

PLANNING COMMITTEE AGENDA

Tuesday, 09 March 2021 at 7.15pm

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

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

To access the meeting please use the link below:

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

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS – DECLARATIONS OF MEMBERS' INTERESTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 2nd 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 the more minor application listed under Part B should be determined “en bloc” without debate.

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

PART A

Planning Applications

5a	App. No. 20 01465 FUL - Land to the rear of Heathers and Candletree, The Green, HATFIELD PEVEREL	6 - 38
5b	App. No. 20 01517 FUL - 23 Greenfields, GOSFIELD	39 - 54
5c	App. No. 20 01882 FUL - Land to the rear of Charwin, Cross End, PEBMARSH	55 - 74
5d	App. No. 20 02068 FUL - Rosemead, Fairstead Road, TERLING	75 - 85
5e	App. No. 20 02204 FUL - Four Ashes, Blackmore End, WETHERSFIELD	86 - 94

PART B

Minor Planning Application

6 Urgent Business - Public Session

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

Exclusion of the Public and Press

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

PRIVATE SESSION**Page****7 Urgent Business - Private Session**

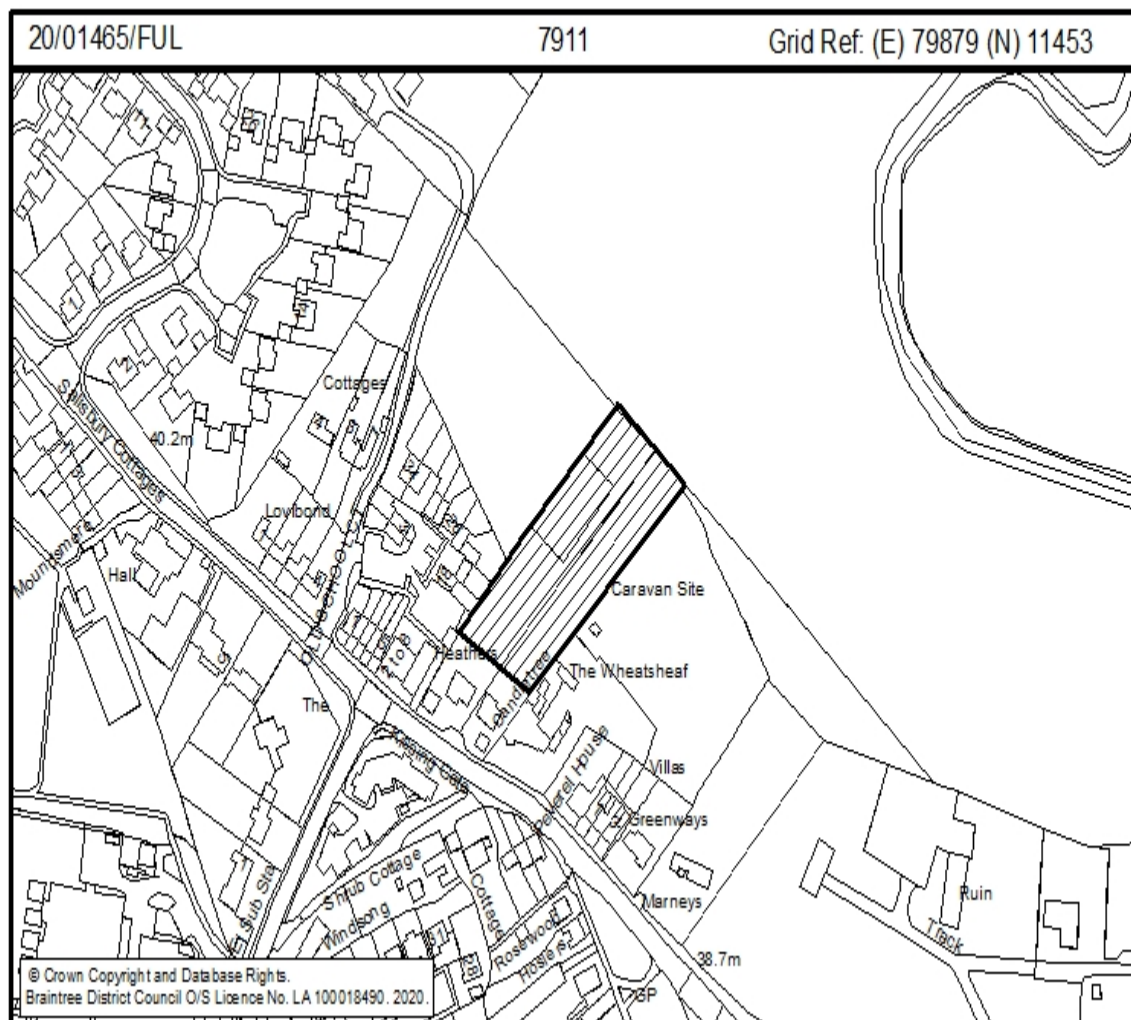
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

PART A - DEFERRED ITEM

AGENDA ITEM NUMBER 5a

APPLICATION NO: 20/01465/FUL DATE: 02.10.20
 VALID:
 APPLICANT: Mr Ian Newman
 17-18 Great Pulteney Street, London, W1F 9NE, UK
 DESCRIPTION: Erection of 7 No. two storey dwelling houses, accompanied with 17 dedicated parking spaces.
 LOCATION: Land To The Rear Of Heathers And Candletree The Green
 Hatfield Peverel, CM3 2JF

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=QG537PBFGHQ00>

SITE HISTORY

88/00210/P	Erection Of Double Garage And Conversion Of Existing Integral Garage To Playroom.	Granted	08.03.88
92/00138/PFWS	Change Of Use From Agricultural To Domestic Garden	Granted	06.03.92

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
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS10	Provision for Open Space, Sport and Recreation
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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
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP81	External Lighting

Neighbourhood Plan

The Hatfield Peverel Neighbourhood Plan ("the Neighbourhood Plan") has been formally adopted and forms part of the Development Plan for the purposes of determining this application. Relevant policies to this application include inter alia:

- HO1 - Design of New Developments
- HO3 - Minimum Garden Sizes
- HO4 - Creating Safe Communities

- FI1 - Transport and Access
- FI2 - Parking
- FI3 - Education and Health Infrastructure
- ECN2 - Working from Home
- ECN3 - Broadband and Mobile Connectivity
- HPE1 - Natural Environment and Bio-diversity
- HPE5 - Protection of Landscape Setting
- HPE6 - Flooding and SuDS

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

The application was previously reported to the 19th January 2021 Planning Committee but was withdrawn from the agenda.

SITE DESCRIPTION

The site comprises a significant proportion of the rear gardens of Heathers and Candletree, which are two dwellings with a frontage onto Maldon Road. These properties contain narrow but long plots (approx. 130+m) from the road to the rear field boundary. The gardens of these properties do not contain much more than ancillary domestic paraphernalia and vegetation, however one does have a tennis court which would be removed. The site also partially adjoins properties which are accessed off of Old School Court.

The site would take access through the existing adjacent development (under construction and nearly complete) on land to the rear of the Wheatsheaf. The access serving these properties is taking off of Maldon Road. The access is also utilised for patrons of the Wheatsheaf Public House (PH).

PROPOSAL

The application seeks full planning permission to erect 7 dwellings on land to the rear of Candletree and Heathers. The proposal would be a continuation of a recently constructed new development for 7 houses (Application Reference 18/00851/FUL which was allowed at appeal). It would utilise the same access

and would comprise similar house types. The site continues the line of houses on the northern tip with two proposed dwellings, and then introduces a turn in the road which facilitates five dwellings. These would be perpendicular to the northern tip and front onto the re-configured pub car park area and outside amenity space.

The proposal includes three house types; a larger four bedroom detached house, two pairs of semi-detached three bedroom properties and one corner turning three bedroom unit. The style and design of the houses would reflect that of the existing development which is nearly complete.

CONSULTATIONS

Essex Fire

No objection at this stage.

Highways England

No objection.

BDC Ecology

No objection subject to conditions

BDC Waste

Set out requirements for refuse collection

ECC Archaeology

No objection subject to conditions.

ECC Highways

No objection subject to a condition.

BDC Environmental Health

No objection subject to securing the same mitigation measures as previously agreed for the adjacent site.

PARISH/TOWN COUNCIL

Hatfield Peverel Parish Council

Objected to the initial proposal for the following summarised reasons:

- Outside of settlement limits and not included for allocation

- Backland development not characteristic of the area – development would be unrelated to the main built form in the locality and contrary to the prevailing linear pattern of development
- Unwarranted encroachment into the countryside
- Conflicting with policies in Development Plan
- Possible access issues from doubling the numbers using it
- Not a brownfield site
- ‘Phase 2’ development – should provide developer contributions

Hatfield Peverel Parish Council submitted further comments following a re-consultation period but did not raise any new grounds comparatively to the above.

REPRESENTATIONS

Two representations of objection have been received from the Wheatsheaf Public House and 20 Old School Court setting out the following summarised concerns:

- Unsuitable road with no footway – conflict with road users and pedestrians
- Access unsafe – not suitable to accommodate additional housing
- Proposal would lead to unacceptable overlooking (No.20)

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF)

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

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

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

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

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

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

The Development Plan

The application site is located outside of a designated town development boundary and as such is located on land designated as countryside in the Adopted Local Plan (2005) and the Core Strategy (2011). The Neighbourhood Plan contains several maps within its pages and these maps reproduce the Adopted Local Plan development boundaries. It should however be noted that the Neighbourhood Plan has not reviewed or set its own development boundaries or made its own development allocations. The significance of this in decision making is explored in the 5 year housing land supply section below.

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 7 new dwellings outside of settlement limits as defined by the Adopted Local Plan. The application would represent a departure from Policies RLP2 of the Local Plan and CS5 of the Core Strategy, and is therefore considered to be contrary to the Adopted Development Plan as a whole. The site would also be located outside of settlement limits contained within the Section 2 Plan. As such, the proposal would also represent a departure from Policy LPP1 of the Section 2 Plan and is also considered to be contrary to the Draft Section 2 Local Plan as a whole.

The proposal is not considered to be contrary to the Neighbourhood Plan, as explained below.

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.

Paragraph 14 of the NPPF provides that where Paragraph 11(d) NPPF applies because the Council cannot demonstrate a five-year supply of housing land or the policies most important for determining the application are out-of-date, the adverse consequences of granting permission in conflict with the Neighbourhood Development Plan is likely to significantly and demonstrably outweigh the benefits provided all the following criteria are met:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

The Neighbourhood Plan does not contain policies or allocations to meet its housing need. Paragraph 14 makes provision for the situation in which there is a conflict with a recently-made neighbourhood plan, and sub-paragraph (b) states that the position only applies where the neighbourhood plan in question "contains policies and allocations to meet its identified housing requirement." As such the provisions of Paragraph 14 do not apply here.

Paragraph 12 of the NPPF provides that where a proposal conflicts with an "up to date" Development Plan, which includes the Neighbourhood Plan, then permission should not be granted. In this case, no conflict has been found with the Neighbourhood Plan. A conflict has been found with Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Core Strategy which is considered sufficient to render this proposal a departure from the Development Plan as a whole. However, as these policies are out-of-date, the NPPF provides an important material consideration and requires that the tilted balance is applied in this case.

However, despite housing policies being 'out of date,' this does not mean that Development Plan policies (within Local and Neighbourhood Plans) should be completely disregarded. It is for the decision-maker to determine the weight to

be attributed to the conflict with those policies along with the weight to attribute any material considerations which indicate otherwise; doing so in a tilted balance which provides for the presumption in favour of proposals which represent sustainable development

History

The site itself does not benefit from any relevant planning history. However, the site adjacent, from which access would be taken, has recent planning history of relevance. An application for 7 dwellings (Application Reference 18/00851/FUL) behind the Wheatsheaf PH was refused by the Council for the following summarised reasons:

- Detrimental impact on the character and appearance of the area
- Effect on living conditions
- Viability of the PH
- Loss of the caravan site

The decision was subsequently appealed and the Planning Inspector disagreed with all of the Council's reasons, concluding as follows:

"29. The delivery of 7 family-sized homes on previously developed land would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing. The proposed development would also moderately improve the viability of the Public House and would create economic benefits through local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.

30. The parties are in dispute as to whether the Council can demonstrate a 5-year housing land supply. Were I to find that this was not demonstrated, the tilted balance in Paragraph 11d) of the Framework would be engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.

31. For the reasons I have given, in my judgement there would be no adverse impacts arising from the proposal. Even were I to find that the Council could demonstrate a 5-year housing land supply, the lack of harm and significant benefits of the proposal outweigh the limited weight I afford to the conflict with the development plan arising from its location outside of the village envelope.

32. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed with conditions."

The appeal was allowed. A copy of the appeal decision is included as an appendix to this report for information. Some of the Inspector's comments on Application Reference 18/00851/FUL will be discussed further in this report.

As highlighted above, this development is now nearly complete. It should be noted that this development was approved prior to the formal adoption of the Neighbourhood Plan. In addition, the Council now accepts it does not have a five year supply and this is a material change in the position in comparison to the previous case.

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.

Whilst located outside of a development boundary, the site is closely connected to the Key Service Village of Hatfield Peverel, and thus would not be isolated by virtue of Paragraph 79 of the NPPF. The site's location adjacent to the development boundary for a Key Service Village means that there is a higher level of shops, services and facilities which meet day-to-day needs, and regular, sustainable transport links or good strategic transport links to larger towns. The accessibility of the location is a material factor which weighs in favour of the proposal in the overall planning balance.

Design, Appearance and Layout

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

Policy HO1 of the Neighbourhood Plan provides an extensive list of criteria which a new residential development should meet in order to be considered acceptable. These criteria include; providing an appropriate mix of housing types, appropriate density for the surrounding area, layout, height and overall elevation design should be in harmony with the character and appearance of the surrounding area, good connections, sustainability measures (encouraged), creation of shared spaces, high quality materials and landscaping, efficient waste collection and reduce risks from pollution. In addition, Policy HO4 of the Neighbourhood Plan states inter alia that developments will provide safe play spaces and design out crime. Policy HPE5 of the Neighbourhood Plan states inter alia that the landscape setting of the village will be protected.

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. Policy HO3 of the Neighbourhood Plan generally aligns with the standards set out in the Essex Design Guide for the private amenity of new development, but does build in some different criteria for three bedroom terraced dwellings and flats and apartments (none of which exist on this site).

The proposed development in this case would be in a backland location behind existing residential development on the north side of Maldon Road and the Wheatsheaf Public House. Prior to the construction of the adjacent 7 dwellings allowed on appeal, there was a prevailing linear character on the northern side of Maldon Road. Now the character is more mixed and less defined. The south of Maldon Road comprises more dense development.

In considering the 7 dwellings recently allowed on appeal, the Inspector considered that the development would have a very limited material effect on the character of the street scene and transition of the development to the countryside when viewed from the highway. When viewed from the countryside beyond, the Inspector considered that the development would be seen in the context of an urban setting and was satisfied no harm would also arise (Paragraphs 7-10 of the Inspector's Decision).

This development seeks a continuation of the approved (and now built) 7 dwellings at the site utilising the garden areas of Heathers and Candletree. The development would introduce two additional dwellings to continue the existing built line on the northern aspect of the site, while the remaining five dwellings would be perpendicular and turn back towards the village. In terms of the wider setting, a small part of the site would be adjacent to an open field

to the north east, and a larger part would be adjacent to properties on Old School Court. The five properties would also overlook into the reconfigured public house car parking area. As such, it is considered that the development would not encroach much further into the countryside than the approved development, and would instead be seen in the context of the existing settlement.

Taking into account the Inspector's comments, coupled with the nature and characteristics of the proposed development as described above, it is considered that the development would not have a detrimental impact on the character or landscape setting of the area.

In terms of scale and appearance, the properties would be a continuation of the style and scale of the appeal development; comprising contemporary appearing designs and fenestration. There are three house types; a four bedroom detached property (2), a pair of semi-detached two bedroom dwellings (4) and a single detached 3 bedroom corner turning unit (1). It is considered that the proposed dwellings are appropriate in the context of the appeal development, and would facilitate an appropriate sense of place to be created in conjunction with the approved development. As such, from a scale and appearance perspective it is considered that the development is also acceptable.

In terms of amenity for future occupiers, externally each dwelling would comprise 100sq.m or more of garden amenity space. This would comply with the standards and is acceptable. In terms of internal amenity, all dwellings would comply with the NDSS and have good outlook. The other consideration in respect of internal amenity is the proximity of the public house to the proposed development.

In the allowed appeal decision, the Inspector was satisfied that there would not be a detrimental impact on the amenity of future occupiers by virtue of the PH or its car park. This was with the condition that acoustic fencing was installed, as well as noise insulation and partial air conditioning for the dwellings relating to first-floor bedrooms facing the public house and car park. In this case, it is considered that there is also scope to include a further acoustic fence, as well as the noise mitigation measures. The Environmental Health Officer considered this and raised no objection subject to the imposition of these conditions. As such, in this case it is considered the amenity of future occupiers would be protected from noise and disturbance from the public house.

In terms of other considerations, a refuse strategy condition has also been recommended – this would be in line with the adjacent site which has discharged the refuse collection strategy after much negotiation. In terms of other matters, a boundary wall is shown on the plans which would adjoin the highway. Matters of boundary treatments are also recommended to be conditioned.

For the reasons provided above it is considered that the proposal complies with Policy RLP90 of the Adopted Local Plan, Policies HO1 and HO3 of the Neighbourhood Plan, and Policy LPP55 of the Section 2 Plan.

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.

Due to the location of the development, the main neighbours which would be directly impacted by the development are those in Old School Court. The amenities of both Heathers and Candletree would also be affected.

Focusing firstly on the impact on Old School Court, there are three dwellings (No.18, 20, 22) all of which back onto the south west boundary of the site. As originally submitted, the proposed dwellings (Plots 6 and 7) were located approximately 19m back-to-back distance away. This was below back to back distance guidance in the Essex Design Guide and could have led to unacceptable overlooking of existing neighbouring properties which have relatively short gardens. As a consequence, the proposed plots were moved further forward into the development site, to increase the back to back separation distance to 25m and 26m respectively. The back to back distance now complies with the standards which are designed to protect amenities between neighbouring properties. As such, it is considered that the proposed development would now not have a detrimental impact on the amenity of No.18, 20 and 22 Old School Court by virtue of overlooking, overshadowing or overbearing.

In regards to the impact on Heathers and Candletree, these properties would retain a sufficiently large garden area and general separation in order to not be detrimentally affected by the proposal.

Overall, due to the above, it is considered that neighbouring amenity will not be detrimentally affected by the proposed development and therefore the proposal complies with Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan.

Highway Issues

Policy FI1 of the Neighbourhood Plan states inter alia; new developments should prevent unacceptable risks from emissions, provide appropriate safe pedestrian and cycle routes and the introduction of shared spaces where appropriate.

Policy FI2 of the Neighbourhood Plan states inter alia that development should accord with the Adopted Parking Standards, while also garages must

be designed away from the street frontage. New developments are required to show that they have made, or have the potential to have, provision for electric vehicle charging for each dwelling.

The site would utilise the existing shared access between the appeal development and the public house. While some concerns have been raised about the access, Essex Highways raise no objection to the development and are satisfied that the access is satisfactory for the quantum of development sought.

In terms of parking, the development would provide each dwelling with two parking spaces (14) and include three visitor spaces (total of 17 spaces for the development) which is over the 1 required visitor space for 7 dwellings (1 space per 4 dwellings). The parking is mostly in tandem form, which is a format which is not encouraged by Policy FI2 of the Neighbourhood Plan, however owing to the cul-de-sac nature of the development it is considered that this configuration is acceptable in terms of its visual impact upon the wider area. Indeed, the approved site for 7 dwellings also has tandem parking.

It is considered that a strategy to provide some electric car charging would also satisfy Policy FI2 of the Neighbourhood Plan. This is to be secured via condition.

Overall, it is considered the proposal is acceptable from a highways and transportation perspective and is in general compliance with Policies FI1 and FI2 of the Neighbourhood Plan as well as Policy RLP 56 of the Adopted Local Plan and NPPF Paragraphs 105 & 109, together with Policy LPP45 of the Section 2 Plan.

Landscape 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.

Policy HPE1 of the Neighbourhood Plan states inter alia that development should retain and enhance existing trees, hedgerows and habitats, which are important for their historic, visual or biodiversity value unless the need for, and

the benefits of the development in that location clearly outweigh any loss. Any such loss should be appropriately mitigated.

Firstly in terms of ecology, the application was supported by a preliminary ecological appraisal. The Councils Ecological Officer has reviewed the appraisal and raised no objections, subject to the imposition of a number of conditions. These conditions are included within the recommendation.

In terms of arboricultural impact, the application was not supported by an arboricultural assessment. However, from Officer site visits, it was apparent that while there were trees on the site, these were all domestic in scale with limited wider public amenity. The list of trees is set out at the end of the ecology report with mostly low value trees present. The developer confirmed that there were not any trees of significance on the plot.

The development would require the removal of some of the trees on the site, notably those on the boundary between the two properties. However, large amounts of vegetation on the other site boundaries should be able to remain. It is recommended that a tree protection condition is attached to ensure that any development here would not lead to an unnecessary loss of trees at the site. Overall, it is considered that the application is acceptable on these grounds and is compliant with the aforementioned policies.

Flooding and Suds

Policy HPE6 of the Neighbourhood Plan states inter alia that any proposed development should include measures to mitigate against future risk to properties, residents and wildlife from flooding and be located away from areas prone to flooding.

The application is not a major application or above 1ha, as such Essex SUDS do not provide comments on the application. This is because usually the overall built area is small and the increase in surface water run off low. The site is also located in Flood Zone 1, which has the lowest probability of flooding. Overall, it is considered that the development would be acceptable from a flooding and surface water perspective and is therefore compliant with the aforementioned policy.

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.

No contamination assessment has been provided. If permission was approved, it would be appropriate to include a condition to ensure that any contamination found during construction is adequately dealt with in compliance with the aforementioned policy.

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.

The Archaeological Officer raised no objection to the application subject to a condition regarding archaeological trial trenching prior to any works commencing on the site. It is considered that the proposal is acceptable on this basis and complies with Policy RLP105 of the Adopted Local Plan.

Broadband / Working at Home

Policy ENC3 of the Neighbourhood Plan states inter alia that proposals for new development should demonstrate how they will contribute to, and be compatible with, superfast broadband and high quality internet connectivity. The developer has confirmed that the proposal would connect into the broadband provision provided to the adjacent 7 properties and therefore compliance is found with this policy.

Policy ECN2 of the Neighbourhood Plan states inter alia that any new or redesigned dwellings should include provision to enable a home office to be accommodated, either through providing space in the roof to be later converted, or a bespoke study area built in. In this case, the larger four bedroom units would have studies at ground floor level, while the three bedroom units would all have a third bedroom which could reasonably double up as a study. As such, it is considered that this policy is also complied with.

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,

up-front prior to any decision on the application being issued opposed to entering into a separate unilateral undertaking. As such, it is considered the development would not have an unacceptable impact on the Blackwater Estuary SPA/Ramsar site.

PLANNING OBLIGATIONS

Concerns have been raised by the Parish Council that a net of 14 dwellings will be built across the two sites (the recent appeal, and the current site) which

ordinarily would trigger open space and possibly affordable housing contributions.

Officers have assessed this situation carefully. Case law dictates that in this case, while the new application would utilise the access of the allowed appeal development, inherently they are two different sites from a land owner perspective and have come forward at different times. As such, in accordance with case law, Officers have deemed that it would be unlawful to try and secure any financial contributions from the development in this particular case.

In addition, Policy FI3 of the Neighbourhood Plan requires developments to demonstrate that there is sufficient appropriate education capacity. A development of this size would likely generate a small number of pupils for which Essex County Council would have the responsibility of providing education facilities to support their schooling. Essex County Council operates an approach where it only seeks developer contributions on major developments of 20 dwellings or more. It considers this approach to be effective in securing the necessary levels of contribution to secure appropriate education capacity in the local area. There is therefore no reason to find the proposal is not compliant with Policy FI3 of the Neighbourhood Plan in this case.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be contrary to the Development Plan, as set out above. 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 in conflict with Policy RLP2 of the Adopted Local 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"*. In this case the proposal would not be in accordance with the Development Plan when read as a whole.

It is considered that other material considerations do exist in this case. They include a conflict with Policy LPP1 of the Section 2 Plan and therefore a departure from the Draft Section 2 Local Plan; some limited weight is afforded to this conflict given the status and stage of preparation of the Draft Section 2 Local Plan in this instance. No conflict with the Neighbourhood Plan has been identified.

Other important material considerations also include the Paragraph 11 of the NPPF which introduces a presumption in favour of sustainable development and invokes the tilted balance in this instance.

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 be consistent with the approved site adjacent. There would be limited harm to neighbouring residential properties. 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 contribute 7 dwellings to the District's Housing Land Supply, which is in a state of deficit. The development would

also secure jobs during construction and contributions to the vitality of the village including the nearby Wheatsheaf PH.

In terms of environmental harm, while there would be some further encroachment of built form within the countryside, this impact would be limited by virtue of the scale and location of the development. Furthermore, the possible harms to the amenity of future occupiers of the units can be mitigated by way of acoustic fencing and window details, much like the approved adjacent site.

In this case, 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. Paragraph 11d of the NPPF therefore directs that permission should be granted in this instance. Consequently it is recommended that planning permission is granted subject to conditions as set out within the report.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 20-218-110	Version: P4
Proposed Site Plan	Plan Ref: 20-218-100	Version: P5
House Types	Plan Ref: 20.218.103	Version: P1
House Types	Plan Ref: 20.218.102	Version: P5
House Types	Plan Ref: 20.218.101	Version: P4
Site Layout	Plan Ref: 20-218-108	Version: P5

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

Reason

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

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

Reason

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

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EECOS Ltd, September 2020) as already submitted with the

planning application and agreed in principle with the Local Planning Authority. 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 enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

- 4 Prior to first occupation, 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 site that are particularly sensitive for bats and where lighting is likely to 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 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 scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed.

Reason

To conserve 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).

- 5 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).

- 6 The development shall not be occupied unless and until the developer provides a Residential Travel Information Pack for each dwelling, for sustainable transport supposed, to be submitted to and approved in writing by the Local Planning Authority (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason

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

- 7 (A) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the Local Planning Authority.

(B) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (A) above.

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

Reason

The site may be of archaeological interest.

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

Monday to Friday 0800 hours - 1800 hours
Saturday 0800 hours - 1300 hours
Sundays, Public and Bank Holidays - no work

Reason

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

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- Safe access to / from the site including the routing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Delivery, demolition and construction working hours; and
- Details of how the approved Plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason

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

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

Reason

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

- 11 No above ground development shall commence unless and until a schedule 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 that the development does not prejudice the appearance of the locality.

- 12 No development or any site clearance shall commence until an Arboricultural Report has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural report shall list and categorise all trees on the site, and include a Tree Protection Plan indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, areas designated for structural landscaping to be protected and suitable space for access, site storage and other construction related facilities. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development.

Reason

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

- 13 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

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

- 14 Prior to construction, details of collection arrangements, the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so retained.

Reason

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

- 15 Prior to first occupation of the development hereby approved, details of

the acoustic fencing shall be submitted to and approved in writing by the local planning authority. The acoustic fencing shall be installed in accordance with the approved scheme prior to first occupation and thereafter retained as such.

Reason

To protect the amenities of future occupiers of the proposed development.

- 16 Prior to the construction commencing on any of the dwellings, full details of the noise insulation and associated partial air conditioning for the dwellings relating to the first-floor bedrooms facing the public house and car park shall be submitted to and approved by the Local Planning Authority. The houses shall then be constructed in accordance with these details which shall thereafter be retained.

Reason

To protect the amenities of future occupiers of the proposed development.

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to assess the extent of contamination and also provide details of the remediation strategies that would be necessary. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 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 ensure that the development does not prejudice the appearance of the locality.

- 19 Prior to the first occupation of the development details of electric vehicle charging points for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed in accordance with the approved details

prior to the occupation of each dwelling to which they relate.

Reason

In the interests of facilitating sustainable transport for future residents.

INFORMATION TO APPLICANT

1 A professional archaeological contractor should undertake any fieldwork required for condition 7. An archaeological brief detailing the requirements can be produced from this office. The District Council should inform the applicant of the recommendation and its financial implications.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

Appeal Decision

Site visit made on 18 April 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCI EH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 15th May 2019

Appeal Ref: APP/Z1510/W/18/3219445

Wheatsheaf, The Green, Hatfield Peverel CM3 2JF

- 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 Ian Newman (REL Group Ltd) against the decision of Braintree District Council.
 - The application Ref 18/00851/FUL, dated 9 May 2018, was refused by notice dated 3 December 2018.
 - The development proposed is erection of 7no. dwellinghouses with associated garages, parking, additional parking for Public House, amenity areas, public open space, reconfigured Pub Garden, private drives and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 7no. dwellinghouses with associated garages, parking, additional parking for Public House, amenity areas, public open space, reconfigured Pub Garden, private drives and landscaping at Wheatsheaf, The Green, Hatfield Peverel CM3 2JF in accordance with the terms of the application, Ref 18/00851/FUL, dated 9 May 2018, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Ian Newman (REL Group Ltd) against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matters

3. A revised description of the proposed development was agreed by the Council and the appellant, as in the heading and formal Decision above, and the application was determined on that basis.
4. The Council has confirmed that the numbered plans were incorrectly stated in the Decision Notice. The correct plans considered, having been revised by the applicant and accepted by the Council, are Plan Ref: 17.169/100 Version P9, Plan Ref: 17.169/101 Version P5, Plan Ref: 17.169/102 Version P5, Plan Ref: 17.169/103 Version P5, Plan Ref: 17.169/105 Version P5, Plan Ref: 17.169/106 Version P5.
5. An emerging plan (EP), the Braintree District Publication Draft Local Plan (2017), was submitted to the Secretary of State on 9 October 2017 and is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.

Main Issues

6. The main issues in this appeal are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of future occupiers of the new houses as regards external amenity space, pedestrian use, refuse collection and noise;
- the effect of the proposed development on the viability of the Wheatsheaf Public House (the Public House); and
- the effect of the loss of the touring caravan site.

Reasons

Character and appearance

7. The appeal site is within the curtilage of a Public House and touring caravan park and is previously developed land for the purposes of the Framework. The site is mostly in the countryside for the purposes of the development plan. However, the settlement envelope boundary runs through the site and due to use its character as a whole is more closely associated with the residential and commercial development of the village than open countryside.
8. The proposed houses would fill the depth of the site, via an access road, and in that respect would not be similar to the linear ribbon development on this part of Maldon Road as the settlement transitions eastwards into the countryside. However, there would be very limited views of the development from Maldon Road due to the frontages of existing buildings, the relatively narrow access and proposed vegetative screening. Consequently, there would be very limited material effect of the character of the streetscene and the transition from development to countryside when viewed from the highway.
9. There would be views of the new houses from other directions, including from open countryside and an arable field and public footpath to the north. These views would be partially screened and softened by vegetation on the boundary, with the housing scheme seen in the foreground of views of the rear of residential and commercial properties fronting Maldon Road. Further, existing lawful use of the land entails the siting of touring caravans near the northern boundary which albeit seasonal already exerts an influence on the countryside setting. There are also buildings situated on land to the east of the appeal site deep into their plot and near the boundary with the field. The new houses within this context, on land which is previously developed and closely associated with the existing settlement, would not have an adverse material effect on the character and appearance of the area or intrude into the countryside.
10. For these reasons, the proposed development would not harm the character and appearance of the area and as such would not be in conflict with Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (CS) and Saved Policy RLP90 of the Braintree District Local Plan Review (LP) which together seek to ensure that proposals protect the character and appearance of places, including the countryside.

11. There would be conflict with Policy CS5 of the CS and Saved Policy RLP2 of the LP as the proposed development would be mostly outside of the village envelope. However, for the reasons given, there would be no harm associated with this conflict and I give it limited weight.

Living conditions of future occupiers

12. Each of the new houses would have private gardens which meet the requirements of the development plan. In addition, the residents would have access to a communal external amenity area and I do not consider that the sole access opposite plots 6 and 7 would diminish the benefits that this area would provide.
13. The access road would be provided with some footways. Traffic on it would largely be limited to that associated with only 7 properties and speeds would be restricted by the curvature of the road. Taking all into account, I do not find that the lack of comprehensive footway coverage would materially increase pedestrian safety risks or dis-encourage walking as a sustainable travel option subject to a condition requiring approval of external lighting.
14. The Council has said waste vehicles would not enter the unadopted access road and that refuse would need to be transported over lengthy distances to be routinely collected from the front of the site. However, I do not consider the distances involved to be so lengthy as to warrant refusal of the proposal and in any event there would be an option for private collection. Suitable refuse storage and collection points can be reasonably incorporated into the scheme and approved by condition.
15. Following concerns raised by **the Council's Environmental Health Officer (EHO)**, the proposal was revised. As a consequence the EHO predicted that the recommended World Health Organisation (WHO) maximum noise level of 45dB(A), to reduce the likelihood of sleep disturbance in the bedrooms of the new dwellings, would not be exceeded. I give this expert opinion significant weight.
16. The revised proposal would reduce the size of the pub garden. Taking into account the increased distance of the pub garden to all proposed dwellings, and the intervening revised position of the much larger car park, I conclude that there would be very limited noise impact from use of the pub garden on future residents. However, vehicle and passenger noise from use of the car park (slamming of car doors for instance) would cause a moderate amount of intermittent noise. Given that the current licence of the Public House is to 1am, and the revised position of the car park would be situated close to plots 6 and 7 in particular, there would be potential for nuisance to occur.
17. Taking all into account, including the significant weight **I place on the EHO's** prediction as to compliance with WHO guidelines, I do not find that the proposed development would cause an adverse material impact to residents subject to the attachment of conditions to attenuate noise. These include the approval and provision of acoustic boundary fencing suggested by the EHO, and sound insulation and associated partial air-conditioning in respect to the first-floor bedrooms of the new dwellings facing the carpark.
18. For these reasons, the proposed development would not harm the living conditions of future occupiers and as such would not be in conflict with Policy

CS9 of the CS and Saved Policy RLP90 of the LP which together seek to ensure that proposals are of good design and provide environments which contribute to quality of life.

Viability of Public House

19. Since in my judgement the proposal, subject to conditions, would not cause a material increase in noise to residents, there would be no associated adverse impact on the viability of the Public House as a result of complaints.
20. Evidence submitted by the appellants¹ (**'the viability assessment'**) concludes that there would not be any potential diminution of trading potential, and that there could be some improvement in profitability anticipated through reduced overheads. The caravan park is said to generate negligible income. Having considered carefully all the papers before me, I have seen nothing which contradicts or goes against this evidence and I give it significant weight.
21. Concerns have been raised concerning car park provision. However, the **Council's** Delegated Report describes the intended provision of 24 parking spaces as not too dissimilar from existing and the viability assessment does not raise concerns. Taking all into account, I do not find that the proposed car parking provision would materially affect the viability of the Public House.
22. Therefore, I conclude that the proposed development would not harm the viability of the Public House but would benefit it through some improvement in profitability. As such it is not in conflict with Saved Policy 151 of the LP which is concerned with the protection of community services.

Loss of touring caravan site

23. There is very limited evidence that there is a significant demand for a touring caravan business at the appeal site. The viability assessment says that it currently provides negligible income which suggests that demand and profit is not providing the Public House with any significant economic benefits. While touring caravaners would provide some social and economic benefits, including use of local services, the future occupiers of 7 new family-sized dwellings would provide similar benefits which would not be seasonal.
24. Therefore, I do not find that the loss of a touring caravan site due to the proposed development would cause harm. The Council has raised possible conflict with Policy LPP9 of its EP but, even were the proposal harmful, the policy is concerned with proposals for new tourist accommodation and facilities in the countryside and not the loss of existing provision.
25. Paragraph 83 of the Framework seeks to support sustainable rural tourism and also to retain and develop public houses as part of a prosperous rural economy. As the proposed development would result in some improvement in profitability for the Public House, while removing tourist accommodation with very limited evidence of demand or profitability, I do not find that the proposal would be contrary to the objectives of this part of the Framework.

Other Matters

26. I acknowledge that interested parties have raised concerns about highway safety, particularly as regards access onto Maldon Road. I share the view of the

¹ Assessment of Viability, Davis Coffey Lyons, 21 April 2018

Highways Authority that the proposal is acceptable subject to appropriate visibility splays being provided, and I am attaching a condition to ensure this.

27. The appeal site is closely connected with Hatfield Peverel, a Key Service Village. While I acknowledge the concerns of interested parties as to the effect of the proposed development on the capacity of local education and health services, I have seen very limited evidence as to the likely effect of the development on these services.
28. Due to the distance of the proposed houses from existing dwellings on neighbouring land, and the perpendicular orientation of those closest on Plots 1-3, I do not find that there would be any material effect on the living conditions of neighbours as regards outlook, overlooking, overshadowing, disturbance or noise.

Planning Balance and Conclusion

29. The delivery of 7 family-sized homes on previously developed land would be a **benefit of the appeal scheme given the Framework's aim to make a more** efficient use of land and significantly boost the supply of housing. The proposed development would also moderately improve the viability of the Public House and would create economic benefits through local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.
30. The parties are in dispute as to whether the Council can demonstrate a 5-year housing land supply. Were I to find that this was not demonstrated, the tilted balance in Paragraph 11d) of the Framework would be engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
31. For the reasons I have given, in my judgement there would be no adverse impacts arising from the proposal. Even were I to find that the Council could demonstrate a 5-year housing land supply, the lack of harm and significant benefits of the proposal outweigh the limited weight I afford to the conflict with the development plan arising from its location outside of the village envelope.
32. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed with conditions.
33. In addition to the commencement condition, I am attaching a condition specifying the relevant plans as this provides certainty. I am also attaching conditions to ensure a satisfactory appearance, tree protection, ecological enhancement, refuse storage and collection, highway safety, external lighting, noise mitigation and the protection of neighbours from construction disturbance. I have also attached a condition suggested by the appellant requiring the proposed improvement works to the Public House to be undertaken early in the development to secure the improvements to viability. Pre-commencement conditions have been agreed with the appellant as required by S100ZA of the Town and Country Planning Act 1990.

Andrew Walker

INSPECTOR

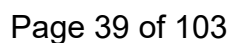
Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan Ref: 17.169/100 Version P9, Plan Ref: 17.169/101 Version P5, Plan Ref: 17.169/102 Version P5, Plan Ref: 17.169/103 Version P5, Plan Ref: 17.169/105 Version P5, Plan Ref: 17.169/106 Version P5.
- 3) No above ground development shall commence unless and until a schedule 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.
- 4) No development shall commence unless and until details of the means of protecting all of the existing trees, shrubs and hedges to be retained on the site from damage during the carrying out of the development have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges. No works involving alterations in ground levels, or the digging of trenches, or excavations of any kind, (including the laying or installation of drains, pipes, cables or other services) shall be carried out within the extent of the spread of any existing trees, shrubs and hedges unless the express consent in writing of the local planning authority has previously been obtained. No machinery of any kind shall be used or operated within the extent of the spread of the existing trees, shrubs, hedges.
- 5) 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.

- 6) The proposed alterations and improvements to the public house shall be carried out in their entirety and thereafter retained prior to the commencement of the substantial construction above foundation level of the third dwelling hereby permitted.
- 7) Prior to construction details of the location and design of refuse bins, recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each respective unit of the development and thereafter so maintained.
- 8) No development shall commence unless and until details of the proposed ecological enhancement of the site are submitted to and provided in writing by the LPA. It should include the retention of the trees/vegetation boundary features and detail how artificial light will be minimised onto bat roost and commuting features during construction and of any new proposed permanent lighting features. There is opportunity to provide additional roost and nesting opportunities on this site and details of the proposed bird nesting boxes and bat roosting boxes should be provided including type, location and position and be integrated into the building design where appropriate. Hedgehog friendly fencing installation should also be implemented to allow movement between foraging habitats.
- 9) Prior to the first occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with minimum dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- 10) Prior to first occupation of the development hereby approved, details of the acoustic fencing shall be submitted to and approved in writing by the local planning authority. The acoustic fencing shall be installed in accordance with the approved scheme prior to first occupation and thereafter retained as such.
- 11) Prior to the construction commencing on any of the dwellings, full details of the noise insulation and associated partial air conditioning for the dwellings relating to the first-floor bedrooms facing the public house and car park shall be submitted to and approved by the Local Planning Authority. The houses shall then be constructed in accordance with these details which shall thereafter be retained unless otherwise agreed in writing with the Council.
- 12) Prior to first occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development the external lighting shall be installed in accordance with the approved scheme.
- 13) 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.

AGENDA ITEM NUMBER 5b

For more information about this Application please contact:
Helen Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGHQLBBFGMD00>

SITE HISTORY

20/01516/HH Loft extension, fenestration
alterations and internal alterations Pending Decision

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
RLP8	House Types
RLP10	Residential Density
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS7	Promoting Accessibility for All
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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
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP55	Layout and Design of Development

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 Gosfield Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located within a small, established residential estate towards the south-eastern edge of Gosfield, within the village envelope.

The site comprises a single detached bungalow, 23 Greenfields, which sits centrally within a relatively spacious plot. The existing dwelling's front elevation faces south-east with the flank wall of the property facing the road, which is an unusual orientation within the vicinity. To the rear of the site is 'Sandpits Nature Reserve', identified on Council safeguarding information as a Local Wildlife Site. Adjacent the site are residential properties – No. 21 Greenways – a detached 1.5 storey chalet style dwelling and No. 25 Greenways, a semi-detached bungalow.

PROPOSAL

The application proposes to sub-divide the existing site into 2 plots to facilitate the erection of a new single detached dwelling.

The new dwelling would appear as a 1.5 storey dwelling, with a projecting gable end to the frontage with a lower ridge height and would sit forward of the main bulk of the dwelling with 3no. dormer windows in the rear roof plane and a conservatory to the rear. No windows at first floor level on the front elevation are proposed. The maximum width would measure 9.2 metres with an overall maximum depth of 15.3 metres. The overall height of the dwelling would measure 6.5 metres to the main ridge height, which is set back, with the ridge height at the front of the property measuring 5.2 metres. External materials and finishes would comprise buff brick walls and brown interlocking pantiles to the roof.

It is pertinent to note that a planning application has also been submitted, under application reference 20/01516/HH for an extension to the existing dwelling on site, (No. 23) comprising a loft extension with a resultant increase in ridge height, fenestration alterations and internal alterations. Said alterations have been included in the drawings submitted for this 'new dwelling' application. This application for works at No. 23 is also on this Committee Agenda as a Part B agenda item.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

No objection to the development due to its scale and availability of parking within the site. Conditions recommended.

Essex Fire and Rescue

Access for fire service purposes is considered satisfactory.

BDC Landscape Services

No response at the time of writing this report.

BDC Environmental Health

No response at time of writing this report.

PARISH / TOWN COUNCIL

Gosfield Parish Council

Objection raised – over development for the area and not within keeping of the street scene.

REPRESENTATIONS

5 objections were received and 1 support, summarised as follows:

Objections

- Careful consideration needs to be given to parking, due to proximity to junction – any form of on-street parking may make the junction hazardous
- Gosfield and this road in particular is sought after – this application once again will ruin that by building on any spare available land
- Keep our village a village and say NO!
- Danger to new vehicular access due to insufficient visibility for vehicles leaving the property and further hazard with vehicles turning left outside the corner outside 19 Greenfields
- Has enough space been allocated for 2 cars to be accommodated
- Plot width is only 11.2 m – will there be sufficient space for cars to turn around – reversing into the road would be highly dangerous
- New build will be so out of character with the many bungalows in Greenfields.
- Putting properties on a small piece of land is not ideal
- Character of neighbourhood will be destroyed which is currently one of an open aspect with moderate sized dwellings.
- Overbearing
- Visual impact of overdevelopment
- Overshadowing and loss of light to neighbouring property
- Loss of privacy and hence enjoyment of garden
- Notes the boundary hedge would be retained but this would cause a danger to in relation to vehicular visibility.
- If vegetation is removed or reduced it would drastically reduce any claimed screening of the development and further change the existing character of the area.

Support

- Existing bungalow has been same ownership since it was designed by own relatives
- Site lies within the development boundary
- Ridge height has been kept low to provide gentle incremental height
- Approach is sympathetic when considering the eclectic mix of house styles, heights etc.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

Policy RLP3 of the Adopted Local Plan and Policy LPP1 of the 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 village envelope of Gosfield and as such, in accordance with the above policies, the principle of developing the site for a new residential dwelling 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 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".

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

In this case, the application site is located in Gosfield, which is an 'other village' in the settlement hierarchy. 'Other' villages are not the most sustainable locations to concentrate large housing growth, however smaller proposals within the development boundary can still be considered favourably.

As there would only be a net increase of 1 dwelling at this site, it is considered that the development would be sufficiently small to be able to accommodate one additional dwelling without detriment to the aims of sustainable development. The location of the site is therefore a neutral factor in the overall planning balance, which is set out at the end of the report.

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

The site is located within a long established small residential estate comprising a mix of house types including bungalows, 1.5 chalet style dwellings and full storey dwellings, both semi-detached and detached, however the overall pattern of development shows a fairly uniform building line and the similar palette of materials used creates a cohesive and pleasing character to the area. The immediate properties adjacent the site include a detached 1.5 storey chalet style dwelling to the left and a small row of semi-detached bungalows to the right side.

The site itself is unusual in that it enjoys a larger plot than neighbouring properties and the existing dwelling on site has its flank wall facing the road.

In terms of design and appearance, the proposed new dwelling would appear as a 1.5 storey dwelling, albeit its front elevation appears more akin to a bungalow given no roof windows are proposed. It is noted that the existing dwelling on site and the immediate adjacent neighbouring property are both bungalows. However, a cue should also be taken from the other adjacent neighbouring property at 21 Greenfields which is a 1.5 storey chalet style dwelling and beyond that are full 2 storey dwellings. Given the difference in house types and ridge heights, it is not considered that the proposed new dwelling would appear as an incongruous addition within the street scene. The overall design is modest in scale and proportions with a simple front elevation and gable end feature projection measuring 5.2 metres height, with the main bulk of the dwelling set back 5.3m with a maximum ridge height of 6.5 metres. It is considered that the simple design of the dwelling reflects the existing character of the area and with the limited height towards the front of the site, the property would blend in appropriately with its surroundings.

In addition, in relation to the existing building line along this stretch of the road, the property would be sited further back from the existing dwelling and almost in line with the adjacent bungalow. The plot width is narrow in comparison to other detached properties nearby, however it is similar in width to nearby semi-detached properties. Despite the plot width and that the proposed dwelling almost fills that width, it is not considered that in the context of the immediate street scene that it would appear cramped or out of keeping.

In terms of concerns raised by residents and the Parish Council relating to an overdevelopment of the plot, it is recognised that the new dwelling would fill an existing gap to the south-east side of the existing dwelling which is currently occupied as a garden. However, as already noted, the site itself is notably wider than the surrounding plots and although this forms part of the existing character of the site, it is not a characteristic of the surrounding area and discernible gaps between plots do not form a strong or distinctive pattern within the area. In this respect, therefore the loss of the current gap is not considered to harm the overall character or appearance of the street scene and is acceptable in this respect. It is recognised also that there would be a limited distance between the resultant two properties however as identified there are limited gaps between properties in the vicinity – the site as a whole would therefore not appear overly cramped on the plot.

Moving onto layout, both the existing dwelling and proposed new dwelling would have sufficient external private amenity space in line with the Essex Design Guide requirements identified above, together with sufficient space for parking. The internal layout would also be more than sufficient in relation to the Nationally Described Space Standards.

Although each application is assessed on its own merits, clearly the two applications being considered on the site are relevant to each other. Officers have considered whether the street scene would be detrimentally impacted

upon if only one of the applications were implemented, in particular the proposed alteration to the existing dwelling being considered under application reference 20/01516/HH which would result in the new dwelling being sited adjacent two bungalows. It has been concluded that given the lower ridge line of the proposed new dwelling would be towards the front of the site, the implementation of the new dwelling planning permission (if granted) would have no greater impact within the street scene if the alterations to the original dwelling are not implemented.

In summary, Officers consider that the proposed new dwelling would be acceptable from an appearance, amenity and layout perspective and accords with the necessary policy criteria in this respect.

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 closest neighbouring property to the proposed development is No. 25 Greenfields, a semi-detached bungalow. It is recognised that the development will bring new built form close to the boundary and it will clearly be visible from various vantage points within the neighbouring garden. However, a detached garage/outbuilding exists on the neighbouring side which provides a degree of separation between the resultant dwelling and neighbouring dwelling. Furthermore, the two resultant properties would be sited directly side by side and the new dwelling would not project to any great extent beyond either the front or back wall of the neighbouring property which would reduce overbearing or overshadowing issues. It was not apparent during the Officer's site visit that windows are present on the side elevation of the neighbouring property; noting neighbouring properties which are of the same design, it is considered that any doors/windows on the flank wall are likely to be behind the neighbour's existing garage, which would reduce outlook on its own merits. Taking this into account if windows/doors are present on the flank wall it is not considered that the proposed dwelling would cause undue harm in terms of overbearing or overshadowing issues beyond the existing situation. In terms of overlooking/loss of privacy issues, the proposed 3no. rear dormer windows would introduce a level of overlooking. However given the siting of the dormer windows, they would not overlook onto any immediate private sitting out area which is generally located immediately to the rear of the property. It is accepted there would be some loss of privacy to the rear most part of the neighbouring garden.

Taking the location of the proposed dwelling, the siting of windows and the position of the neighbouring property into account, although Officers recognise that there would be some impact in terms of overlooking onto the rear most

part of the garden, this would not be to such an extent that would warrant withholding planning permission.

The proposed dwelling would be within relatively close proximity of No. 23, however application reference 20/01516/HH seeks to relocate the front door to the northern elevation away from the proposed property, such the elevation facing towards the proposed property would become the rear elevation. The proposed dwelling is likely to cause some loss of light to the conservatory and dining room of No. 23 throughout the morning, however Officers do not consider this to be so detrimental to neighbouring amenity such to withhold planning permission on this basis could be substantiated.

As such, the proposed development is considered to be acceptable in regards to amenity and accords with the necessary policy criteria.

Highway Issues

A new access would be created as part of the development to serve the new dwelling. Concerns raised by residents in relation to highway safety are noted in this respect. However Essex County Council Highways Authority has found the scheme to be acceptable and Officers have no reason to draw a different conclusion. Where appropriate conditions recommended by the Highway Authority will be imposed on the decision notice.

It is noted that clearly marked parking bays are not provided on the proposed site layout. However it is clear the driveway and turning head would provide sufficient space for the parking of 2 cars which is in line with the current Adopted Car Parking Standards 2009. It would be unreasonable to require more parking provision over and above these standards. In relation to concerns raised regarding cars reversing onto the road, having viewed the locality, it is very likely most off street parking provision in the area would require reversing off drives. This is a small residential development where in the majority of cases, traffic is moving at a slow pace which allows ability to see any obstructions either from manoeuvring on or off the site or to other users of the highway.

Trees

Some residents have raised concern about loss of trees on site, given their current screening provision. It is recognised that some trees on site and the hedgerow along the frontage would be removed to allow for the driveway. This is always regrettable however having viewed the site, Officers note that the trees concerned are conifers which would not usually warrant any form of protection. Although they are prominent within the street scene, it is not considered they have sufficient amenity value to warrant their retention. The location of the site is not within a Conservation Area and said trees could be removed at any time regardless of the planning application.

Habitat Regulations Assessment (HRA / RAMS)

The site falls outside any identified Zone of Influence and as such there will not be a requirement for a financial contribution towards off-site mitigation.

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. In this case the application site is located within the development boundary where the principle of development is acceptable.

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

In the case of this application, the proposal represents a net gain of an additional dwelling in a location which would have reasonable access to facilities and services in Gosfield village and within the development boundary.

The proposal would have economic and social benefits (albeit limited) and the provision of a new dwelling which would contribute to the Council's housing land supply. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited in weight due to the small scale of the development. Furthermore, there would not be any adverse environmental impacts. Sufficient car parking would be provided in accordance with the Essex Vehicle Parking Standards. The proposal is considered to be acceptable in terms of design, layout and relationship to neighbouring properties. Furthermore, sufficient amenity space in accordance with the Essex Design Guide 2005 will be provided.

When considering the planning balance and having regard to the policies of 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 or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

RECOMMENDATION

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

APPROVED PLANS

Location Plan

Plan Ref: 19/196-13

Proposed Elevations and Floor Plans

Plan Ref: 19/196-14 Version: A

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

Reason

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

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

Reason

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

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

Reason

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

- 4 Prior to first occupation of the development hereby approved the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason

To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason

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

- 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
Sundays, Public and Bank Holidays - no work

Reason

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

INFORMATION TO APPLICANT

1 Please be advised that the Essex County Council Highways Authority have advised that arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. Please be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 Essex Highways,
Colchester Highways
Depot, 653,
The Crescent, Colchester Business Park,
Colchester
CO4 9YQ

3 The applicant is advised that any tree/hedge removal should take place outside of bird nesting season.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

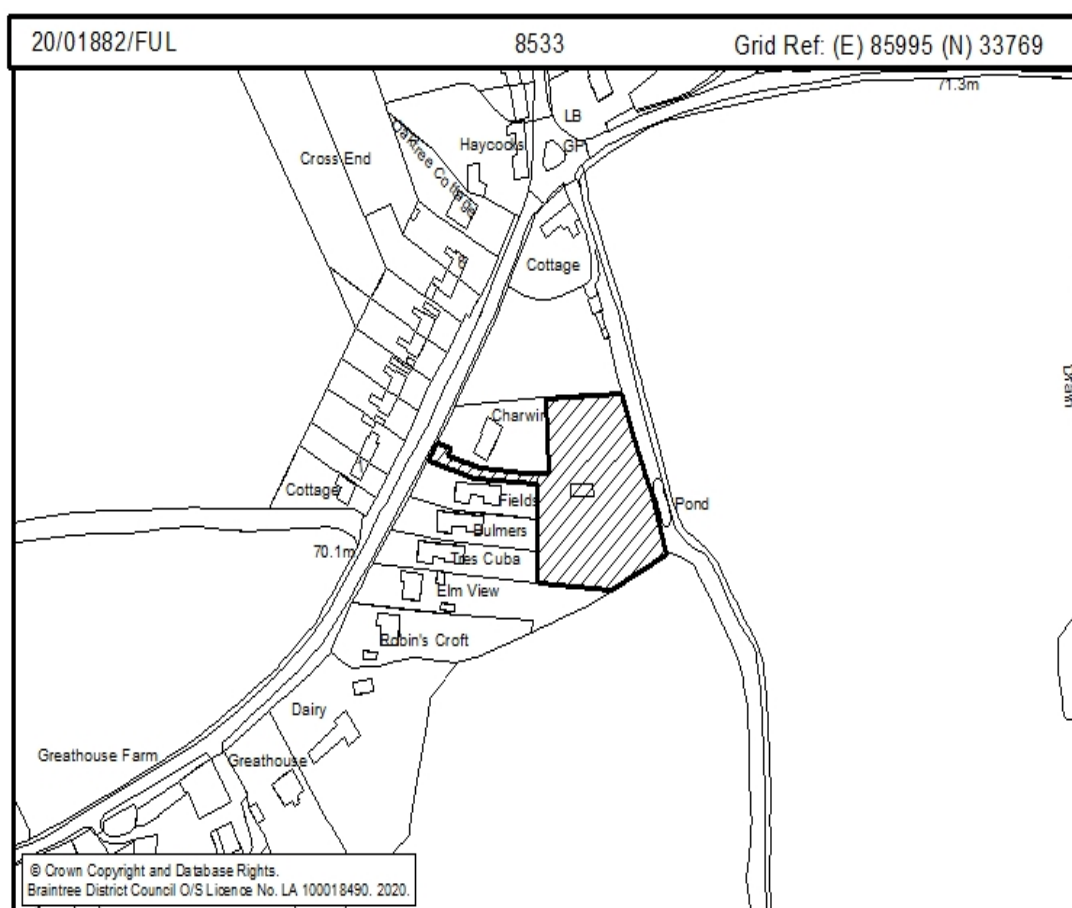
AGENDA ITEM NUMBER 5c

APPLICATION NO: 20/01882/FUL
DATE: 24.11.20
VALID:
APPLICANT: Mr S Patten
C/O Agent Old School House, Woodham Road,
Battlesbridge, Wickford, SS11 7QL, United Kingdom
AGENT: Smart Planning Ltd
Mrs H Webb, Old School House, Rettendon Turnpike,
Battlesbridge, Wickford, SS11 7QL, United Kingdom
DESCRIPTION: Erection of 4 No. detached bungalows with associated
garages, access and amenity
LOCATION: Land To The Rear Of Charwin, Cross End, Pebmarsh,
Essex

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJOXVIBFHOG00>

SITE HISTORY

03/00025/REF	Erection of one bungalow	Appeal Dismissed	11.02.04
19/00005/REF	Erection of detached single storey dwelling with separate double garage	Appeal Allowed	01.05.19
02/02089/OUT	Erection of one bungalow	Refused then dismissed on appeal	17.12.02
13/00429/FUL	Erection of detached single storey dwelling with separate double garage	Refused	19.06.13
18/00814/FUL	Erection of detached single storey dwelling with separate double garage	Refused	24.08.18
20/00408/FUL	Erection of detached single storey dwelling with separate double garage.	Granted	29.04.20
20/01717/DAC	Application for approval of details reserved by condition 15 (Construction Method Statement) of appeal decision APP/Z1510/W/18/3219233 (planning reference 18/00814/FUL)	Granted	18.11.20

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
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
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

Braintree District Local Development Framework Core Strategy 2011

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

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

LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP81	External Lighting

Neighbourhood Plan

N/A

Other Material Considerations

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located to the north-east of the village of Pebmarsh. It is located outside of, but adjoining the development boundary.

The site measures 0.36 hectares in area, and is to the east of Pebmarsh Road, lying behind the dwellings of Charwin, Poppy Fields, Bulmers and Tres Cuba. The site is accessed via an existing track between Charwin and Poppy Fields.

As noted above, residential properties lie to the west of the site; to the north is lies a further residential property and garden; to the east are agricultural fields and a Public Right of Way (PROW 101_11); whilst to the south the site partly abuts the boundary of Elm View and partly with the agricultural fields beyond.

As noted within the history above, the site has permission for the erection of 2no, detached dwellings (approved under LPA reference 18/00814/FUL and 20/00408/FUL). These permission are extant, but no development to implement the consent has been carried out.

PROPOSAL

This application seeks planning permission for the erection of 4no. detached dwellings, with associated garage provision (1 garage space per dwelling). Plots 1 and 2, would be located within the northern section of the application

site (to the rear of Charwin), whilst Plots 3 and 4, would be located to the south of the site (to the rear of Poppy Fields, Bulmers and Tres Cuba).

The dwellings would be accessed via the existing private road between Charwin and Poppy Fields.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

No objection. However, note that the applicant appears not in control of all the land required for the visibility splays, but comment that as it is an existing private access shared with Charwin and the opposite bungalow under construction which would not be shared with over 5 dwellings, it would not be reasonable to refuse the application on this ground.

ECC Fire & Rescue Service

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

BDC Ecology

No objection subject to securing a financial contribution towards off-site visitor management measures for the Blackwater Estuary SPA & Ramsar site and Essex Estuaries SAC and biodiversity mitigation and enhancement measures.

BDC Environmental Health

No objections subject to conditions in regards to hours of working.

PARISH / TOWN COUNCIL

Pebmarsh Parish Council note that the site has the principle of development established, but object to the application and raise the following comments:

- Would result in overdevelopment;
- Access would be a problem.

REPRESENTATIONS

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

7 letters of objections have been received, raising the following comments:

- Increase in traffic and poor visibility creates highway safety concerns and potential risks to pedestrians (there are no footpaths or street lighting which increases risks to pedestrians);

- The access between Charwin and Poppy Fields is a single lane width – should vehicles meet along it, it will result in a vehicle reversing back onto the road resulting in further highway safety concerns;
- Two parking spaces per dwelling (one a garage) is insufficient. Will result in parking on Pebmarsh Road creating further highway safety concerns.
- Vehicles headlights will shine into neighbouring properties – harm to amenity;
- Development will result in increased noise and general disturbance;
- Unclear what provisions are made for wildlife;
- Height of the buildings is higher than those adjacent dwellings – will be over dominant;
- Will result in overlooking to neighbours;
- Insufficient health, education, leisure or community facilities to support the development;
- Bus service is pre-bookable only and unreliable;
- There is no refuse provision for the future dwellings;
- The driveway will remove the natural soakaway and water will run the length of the driveway onto the road. (There is already a soakaway overload issue);
- Concern with construction traffic and insufficient parking on site during construction;
- The proposed wheel washing is insufficient.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

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

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

The Development Plan

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

The application site is located outside of an identified town or village boundary and lies within a countryside location. The general principle of development is therefore not supported by Policy RLP2 of the Adopted Local Plan or CS5 of the Core Strategy.

The application has been advertised as a departure from 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

Policy RLP2 of the Adopted Local Plan states that 'new development will be confined to areas within Town Development Boundaries and Village

Envelopes. Outside of these areas countryside policies will apply'. As stated above, the site lies outside of a village / town boundary and is therefore within the countryside.

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

The issue of whether this is an appropriate location for new housing was addressed by the Inspector in allowing the appeal for 1no. dwelling at the site (Application Reference 18/00814/FUL) and within the application for the erection of a further dwelling at the site (Application Reference 20/00408/FUL). Within the appeal decision, the Inspector noted that the site fronted onto Pebmarsh Road in Cross End, which is regarded as part of the village of Pebmarsh. Whilst, the site lies outside of the settlement boundary of Pebmarsh, the settlement boundary runs just within the rear garden of Charwin. The site therefore effectively adjoins the development boundary. Therefore Policy CS5 applies. This policy is effectively an 'exceptional circumstances test'. Except for paragraph 79 of the Framework, which is a policy for preventing development other than in exceptional circumstance, this blanket approach is inconsistent with the Framework, which favours a more balanced approach to decision-making.

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

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

The development would bring some social benefits with the provision of housing and economic benefits during the construction stage and thereafter with additional residents supporting the services and facilities in the locality. However, given that the application proposes only 4 dwellings, only limited weight is assigned to this. In terms of environmental sustainability, the development would have a neutral impact.

The site, as with the appeal decision is considered to lie within the village. Pebmarsh has a limited range of services, including a church, village hall, school and public house, whilst Cross End has a shop a short distance from the site. There is a limited bus service which is a pre-bookable service, providing access to Halstead and Sudbury. Halstead High Street is about 4

miles away by car, whilst the bus takes about 20 minutes. In addition there is the large village of Earls Colne 4 miles away.

Taking into account the previous appeal decision and other planning permission, at the site, it is concluded that there are relevant local services close to the appeal site and in a village and town not far away. The development would therefore make a small but positive contribution to maintaining the viability of rural communities, as supported by Paragraph 78 of the NPPF.

Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Policy RLP90 of the Adopted Local Plan 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 application site comprises the same site area and parcel of land that was associated with the earlier planning permissions for two large detached dwellings. The application proposes the siting of 2 dwellings (Plots 1 and 2) to the northern section of the application site, to the rear of Charwin. The other 2 dwellings (Plots 3 and 4), would be sited, to the rear of Poppy Fields, Bulmers and Tres Cuba.

Plots 1 and 2, are the smaller dwellings, taking into account that the northern area of the land is reduced in width to the southern end. All the dwellings would sit comfortably with the site boundaries are not appear cramped or congested. The density would be sympathetic to the locality.

The siting of the dwellings are set at 90 degrees to the dwellings fronting onto Pebmarsh Road, and this form of backland development has already been established. The development would create a new street scene, with all 4 dwellings fronting onto the internal access road, and this would create a pleasing layout with an active 'street scene'.

The dwellings are all single storey, which reflects the scale of dwellings in the locality. The dwellings would not appear out of scale with nearby built form and nor would they be unduly prominent in the locality. The dwellings generally have hipped roofs which are broken up in extent. Design features comprise elevational features, including bay windows, gable ends and chimney stacks which add interest and add to the quality of the development. In terms of materials, Plots 1 and 4 would be constructed with facing red brick with a plain tile roof, whereas Plots 2 and 3 would be constructed in painted render, with a red brick plinth, and would also have a under a plain tile roof. The materials would be sympathetic to the locality.

Acceptable amenity would be provided for future occupiers. Internally, the dwellings would be provided with accommodation in accordance with the

Nationally Described Space Standards, whilst externally the garden would be provided with amenity space in accordance with the Essex Design Guide.

The dwellings are provided with a temporary bin store location for bins to be sited on bin collection days. This area is located within the site frontage and would be an acceptable location.

Impact on Neighbouring Residential Amenities

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

The properties to the west are sited a minimum of 24 metres distance from the nearest proposed dwelling, with the dwelling to the north set at an even further distance. The proposed dwellings are inset from the boundary, are single storey in scale with a hipped roof form, and are otherwise designed to limit impacts to neighbours. For these reasons, the dwellings would not result in any unacceptable overlooking, loss of light, or similar. Concern has been expressed by neighbours that the insertion of future windows within the roofspace would result in overlooking. A condition has been imposed to restrict such insertions in the interests of neighbouring amenity.

The access to the proposed dwellings runs alongside the dwellings known as Charwin and Poppy Fields. Given this, there would be some impact from general noise and disturbance from the coming and goings of vehicles. However, given the scale of the development, the fact that the access is existing and as there is an extant consent for 2 larger dwellings at the site, the impact to neighbours is not considered unacceptable.

Highway Considerations

Vehicular access for the proposed 4 dwellings, would be provided via the existing frontage crossover access onto Pebmarsh Road currently shared between the site and the existing property of Charwin. The access then extends into the site via an access between Charwin and Poppy Fields.

The Transport Statement, states that the site access would be provided with visibility splays to the left of 2.4 x 59 metres and to the right of 2.4 x 45 metres to accord with measured vehicle speeds on Pebmarsh Road. However, the visibility splays are obstructed to a limited degree by some hedgerow on the site frontage.

County Highways have reviewed the application and raise no objection. They comment that the visibility splays have been accepted by the Council on application reference 20/00408/FUL (and prior to that for the appeal application). They re-iterate their comments on 20/00408/FUL, which was that

for that application the scheme was not supported by the Highways Authority as the applicant did not appear in control of all the land required for the visibility splays, but as it was an existing private access shared with Charwin and the opposite bungalow which would not be shared with over 5 dwellings, it would not be reasonable to refuse the application solely on this ground. This access would remain to be shared for no more than 5 dwellings and as such would be acceptable. Furthermore, since the last approvals, there have been improvements made to the access. The access width has been widened to accurately reflect land ownership, and hedgerow clearance has also been undertaken with a resulting improvement in the visibility to the right for traffic egressing the site.

The internal access itself has a minimum width of 3.7 metres. This would therefore be a single width access, and vehicles would not be able to pass one another on the access itself. Future users of the access would however be aware of the constraints of the access, and given that it is a 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 into the site and wait within the central turning area. It is therefore not anticipated that the access would result in highway safety concerns or similar.

In regards to servicing, refuse collection and fire access, the site is too small for refuse vehicles to enter and turn around. Therefore the development would use the same refuse collection method as the existing properties along Pebmarsh Road where the refuse vehicle stops on the main road. On collection day, residents can wheel their bins along the access road to the frontage of Pebmarsh Road, a distance accepted and no further than the approved developments on the site. The location of the bin storage area on the main road frontage is within the application site area, is located behind the public highway boundary and the access visibility splays. A condition is proposed to secure that this refuse area is provided prior to first occupation and thereafter retained.

The application has also been submitted showing the track swept path of a large fire tender maneuvering and reversing within the site and leaving in forward gear. The track swept path confirms that adequate space has been provided on the site for emergency vehicle maneuvers to allow access for a fire tender to park close to the main entrance of each dwelling without lengthy reversing. The on-site turning space would also be sufficient for smaller transit-sized vans to deliver and turn around within the site.

Plots 1 and 2 beds are 3 bed dwellings, whilst Plot 3 and 4 are shown to also be 3 bed, but the study shown on plan could be used as a small 4th bedroom. Each of the dwellings are provided with a single garage space, and driveway parking. Plots 1 and 2 would have a total of 2 spaces, whilst Plots 3 and 4 could accommodate a total of 3. The spaces provided would be in accordance with the Councils adopted parking standards. Furthermore, there is adequate provision on the site for the turning of vehicles such that they could exit the site in a forward gear.

In regards to highway matters during the construction process, the application has been submitted with a supporting Construction Traffic Management Plan (CTMP). This details the siting of the site office; mess/welfare provision; refuse provision; parking areas; turning area to enable vehicles exiting the site to be forward facing; areas for the storage of materials; and wheel washing provision. This approach is acceptable and would reduce the impacts upon the nearby highway and to neighbours amenity more generally. A condition can be imposed to secure that works be carried out in accordance with the CTMP.

Landscape

There are a number of trees along the northern, southern and eastern site boundary. The application has been submitted with an Arboricultural Report and Tree Protection Plan in regards to the impact of the development on existing planting on, and adjoining the site.

The Arboricultural Report details, that trees T8–T11 (wild cherry, common oak, Norway spruce and hawthorn) are shown to be removed as they are low quality trees and their juxtaposition to Plot 4 would not be suitable. As these trees offer no wider public amenity and could easily be replicated with new replacement planting (to be secured via condition) which would enhance landscape amenity and provide ecological net gain, no objections to their removal is raised.

A small area of Plot 2 and its proposed patio area, falls within the outer Root Protection Area (RPA) of T1 and T5. However, given the existing ditch line and ground levels, it is highly unlikely that any significant roots will be present or affected by excavation work for the installation of the foundations or the patio and subject to the method of construction and design of foundations, this is acceptable.

A small part of the RPA of tree group G4 would also be crossed with hard surfacing for the access drive, but as less than 20% of the RPA would be compromised this is also acceptable. Furthermore, this track has been well worked by previous vehicle traffic so has likely been compacted to capacity, encouraging root development to a lower depth if necessary, although a 'No Dig' surface could be used in this location to achieve the surface construction.

It is likely that some access would be required across the RPA to facilitate the build, and in these instances ground protection would be in place to prevent soil compaction occurring. Further, to prevent unauthorised access into the protected area and to stop collision damage, protective fencing would be set up. The locations for this fencing and areas where ground protection is required, are shown on the Tree Protection Plan, and is proposed to be secured via condition.

In terms of the impact of the trees on site to future occupiers and their long term viability, whilst it is noted that leaf litter could become a matter of

annoyance for future occupiers, it is not anticipated that shadow cast caused by the trees on the boundary would cause a matter of concern. This is due to the size of the trees being quite small and any shadow is unlikely to reach the properties or affect a notable part of the garden, and thus there would be no future pressures to remove, reduce or cut back the trees.

Ecology

The application has been submitted with a Biodiversity and Ecological Statement; and a Biodiversity Checklist. The former application (Application Reference 20/00408/FUL) also had an Extended Phase 1 Survey and Bat Emergence Survey submitted, and this is reference within the latest Biodiversity and Ecological Statement.

These documents relate to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation. Officers are satisfied that sufficient ecological information is currently available for determination, and which provides certainty for the LPA of the likely impacts on protected and Priority species.

It is considered that with appropriate mitigation measures secured, the development can be made acceptable. In addition to matters relating to Habitat Regulations Assessment (HRA), as discussed under the heading below, a condition to require ecological enhancements, to secure measurable net gains for biodiversity, is imposed. Such ecological enhancement recommended include a range of bird nesting boxes and bat roosting boxes which should be integrated into the new builds where possible; native planting and the implementation of hedgehog friendly fencing.

Habitat Regulations Assessment (HRA / RAMS)

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

It is therefore necessary, in accordance with Natural England's standard guidance on this matter for the Council to secure mitigation measures to prevent the development causing a likely significant adverse effect upon the integrity of these sites if planning permission is granted. The mitigation measure consists of securing of a financial contribution of £125.58 per new dwelling erected towards offsite visitor management measures at the above protected sites.

This financial contribution has been secured by way of an up-front card payment made under S111 of the 1972 Local Government Act.

PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

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

In this case, there would be an economic benefit, due to the creation of jobs during construction and the contribution that the occupiers of the new dwellings would make to the local economy. There would also be a social benefit, due to the creation of new dwellings, and the contribution that this would make to the Council's current lack of a 5 year housing land supply. Although the application proposes only 4 dwellings and this lessens the positive weight that can be assigned. In terms of environmental sustainability the development retain the majority of trees on site, and additional planting is to be secured via condition. Additionally, biodiversity net gain would be secured via an ecological enhancement plan. Overall, positive social, economic and environmental benefits are identified.

No harm has been identified in terms of other the planning considerations and on balance, highway matters are considered acceptable.

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

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: 3506:001
Proposed Site Plan	Plan Ref: 3506:002
Proposed Elevations and Floor Plans	Plan Ref: 3506:003 Version: Plot 4
Proposed Elevations and Floor Plans	Plan Ref: 3506:004 Version: Plot 3
Proposed Elevations and Floor Plans	Plan Ref: 3506:005 Version: Plots 1-2
Garage Details	Plan Ref: 3506:006

- 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 development shall take place until full details of both the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s) and of the finished garden levels and hard surfaces in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy and harm to the character of the locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

- 4 No above ground development shall commence until samples of the materials to be used in the external finishes of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such.

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

- 8 Prior to the first occupation of the dwellings hereby permitted, the area shown on the approved plans for the communal refuse storage area, shall be provided, and thereafter retained in perpetuity.

Reason

In the interests of amenity.

- 9 A Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

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

- 10 The development hereby permitted shall be carried out in accordance with the Construction Traffic Management Plan. (Document 3506/RJH dated 29th October 2020) and the Construction Method Statement Plan (Drawing 3506:CON REV B).

Reason

In the interests of highway safety and convenience and neighbouring amenity.

- 11 Prior to the first occupation of the dwelling hereby permitted, full details of the following matters shall be submitted to and approved in writing by the

Local Planning Authority: -

- All boundary treatments, noting siting, height, design and appearance;
 - Hard surfacing treatments;
 - Full soft landscaping proposals, to include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, including replacement tree planting (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.
- All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests of highway safety and convenience and amenity of neighbouring occupiers.

- 12 Prior to the commencement of development, protective fencing will be set up in the locations shown on the tree protection plan in Appendix 5 of the Arboricultural Report dated 19th October 2020. In addition, ground protection will be in place where access across the RPA is needed to implement the construction.

Reason

In the interests of the retention and protection of trees, and the amenity they provide to the area.

- 13 No excavation works shall take place within the Root Protection Areas (RPA's). The hand dig method statement provided within the Arboricultural Report dated 19th October 2020, will be adhered to, as far as is practically possible, given the ground conditions when initially excavating to install the new foundations within the RPA up to a depth of 600mm. A supervising arborist shall be present at all times during this work. If hand digging is not feasible, a revised strategy to involve handheld pneumatic tools or a mechanical digger with pneumatic head, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the retention and protection of trees, and the amenity they provide to the area.

- 14 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 UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

INFORMATION TO APPLICANT

1 If the development for which you have been granted planning permission involves the allocation of a new postal number(s) would you please contact the Planning Department, Causeway House, Braintree, CM7 9HB. Tel Braintree 552525, upon commencement of the development to enable the early assignment of a postal number(s).

**CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER**

PART A

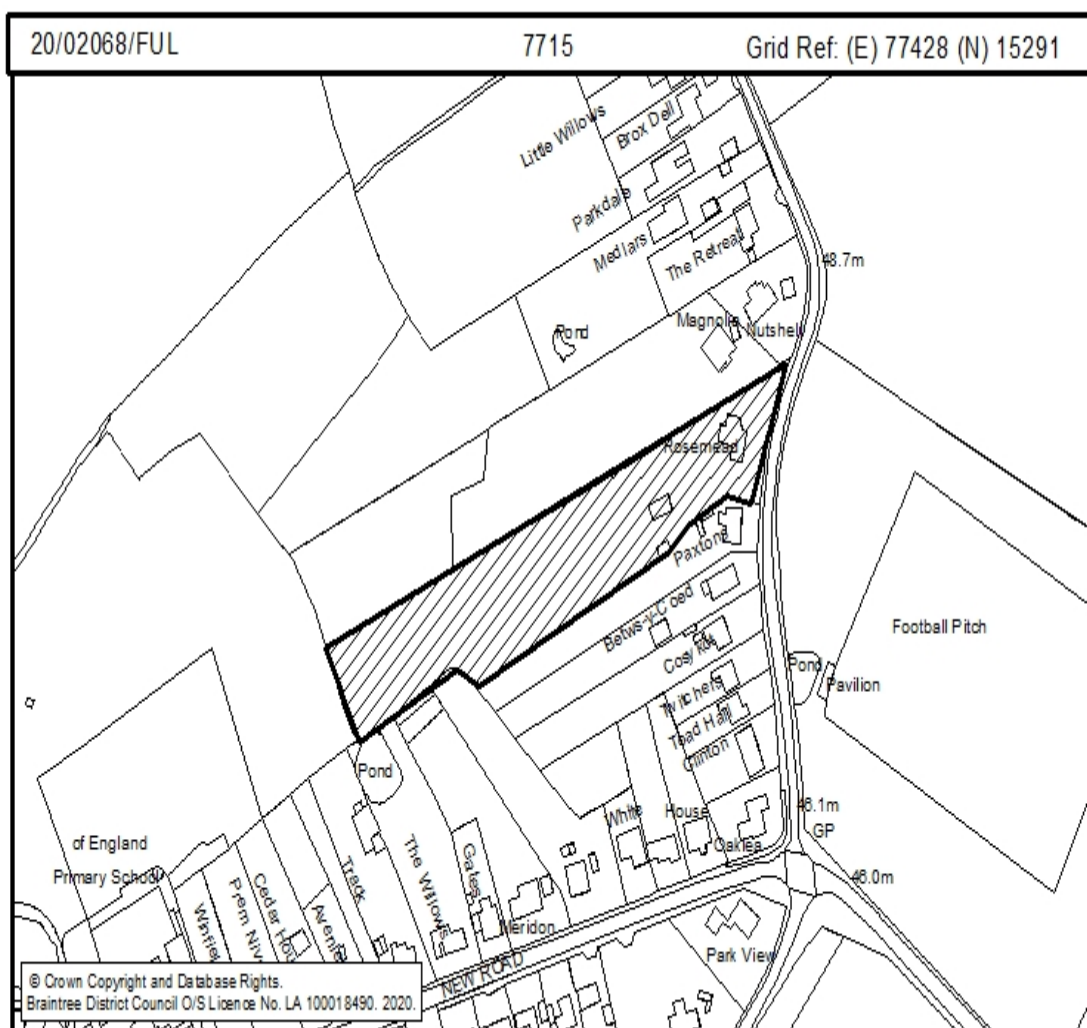
AGENDA ITEM NUMBER 5d

APPLICATION NO: 20/02068/FUL DATE: 07.12.20
VALID:
APPLICANT: Mr and Mrs Cheshire
Rosemead, Fairstead Road, Terling, CM3 2BU, Essex
AGENT: Plaiice Design Company Ltd
5A Market Hill, Woodbridge, IP12 4LP, United Kingdom
DESCRIPTION: Demolition of existing detached dwellinghouse and erection of a replacement 2/3-storey detached dwellinghouse.
LOCATION: Rosemead, Fairstead Road, Terling, Essex, CM3 2BU

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext. 2516

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QKYMB7BFI5900>

SITE HISTORY

75/00835/P	Erection of extension	Granted	29.08.75
08/02185/FUL	Erection of two storey extension	Granted	22.01.09
11/01115/FUL	Construction of a new vehicular access and stop-up existing vehicular access	Granted	30.09.11
11/01472/FUL	Application for a new planning permission to replace an extant permission 08/02185/FUL - Erection of two storey extension	Granted	14.12.11
12/01419/FUL	Erection of detached garage and ancillary annexe accommodation	Granted with S106 Agreement	20.02.13
14/01506/FUL	Erection of extensions and refurbishment of house and new garage	Granted	20.01.15
15/00281/PLD	Application for a proposed lawful development certificate - Proposed summer house and shed	Refused	29.04.15
15/00635/PLD	Application for a proposed lawful development certificate - Proposed summer house and shed	Granted	15.07.15
15/00074/NMA	Application for a non-material amendment following grant of planning permission 14/01506/FUL - (Erection of extensions and refurbishment of house and new garage) - Slight increase in soffit height of garage	Refused	27.11.15
15/01505/FUL	Erection of extensions and refurbishment of house and new garage	Refused	17.03.16
16/00788/FUL	Erection of extensions and refurbishment of house and new garage	Granted	25.07.16
17/00330/FUL	Proposed fencing and driveway	Granted	12.10.17

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
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

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
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features

Neighbourhood Plan

N/A

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide
Essex Parking Standards/Urban Space Supplement
Terling and Fairstead village Design Statement

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 Terling and Fairstead Parish Council has objected to the proposal contrary to Officer recommendation.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located within the defined village envelope of Terling. The site contains a detached dwellinghouse, and also benefits from a detached annex building to the south of the dwelling. To the north of the dwelling is a detached double garage.

The property is set between neighbouring detached dwellings to the north and south. To the west is the residential curtilage of the dwelling (which contains a number of residential outbuildings). To the east is Fairstead Road, beyond which lies open farmland.

The site is not located within the Terling Conservation Area.

The site benefits from planning permission for the erection of extensions and refurbishment of house and new garage, approved under application reference 16/00788/FUL. The garage element has been fully implemented, with the development being commenced within the relevant timescale. As such, there is an extant planning permission, and the works to the dwelling in terms of extensions and alterations could be carried out at any time.

PROPOSAL

This application seeks the construction of a replacement dwelling. The dwelling would be sited within the same area on site. The current access arrangements do not differ. Equally the detached frontage garage, detached annexe and rear outbuildings within the residential curtilage are unaffected and would remain on site.

SUMMARY OF CONSULTATION RESPONSES

ECC Highways

No objection.

ECC Fire & Rescue Service

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

PARISH / TOWN COUNCIL

Terling and Fairstead Parish Council raise concerns to the application, commenting that they cannot support the application and raise the following comments:

- 3-storey house with a full mansard is of considerable scale in volume massing and elevation. No other 3-storey buildings in Fairstead Road or the villages of Terling and Fairstead. (Three storey buildings are confined to Owls Hill (former workhouse) and Terling Place);
- Will dominate the established vernacular of existing properties and is of a scale to the street scene;
- Design elements and over-detailed facade that further serves to enhance the dominance of the property in its setting. The elevational treatment is out of place and more suited to an urban area;

- Note that the replacement building sits below the height of the present building ridge line and the footprint of the proposed building is marginally greater, but the building has around 250sqm of additional accommodation;
- Consideration should be given to provide sufficient car parking, to include any care staff;
- Question whether legal agreement needs amending to ensure annexe remains linked to the main dwelling;
- Seek a legal agreement to restrict use and prevent any future as a residential home;
- Note stated intention for installation of an air heat sourced pump system. Consideration should be given to physical screening and sound attenuation at the boundary of the pump and fans;
- Seek an improved landscaping scheme that demonstrates both hard and soft areas. Wheelchair access should be designed in and demonstrated;
- Request that on any permission, all permitted development rights should be removed;
- Request an informative that contractors' vehicles should be contained within the site boundaries and deliveries arranged to avoid school journey times.

REPRESENTATIONS

The application was advertised by way of site notice and neighbour letters. One letters of representation has been received from an adjoining neighbour. Their comments are summarised as follows:

- No reservations or objections to the application proceeding;
- Changes proposed will greatly enhance the appearance of the current property which is visually unattractive, badly constructed and is an environmentally inefficient building which would greatly benefit from being replaced.

REPORT

Principle of Development

The site is located within the village envelope of Terling, where in accordance with Policy RLP2 of the Adopted Local Plan, development is to be concentrated. The principle of a replacement dwelling is therefore acceptable in principle, subject to design criteria, neighbouring impact and similar, as set out within other relevant policies.

Layout, design and appearance

The application has been submitted with a Design and Access Statement that provides a detailed explanation for, and analysis of, the proposal replacement dwelling.

The application seeks to demolish the existing dwelling and replace it with a new dwelling which will enable an internal layout to suit the owner's specific needs in terms of learning and care provision for family members, both now and in the future. The dwelling has provision to incorporate provision for carers and therapists to assist with such learning and care, and the proposal include a carer's suite for overnight accommodation if required. The internal accommodation is designed to be capable of adaptation to facilitate changes as they may arise.

In terms of the siting of the dwelling, it is sited in the same building line as the existing dwelling. It remains set back from the road, behind an established hedgerow, which reduces its immediate impact on the streetscape. The siting would ensure that the dwelling would not appear cramped or congested in its plot, and the retained double garage and annexe building would still have an acceptable relationship with it.

The size of the dwelling and detailed design approach follows the approval under application reference 16/00788/FUL, which approved a resultant 2 storey dwelling with full accommodation in the roof, provided by 2no. frontage dormers. As detailed above, planning permission reference 16/00788/FUL remains extant and the works to the dwelling in terms of extensions and alterations could be carried out at any time.

The proposed dwelling is a 2 storey rendered dwelling with full accommodation in the roof, provided with 3no. front dormers and 2no. rear dormers. This is a similar approach to the permission for extensions to the dwelling, although the height of this replacement dwelling would be lower. Similarly, as with the extant permission, the dwelling is designed with a Georgian vernacular, and includes entrance canopy and columns.

Overall, the size, scale and design of the dwelling is considered to result in a high quality development that would sit comfortably amongst the mixed design of nearby properties, and reflects similar proportions, height and design features of the previously approved, extant scheme. The scheme is considered to meet with the 'guidelines' set out within the Terling and Fairstead Village Design Statement.

Acceptable amenity will be provided for future occupiers. Internally, the dwelling will be provided with accommodation in accordance with the Nationally Described Space Standards, whilst externally the garden amenity space remains in accordance with the Essex Design Guide.

The Design and Access Statement makes reference to the sustainability credentials of the proposed development and refers to the provision of an air source heat pump being provided on the replacement dwelling. This is a point also referenced by the Parish Council. No details have been provided in regards to the air source heat pump, and any approval would not grant consent for this feature. In any event though, it may fall to be permitted development, and as such an informative is imposed to highlight this matter.

There are no listed buildings within close proximity to the site. The closest listed building, within 250 – 300 metres are The Old Vicarage, Owls Hill House, and Terling Stores and Post Office. However, given the distance with no inter visibility, no harm to their setting would occur.

Impact on Neighbouring Residential Amenities

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

Due to the siting of the dwelling, relationship with neighbours and the design of building and openings, the development would not result in any unacceptable overlooking, loss of light, or similar to neighbours.

Highway Considerations

The existing dwelling is accessed via Fairstead Road, with driveway and garage parking. No changes are sought to the existing access, and the replacement dwelling would have no impact to access matters. The Highway Authority has raised no objection to this and on this basis it is considered that the proposal is acceptable on highway safety grounds.

In terms of parking provision, the replacement dwelling would not impact upon the driveway, the availability of parking on the site frontage or access to the garage. Adequate parking would remain for the dwelling and annex.

Ecology

Given the construction and use of the existing building to be demolished, it is not considered that it would be suitable for bats. The development would otherwise not impact upon protected species.

Other Matters

The Parish Council have raised questions regarding the annexe on site. The annexe was approved under application reference 12/01419/FUL, and was subject to a Legal Agreement which states that the landowner will not sell, transfer or dispose of the site separately to the whole of the site, and will not ‘...permit the annex to be occupied by anyone other than the parents or children or non-paying guests of a person occupying the main house or otherwise than to the intent it shall be ancillary to and form part of the Main House’. The granting of the replacement dwelling would have no implications for the annexe or the associated Legal Agreement.

In regards to Conditions, it is recommended that permitted development rights be removed in regards to Class A only. This is required to ensure that the

impact of future extension on neighbour's amenity can be fully assessed. It is not reasonable to restrict Class B (roof alterations), as future works to the rear roof slope are not considered to need consideration in regards to design or neighbour impacts. Equally the existing property has the benefit of Class E (outbuildings), and it would not be reasonable to now restrict this.

PLANNING BALANCE AND CONCLUSION

The site is located within the village envelope of Terling where in accordance with Policy RLP2 of the Adopted Local Plan, development is to be concentrated. The principle of a replacement dwelling is therefore acceptable in principle.

The proposed replacement dwelling is designed specifically to meet the owner's specific needs in terms of learning and care provision for family members, both now and in the future. It is sited to ensure that it will have an appropriate relationship with its boundaries, to neighbours and the street scene. In design terms the scale and appearance of the dwelling follows the approval under application reference 16/00788/FUL which remains extant. The overall size, scale and design of the dwelling is considered appropriate to the locality and would result in a high quality development.

The development would provide high quality accommodation and amenity for the occupiers and would not result in any adverse impact to neighbours amenity.

Matters in regards to access and parking provision are equally acceptable.

Overall, Officers consider that the proposed development is appropriate and recommend that planning permission is granted.

RECOMMENDATION

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

APPROVED PLANS

Proposed Elevations and Floor Plans	Plan Ref: A02-04
Proposed Elevations and Floor Plans	Plan Ref: A02-03
Proposed Elevations and Floor Plans	Plan Ref: A02-02 Version: B
Proposed Elevations and Floor Plans	Plan Ref: A02-01 Version: B
Location Plan	Plan Ref: A01-01

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

Reason

To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development and harm to the rural character of the site and locality. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

- 4 The development hereby permitted shall be constructed in accordance with the materials as detailed on the application forms.

Reason

In the interests of the appearance of the development.

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

Reason

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

INFORMATION TO APPLICANT

1 You are advised that this permission does not grant permission for an air source heat pump.

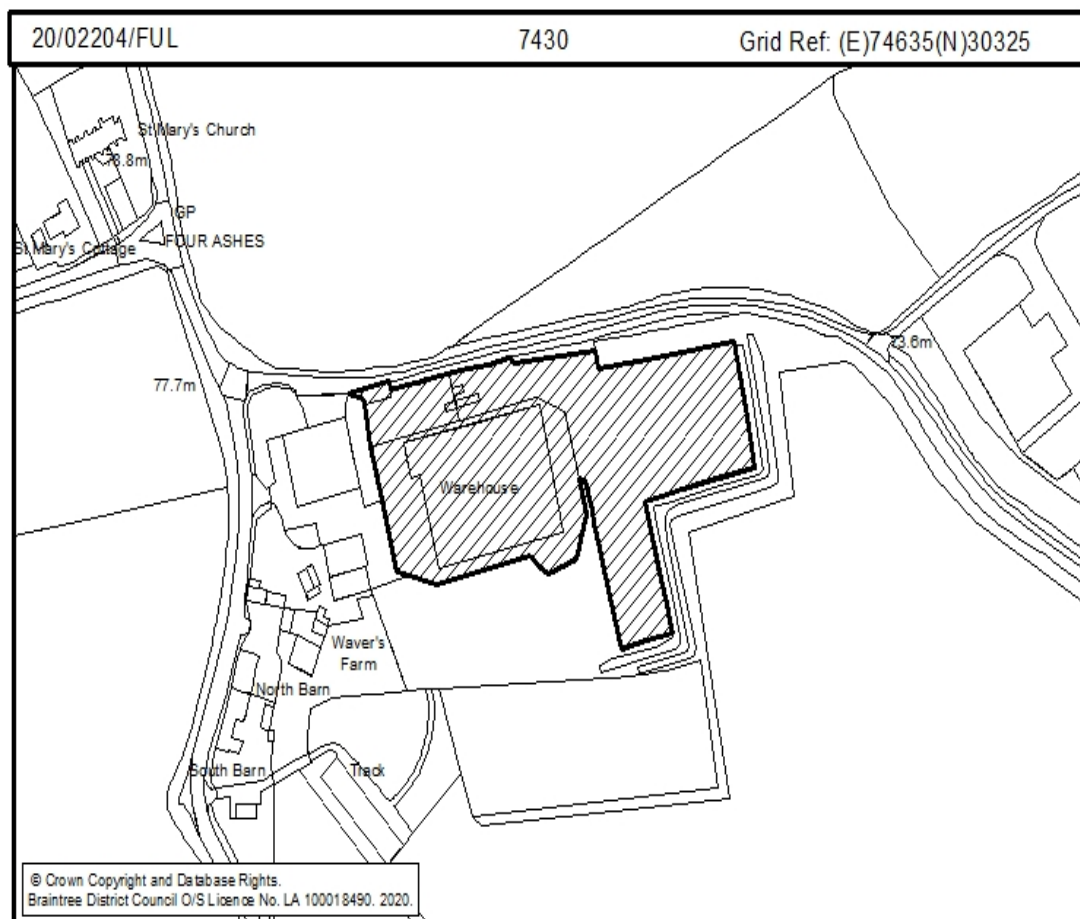
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5e

APPLICATION NO: 20/02204/FUL DATE: 21.12.20
 VALID:
 APPLICANT: Colin Butler
 Four Ashes, Blackmore End, Wethersfield, CM7 4DP
 AGENT: Mr Martin Parrish
 The Swallows, Horton, Wem, Shrewsbury, SY4 5ND
 DESCRIPTION: Retrospective change of use of site from food warehousing
 to a data storage/archive centre
 LOCATION: Four Ashes, Blackmore End, Wethersfield, Essex, CM7
 4DP

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=QLP34VBFIF700>

SITE HISTORY

99/00001/REF	Proposed residential development	Appeal Dismissed	07.06.99
86/01434/P	Variation of condition no.4 of planning permissions BRD/395/70 and BRD/28/72 and condition no.6 of BRD/111/73.	Withdrawn	13.02.87
87/00816/P	Variation of condition 4 of planning permissions BRD/395/70 and BRD/28/72 and new landscaping scheme.	Granted	03.01.89
80/00837/P	Proposed change of use of existing potato packing and distribution premises to storage and distribution of timber building materials.	Refused	29.07.80
74/00559/P	Retention of inflatable storage building.	Granted	31.10.74
98/00531/OUT	Proposed residential development	Refused then dismissed on appeal	07.07.98
11/00051/SOL	Request for approved plan under P/BTE/0816/87/FL/B		15.06.11
20/01671/FUL	Erection of a detached semi-permanent building for storage purposes (B8)	Withdrawn	09.12.20
21/00004/FUL	Retention of a detached semi-permanent building for data storage purposes	Pending Consideration	

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
RLP36	Industrial and Environmental Standards
RLP38	Conversion of Rural Buildings
RLP56	Vehicle Parking
RLP90	Layout and Design of Development
RLP163	Infrastructure and Community Facilities

Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS7	Promoting Accessibility for All
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
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP45	Parking Provision
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 Council's scheme of delegation as the application is a major planning application which has significant policy implications.

DESCRIPTION OF THE SITE AND SITE CONTEXT

The application site is located on the eastern side of the Blackmore End road, to the east of Waver's Farm, in the southern part of the Blackmore End village. The site falls outside any defined development boundary.

The site is approximately 11,850sq.m in size. It currently consists of a large 2-storey warehouse with internal gross floorspace of about 2,824sq.m, and a newly erected single storey warehouse unit to the southeast with a floorspace of about 886sq.m. A small area of the north-eastern portion of the site has been fenced off separately and appears to be used for open storage of construction equipment and materials. It is noted that the newly erected building does not form part of this application. It has been erected without the benefit of planning permission and retrospective permission is sought under Application No. 21/00004/FUL which is currently pending consideration.

All previous approvals in 1970, 1974 and 1987 were subject to conditions, including no open storage; restricting the use of the site to potato packing/food warehousing only and no other B8 storage and distribution uses, due to its rural location.

The site is accessed via a rural lane branched off from the main Blackmore End road, with a manually controlled vehicular entrance gate. Parking is provided in the northern part of the site within the fenced area.

To the west and southwest are buildings related to Waver's Farm. To the immediate south of the main warehouse building is an undeveloped area previously permitted for another potato store building and a piece of woodland, which formed part of the approved landscaping of Application No.

BRD/111/73. The site is surrounded by agricultural fields to the east, further south and north of the access road.

PROPOSAL

The applicant is seeking retrospective permission for converting the site and the existing main building from food warehousing into a data archive/storage centre.

According to the submission, the data storage use has been undertaken since 2011 and is mainly to provide off-site record management/archive for professional companies. A maximum of 10 full-time staff are employed. The majority of archive storage is paper-based and no air-conditioning units are therefore required. Daily deliveries are conducted by 1.5 tonnes and 3.5 tonnes transit vans and generate 2 trips daily on average. The company's vehicles are kept locked inside the fenced area overnight.

SITE ASSESSMENT

Principle of Development

Paragraph 83 of the NPPF highlights that the sustainable growth and expansion of all types of business in rural areas should be enabled through the conversion of existing buildings and well-designed new buildings.

Policy RLP38 of the Adopted Local Plan allows for the conversion of rural buildings for business and/or community use subject to meeting the criteria set out within the policy. The existing main building has combined the previous 2 agricultural buildings and the 2-storey office and canteen area as shown in the approved plan of Application No. 87/00816/P. It is of permanent and substantial construction. No major extension has taken place to facilitate the conversion of the building into a data storage centre. The development is also generally compliant with the remaining criteria of Policy RLP38 in that it is in keeping with the surroundings, no unacceptable impact landscape or highway impact and no open storage from the data centre. Therefore, the principle of development is considered acceptable.

Design and Appearance

The existing main building has a M-shaped roof. It has light grey profile sheeting external walls with dark blue edges and outline frames for the white UPVC windows and doors. A shutter door is provided on the western elevation. The external appearance is similar to the adjacent agricultural buildings of Waver's Farm to the immediate west. It is not considered that the development detracts from the existing rural character and appearance of the local area.

When queried by the Officer during the site visits, the applicant has explained that the fenced off open storage area has been rented out to a highway contractor which is not related to the data centre. However, no relevant

planning consent could be identified. To protect the character and street scene of the rural location, a condition will be imposed to ensure that there would be no open storage within the site.

The applicant is reminded that, the approval of this application does not rectify any unauthorised uses or operation works undertaken within the site. The applicant is advised that failure to obtain the relevant planning permission(s) or to comply with the details of a permission would constitute a planning breach and could be subject to enforcement action from the Local Planning Authority.

Highway Considerations

The applicant has explained that daily deliveries would be conducted by 1.5 tonnes and 3.5 tonnes transit vans, which equate to an average of 2 per day. Lorries will rarely visit the site, about 3 times a year. As compared to the previous food warehouse use with a daily count of up to 38 lorries, the traffic generated by the data storage centre has significantly reduced.

It is not considered that the nature of the data storage centre would generate significant traffic, and the deliveries are unlikely to take place outside normal working hours or to extend into unfriendly hours in the evening.

The Essex Parking Standards (2009) requires 1 parking space for every 150sq.m of Use Class B8 floorspace. The proposal would result in a total floorspace of about 2,824sq.m, therefore requiring a provision of 19 parking spaces and 2 accessible spaces for disabled persons.

There are currently no marked parking spaces within the site. There is sufficient space in front of the building to provide the required parking spaces and to allow vehicles to enter and exit the site in a forward gear. The ECC Highways Authority has not raised any objection to the application.

However, due to its rural location and the limited capacity of rural roads and lanes, the site is not appropriate for general B8 storage and distribution uses which would normally involve regular trips of Heavy Goods Vehicles (HGVs). It is therefore considered necessary to restrict the use of the site to data archive/storage centre only. Prior written consent would be required for future change of use, including other uses.

Impact on Residential Amenities

The nearest residence would be Waver's Farm to the southwest of the site. In view of the separation distance of nearly 60m and the nature of the use, it is not considered that the proposal causes detrimental harm to the living conditions of nearby residents.

In view of the nature of the use which is mainly storage of paper files and the majority of delivery would be conducted by transit vans, it is not considered that a condition would be required to control the operation hours nor the

delivery hours, in order to protect the amenity levels of the nearby residents. The recommended condition to restrict the use to only data storage/archive centre would provide the certainty to avoid any other future changes of use, thereby limiting the potential nuisance to local residents.

Open Space

According to the Open Space SPD (2019), Casual or informal open space and outdoor sports provision will be required from B1, B2, and B8 development, subject to a minimum threshold of 1,000sq.m. There will be no requirement to contribute to outdoor equipped playgrounds or allotments.

As the development only involved 10 full-time staff which is lower than the previous use as a food warehouse, there would be no increase of demand for using open spaces and recreational facilities during lunch breaks, before or after work. A contribution is therefore not required in this instance.

PLANNING BALANCE AND CONCLUSION

Although the application seeks retrospective planning permission for converting the site and the existing main building from food warehousing into a data archive/storage centre, the proposal is considered to accord with the abovementioned policies in terms of the conversion and use of rural buildings. The proposal is also considered to be acceptable in terms of design and appearance, and subject to conditions, in terms of highway and amenity impacts. Consequently, the application is recommended for approval.

As highlighted within the report, the unauthorised uses/development within the site do not form part of this application, however the failure to obtain the relevant planning permission(s) or to comply with the details of a permission would constitute a planning breach and could be subject to enforcement action from the Local Planning Authority.

RECOMMENDATION

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

APPROVED PLANS

Existing Floor Plan	Plan Ref: TDM PP_06
Location Plan	
Block Plan	

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

Reason

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

- 2 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order), the premises shall be used as a data archive/storage centre and for no other purpose within Class B8 (Storage and Distribution).

Reason

The site lies in a rural area where development other than for agricultural purposes is not normally permitted; and to protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

- 3 There shall be no outdoor storage or display of equipment, plant, goods or materials within the site whatsoever.

Reason

In the interests of the appearance of the surrounding countryside.

INFORMATION TO APPLICANT

- 1 The granting of this application does not rectify any unauthorised uses or operation works undertaken within the site. The applicant is advised that failure to obtain the relevant planning permission(s) or to comply with the details of a permission would constitute a planning breach and could be subject to enforcement action from the Local Planning Authority.
- 2 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk
- 3 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 4 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the standing advice note (attached to the ECC SUDS consultation response).
- 5 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site

ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

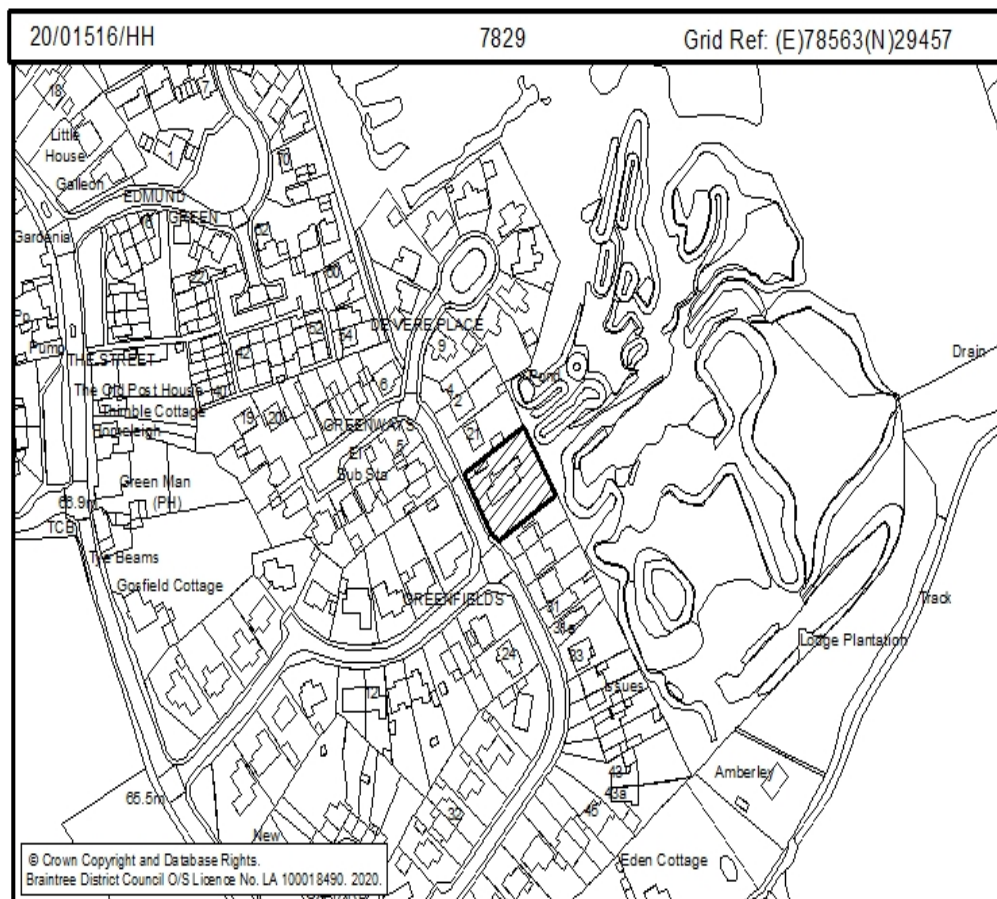
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

AGENDA ITEM NUMBER 5f

APPLICATION 20/01516/HH Date 11.09.20
No: Valid:
APPLICANT: Arco Projects Ltd
c/o Agent 14 Cornard Road, Sudbury, CO10 2XA
AGENT: Barry Whymark
14 Cornard Road, Sudbury, CO10 2XA
DESCRIPTION: Loft extension, fenestration alterations
and internal alterations
LOCATION: 23 Greenfields, Gosfield, Essex, CO9 1TR,

For more information about this Application please contact:
Helen Reeve on:- 01376 551414 Ext. 2503
or by e-mail to: helen.reeve@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGHQKWBFGMB00>

SITE HISTORY

20/01517/FUL	Erection of 1 No. detached dwelling and creation of new vehicular access	Pending Decision
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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
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

N/A

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
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP55	Layout and Design of Development

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

DESCRIPTION OF THE SITE AND SITE CONTEXT

The site is located with a small, established residential estate towards the south-eastern edge of Gosfield, within the village envelope.

The site comprises a single detached bungalow, 23 Greenfields, which sits centrally within a relatively spacious plot. The existing dwelling's front elevation faces south-east with the flank wall of the property facing the road, which is an unusual orientation within the vicinity. To the rear of the site is 'Sandpits Nature Reserve', identified on Council safeguarding information as a Local Wildlife Site. Adjacent the site are residential properties – No. 21 Greenways – a detached 1.5 storey chalet style dwelling and No. 25 Greenways, a semi-detached bungalow.

PROPOSAL

Planning permission is sought for alterations to the existing property to allow a loft conversion. Conversion works would involve an increase to the ridge

height of the existing roof – from 4.25 metres height to 6.5 metres and existing lower gable end elements would increase in pitch and height also.

New windows would be introduced at first floor level: 3no. rooflights in the front, south-east facing elevation, together with a high level window in the gable end; 2no. rooflights in the rear, north-west facing elevation, again together with a high level window in the gable end; provision 3no. dual pitched dormer windows in the side, north-east facing elevation; and 1no. full window in the side south-west facing elevation, which faces the road.

It is pertinent to note that a planning application has also been submitted, under application reference 20/01517/HH for a new dwelling on the site, which would result in the sub-division of the existing plot. This application is also on this agenda and will be presented to Planning Committee as a Part A agenda item.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Gosfield Parish Council

Objection raised – over development for the area and not within keeping of the street scene.

REPRESENTATIONS

3 representations have been received – 2 objections, and 1 support noted to be from a representative of the applicants.

- In conjunction with comments made about 20/01517/FUL, main concern is where will all the vehicles/cars go?
- This proposal includes 5 bedrooms with possibly 5 cars to be accommodated
- The existing garage dating from the early 1960's is shown – the garage and driveway are of such small dimensions, only capable of accommodating a single small car
- No plans made for off-street parking
- Could result in a continuous line of cars
- On several occasions (not by current tenants) have had to ask car to be moved from opposite own driveway
- Extension will impact on privacy. Own bedroom window will face their bedroom windows.
- Driveway cannot accommodate more than one car
- Cars will inevitably park on road

REPORT

Principle of Development

The site is located within the development boundary, wherein the principle of development is acceptable, as laid out in Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Section 2 Plan, which directs development to areas of land within development boundaries. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Section 2 Plan allow for the extension to habitable dwellings and provision of outbuildings, within town development boundaries and village envelopes provided that:

- There should be no over development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries;
- The siting, bulk, form and materials of the extension should be compatible with the original dwelling;
- There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light;
- There should be no material impact on the identity of the street scene, scale and character of the area; and
- There should be no adverse impact on protected species.

In addition, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Section 2 Plan state that the Council will seek a high standard of layout and design in all development and the scale, density, height and massing of buildings should reflect or enhance local distinctiveness.

The principle of extending this property is therefore acceptable, subject to meeting various criteria. All other material considerations are addressed below.

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 and LPP55 of the Section 2 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.

The site is located within a long established small residential estate comprising a mix of house types including bungalows, 1.5 chalet style dwellings and full storey dwellings, both semi-detached and detached, however the overall pattern of development shows a fairly uniform building line and the similar palette of materials used creates a cohesive and pleasing character to the area. The immediate properties adjacent the site include a detached 1.5 storey chalet style dwelling to the left and a small row of semi-detached bungalows to the right side.

The site itself is unusual in that it enjoys a larger plot than neighbouring properties and the existing dwelling on site has its flank wall facing the road.

In terms of design and appearance within the street scene, the increase in the height to the existing dwelling would clearly be noticeable and one of the adjacent neighbouring properties is a bungalow. However, a cue should also be taken from the other adjacent neighbouring property at No. 21 Greenfields which is a 1.5 storey chalet style dwelling and beyond that are full 2 storey dwellings. Given the difference in house types and ridge heights, it is not considered that the proposed increase in height to the existing dwelling would appear as an incongruous addition within the street scene. In addition, the dwelling's orientation is also of pertinence; the dwelling is linear but has its narrower flank wall facing the highway. The impact within the street scene would therefore be less than if the longer elevation of the dwelling was sited adjacent the highway.

In terms of concerns raised by the Parish Council relating to an over development of the plot, in relation to this particular application, there is no increase in footprint to the property.

In assessing the impact on the character of the existing dwelling, the increase in height would result in a notably different appearance. However, it is not considered in this case that the existing design and appearance of the bungalow has any particular architectural merit and there is no therefore no objection to its alteration.

Although each application is assessed on its own merits, clearly the two applications being considered on the site are relevant to each other. Officers have considered whether the street scene would be detrimentally impacted if only one of the applications were implemented, in particular the proposed alteration to the existing dwelling being considered here, which would result in the new dwelling proposal being sited adjacent two bungalows. It has been concluded that given the lower ridge line of the proposed new dwelling would be towards the front of the site, the implementation of this proposal (if

planning permission is granted) would have no greater impact within the street scene if the alterations to the original dwelling are not implemented.

In relation to an opposite scenario, again it is not considered that the implementation of the alteration to the existing dwelling would have a detrimental impact on the street scene or character of the area without the implementation of the new dwelling.

In summary, Officers consider that the proposal would be acceptable from an appearance, amenity and layout perspective and accords with the necessary policy criteria in this respect.

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 closest neighbouring property to the host dwelling is No. 21 Greenfields and said neighbour's concerns are noted in this respect in relation to loss of privacy on their bedroom window. Officers note the first floor side facing window in said neighbour's dwelling and have assumed this is the bedroom window. As part of the alterations to the host property, two rooflights are proposed in the elevation facing said neighbouring property, within the roof slope at a high level. These windows would serve a landing area, not a habitable room and given their viewing angle towards the sky, it is not considered there would be direct overlooking.

In relation to the proposed first floor standard windows, one would be facing the road which would serve bedroom 3 and the 3no. dormer windows at the side, closest to the rear boundary of the site would face into the side/rear garden. There is a good separation distance between the host dwelling and the neighbour at No. 21 Greenfields and given the host dwelling is set back further than the neighbour, any overlooking would be limited to the rear most part of the neighbour's garden.

In terms of any overlooking concerns on the other neighbouring property at No. 25 Greenfields, there is a good separation distance between the two properties and again, the windows facing said neighbouring property would be in the roof slope and therefore facing upwards and also high level windows, reducing overlooking issues.

Taking the above considerations into account it is not considered that the proposed development would have a detrimental impact on neighbouring residential amenity in terms of overlooking, overbearing or overshadowing issues and is therefore acceptable and accords with the relevant policy criteria in this respect.

Highway Issues

Neighbour concerns are noted in this respect. However, as part of this particular application, there would be no alteration in terms of enlarged footprint at ground floor level and therefore existing parking would not be affected. In terms of the requirements for a householder planning application, any increase in the number of bedrooms to be provided would not require a greater level of off street parking provision and it would be unreasonable to require this even if existing parking does not meet current car parking standards, due to the age of the property.

CONCLUSION

The proposed development is considered to be acceptable in terms of design and appearance and would not have a detrimental impact on neighbouring residential amenity and as such is considered to be meet the necessary policy criteria outlined above.

RECOMMENDATION

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

APPROVED PLANS

Location / Block Plan	Plan Ref: 19/196 - 10
Existing Elevations and Floor Plans	Plan Ref: 19/196 - 11
Proposed Elevations and Floor Plans	Plan Ref: 19/196 12 Version: A

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

Reason

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

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER