following concerns in dismissing the appeal:

- Little room for meaningful landscape in a tight configuration
- Height of houses too tall to create a mews like character (some 2
- Pergolas and flying links not good design
- Poor quality of amenity for future occupiers by virtue of overlooking and existing landscaping
- Unacceptable impact on existing occupiers

Overall, the inspector considered that the development would be cramped and jarring, harming the character of the area and also the amenity of existing and future occupiers. The appeal was therefore dismissed. A copy of the appeal decision is appended to this report.

There were however some elements where the Inspector disagreed with the Council in terms of impacts. These included the retention of the existing dwelling (on balance), development over sewer easements, information regarding surface water drainage, and the potential noise impact from the petrol station. The inspector also did not consider that developing the site without the petrol station would be prejudicial to the residential allocation. Finally, the Inspector concluded that the petrol station could not be included in the affordable housing requirement.

This application therefore seeks to overcome the issues raised by the Inspector in the decision. This is explored within the report below.

Location and Access to Services and Facilities

The NPPF encourages homes with accessible services which limit the need to travel, especially by car, although it is acknowledged that the NPPF also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (Paragraph 103). Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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

Although the site is partly located in the Countryside, it is very close to Great Notley, which forms part of Braintree as a 'Main Town' in the Settlement Hierarchy found in the Core Strategy. The main towns are the locations which are most sustainable in the district and have good access to day-to-day services and facilities. It is therefore considered that the site is in an accessible location which is a benefit that weighs in favour of the application.

Design, Appearance, Layout & Noise

Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It also states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 of the NPPF states, amongst other things, that developments should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Furthermore, the Governments 'National Design Guide 2019' places increased importance on the importance of good design, amenity, wellbeing and sense of place for all developments.

In addition to this, Policy RLP90 of the Adopted Local Plan requires designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy LPP55 of the Section

2 Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

In order to assess whether the proposal is now acceptable, it is important to compare the current application to the dismissed appeal application in light of the Inspectors concerns. In terms of clear changes, there has been a reduction of two units at the site, from 12 dwellings to 10 dwellings.

Focusing on scale, the dismissed appeal proposed a mixture of two storey and two and a half storey dwellings. The Inspector commented that two and a half storey development would not create a mews type character (in the way proposed), and that flying links were not a good design solution for this site. In this case, the current application removes any reference to two and a half storey dwellings, and focuses solely on two storey dwellings. Both applications propose a mixture of house types, however the appeal scheme proposed a slightly higher proportion of four bedroom properties (2 two bed, 2 three bed and 8 four bed) compared to the current application (2 two bed, 3 three bed and 5 four bed).

The current application would therefore be notably be less intrusive in terms of its height and prominence comparatively to the dismissed appeal. In addition, pergolas and flying links between properties have now been removed. A condition has been proposed to remove Permitted Development Rights for dormer windows in recognition of the potential impact and the Inspectors concerns. As such, it is considered that the current proposal addresses these two issues raised by the Inspector. However, due to the change to the proportion of larger units now proposed, even though there is a reduction in the number of units, the development would still be utilising most of the site for housing in terms of footprint. This is discussed further below.

Focusing on layout, the dismissed appeal proposed to retain No.197 London Road and create an internal spine road to serve the 12 proposed dwellings. This spine road would end with a type three turning head. Plots 1-5 and 9-12 would have been inward facing, while Plots 6-8 would have been perpendicular and faced back along the proposed access road. The layout would have maximised the site, so that there was limited opportunity for any meaningful landscaping. Plot 6 in particular was situated very close to the site boundary.

The Inspector agreed with Officers on this issue, commenting that there would be little room for meaningful landscape in such a tight configuration. The

Inspector also considered views across from Ludham Hall Lane as being important, as this is a PROW and the site boundaries are mostly open between these areas, allowing for a good degree of visibility. While the land around the site is allocated for development in the Section 2 Plan (BLAN 114), the Inspector considered that the site needed to respond to the existing context, as opposed to any possible future context. As such, because of the height of the development, coupled with the tight configuration and lack of landscaping to soften the impacts, the Inspector considered that appeal scheme would have had a detrimental impact on the character of the area.

The current application layout has been the subject of much negotiation with the developer in light of the Inspector's comments. While there are some larger house types, the scheme does allow for more landscaping to be included within the site. In particular, Plot 5 has been pulled away from the site boundary to allow for the planting of a strong hedge, with a maintenance strip behind, so that it can be managed by a management company. This will therefore allow the long term retention and management of the hedge, which will over time greatly assist in softening the impact of development in views across from Ludham Hall Lane. It will also be important that boundary treatments are appropriate for Plots 3 and 4 in order to provide a softer edge. This is recommended to be secured via condition.

In terms of layout particulars more generally, the current application also takes a different approach to that of the dismissed appeal, in that the type 3 turning head ends in the middle of the site, and a smaller access road is created to serve the remaining 6 properties. The aim is to better reinforce a mews like character and provide a stronger identity. Plots 1-7 would still be inward facing, however Plot 6 would provide a natural terminating feature along the vista of the access road.

One of the key issues was also Plot 5 possibly overlooking Plot 4, however with the introduction of the management strip, Plot 5 has been pushed back so that it would not be able to easily overlook Plot 4, but still have a sufficient outlook itself. Plot 4 would have a chimney stack to add visual interest and break up the mass of the side of the property. Similarly, other more exposed gable ends would also comprise chimney stacks and some fenestration to assist in breaking up massing and adding interest.

In terms of other notable layout changes, the pergolas previously proposed have now been removed over the spaces at the front of the site, while any carports have also been removed. Single garages remain for a number of the properties but these would be attached to the side of the dwellings. Taking into account all of the above, it is considered that the development would now provide a much stronger mews character, while also providing space for meaningful landscaping.

The Parish Council commented that the proposed layout still appears cramped and should instead reflect the linear development on London Road. However Officers disagree with this; this site does not have a relationship with London Road due to its backland location; developing it in a similar way would

not be appropriate because of this. The development should instead be focused in a more compact form typical of such backland locations, and which is commonly found at the rear of London Road in this area. Furthermore, the site isn't big enough to accommodate 10 dwellings and adhere to the principles to which the properties on London Road were built to with larger plots likely making it undeliverable and unviable. As such, Officers respectfully disagree with the Parish Council in this regard.

One of the other issues linked with layout was the impact on external amenity for existing and future occupiers. The dismissed appeal proposed Plot 1 to be much closer to the rear of No.197 London Road and No.195 London Road. Officers considered that owing to the location of Plot 1, that the amenity of No.197 would be affected by a large imposing mass in close proximity to the rear of the dwelling. Officers also considered that No.195 London Road would be able to overlook directly into the garden of Plot 1 at a very short distance, limiting privacy for future occupiers. The other issue was with Plot 10; a very large existing tree was behind it, due to the proximity of Plot 10 the tree would have had a detrimental impact on outlook and light for future occupiers. The Inspector agreed with these concerns and this formed part of the reason that the appeal was dismissed.

The current application attempts to resolve these issues. Firstly, Plot 1 is now located further away from the rear boundary of No.197, which would greatly reduce any overbearing impacts of the previous scheme. Similarly, Plot 1 now proposes a garage which would project beyond the rear building line to provide protection to the most sensitive areas of amenity for future occupiers. A landscape buffer is also shown along the boundary with No.195 London Road, although this would be maintained by the future occupier. Plot 8 as it is now proposed (formerly Plot 10) would comprise a larger garden and be sited further away from the tree at the rear. The combination of both aspects, together with a southern facing facade, would also enable future occupiers of Plot 8 to access suitable amenity at the rear of their plot. Overall, it is considered that the layout changes as described above have enabled the above identified amenity issues to be overcome.

Officers considered that to create a better entrance to the development, that No.197 should be removed. The Inspector commented that from a street scene perspective, on balance the existing dwelling should stay. Therefore on the current layout this dwelling is also retained. However, with the retention of No.197 there is potential for noise and disturbance, from passing vehicles utilising the new road, on existing occupiers.

From a noise perspective, Officers considered that both the internal and external amenity of No.197 would be detrimentally affected by its retention and the access road. The Inspector considered that the internal amenity was acceptable, however was not satisfied that the external amenity would be able to be protected:

“15...However, the noise from vehicles passing and repassing the garden of No. 197 would be very apparent to the occupants. This could

be attenuated to an extent if a solid boundary, such as a wall, was provided in combination with additional landscaping to provide a defensible area. However, I have seen nothing of substance demonstrating the impact could be reduced to an acceptable level. Thus, based on the evidence before me, I am not satisfied the proposal would have an acceptable impact upon the living conditions of No. 197 in respect of noise and disturbance. That said, a residential redevelopment at the petrol station could proceed without a harmful impact on future living conditions because there would be space to create a defensible buffer.”

On the dismissed appeal scheme, the boundary around No.197 was shown only as a hedge. On the current application submission, a 2m high brick wall is shown along the entirety of the rear boundary. The noise report has also been updated to include an assessment of the likely impacts of passing vehicles on the external amenity of No.197. The noise report concludes that there would be some impact on the amenity of No.197, however this impact would be greatly reduced by the introduction of the 2m brick wall which will assist in reducing much of the noise transmission to an acceptable level. A granite sett raised table is also proposed in this area to reduce vehicle speeds.

The Councils Environmental Health Officer reviewed the noise report and raised no objection in regards to the impact on No.197. Similarly, the Environmental Health Officer accepted the conclusions reached by the Inspector in regards to the filling station. Owing to the tightness of the access configuration, there would not be any space immediately adjacent to the access road to be able to incorporate any landscape buffer without reducing the size of the garden of No.197. Therefore, while measures have been put in place, the Inspectors comments above are not able to be met in full. There is also likely to be some pollution type impacts from passing vehicles. However, owing to the above factors, it is considered that while the external amenity of No.197 would be adversely affected by the proposed development, any impact would be much reduced comparatively to the previous scheme. This harm must however still be weighed in the planning balance. A condition is recommended to be imposed to secure the various recommended boundary treatments in the noise reports.

In terms of more general layout particulars, the development would provide three visitor spaces; two at the entrance of the site and one at the rear. Each dwelling would be provided with two parking spaces, either two tandem parking spaces or a parking space and a single garage measuring 7m by 3m (to constitute a parking space in the parking standards). Each garden would be in accordance with the standards set out in the Essex Design Guide, while the quality of internal amenity would be good for each dwelling with sufficient outlook and internal accommodation above the minimum sizes in the Nationally Described Space Standards. Refuse operatives would also not be required to travel more than 20m to collect rubbish from the type 3 turning head. In addition, there would be sufficient manoeuvrability for the waste vehicle to turn in the site. This has been confirmed by the refuse team.

In terms of appearance, the flying pergolas have been removed to satisfy the Inspectors comments. The character that has now been created would be more aligned to what would be expected in a mews type development, with a mixture of colours and materials from brick, render and weatherboarding. Stone cills feature on non-boarded properties and each dwelling would either have a chimney stack or a chimney projection at the top to add visual interest. Some dwellings would also have exposed rafter feet. Overall, it is considered that the appearance of the development is acceptable.

Summarising all of the above, it is considered that the majority of the Inspectors concerns have now been overcome, and that the development would be acceptable from a character, layout, amenity, scale and design perspective. The only issue which has not been resolved fully is in respect to the impact on the amenity of No.197 from passing vehicles, albeit this impact has been largely reduced. These aspects form part of the planning balance at the end of the report.

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 Section 2 Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties.

No detrimental neighbouring impacts were identified as part of the dismissed appeal. This is because the site primarily adjoins green spaces whether that be paddocks or ancillary land. Most residential properties are a considerable distance away. The current application is similar in terms of its relationship to plot boundaries. As such the conclusions reached in dismissed appeal are considered to be the same, that neighbouring amenity would not be detrimentally affected by the proposal in this case.

Concerns have been raised in respect to loss of views and loss of property value, however these are not planning considerations.

Concerns have also been raised about disruption during construction. As these disturbances are temporary in nature, there would only be a time limited harm to existing occupiers. This harm can be mitigated by way of conditions such as limiting construction hours etc which are recommended to be included. As such, disruption during construction would not be a harm that could be reasonably weighed in the planning balance in this case.

Highway Issues

The proposal would close up the existing vehicular access that serves No.197 and No.195 London Road. It would create a new access onto London Road which would be in close proximity to the boundary of the site with the adjacent

filling station. While concerns were raised about increased traffic and the suitability of the junction by residents and the Parish Council, Essex Highways have considered the proposal and raised no objections.

Furthermore, access was not considered to be an issue at the time of the dismissed appeal. The access arrangements are proposed to be the same on this application, which also proposes a smaller number of dwellings. As such, it is considered that from a highways perspective, that the development would not have a detrimental impact on vehicular or pedestrian safety, subject to the imposition of suitable conditions which are recommended.

Arboriculture and Ecology

Policy CS8 of the Core Strategy is concerned with the protection and enhancement of the Natural Environment and Biodiversity. The policy states that all development proposals should ensure the protection and enhancement of the natural environment, habitats and biodiversity of the District. It goes on to state that 'development must have regard to the character of the landscape and its sensitivity to change'.

Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under various UK and European legislation, or on the objectives and proposals in National or County Biodiversity Action Plans as amended. Where development is proposed that may have an impact on these species, the District Council will require the applicant to carry out a full ecological assessment. This is echoed by Policy LPP68 of the Section 2 Plan.

Concerns have been raised by local residents about the loss of trees and ecological habitat at the site. Firstly in terms of trees, the application is supported by an arboricultural impact assessment. This shows that all of the notable existing trees and hedges on the site will be retained and protected. The site is generally devoid of any trees in the centre of the site. A condition is recommended to be imposed to secure the recommendations contained within the arboricultural report. As such, from an arboricultural perspective, it is considered that the proposal is acceptable.

From an ecological perspective, an Ecological Appraisal survey was also submitted with the application. The ecology report has confirmed that there is negligible bat roost potential and no evidence of bats in the building (garage) to be demolished. Further, the mature trees on site have not been inspected for bat roost potential but are scheduled to be retained. As such, the Ecological Officer had no objections subject to the imposition of a number of conditions which are recommended to be imposed. It is considered that these particulars are also acceptable.

Flooding and Suds

Policy RLP69 of the Adopted Local Plan and Policy LPP78 of the Section 2 Plan states that where appropriate, the District Council will require developers to use Sustainable Drainage techniques such as porous paving surfaces.

Government Policy as set out in Paragraph 163 of the NPPF strongly encourages a sustainable drainage system (SUDS) approach to achieve these objectives. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity.

The site is in Flood Zone 1, which has the lowest chance of flooding. For the dismissed appeal, Officers included an insufficient information reason for refusal in respect to a lack of a SUDS strategy at the site. This was at the request of Essex County Council SUDS. However, the Inspector considered that these particulars could reasonably be dealt with by condition, rather than requiring the information up front.

The SUDS team have again requested that further information in regards to surface water drainage is provided up front. However, owing to the Inspector's decision on the dismissed appeal, it would be unreasonable of the Council to refuse the application on this basis. Therefore, in this case, it is considered that suitably worded conditions provided by the SUDS team would be sufficient in this case to satisfy these requirements (which are recommended). As such, while SUDS have put a holding objection on the application, Officers consider that this can be resolved at a later stage for this application.

Contamination

Policy RLP64 of the Adopted Local Plan states that a development on or near a site where contamination may exist, should provide a thorough investigation, so as to establish the nature and extent of the contamination, and then identify works to mitigate any contamination found where appropriate.

A phase 1 contamination report accompanied the previous application but does not seem to have been included as part of this current application. For the dismissed application, a condition was recommended at the appeal stage for a phase 2 contamination report to be submitted. It is considered that this condition would still be necessary if the development is granted planning permission. Subject to further investigation, it is considered that these particulars are acceptable.

Archaeology

Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from a proposed development the developer will be required to arrange for an archaeological

evaluation to be undertaken prior to the planning decision being made. The evaluation will assess the character, importance and extent of the archaeological deposits and will allow an informed and reasonable decision to be made on the planning application.

In this case an archaeological condition has been recommended, in line with comments from the Archaeological Officer.

Habitat Regulations Assessment (HRA)

The Ecology Officer identifies that the site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site. As such, the developer is required to pay a financial contribution towards offsite visitor management measures for the Blackwater Estuary SPA & Ramsar site,

particulars by way of a S106 agreement. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site, subject to the S106 being completed.

PLANNING OBLIGATIONS

Paragraph 96 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative and qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreation provision is required.

Policies CS10 of the Core Strategy indicates that a financial contribution will be required to ensure that infrastructure services and facilities required to provide for the future needs of the community including, inter alia, open space, sport and recreation provision are delivered.

Open Space in Braintree District is calculated in accordance with the standards set out in the Open Spaces SPD and the Core Strategy. Owing to the smaller scale of the development, it is considered that the contribution amount would not be split into the four areas (amenity greenspace, play space, allotments and formal sport), instead be paid as one lump contribution to an identified project in the most up to date Open Spaces Action Plan. A number of projects exist, Officers are currently exploring which project may be most suitable to receive the contribution (£23,199.34). This contribution has been agreed by the developer.

A management company would also be appointed to manage the on-site open space, and the hedge area as shown on the proposed site plan. This obligation has been agreed by the developer.

An Indemnity will also be entered into to absolve the Council's refuse collection team of any damages to the private road for waste collection. This obligation has been agreed by the developer.

Policy CS2 of the Core Strategy requires the provision of affordable housing where certain targets/thresholds are met. In respect of this site, it is considered that although the site is located within the Parish of Black Notley, the site is adjacent to the Parish of Great Notley where the target of 30% affordable housing is applicable. In addition, the site is located between Great Notley and the strategic growth location at Land East of Great Notley, South of Braintree (BLAN 114). As such, it is considered that a target of 30% affordable housing should be applied in this case.

The NPPF definition of major development includes schemes of 10 or more units. In this regard, Paragraph 63 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. As such, the site generates a requirement for affordable housing provision in accordance with both Adopted National and Local policy.

The issue of affordable housing has been an area of some debate over the course of the current and former applications at the site. Notwithstanding the above, in respect of the dismissed appeal proposal, Officers sought to secure an affordable housing contribution on the basis that the development should provide affordable housing given that the site was part of draft allocated site (BLAN 633) which included the petrol station land. With this land included, it would have taken the site up to above 0.5ha, which is eligible for an Affordable Housing contribution/provision. Officers argued that if the petrol station land came forward at a later date, then it would not be reasonable to request that a different developer pay the full contribution of affordable housing at that time. Within the delegated report, the affordable housing threshold was incorrectly specified as 15 dwellings, and therefore the focus of the appeal was on the issue of subdivision.

The Inspector considered the subdivision issue and determined that the Council could not reasonably require affordable housing on the basis of a combined approach with the petrol station site:

23. The Council's emerging draft Local Plan currently includes the appeal site as part of a larger site allocation, which also includes the adjoining petrol station. The appellant does not have control over the petrol station, which appears to have recently changed hands and may be a viable going concern with an existing use value that exceeds the redevelopment value as a residential site. The latter points are matters that would need to be tested through the examination of the emerging LP and therefore I do not afford the draft policy relating to allocation BLAN633 anything more than very limited weight.

24. Therefore, as things currently stand there is no extant development plan policy allocating the appeal site and petrol station for residential

development and requiring that any development comes forward in a comprehensive way. As such, the proposal is not seeking to artificially subdivide an allocated site and thus circumvent the affordable housing threshold in Policy CS2 of the CS. Therefore, the absence of affordable housing is not contrary to the development plan and material considerations, such as the emerging local plan, do not indicate a decision on this matter should be made otherwise than in accordance with the current extant development plan.

The Inspector's rationale for this decision is clearly explained above. It is however the last sentence of Paragraph 24 which is of interest, indicating that a decision should be made in accordance with the extant Development Plan. At Paragraph 25 of the appeal decision, the inspector concludes that no affordable housing contribution was required, however Officers consider that this was only in response to the issue of subdivision and did not address the requirement for affordable housing for the application site in isolation.

Officers consider the development is required to provide a contribution to affordable housing in accordance with adopted National and Local policy. Ordinarily the Council would seek to secure affordable housing units within a development. However, owing to the scale of this proposal, a financial contribution would on this occasion would be more appropriate than on-site provision and has been requested by the Council's Housing Enabling Officer. As such, in accordance with adopted National and Local Policy, Officers are requiring a 30% affordable housing contribution which would equate to £100,625 per dwelling, as advised by the Council's Affordable Housing Officer. This would therefore comprise a total contribution of £301,875.

Although there was originally no agreement with the applicant on this issue, the applicant has now advised that they are willing to enter into a S106 agreement to pay the affordable housing contribution. As such, the development is considered to be acceptable in this regard.

PLANNING BALANCE AND CONCLUSION

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

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

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

a social objective (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and

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

In this case, the proposal is mostly in conflict with Policy RLP2 of the Adopted Development Plan and Policy CS5 of the Core Strategy. Section 38(6) of the Planning and Compulsory Purchase Act 2004, directs that, *"if regard is to be had to the development plan for the purpose of any determination to be made, the determination must be made in accordance with the plan unless material considerations indicate otherwise"*.

It is considered that other material considerations do exist in this case. They include a partial compliance with the Section 2 Plan, although limited weight is afforded to this compliance given the status and stage of preparation of the Section 2 Plan in this instance. Other important material considerations also include Paragraph 11 of the NPPF which introduces a presumption in favour of sustainable development and engages the tilted balance in this instance as the Council is currently unable to demonstrate a 5 year housing land supply.

In this case, there are public benefits which would arise from the development. These include but are not limited to; securing a good design and layout which would address the Inspector's concerns of landscaping, design and character from the dismissed appeal. The development would

provide a good standard of internal and external amenity for future occupiers. The site would be in an accessible location where a genuine choice of alternative transport modes exists, therefore limiting the harm which would arise through use of the motor car. The development would also provide 10 dwellings towards the housing land supply shortfall, jobs during construction, contributions to the vitality of the village and an open space contribution. The developer has also agreed to an Affordable Housing contribution in line with Policy. There would also be limited harms to neighbouring residential properties, limited highway, arboricultural and ecological impacts.

In terms of harms, there would still be harm to the external amenity of No.197 London Road, albeit this harm has been reduced comparatively to the dismissed appeal scheme.

When considering the planning balance and having regard to the above, the conflict with the Development Plan, and having regard to the requirements of the NPPF as a whole, it is considered that the adverse impacts of granting permission would be limited and would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework as whole. The NPPF paragraph 11d therefore directs that permission should be granted in this instance. It is therefore recommended that planning permission is granted, subject to conditions and subject to the completion of a Section 106 Agreement.

SECTION 106 HEADS OF TERMS

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

- Affordable Housing: £301,875 contribution to pay towards other affordable housing projects in the District.
- Public Open Space: A contribution of £23,199.34 towards a project to be agreed.
- Management Company be appointed for the maintenance of the proposed open space and landscape area.
- Waste: Indemnity against any damage from waste vehicles.

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

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

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

Access Details	Plan Ref: 466_19_FUL_PL1005	Version: A
Proposed Plans	Plan Ref: 466/19/FUL/PL70.00	
Specification	Plan Ref: 466/19/FUL/PL1003	Version: A
Floor Plan	Plan Ref: 466/19/FUL/PL 10.00	
Elevations	Plan Ref: 466/19/FUL/PL 10.01	
Floor Plan	Plan Ref: 466/19/FUL/PL 20.00	
Elevations	Plan Ref: 466/19/FUL/PL 20.01	
Floor Plan	Plan Ref: 466/19/FUL/PL 30.00	
Elevations	Plan Ref: 466/19/FUL/PL 30.01	
Floor Plan	Plan Ref: 466/19/FUL/PL 40.00	
Elevations	Plan Ref: 466/19/FUL/PL40.01	
Elevations	Plan Ref: 466/19/FUL/PL 50.01	
Floor Plan	Plan Ref: 466/19/FUL/PL 50.00	
Elevations	Plan Ref: 466/19/FUL/PL60.01	
Floor Plan	Plan Ref: 466/19/FUL/PL/60.00	
Proposed Site Plan	Plan Ref: 466/19/FUL/PL1002	Version: A
Location Plan	Plan Ref: 466/19/FUL/PL1000	

- 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 finishes 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 and permanently retained as such.

Reason

To ensure the use of appropriate materials having regard to the listed building on/adjoining this site.

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

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

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

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

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

Reason

Landscape planting will add character to the development and assist in screening it in wider views.

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

Reason

This condition is required prior to the commencement of development to protect the road network, the safety of residents and in the interests of reducing wider pollution associated with construction.

- 6 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

Bank Holidays & Sundays - no work

Reason

In the interests of residential amenity for residents of the locality.

- 7 No piling shall be undertaken on the site in connection with the

construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

Reason

In the interests of residential amenity for residents of the locality.

- 8 A phase II contaminated land risk assessment shall be submitted to determine whether further risk assessment or remediation is necessary.

Assessment shall be in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. Further advice is available in the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers'. A remediation strategy shall be submitted to and agreed by the planning authority prior to the commencement of development hereby approved.

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

Following completion of the remediation works a validation report undertaken by competent person or persons and in accordance with the 'Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the agreed remediation measures shall be submitted to the Local Planning Authority for approval. There shall be no residential occupation of the site (or beneficial occupation of the office building hereby permitted) until the Local Planning Authority has approved the validation report in writing.

Reason

In the interests of future occupiers of the site.

- 9 The development shall install boundary treatments in accordance with the recommendations of the dB Consultation Ltd report reference dB/197 London Road/10078/ML/003 dated 28th January 2021:

- The installation of a 2.5 metre high timber fence along the site boundary as shown in Fig. 3 of the report
- The installation of a 2 metre high brick wall around the rear garden of 197 London Road

Prior to first occupation of the development hereby approved details of all

other 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 above and as approved shall be provided prior to the occupation of the development hereby approved and shall be permanently retained as such.

Reason

To protect the amenities of future occupiers and ensure that the development does not prejudice the appearance of the locality.

- 10 (A) No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.
- (B) A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
- (C) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.
- (D) The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

A professional archaeological contractor should undertake any archaeological investigation.

Reason

The Essex Historic Environment Record (HER) and Historic Environment Characterisation (HEC) Report shows that the proposed development lies within a potentially sensitive archaeological area. The site lies along the course of the Roman road from the Roman settlement at Braintree to Chelmsford and Roman pottery has been recovered from the wider area. Historic mapping depicts an earlier building identified as Ludham Hall along the London Road and documentary sources reveal that a 17th century Ludham Hall was an L shaped house with two wings. The proposed site lies within a field which retains its historic field boundary and lays close to the area of the former house. Evidence associated to the demesne of the former Hall, which may be medieval in origin, may survive within the development area and be impacted upon by the development.

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

Reason

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

- 12 No occupation of the development shall take place until the following have been provided or completed:

a. The proposed site access shall accord with Drawing no.466/FUL/19/PL1003. Access shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

b. The existing access at to the north of the site shall be suitably and permanently closed incorporating the reinstatement to full height of the footway and kerbing immediately the proposed new access is brought into first beneficial use.

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

Reason

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

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, September 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological

expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason

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

- 14 A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason

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

- 15 Prior to the installation of any external lighting at the site, a lighting design scheme to protect biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on, or immediately adjoining the site, that are particularly sensitive for bats including those areas where lighting could cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas of the development that are to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and retained thereafter in accordance with the scheme.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason

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

- 16 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 dwelling-house as permitted by Class B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason

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

- 17 The development shall be carried out in accordance with the tree protection measures contained with the Treeplanningsolutions Arboricultural Impact Assessment dated 28th August 2020 rev 29/01/21 reference TPSarb0360819 at all times during construction of the approved dwellings.

Reason

In order to protect trees and hedges during construction.

- 18 No development (except demolition) shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

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

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

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

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

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

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 20 Prior to first occupation, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the

surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

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

Reason

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

INFORMATION TO APPLICANT

- 1 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 Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, Essex, CM2 5PU.
- 2 Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 8 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/Z1510/W/20/3245504

197 London Road, Black Notley, Essex CM77 8QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Nash of Regent Square Ltd against the decision of Braintree District Council.
 - The application Ref 19/01575/FUL, dated 23 August 2019, was refused by notice dated 17 January 2020.
 - **The development proposed is described as '12 dwellings scheme together with new vehicular and pedestrian access, associated car parking and landscaping'.**
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have considered the appeal with reference to the revised Noise Impact Assessment dated 9 March 2020 (NIA). This was submitted by the appellant as additional evidence **in response to the Council's request** for an assessment in line with BS4142:2014. The Council were provided with an opportunity to consider this document and provide comments.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect on the living conditions of future occupants of the appeal scheme and those of 197 London Road, with particular reference to light, outlook, privacy, the adequacy of outside amenity space and noise and disturbance; and
 - Whether the proposal would make adequate provision for surface water drainage, infrastructure and affordable housing.

Reasons

The effect on the character and appearance of the area

4. The appeal site encompasses 197 London Road (No. 197), a residential property with front and rear gardens and what appears to be a small field behind. It is positioned on the eastern side of the road within a stretch of

- linear ribbon development. In contrast, the western side of London Road generally comprises soft landscaping that screens estate housing beyond.
5. Save for the petrol station adjoining the appeal site, the development on the eastern side of the road is arranged in a discernible building line with the front elevations of the residential properties tending to address the road. The dwellings are set behind generously sized front gardens, which mostly include soft landscaping and areas to park cars. This provides a spacious frontage pattern to the appearance of the area. Although not uniform, there is nevertheless a regularity to the plot widths and the scale and massing of buildings. As such, there is a strong pattern to the layout of dwellings along the eastern side of London Road, which affords a pleasant suburban character to the area. This pattern of development is also found in Ludham Hall Lane to the north of the appeal site, which is also a public right of way.
 6. The appeal scheme would introduce a small cul-de-sac with a tight configuration to the rear of the frontage development along London Road. This would jar with the spacious and linear frontage pattern. That said, the development would not be prominent in views from London Road due to the screening afforded by No 197. However, the development would be clearly visible from Ludham Hall Lane over the roadside hedge, where the relatively compact form would appear strident, even though the amenity space and parking would meet local standards. There would be little room for meaningful mitigation in the form of soft landscaping on the boundary to filter and soften views of the development.
 7. The site context may change in the future if draft allocation BLAN114 is adopted and then constructed. However, the timeframe and configuration of this potential development is unclear and therefore this is not a matter that justifies the impacts the appeal scheme would have.
 8. Aspects of the proposal would facilitate a mews type character, such as the narrow width of the street, the position of the houses near to the edge of the carriageway and the discrete entrance off London Road. However, the proposed houses would be relatively tall, with some arranged over three floors, and therefore they would lack a sense of subservience to the frontage development that could otherwise make a mews concept spatially successful.
 9. The narrow entrance off London Road would diminish the legibility of the development and appear cramped. However, the demolition of No. 197, a solution indicated by the Council, would leave a discordant gap in the street scene. Keeping this property in situ would enable continuity to be retained to the frontage pattern of development. On balance, the narrowness of the proposed access would be an understandable compromise.
 10. The turning head would have properties arranged closely around it, but this is not untypical of a mews type arrangement. The turning head could also be softened by using a suitable surface treatment and soft landscaping. Similarly, parking on block is not uncommon in a mews arrangement as it allows a tighter built form. However, the positioning of a pergola at the entrance and garages off the turning head would increase the number of buildings and thus the sense of cramming in what would already be a comparatively tight layout. This would be compounded by the contrived first floor flying links, which would appear as a discordant means of squeezing in more floor space.

11. Save for the contrived links already discussed and the scale of some of the dwellings, the elevations of the properties would be unassuming and therefore provide the appearance of a small grouping of cottages. The use of matching doors and windows would provide harmony and cohesiveness and the bay windows would afford some basic detailing, as would the cills and brick plinths. Plots 6 and 7 would be pleasingly balanced and positioned to punctuate the view along the street. An appropriate pallet of external finishing materials could be secured through the imposition of a planning condition in the event the scheme was acceptable. On balance, the house types would provide a reasonable sense of place given the varied architectural context.
12. In conclusion, when taken as a whole, the proposal would result in a cramped and jarring development that would harm the character and appearance of the area. This would be contrary to Policies RLP3, RLP9 and RLP90 of the Braintree Local Plan Review 2005 (LP) and CS9 of the Braintree District Core Strategy 2011 (CS)¹. These policies together seek to secure development that respects the character and appearance of the area.

The effect on living conditions

13. Plots 9 and 10 would be near a large mature oak tree, which would be positioned on the southern side of these properties. The tree would dominate the relatively modest rear gardens of these properties thereby reducing the outlook and diminishing the level of light. The harmfully inadequate living conditions this would engender would be compounded by leaf litter and the risk of branch shedding, which would further hamper the ability of future occupants to reasonably enjoy the rear gardens.
14. Plot 1 would be located directly behind No. 197 and therefore the rear garden serving it would be overlooked by the occupants of 195 London Road. This would result in a harmful loss of privacy because the garden of Plot 1 would be overlooked at a close range. Plot 1 would also dominate the rear outlook from No. 197 and the front outlook from Plot 6 would be dominated by the car port proposed to be located directly in front of this property.
15. The access road into the appeal site would pass the flank elevation of No.197. Two modest windows face onto this route. It is therefore unlikely that vehicles would be unduly audible from within the house if a suitable surface treatment was used. However, the noise from vehicles passing and repassing the garden of No. 197 would be very apparent to the occupants. This could be attenuated to an extent if a solid boundary, such as a wall, was provided in combination with additional landscaping to provide a defensible area. However, I have seen nothing of substance demonstrating the impact could be reduced to an acceptable level. Thus, based on the evidence before me, I am not satisfied the proposal would have an acceptable impact upon the living conditions of No. 197 in respect of noise and disturbance. That said, a residential redevelopment at the petrol station could proceed without a harmful impact on future living conditions because there would be space to create a defensible buffer.
16. There is a sewer easement running through the appeal site and the drawings show that it would be incorporated in Plots 3, 4, 10 and 11 under the parking

¹ The Council have also referred to Policies RLP2 and RLP56 and Policy CS5 but the relevance of these policies is unclear as the Council has not taken issue with the proposal's location outside the settlement boundary, its impact on the countryside or the amount of parking proposed

areas and rear gardens. Future occupants of these properties may be reluctant to cultivate these spaces or erect garden structures in case access was required in the future. However, Anglian Water has not objected and the evidence before me suggests this situation is not uncommon. Furthermore, the easement would not cover the entire gardens, leaving the areas directly behind the houses, where patios and sheds are likely to be constructed, unaffected. The appeal decision² referred to the Council in respect of this matter related to an outline case where the layout was not fixed. As such, the easement is not a constraint that should prevent residential development in this instance.

17. The adjoining petrol station has a car wash and valeting area to the rear as well as other plant, such as air conditioning units. The NIA has identified that this would have a significant adverse noise impact in the garden of Plot 12. However, it concludes that a timber framed fence to an approved specification would mitigate this noise impact by bringing it below the BS 8233 design range for gardens. The Council has not objected to the NIA as updated or the suggested mitigation and I have no other reason to disagree with the expert findings of the appellant's noise consultants. Accordingly, I am satisfied the evidence before me does not demonstrate the petrol station would have an unacceptable noise impact on future occupants of the appeal scheme.
18. Nevertheless, the absence of harm to the living conditions of future occupants in respect of noise and disturbance from nearby plant and the public easement would not mitigate for the harm that would otherwise occur. Therefore, the development would not provide adequate living conditions for future occupants and this would be contrary Policy RLP90 of the LP and CS9 of the CS³.

Whether the proposal would make adequate provision surface water drainage, infrastructure and affordable housing

19. The appellant has not provided details of surface water drainage, but the site is located in Flood Zone 1, is 0.4 hectares in size and there is no information before me to suggest it has any critical drainage problems or is at risk from other forms of flooding.
20. It is therefore unclear why the Council, advised by Essex SUDS, is seeking detailed drainage details at the application stage when this is a matter that could be addressed through a suitably worded planning condition, as advocated by the appellant. There is nothing of substance before me to indicate that the appeal scheme would be inherently incapable of providing an adequate surface water drainage solution that included a SuDS system. As such, the absence of details is not a matter weighing against the appeal scheme in this instance.
21. Policies CS10 of the CS seeks to ensure a good provision of high quality and accessible green space to meet the recreation, outdoor sport and amenity needs of the district. In order to do this, it requires new development to make appropriate provision taking into account any surpluses and deficiencies, as well as the condition of open space in the vicinity of the site. To this end the Council are seeking a financial contribution towards offsite open space.
22. However, I have not been presented with substantive evidence that demonstrates there is a deficiency in the quantity or condition/quality of open

² APP/Z1510/W/19/3223378

³ The Council has also referred to Policy RLP64, but this relates to land contamination and therefore its relevance to the matters in dispute is unclear

space near to the appeal site. Therefore, the Council has failed to demonstrate that the financial contribution being sought is necessary as per Regulation 122 of the CIL Regulations and Paragraph 56 of the National Planning Policy **Framework (the 'Framework')**. Accordingly, the absence of a mechanism securing the contribution does not justify dismissing the appeal.

23. **The Council's emerging draft Local Plan currently includes** the appeal site as part of a larger site allocation, which also includes the adjoining petrol station. The appellant does not have control over the petrol station, which appears to have recently changed hands and may be a viable going concern with an existing use value that exceeds the redevelopment value as a residential site. The latter points are matters that would need to be tested through the examination of the emerging LP and therefore I do not afford the draft policy relating to allocation BLAN633 anything more than very limited weight.
24. Therefore, as things currently stand there is no extant development plan policy allocating the appeal site and petrol station for residential development and requiring that any development comes forward in a comprehensive way. As such, the proposal is not seeking to artificially subdivide an allocated site and thus circumvent the affordable housing threshold in Policy CS2 of the CS. Therefore, the absence of affordable housing is not contrary to the development plan and material considerations, such as the emerging local plan, do not indicate a decision on this matter should be made otherwise than in accordance with the current extant development plan.
25. I therefore conclude that the drainage details are satisfactory and that the scheme makes adequate provision for affordable housing, which in this instance would be none. Moreover, the Council has not demonstrated that a financial contribution to open space would be necessary in this case. As such, I find that there would be no conflict with Policies RLP69 and RLP71 of the LP and Policies CS1, CS2, CS10 and CS11 of the CS.

Other Matters

26. Given my overall conclusion that the appeal should fail, there would be no future occupants that could increase recreational disturbance and thus harm the integrity of the Blackwater Estuary Special Protection Area. Accordingly, it is unnecessary for me to consider this matter further.
27. Plots 6-8 would have an outlook towards land that would be allocated for residential development **under reference BLAN114 in the Council's** emerging LP. Plot 8 would have a reasonably shallow garden which would be close to the boundary with BLAN114, although the existing boundary hedge would be retained. However, other than a plan showing the extent of the allocation, I have not been presented with anything of substance, such as a design brief or illustrative layout, that would suggest the configuration of Plot 8 would in any way harmfully prejudice the layout of the allocation were it to come forward or that the allocation could not be arranged to take account of Plot 8.
28. **The evidence before me does not demonstrate the Council's emerging** draft Local Plan is at an advanced stage of preparation and consequently there is potential for further amendments following consultation and examination. As such, the emerging policies referred to by the Council in its reason for refusal carry limited weight and have not been determinative in my assessment.

Planning Balance

29. The proposal would harm the character and appearance of the area and provide inadequate living conditions for future occupants and those of No. 197. Taken as a whole, it would be at odds with the development plan. A development should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration of significance.
30. The Council are currently unable to demonstrate a five-year housing land supply at odds with Paragraph 73 of the Framework. The supply is presently around 4.51 years. The Council are therefore failing to significantly boost the supply of housing. In such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
31. As adverse impacts, the proposal would harm the character and appearance of the area and provide inadequate living conditions for future occupants and those of No. 197. This would be at odds with the development plan and Paragraph 127 of the Framework. Accordingly, these are matters of significant weight against the proposal.
32. Conversely, the proposal would deliver several benefits. It would contribute to housing supply and choice at a point in time when there is a shortfall. Due to the scale of the proposal it is likely the housing could be delivered quickly. **However, the appeal scheme is not large and the Council's housing shortfall is modest.** The Council is also actively seeking to remedy the housing deficit through the preparation of a new local plan, which is currently being examined. In the circumstances, the provision of housing is a moderate benefit.
33. In addition, the housing would not be isolated being surrounded by existing development and it would be reasonably close to local services. However, there is little evidence before me to suggest twelve additional households would have a notable economic or social effect. The proposal would provide some support to the construction industry, but this would be moderate in scale and duration. Thus, the weight I attach the potential socio-economic benefits is moderate.
34. When taken cumulatively, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh its benefits. This is not a material consideration that indicates the appeal should be determined otherwise than in accordance with the development plan.

Conclusion

35. The proposed development would be contrary to the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain

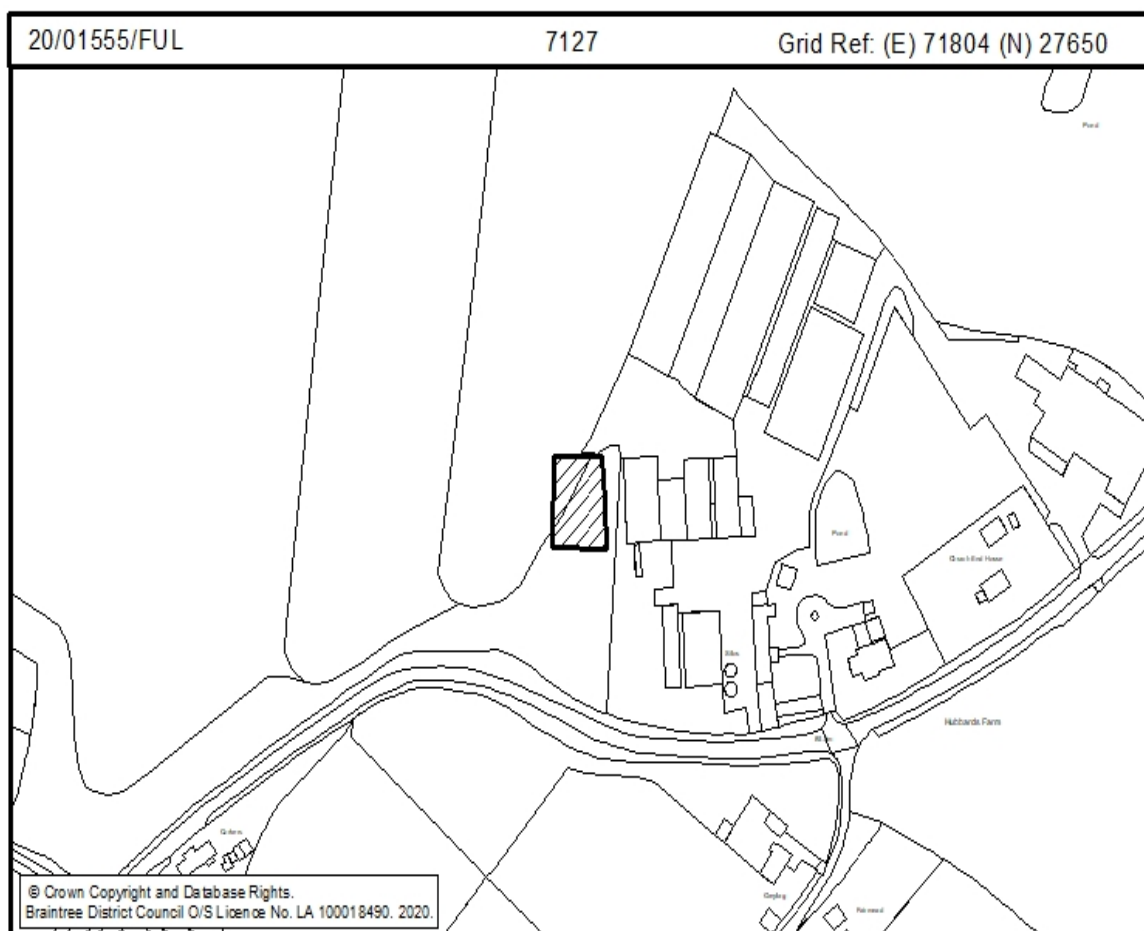
INSPECTOR

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/01555/FUL
DATE: 19.10.20
VALID:
APPLICANT: Mr A McLean
C/O Agent, Unit 6 Chancers Farm, Fossetts Lane,
Colchester, CO6 3NY
AGENT: McLean Architectural
Mr Steven McLean, Unit 6 Chancers Farm, Fossetts Lane,
Fordham, Colchester, CO6 3NY
DESCRIPTION: Erection of Agricultural Farm Building
LOCATION: Hubbards Farm, Shalford Green, Shalford, Essex, CM7
5AZ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QH03PCBFGRN00>

SITE HISTORY

01/01881/FUL	Erection of replacement grain and general store	Granted	18.12.01
89/00922/P	Erection Of Dwellinghouse	Refused	24.08.89
89/01984/P	Erection Of Dwellinghouse For Agricultural Worker		31.10.91
91/00281/PFBN	Erection Of Extension To Existing Turkey Rearing Shed	Granted	21.05.91
91/00572/PFBN	Erection Of Detached Agricultural Dwelling	Granted	22.11.91
91/01453/PFBN	Erection Of A Turkey Processing Building	Granted	28.04.92
96/00124/AGR	Erection of building for the storage of straw	Permission not Required	27.02.96
99/00353/FUL	Erection of agricultural building for grain and general storage - Application not proceeded with		
99/00861/FUL	Replacement of flat roof on single storey farm office with pitched roof with dormers to create first floor accommodation	Granted	13.07.99
09/01628/ELD	Application for a Certificate of Lawfulness for an existing use - Use of a detached Bothy for annexe/storage use	Refused	09.02.10
10/00327/FUL	Erection of extension to existing turkey processing building	Granted	16.04.10
14/00977/PDEM	Application for prior notification of proposed demolition - old WW2 Nissan unit constructed on site 1960's.	Refused	14.08.14
14/00978/AGR	Application for prior notification of proposed building - erection of agricultural building	Permission not Required	14.08.14
14/01082/AGR	Application for prior notification for an agricultural	Planning Permission	08.09.14

15/00751/AGR	building - Erection of livestock building Application for prior notification for an agricultural building - Erection of extension to the turkey processing premises	n Required Permissio n not Required	08.07.15
19/00629/FUL	Change of Use from Agricultural use of meat processing Plant which slaughters Turkeys produced on the Farm to White Meat Abattoir to enable grove Smith Turkeys to bring onto site Chickens and Ducks which have not been reared on the owners Farms.	Granted	19.06.19
19/00862/AGR	Application for prior notification of agricultural or forestry development - Erection of general purpose agricultural building to store machinery and a workshop.	Permissio n not Required	29.05.19
19/01192/HH	Replacement of existing Storage Shed.	Granted	03.09.19
19/01193/AGR	Application for prior notification of agricultural or forestry development - Proposed grain store	Permissio n not Required	01.08.19
19/01208/FUL	Proposed erection of an agricultural welfare lairage building	Granted	25.09.19
19/01892/VAR	Application for variation of Condition 3 of approved application 19/00629/FUL - To amend the hours for delivery of poultry to include 3 Sundays in February, 3 in March, 3 in September, 3 in October and 1 in January, April, June, July, August and November. 4 Sundays before Christmas, Easter and May bank holidays and August bank holidays.	Refused	13.12.19

POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

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
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP89	Agricultural Buildings
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity

Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 Local Plan (2017)

LPP1	Development Boundaries
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LPP8 Rural Enterprise
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development

Neighbourhood Plan

None

Supplementary Planning Guidance

Essex Design Guide
Essex Parking Standards Design and Good Practice 2009
Braintree District Council Open Space Supplementary Planning Document
2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee in accordance with the transitional arrangements for the Council's new Scheme of Delegation as Shalford Parish Council has objected to the proposal contrary to Officer Recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

Hubbards Farm is situated outside of the defined development boundary to the South West of Church End and to the North East of Shalford Green. There is a Public Right of Way (footpath10) approximately 150 metres to the west of the site. The applicant (Grove Smith Farms) currently farms approximately 617 acres/250 hectares of arable land. The existing agricultural buildings are predominately occupied by 'Grove Smith Turkeys' a separate enterprise.

PLANNING HISTORY

Hubbards Farm is separated into two different ownerships. There is Grove Smith Farms (applicant) and Grove Smith Turkeys which is in different ownership. Planning permission has been granted previously for a machinery store (Application Reference 19/00862/AGR) at Hubbards Farm, however this is situated on land outside of the applicant's ownership.

There was an application (Application Reference 19/01193/AGR) granted for a grain store on the land within the applicants control. This has not been implemented yet. The submitted use proposed for an agricultural building for storage of machinery and equipment is a different proposal to the previously granted application.

PROPOSAL

The applicant seeks full planning permission for the erection of an agricultural building for the purpose of storage for agricultural machinery and equipment.

During the course of the application, the siting of the proposed agricultural building has been relocated to address Officers concerns regarding visual impact and sprawl of agricultural buildings beyond the boundary of the established farmstead setting.

The proposed building is proposed to be sited to the west of Hubbards Farm House adjacent to existing agricultural buildings and within the mature hedgerow boundary which encloses/screens the farmstead to the west and south. The site is currently gravel hardstanding.

SUMMARY OF CONSULTATION RESPONSES

Highway Authority

No comment to make.

BDC Ecology Officer

No objection subject to informative relating to bird nesting and good practice mitigation to avoid ecological impacts during construction phase.

PARISH / TOWN COUNCIL

Shalford Parish Council

Object to the application due to concerns regarding access onto the road.

REPRESENTATIONS

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

- In 2019 permission was granted for a large machinery and corn store for the farming business.
- The access shown has not been used for over 20years. It was closed because it was not safe. There are limited views of oncoming traffic.
- There is another access used further down to improve highway safety.
- No consideration to visual screening.
- Concern the building will be used for commercial uses.
- Proximity of barn to the straw barn and concern of fire.

REPORT

Principle of Development

The National Planning Policy Framework (NPPF) in Paragraph 83 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of

existing buildings and well-designed new buildings; the development and diversification of agricultural and other land based rural businesses.

Policy CS5 of the Core Strategy, strictly controls development outside of the development boundaries to uses appropriate to the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

Policy RLP89 of the Adopted Local Plan permits new agricultural buildings in the countryside of a design that is sympathetic to its surrounding in terms of scale, materials, colour and architectural detail.

The principle of development is considered acceptable subject to accordance with the above policies and all other relevant material considerations.

SITE ASSESSMENT

Design Appearance and Layout

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan seeks to ensure a high quality design and layout in all developments. Furthermore, Policy LPP55 of the Section 2 Plan seeks to secure the highest possible standards of design and layout in all new development.

The proposed agricultural building would be situated approximately 2 metres to the west of an existing agricultural building within the existing farmstead setting. There is an established hedgerow which provides screening of the farmstead setting to the west and southern boundary of the proposed agricultural building.

The building has a large footprint with an overall depth of approximately 30 metres and width of approximately 17 metres. The overall height to the ridge is approximately 9 metres. There is a roller door with a height of 6 metres proposed on the front (northern) elevation with a single service door adjacent. As the proposed use of the building is for the storage of agricultural machinery and equipment a roller shutter would not be an inappropriate feature.

The submitted supporting Statement states, '*no other buildings on the farm are non-agricultural and in the interests of maintaining machinery for as long as possible and preventing avoidable rust, damage or deterioration during the winter months it is certainly preferable to store machinery under cover. This could not be truer than in relation to machinery which large amounts of moving parts, such as tedders, required for haymaking. There is no room to store machinery in any of the existing buildings.*'

The materials proposed are a red brick base wall, aluminium green cladding and aluminium roof sheeting and uPVC black rainwater goods. The proposed materials would harmonise well with the surrounding agricultural buildings and countryside setting.

The proposed agricultural building appears as a general utilitarian design which would not look out of place in this farmstead location.

Although the proposed building is large, it would be situated within the existing farmstead setting adjacent to other existing large agricultural buildings and would be enclosed by the mature vegetation boundary to the western and southern boundary along the main road and as such it would not appear unduly obtrusive in the street scene.

The proposal accords with Policies RLP89 and RLP90 of the Adopted Local Plan and LPP55 of the Section 2 Plan.

Highway Issues

There are no alterations proposed to the existing access/egress arrangement for Hubbards Farm. The existing access is situated approximately 40 metres to the south east of the proposed barn.

During the course of the application the applicants have provided evidence confirming that the existing access has been in use for 20 years to provide access into the farm yard. The applicants have also recently installed signs near to the access to warn of tractors / farm machinery using the access.

There is a separate access provided for Hubbards Farm House.

It is noted that concern has been raised by objectors regarding the safety of this access, however the Highway Authority have raised no objection to the proposal. The proposal is therefore considered to be satisfactory in this regard.

Impact on Residential Amenities

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

The nearest neighbouring properties are situated approximately 50 metres from the proposed building. Hubbards Farm House is situated to the east and is separated from the site by existing agricultural buildings. The nearest neighbouring property to the south is separated by the road and mature hedge screening. It is therefore considered that the proposal would not have any adverse impact on neighbouring amenity including by way of overlooking, overshadowing, visual intrusion or loss of privacy.

CONCLUSION

The proposed agricultural building is situated within the existing farmstead setting adjacent to existing agricultural businesses. It would be screened by the existing hedgerow boundary on the western and southern boundaries. Although the footprint of the proposed building is large, it is required to store large farm machinery and equipment. The design and appearance of the proposed building would be compatible with the countryside setting. No adverse impacts are identified in terms of highway safety by the statutory Highway Authority, and it is not considered that the proposal would have a detrimental impact upon neighbouring residential amenity. The proposal would therefore accord with the criteria of Policy RLP89 of the Adopted Local Plan, and consequently it is recommended that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: GS1004-01 P1
Proposed Elevations and Floor Plans	Plan Ref: GS1004/P/03
Existing Block Plan	Plan Ref: GS1004-02
Proposed Block Plan	Plan Ref: GS1004-02-P1

- 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

In the interests of visual amenity.

- 4 The building hereby permitted shall be used solely for agricultural storage

in association with the agricultural unit within which it is located and for no other purpose.

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted.

INFORMATION TO APPLICANT

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

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

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

2 NESTING BIRDS

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

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

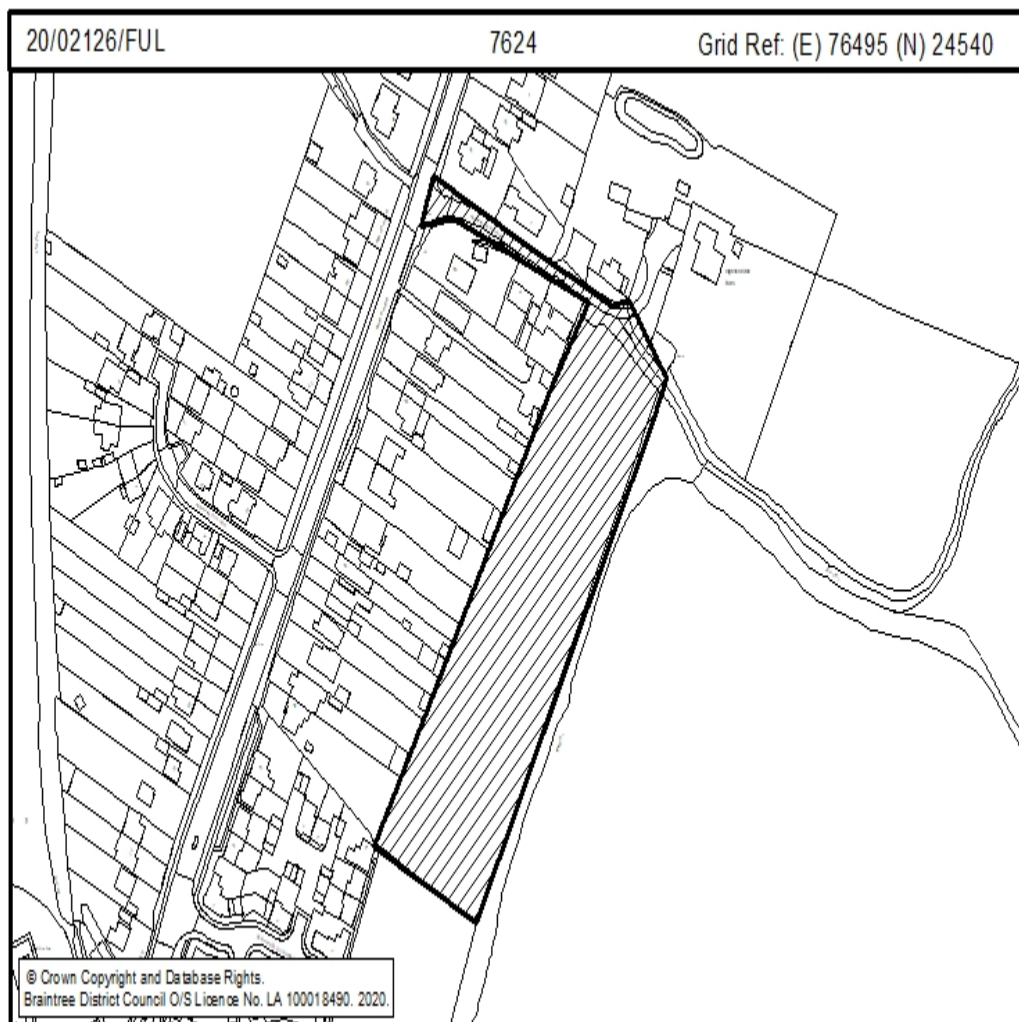
**CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER**

PART A

AGENDA ITEM NUMBER 5f

APPLICATION NO: 20/02126/FUL DATE: 05.01.21
VALID:
APPLICANT: Dimora Homes Ltd
Mr Robert Crow , Sennen, Queenborough Lane, Braintree,
CM77 7QD
DESCRIPTION: Erection of 10 detached dwellings on land off of Highfield
Stile Road.
LOCATION: Land South Of, Highfield Stile Road, Braintree, Essex

For more information about this Application please contact:
Carol Wallis on:- 01376 551414 Ext. 2534
or by e-mail to: carol.wallis@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLC4EEBF/AI00>

SITE HISTORY

20/00821/FUL	Erection of 9 detached dwellings.	Refused	11.12.20
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POLICY CONSIDERATIONS

On the 22nd February 2021, Braintree District Council adopted the Shared Strategic Section 1 Local Plan.

On adoption, the policies in the Shared Strategic Section 1 Local Plan superseded Policies CS1, CS4, CS9 and CS11 of the Core Strategy (2011).

The Council's Development Plan therefore consists of the Braintree District Local Plan Review (2005) ("the Adopted Local Plan"), the policies of the Core Strategy (2011) (the Core Strategy) which are not superseded, the Shared Strategic Section 1 Local Plan (2021) ("the Section 1 Plan"), and any Adopted Neighbourhood Plan.

The local authority is now moving forward with the examination of Section 2 of the Draft Local Plan. In accordance with Paragraph 48 of the NPPF, from the day of publication the Council can give weight to the policies of this emerging Draft Section 2 Local Plan ("the Section 2 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 affords some weight to the Section 2 Plan.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP50	Cycleways
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP138	Provision of Open Space in New Housing Developments

Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS10	Provision for Open Space, Sport and Recreation

Braintree District Shared Strategic Section 1 Local Plan (2021) & Draft Section 2 Local Plan (2017)

SP1	Presumption in Favour of Sustainable Development
SP5	Infrastructure & Connectivity
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
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP72	Green Buffers

Neighbourhood Plan

None

Supplementary Planning Guidance

Essex Design Guide

Essex Parking Standards Design and Good Practice 2009

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with Part A of the Council's new Scheme of Delegation as the application is categorised as a Major planning application.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the south of Highfield Stile Road, to the east of the properties along Broad Road. It is located outside but immediately adjacent to the Town Development Boundary of Braintree.

The site is a greenfield site, currently covered with shrubs and vegetation. There is also a line of existing trees along the eastern boundary and the public footpath. Existing access is made via Highfield Stile Road, which is a single lane carriageway without public footpaths. Properties on this road include 1.5-storey and 2-storey detached dwellings. To the west are 1.5-storey and 2-storey properties lining Broad Road with front parking and long-narrowed rear garden, some of which are chalets. To the east, beyond the tree belt within the application site, are open agricultural fields. The fields form part of the Straits Mill strategic housing allocation and an outline planning application (Application Reference 18/01318/OUT) has previously been reported to Planning Committee where Members resolved to grant planning permission, subject to the completion of a S106 agreement.

A previous planning application (Application Reference 20/00821/FUL) for the erection of 9 units was refused in November 2020, on the grounds that the development would cause significant harm to the established character and appearance of the area; give rise to an unacceptable impact on the amenity levels of adjacent residents and future users; intensify the use of an existing sub-standard access without securing the mitigation required; fail to secure financial contributions towards Open Space, Affordable Housing, and visitor management and mitigation measures outlined in the Essex Coast Recreational Avoidance and Mitigation Strategy.

PROPOSAL

The current proposal is for the erection of 10 detached dwellings. All the proposed dwellings would be 2-storey high, east-facing and fronting onto the

internal access road. Five house types are proposed, with integral double garages provided for each of the dwellings. There will be five 3-bed dwellings and five 4-bed dwellings.

As compared to the previous scheme, the current proposal involves 1 more additional dwelling, resulting in smaller plot sizes. The proposed dwelling width and height have been reduced. On average, the footprint of the proposed dwellings are smaller than the refused scheme.

The proposed dwellings have a width of 17.09m; a depth ranging from 16.87m to 25.42m; with a maximum ridge height of about 8.4m. Table 1 below provides the detailed dimensions of each of the properties.

	House Type	Max. Width (m)	Max. Depth (m)	Ridge Height (m)
Plot 1	A2	17.09	16.87	8.44
Plot 2	A1	17.09	16.87	8.37
Plot 3	B2	17.09	24.07	8.44
Plot 4	B1	17.09	24.07	8.37
Plot 5	A2	17.09	16.87	8.44
Plot 6	B1	17.09	24.07	8.37
Plot 7	B1	17.09	23.79	8.37
Plot 8	A2	17.09	16.87	8.44
Plot 9	A1	17.09	16.87	8.37
Plot 10	C	17.09	25.42	8.37

Table 1. Proposed dimensions

Each of the proposed dwellings would have a total floorspace of not less than 280sq.m, served with private gardens ranging from 205sq.m to 429sq.m in size. The detailed floorspace breakdown and garden areas are as follows:

	No. of bed	G/F Area (m2)	1/F Area (m2)	Total Floorspace (m2)	Garden Area (m2)
Plot 1	3	145.3	135.5	280.8	256
Plot 2	3	145.3	135.5	280.8	311
Plot 3	4	200.3	135.5	335.8	287
Plot 4	4	200.3	135.5	335.8	338
Plot 5	3	145.3	135.5	280.8	259
Plot 6	4	200.3	135.5	335.8	205
Plot 7	4	200.3	135.5	335.8	227
Plot 8	3	145.3	135.5	280.8	222
Plot 9	3	145.3	135.5	280.8	232
Plot 10	4	199.4	139.4	338.8	429

Table 2. Floorspace and garden areas

Materials including red/buff bricks, white render and black timber boarding are proposed. The roof covering would be either handmade clay plain tiles or natural slate. The northern portion of the internal access road would be made of black hot rolled asphalt whilst the southern portion of the internal access, shared surfaces and visitor parking would be block paved in brindle colour.

The main access is proposed via Highfield Stile Road and widening works to the road is also included to accommodate the proposed development.

SUMMARY OF CONSULTATION RESPONSES

BDC Ecology

No objection subject to securing ecological mitigation and enhancement measures, and visitor management measures towards the Blackwater Special Protection Area (SPA) and Ramsar site & Essex Estuaries SPA, in line with the Essex Coast Recreational Avoidance and Mitigation Strategy.

BDC Environmental Health

No response received on this application. No objection has been raised under previous Application No. 20/00821/FUL and the following conditions were proposed:

- Hours of working/vehicle movements;
- No burning of waste;
- Submission of Construction Management Plan (noise, dust and air quality);
- No piling without approval of a Piling Method Statement;
- Completion of further contaminated land investigation in accordance with the applicant's Contaminated Land Report (specifically asbestos; ground gas and polycyclic aromatic hydrocarbons);
- Submission of a site remediation scheme prior to commencement of development;
- Standard precautionary condition for unexpected contamination;
- Long term monitoring of ground gases.

BDC Waste Services

No response received on this application. The following comments were provided under previous Application No. 20/00821/FUL:

Plots 5-9 will need to bring their bins to where the private driveway meets the adopted road. Alternatively, a bin storage area for collection day, will need to be built within 20 metres of where the adopted highway meets the private driveway, for these properties to store their bins on collection day. The length of the adopted highway needs to be lengthened, so that waste operatives are not walking further than 20 metres each way to collect bins. Currently the length to the furthest property is 50 metres away from where the proposed adopted highway ends.

ECC Archaeology

No objection subject to the standard archaeological investigation conditions.

ECC Historic Buildings

No objection subject to a suitable and effective hedge and screening of vegetation.

ECC Highways

The site would not be considered for adoption by Highways.

From a highway and transportation perspective, the impact of the proposal is acceptable to the Highway Authority subject to conditions on Construction Traffic Management Plan, provision of Residential Travel Information Packs, and completion of highway works to Highfield Stile Road, from the junction of Broad Road up to and including the provision of the site access as shown in principle on the Drawing No. 1037-P3-06.

ECC Development and Flood Risk

Holding objection as the information provided does not allow them to assess the development.

Environment Agency

No response received.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The foul drainage from this development falls within the catchment of Bocking Water Recycling Centre which will have available capacity for these flows. Based on the submitted Flood Risk Assessment, the sewerage system at present has available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Essex Fire and Rescue Service

Access for fire appliances is considered acceptable. It is noted that, although access roads within the development do meet the minimum required standard, concern is expressed that a single vehicle parked on the access

roadway may prevent entry by emergency services. The Applicant is strongly advised to include parking restrictions in the vulnerable areas. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulations consultation stage.

Additional water supplies for firefighting may be necessary for this development. The Service strongly recommends a risk based approach to the inclusion of Automatic Water Suppression Systems (AWSS).

Natural England

No response received.

Ramblers Association

No response received on this application. Objection has been raised under previous Application No. 20/00821/FUL: will generate extra vehicular traffic on this narrow road, decreasing safety of pedestrians, cyclists and horse-riders. It is unclear how the width of Highfield Stile Road can be widened without the consent of and land from adjacent householders. The private cul-de-sac is shown as 4.8m with no pavements shown, which is narrower than the width of 6m for a combined pedestrian and vehicular surface as required by Essex Design Guide (Feb 2020). Landscaping with features such as ponds and wild flowers as mentioned in the Design and Access Statement are not shown on the proposed site plan.

PARISH / TOWN COUNCIL

N/A

REPRESENTATIONS

A total of 24 public representations have been received, all objecting to the proposal. The main concerns are listed below:

- The access is via Highfield Stile Road, which is a very narrow lane and only wide enough for a single car, with no passing places.
- There are existing traffic problems at Highfield Stile Road/Broad Road and the development would worsen the situation, causing harm to all road users and unacceptable impact on the local amenity.
- No details provided of the 'enhancements' to Highfield Stile Road, a shared carriageway would need to be provided.
- No safe access/access not wide enough for emergency vehicles and refuse lorries.
- Proposed new private road, tree planting, parking and additional traffic would create disturbance to existing local residents.
- No affordable homes planned and no infrastructure in place to take the increasing volumes of traffic.

- Most of the proposed dwellings will overlook the gardens of properties in Broad Road. Designs show an excessive amount of glass which will overlook into existing properties, imposing on the privacy.
- Inadequate existing local infrastructure to support further development in the area.
- The Highfield Stile plan does not refer to the Straits Mill application (1k + homes, plus retail and school) and it even states that "the new properties will enjoy views out onto the open countryside making this a huge benefit to future occupiers". In fact the development will overlook the proposed Straits Mill development, so this statement is incredibly misleading as the countryside referred to will be decimated by development.
- The proposed site has been left to grow wild for approximately 40 years and was home to a diverse range of wildlife including butterflies, bees, ants, other insects, birds, owls, deer, muntjac, snakes, moles and squirrels. This has been destroyed the recent clearing of the land.
- Carbon capture land is destroyed along with biodiversity.
- Loss of open space/greenspace/wildlife corridor/green buffer treasured by the local residents with a detrimental effect to the landscape and a threat to wildlife.
- It is disappointing that the Highways Authority raised no objection but the scheme does not alleviate the concerns previously expressed by Officers and Members.
- It would be entirely impractical to re-made the whole road, a condition should specify that construction should not commence until the issue of access can be resolved.
- Concerns raised in relation to the complexities and disturbance of the proposed road widening works on the current and future occupants and road users.
- Even widened Highfield Stile Road, it would still be single track and too narrow to support the volume of traffic, especially for larger vehicles like services vehicles and delivery lorries; the situation would be even worse during construction.
- Too many houses for the site and each of the houses, although reduced in height, are too big, out of character for the area, in particular the flat-roofed single storey conservatories.
- Should sort out the land ownership issue for the widening works.
- Poor design with crammed substantial houses at high density, over-development, lacks in sympathy to the character of the area.
- This site is part of Straits Mill/ should incorporate as part of the strategic housing site instead of developing on its own.
- Access should be made from the large development at Straits Mill.
- No pedestrian pavement.
- Increased number of dwellings proposed with smaller plots but more vehicles as compared to the previous refused scheme.
- Would worsen the existing flooding problems/surface water drainage after heavy rainfall.
- Reduced opportunities for recreation, exercise and for walking dogs in the immediate locality, which contribute to the overall wellbeing and positive mental health, in particular during this pandemic.

- Negative impacts on trees that are protected by the Tree Preservation Order.
- The road does not have the capacity to accommodate all the accumulated traffic generated by the recent approved developments at Strait Mills, Towerlands and the retirement village in Bocking.
- The housing requirement is met by the recent approved developments
- Speed restrictions should be considered along Broad Road.
- Although the proposed houses have been scaled back to 2 levels, the design is still not in keeping with the surrounding area. The proposed office could easily convert into another bedroom which is likely to further increase the number of cars in the household.
- The drawings do not provide accurate dimension of the road.
- The surveying lacks details of all adjacent properties, including structures, boundary fencing, utility covers and manholes.
- Mature tree screening would be required. There is no existing tree between Plot 9 and 10 along the western boundary.

REPORT

National Planning Policy Framework (NPPF)

As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to 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 should be proactive in guiding development towards sustainable solutions, taking local circumstances into account, to reflect the character, needs and opportunities of each area. 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 improve applications for sustainable development where possible.

Paragraph 12 of the NPPF sets out the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point of 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 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 Council) 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 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) which are not superseded, the Shared Strategic Section 1 Local Plan (2021).

Under Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy, the site falls outside of a designated development boundary and thus only uses appropriate to the countryside would be permitted. It is a site however that benefits from an allocation within the emerging Local Plan. This can be given some weight, however at this time the proposal would be contrary to the Development Plan.

5 Year Housing Land Supply

The Council publishes a 5 year housing land trajectory as of 31st March each year, the most recent position therefore is that of 31st March 2020. Within this trajectory the Council considered that it had a 4.52 year supply of housing, based on a 20% buffer. However there have been a number of factors which the Council must now take into account since this trajectory was published which have an impact on the Council's 5 year housing land supply position.

At its full Council on the 22nd February 2021 Braintree District Council approved the adoption of the Section 1 Plan. On its adoption the Council must meet the housing requirement set out in that Plan. This is a minimum of 14,320 homes between 2013 - 2033 or an annual average of 716 new homes per year. This replaces the previous consideration of housing need based on the Standard Methodology.

The latest Housing Delivery Test (HDT) results were published in January 2021. Prior to the publication of this year's results, the Council was in the category of having to provide a 20% buffer to its Housing Land Supply. The new results (which include an allowance for the impact of the current pandemic) confirm that the Council no longer needs to apply a 20% buffer and can revert to the usual 5% buffer. This applies from the day of the publication of the results.

The housing land supply position has been considered in detail by several Planning Inspectors at recent public inquiries, most notably and in detail

through a decision on a site in Rayne. In the conclusion to that appeal the Inspector notes that: *'In my judgement, based on the specific evidence before the Inquiry, the 4.52 years supply claimed by the Council appears to me to be optimistic and, although I do not consider it to be as low as the 3.72 years claimed by the appellants, it is somewhere between the two figures'*. Whilst the Inspector therefore did not come to a firm conclusion on which the Council can base its current position, it is noted that she considered it somewhere between the two figures proposed. That decision was made at a time before the adoption of the Section 1 Plan (and thus calculations of housing need were based on the Standard Method), and before the publication of the latest HDT results.

Nonetheless, focusing on her conclusions on the Council's claimed supply, the Council accepts the Inspector's finding within that inquiry in respect of four of the sites which the Council had previously included within its trajectory. The expected supply from those four sites should be removed from the claimed supply, which has the effect of removing 516 homes from the supply.

Given all of the evidence before it – including the use of the new housing requirement from the Section 1 Plan, the use of a 5% buffer, and the adjustment to supply, the Council considers that the current 5 year Housing Land Supply for the District is 3.73 years.

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

As the Council cannot demonstrate the required five Year Housing Land Supply the 'tilted balance' of Paragraph 11d) of the NPPF is engaged. It also means that the most important Development Plan policies for determining this application, those relevant to the provision of housing, are out of date.

SITE ASSESSMENT

Location and Access to Services and Facilities

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

The strategy set out in the Section 1 Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, Witham and the A12 corridor, and Halstead".

The application site is located outside but adjoining the town development boundary, in a sustainable location within one of the District's three main towns. The site has good access to services and facilities, as well as public transport. The location of the site weighs in favour of the proposal in the overall planning balance.

Design and Appearance

The surrounding residential area consists of a mix of semi-detached and detached dwellings that are predominantly of 1.5 to 2-storey in height. The dwellings are of modest footprint and traditional proportions, providing a rhythmic scale and visual appearance to Broad Road, High Stile Road and the nearby built environment. This creates a strong sense of place that is locally distinctive.

The proposed development would introduce 10 dwellings onto the site that are all substantially sized properties unlike any other in the locality. As compared to the previous refused scheme, the height of the dwellings have been reduced from 3-storey to 2-storey, 1 more additional dwelling has been proposed with slightly smaller plot sizes, and all the dwellings are now proposed to be east-facing, with rear gardens backing onto those properties along Broad Road. The proposed dwellings are still considered to be large and have excessive site coverage in respect to the individual plot size, creating the visual impression of an over-scaled and over-dominant development.

The Essex Design Guide has clearly highlighted that dormers should be a minor incident in the roof plane and they should not be used to gain extra headroom over any great width. Each of the proposed dwellings would have the master bedroom served with a larger dormer with 2 sets of 4-pane windows, with a width of about 3.5m. The design and size of the dormers make them over-dominant and contradicts with the requirement of Essex Design Guide.

Each of the dwellings will have an integral double garage. The double garage doors dominate the principal elevation of each of the properties as well as the street scene. Together with the large dormers above, it would appear incongruous and not in harmonious scale to the rest of each house. The National Design Guide requires a degree of discretion when designing car parking so that vehicle parking does not dominate street or place. With limited front gardens and the potential to park in front of the double garage, the parking element is overly dominant and lacks visual mitigation.

The proliferation of roof pitches with large dormer windows, expanses of glazing, large double garage doors, large built form and limited spacing between the proposed dwellings compound the stark visual disparity between the proposed development and the established built environment.

In addition, the Strategic Housing Market Assessment (SHMA, 2015) identifies that the district would require 75.72% of market dwellings to be 2 to 3 bedrooms properties. The proposed scheme only provides exceptionally large 3-bed and 4-bed dwellings. It is not in line with the SHMA figures and hence its contribution to meeting the District's identified housing need would be significantly reduced.

The submitted Planning Statement inaccurately made reference to the figures for affordable housing in terms of the need relative to supply and claimed that the greatest need is for 4-bed homes. However, all 10 units proposed are market dwellings and therefore the scheme would not meet the identified need for 4-bed affordable homes.

There is no information regarding the boundary treatments. Due to the excessive footprint, when approaching the site via Highfield Stile Road, the dwelling at Plot 1 would create a pinch point problem in proximity to the access road, leaving only about 0.8m separation distance. The 2-storey element in such a close distance would have a very poor sense of place and would not be a welcoming entrance. In addition, the close proximity of this 2-storey dwelling to the access road bend would restrict the visibility for vehicles exiting the site and making it difficult if there is a need to reverse to allow for large vehicles to pass-by another car at the bend.

Although the Essex Design Guide only requires the building footprint to be at least 1m from the plot boundaries, the building separation distance is usually expected to be larger for detached dwellings to avoid a continual frontage and to provide a more spacious character. There are very limited building separation distances between the proposed dwellings, only about 2m.

The large mass of each dwelling and the overly close spacing of the row of houses creates cramped appearance that is not in keeping with the existing character of the area. The development would have a nearly continual frontage. The intensity in massing, scale, form and layout would not relate well to the masterplanned and consented strategic site to the east (Straits Mill). This development would have the most visible and functional relationship to this site and it is to this consent that the applicant must make a considered response in layout, scale and massing.

The consented scheme has a height restriction of 2-storey where it adjoins this site. This restriction was placed to make a sympathetic relationship in scale and mass to the existing character. As the site locates between the consented strategic site and the existing development, a similar height restriction had been applied and a maximum ridge height of 8.44m is proposed in the current scheme.

The masterplan for the consented scheme shows an arrangement of modest family houses in a spacious, rhythmic layout that reflects the edge location and has a positive, sympathetic relationship to the public open space between the two sites. The proposed development fails to respond to the scale, rhythms, massing of built form represented in the masterplan of Straits Mill.

It therefore follows that the proposal would appear wholly incongruous and out of keeping with its surroundings, causing harm to the character and appearance of the area, contrary to policies of the Development Plan, particularly Policy RLP90 of the Adopted Local Plan.

Impact on Heritage Assets

The site lies within the wider setting and to the north of the Braintree/Bradford Street Conservation Area. It also lies within the wider setting of the Locally Listed Braintree & Bocking Cottage Hospital, 60 Broad Road. However, the development of the site would not result in an adverse impact on the significance of these two designated and non-designated heritage assets.

The site is to the south of a timber barn, which has planning permission for conversion to residential use under application reference 18/01341/FUL. The barn forms part of a locally significant post-medieval farm complex, probably of 19th century date, or earlier. The buildings are visible on the first edition Ordnance Survey map of the 1870s within a well-established farm complex associated, in the Historic Environment Records, with a medieval Hollow Way (EHER 4900).

Therefore, in line with National Planning Policy guidelines the barn should also be considered a non-designated heritage asset. The development is within the immediate setting of the barn and would result a low level of harm.

The ECC Historic Buildings Consultant advised that this harm to the barn's setting could be mitigated through retention of the hedge and perhaps some additional screening.

However, according to the submitted Arboricultural Impact Assessment, the existing hedges along the northern boundary would be removed to facilitate the provision of the internal access road. The removal of the hedges would not retain the rustic 'farm track' character of the Highfield Stile Road and therefore the scheme would fail to preserve the setting of the barn.

Impact on Residential Amenities

The proposed dwellings would be provided with sufficient private amenity space to meet the standards of the Essex Design Guide.

There would be a building separation distance of over 25m to the properties along Broad Road in a back-to-back situation, which is in line with the requirement of the Essex Design Guide. Plot 1 would be over 10m and at 90 degree to the nearest neighbour at 2 Highfield Stile Road. As the west facing windows on first floor are serving the hallway instead of habitable rooms, together with appropriate boundary and landscaping treatment, it is unlikely that there will be unacceptable overlooking issues into this neighbour's private amenity area.

According to Drawing No. P3-05 Rev. A, which incorporates the indicative layout of the strategic site, there would be over 10m distance from the front elevation of the proposed dwellings to the shared boundary line. Therefore, it is unlikely that there would direct overlooking issues with the strategic site.

The Essex Design Guide requires that new development should be at least 15m set back from the rear boundary of existing properties to protect the privacy and amenity level of existing residents. The submitted Drawing No. P3-05 Rev. A showed that all the proposed dwellings encroach within the required set back distance. Although the applicant argues that only ground floor elements would encroach in this set back area, the requirement of Essex Design Guide applies to the whole building, not only for upper floors.

According to the floor plans, each dwelling would have 1 of the first floor en-suite bedrooms being served by a single window facing onto the flank wall of the adjoining properties. These first floor flank windows have not been included on the proposed elevations. The large dormer window of the master bedroom with a distance of only about 2.25m would significantly restrict the outlook of these habitable room windows. There would be limited daylight and sunlight available to these bedrooms, in particular the north-facing flank windows of Plots 2, 7, 8 and 10, causing detrimental harm to the amenity of future users.

All the master bedrooms rely on the east-facing large dormer windows for natural lighting and ventilation. Due to the set back of these dormer windows and close proximity of the proposed dwellings, except for Plots 1 and 6, the 2-storey element of the dwellings or the adjacent dwellings would encroach into the 45 degree zone of the master bedroom's windows, thereby limiting the amount of natural light, causing harm to the amenity of future occupants.

The close proximity of the 2-storey dwelling at Plot 1 near to the internal access entrance, with the lack of pavement provided, would also impose an over-bearing element to future users of this scheme.

On this basis, the proposal would cause demonstrable harm to the living conditions of both existing residents and future occupiers, contrary to Policy RLP90 of the Adopted Local Plan.

Highway Considerations

Each of the proposed properties would be served by a double garage, therefore the residential parking provision is generally in line with the requirement of Essex Parking Standards (2009). Secured cycle parking space could be provided in the garage or in the rear garden and therefore is acceptable.

The proposed site layout plan shows that 9 visitor parking spaces could be provided by the 3 lay-bys on the eastern side of the internal road. However, the width of the lay-bys is about 2.25m which is below the width of a standard

parking space of 2.9m. No accessible parking for disabled users has been proposed.

The proposal incorporates a road of 4.8m in width which terminates at a wider turning head, with Plots 6-10 served by a 4.8m wide private drive. The Highway Authority has indicated the site or the means of access would not be adopted, thus service vehicles would not maneuver into or around the proposed dwellings.

Access for the proposed 10 dwellings would be made via Highfield Stile Road, which is a single track road off Broad Road. Despite the bridleway that exists at the end of the Highfields Stile Road that extends eastward across the countryside, there are no public footpaths along this road and, by virtue of existing hedgerows and walls owned by neighbouring residences, the carriageway has limited width.

Residents have expressed concern about the suitability of Highfield Stile Road with regards to the existing traffic problems, increased vehicular traffic and access by larger vehicles such as lorries, refuse vehicles and fire appliances.

The applicant has provided vehicle tracking plans for refuse vehicles and fire appliances. The submission also shows that there is highway rights over private land along Highfield Stile Road which would allow for the proposed road widening. The Highway Authority raised no objection to the proposal however this was conditional on the widening works to Highfield Stile Road and other conditions. The access for fire appliances is also considered acceptable to Essex Fire and Rescue Service.

Land ownership is not a planning matter. The applicant and relevant land owners are advised to contact the ECC Highways Enforcement Team with regards to the road widening works and any residential encroachment onto land with highway rights.

One of the reasons for refusal on the previous planning application (Application Reference 20/00821/FUL) related to highway safety. As compared to the refused scheme, the applicant has enlarged the site boundary to include the proposed road widening works. The Highway Authority has raised no objections in principle to the proposed road widening works and they are satisfied that it would protect highway efficiency of movement and safety.

Given that Highfield Stile Road is a relatively straight access and of a relatively limited length, users would be able to see if another vehicle was already using the access, and thus wait before entering. In any event, vehicles would reverse back and wait at the entrance of the site. It is therefore not anticipated that the access would result in highway safety concerns.

The proposal with the road widening works would improve the existing situation by reducing the single track distance and providing additional space for vehicles to by-pass each other or waiting at both ends of Highfield Stile

Road and near the site entrance. The widened road would shorten the distance that vehicles would be required to reverse and the additional waiting space would alleviate the waiting of vehicles within Broad Road. Therefore, it is not considered that the proposal would significantly increase the likelihood of cars meeting head-to-head within the carriageway.

With the lane of Highfields Stile Road also used by pedestrians, cyclists and other non-motorised traffic to access the bridleway, the widened road would also improve the existing situation to provide more space for vehicles to safely pass-by other users, if needed.

As a result of the proposed widening works being included within the site boundary, the previous refusal reason with regards to highway safety has been overcome.

In view of the narrow design of Highfield Stile Road, even after the proposed widening, it is unclear how the construction vehicles could access to the site without blocking the vehicular access. It is unclear how construction materials could be delivered and stored on site or in the vicinity. A Construction traffic Management Plan is therefore required, should approval be given.

Ecology, Trees and Landscape

The site is greenfield at the present time, although is physically separate from the wider expanse of agricultural land to the east and north. The site contains some scrub vegetation with a tree belt along the existing eastern boundaries shared with the footpath, some of the trees are of 12m to 15m high. It provides a transitional area between the residential development fronting Broad Road and the rural countryside beyond.

The applicant has submitted additional Ecological survey and assessment in relation to the potential impacts on protected species. The Council's Ecological Officer raised no objection to the proposal, subject to conditions on securing ecological mitigation and enhancement measures, as well as contribution towards the visitor management measures to the protected Ramsar site and SPAs.

The applicant has submitted an Arboricultural Impact Assessment and proposes to remove a total of 41 trees/tree groups to facilitate the development, including 7 Oak trees that are protected by a temporary Tree Preservation Order (TPO) No. 08/2020. There is no strong justification for removal of these trees and hedges. Officers are of the view that the existing tree belt should be retained and incorporated as a buffer between the site, existing footpath as well as the consented development to the east.

In addition, it is noted that a substantial roadside hedge would be required to be removed from the frontage of 2 Highfield Stile Road. This has not been included in the Arboricultural Impact Assessment.

The proposed site plan shows that the proposed footprints are extremely close to some protected trees, in particular those in the south-eastern corner, which would restrict the amount of natural lighting available to the habitable rooms.

The proposal would therefore harm the protected trees and fails to allow the wider public and future residents to appreciate the values of these existing trees.

Due to the over-sized footprint, there is little room for boundary treatment and landscaping, which is not acceptable. The dwelling of Plot 1 is located approximately 0.8m from the internal access road. Buildings should be further set back from the highway entrance to allow room for landscaping and to promote an inviting setting that connect to the existing footpath. The maintenance responsibility of shared spaces, including the un-adopted internal road is also unclear.

It is noted, from a landscape perspective, that the agricultural fields are subject to the strategic housing development resolved for consent. Whilst the Section 2 Plan can only be given limited weight at this time, the allocation and the masterplan are important material considerations when assessing this current application.

The proposed dwellings would be highly visible to the wider countryside and would appear visually intrusive given their stark and uncompromising proportions and height. At present therefore, the proposals would cause visual harm to the prevailing landscaped setting of the site and the wider countryside.

When the surrounding strategic site is developed, the effect on the wider landscape would be removed, although the proposal would still result in the loss of an open area of land that has some local landscape quality.

On this basis, the proposal is contrary to Policies RLP80 and RLP81 of the Adopted Local Plan and Policy CS5 of the Core Strategy that seeks the protection of the countryside and its contributing qualities.

Archaeology

Essex County Council Place Services (Archaeology) have been consulted and have no objection to the application subject to planning conditions relating to further archaeological evaluation.

The Essex Heritage Environment Record shows that the development lies within the site of recorded cropmark evidence of ring ditches and linear features. The linear features are not recorded on the 1st edition OS maps and must predate c.1870, ring ditches can be indicative of prehistoric ritual monuments or latter settlement evidence. The proposed development also lies to the rear of properties along Broad Road which follows the route of the Chelmsford/Braintree/Long Melford Roman road.

Due to the presence of known archaeological features within the development area an archaeological evaluation will be required to determine the nature and significance of the recorded features.

Planning conditions relating to the securing of the above are therefore required to ensure that the impact of the development upon any archaeological non-designated heritage assets could be mitigated by way of archaeological excavation and recording.

Construction Activity

In order to safeguard the amenity of existing residents in the locality, should the application be approved a condition is recommended requiring the applicant to submit for approval a comprehensive Construction Management Plan for each phase of the development covering for example construction access; hours of working; dust and mud control measures; contractor parking; points of contact for existing residents; construction noise control measures and details of any piling to be carried out on site.

Open Space

The applicant will be required to provide off-site open space contribution in accordance with the Open Space SPD (2019) as part a S106 agreement, should approval be given.

Habitat Regulations Assessment (HRA / RAMS)

The application site is situated within the Zone of Influence (ZOI) for the Blackwater Estuary SPA/Ramsar site and the Essex Estuaries Special Area of Conservation (SAC).

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 Habitat Regulations.

In accordance with the revised interim guidance, an appropriate assessment will need to be completed for this application by the Planning Authority, as it falls within the threshold for residential development and is located within the updated Zones of Influence.

Any residential development for a net gain of one or more new dwellings located within the Zone of Influence must mitigate its impact on the areas of Protected Essex coastline. The proposed scheme will be required to make a financial contribution of £125.58 per dwelling towards the mitigation strategy.

This financial contribution has been secured by way of an up-front card payment made under Section 111 of the 1972 Local Government Act.

Affordable Housing

The NPPF definition of major development includes schemes of 10 or more units. In this regard, Paragraph 63 of the NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. As such, the site generates a requirement for affordable housing provision in accordance with both Adopted National and Local policy.

Furthermore, Policy CS2 of the Core Strategy requires 30% affordable housing provision on sites of 15 or more units or sites with an area of more than 0.5 hectare. As this site has an area of 0.90 hectare and proposes 10 units, there is a requirement for an affordable housing contribution. Therefore, 30% of the proposed market dwellings would be required for affordable housing, which would equate to 3 homes.

Should approval be given, the Council would be requesting a commuted payment rather than on-site provision of affordable housing. Accordingly, a commuted sum of £301,875 ($10 \times 30\% = 3 \times £100,625$) would be required. This payment calculation is based on a subsidy per unit to enable a partner housing association to provide homes for affordable rent elsewhere in the district.

The applicant has indicated that they are willing to contribute to the required contributions. However, the contributions have not been secured until a S106 agreement has been signed by the relevant parties.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

While the proposal would deliver some social benefits, namely the provision of new housing which would contribute to the Council's Housing Land Supply, and some economic benefits, primarily during the construction phase of the development, as discussed in earlier sections, the proposal would fail to reinforce local distinctiveness, appearing incongruous and discordant with the character and appearance of the local area. The development would also have adverse impacts on residential amenity and lead to a loss of existing valuable trees. The development is within the immediate setting of a historical barn and would result in a low level of harm. The failure to retain existing hedges in the northern part would fail to preserve the setting of this non-designated heritage asset.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, Officers have concluded that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of 10 additional dwellings, when assessed against the policies in the Framework taken as a whole. Consequently it is recommended that planning permission is refused for the proposed development.

RECOMMENDATION

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

- 1 The proposed development would, by reason of its design, scale, bulk, mass, appearance and layout, cause significant harm to the established character and appearance of the area, failing to reinforce local distinctiveness of the built environment and representing a stark visual intrusion into the local landscape. The proposed substantially sized properties are not in line with the identified need of the Strategic Housing Market Assessment (SHMA, 2015). The design, layout and sprawl of the development would also result in the loss of an area of green space and cause harm to existing trees of moderate quality and values. The development is within the immediate setting of Highfield Stile barn which is considered as a non-designated heritage assets and the removal of existing hedges in the northern part of the site would adversely impact upon the setting, and as such, the proposal would be contrary to paragraph 197 of the National Planning Policy Framework.

When considering the planning balance and having regard to the requirements of the NPPF as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal would be contrary to the NPPF, Policies RLP8, RLP49, RLP80, RLP81 and RLP90 of the Adopted Local Plan (2005), Policy CS8 of the Core Strategy (2011), and Policies SP1 and SP6 of the adopted Braintree District Shared Strategic Section 1 Local Plan (2021).

- 2 The proposed development, by reason of its design and layout, would give rise to an unacceptable impact on the living conditions of adjacent occupiers through an insufficient set back distance and loss of privacy. The restricted outlook and natural light to some of the habitable rooms would have adverse impact on the amenity level of future users. This would be contrary to the NPPF and Policy RLP90 of the Adopted Local Plan (2005).
- 3 The application fails to secure financial contributions towards Open Space and Affordable Housing, contrary to Policy RLP138 of the Adopted Local Plan Review (2005), Policies CS2 and CS10 of the Core Strategy (2011) and Policy SP5 of the Adopted Braintree District Shared Strategic Section 1 Local Plan (2021).

SUBMITTED PLANS

Access Details	Plan Ref: P3-17	Version: B
Proposed Elevations and Floor Plans	Plan Ref: P3-07	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-08	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-09	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-10	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-11	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-12	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-13	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-14	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-15	Version: A
Proposed Elevations and Floor Plans	Plan Ref: P3-16	Version: A
Site Plan	Plan Ref: P3-19	Version: A
Materials Details	Plan Ref: P3-04	
Location Plan	Plan Ref: P3-01	
Proposed Site Plan	Plan Ref: P3-02	
Section	Plan Ref: P3-03	
Site Plan	Plan Ref: P3-05	
Access Details	Plan Ref: P3-06	
Access Details	Plan Ref: P3-18	

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