

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 26 March 2019 at 7:15pm**

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

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

**Membership:-**

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

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

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

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

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

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

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) 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 to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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

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

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

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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

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

## **PUBLIC SESSION**

## **Page**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

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

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 19th March 2019 (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**

<b>5a</b>	<b>Application No. 18 00371 REM - Land North East of Station Road, EARLS COLNE</b>	<b>6 - 29</b>
<b>5b</b>	<b>Application No. 18 00279 OUT Review - Shardlowes Farm, Hedingham Road, GOSFIELD</b>	<b>30 - 60</b>
<b>5c</b>	<b>Application No. 18 01853 OUT Review - Land South of Nounsley Road, HATFIELD PEVEREL</b>	<b>61 - 87</b>
<b>5d</b>	<b>Application No. 18 02118 FUL Review - Land West of the Old Coach House, Silver Street, WETHERSFIELD</b>	<b>88 - 113</b>
<b>5e</b>	<b>Application No. 18 02221 FUL Review - 33 Clockhouse Way, BRAINTREE</b>	<b>114 - 132</b>

#### **PART B**

#### **Minor Planning Application**

- |           |   |                  |
|-----------|---|------------------|
| <b>5f</b> | <b>Application No. 18 02322 FUL - 12 Mount Road,<br/>COGGESHALL</b>   | <b>133 - 139</b> |
|           |   |                  |
| <b>6</b>  | <b>Urgent Business - Public Session</b><br>To consider any matter which, in the opinion of the Chairman,<br>should be considered in public by reason of special<br>circumstances (to be specified) as a matter of urgency.  |                  |
| <b>7</b>  | <b>Exclusion of the Public and Press</b><br>To agree the exclusion of the public and press for the<br>consideration of any Items for the reasons set out in Part 1 of<br>Schedule 12(A) of the Local Government Act 1972.<br><i>At the time of compiling this Agenda there were none.</i> |                  |

**PRIVATE SESSION**

**Page**

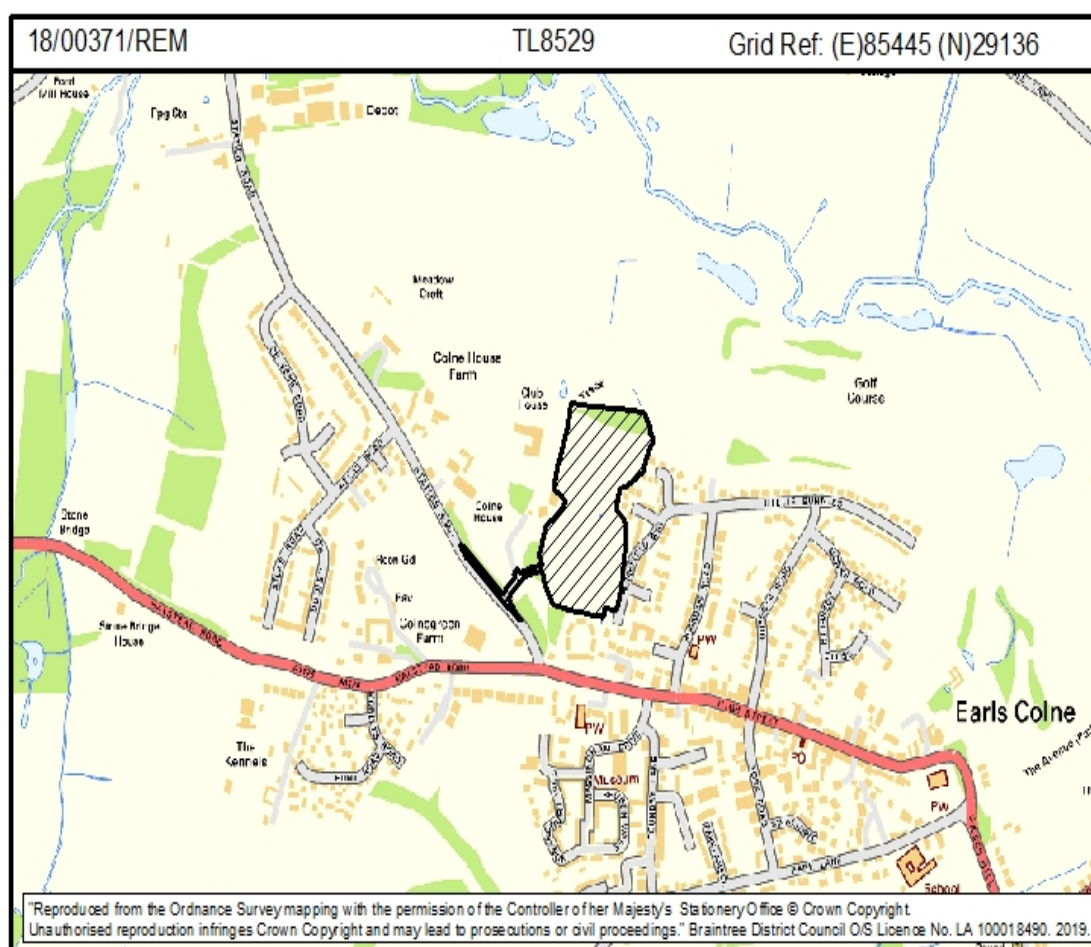
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| <b>8</b> | <b>Urgent Business - Private Session</b><br>To consider any matter which, in the opinion of the Chairman,<br>should be considered in private by reason of special<br>circumstances (to be specified) as a matter of urgency. |
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## PART A

## AGENDA ITEM NUMBER 5a

APPLICATION NO: 18/00371/REM DATE: 24.02.18  
 VALID:  
 APPLICANT: CALA Homes (North Home Counties) Ltd  
 Mr Phillip Wright, 1 Falcon Gate, Shire Park, Welwyn Garden City, AL7 1TW, UK  
 AGENT: Phase 2 Planning & Development Ltd  
 Mr Matthew Wood, 250 Avenue West, Skyline 120, Great Notley, Braintree, Essex, CM77 7AA  
 DESCRIPTION: Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission ref: 17/00140/VAR with S106 on 8th May 2017 for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and associated development.  
 LOCATION: Land North East Of, Station Road, Earls Colne, Essex

For more information about this Application please contact: Mr Neil Jones on:- 01376 551414 Ext. 2523 or by e-mail to: [neil.jones@braintree.gov.uk](mailto:neil.jones@braintree.gov.uk)



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4NA9SBFH9900>

## SITE HISTORY

15/00934/OUT	Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements	Granted with S106 Agreement	26.08.16
87/00051/OUT	Proposed development of low density houses	Refused then dismissed on appeal	28.10.87
16/02190/NMA	Application for a non-material amendment following grant of planning permission 15/00934/OUT (Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements) - confirmation of approved Access details plan and site plan	Granted	09.01.17
17/00140/VAR	Application for variation of Condition 25 of approved application 15/00934/OUT - to amend the list of approved plans	Granted with S106 Agreement	08.05.17
18/00372/DAC	Application for approval of details reserved by condition nos. 4, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22 and 24 of approved application 17/00140/VAR.	Part Grant, Part Refused	06.06.18
18/02004/REM	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission 17/00140/VAR with S106, for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and	Pending Consideration	

89/00384/P	associated development. Residential Development (75 Units)	Refused	04.04.89
18/00372/DAC	Application for approval of details reserved by condition nos. 4, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22 and 24 of approved application 17/00140/VAR.	Part Grant, Part Refused	06.06.18
18/00554/DAC	Application for approval of details reserved by condition no. 8 of approved application 17/00140/VAR. (Original outline planning permission ref: 15/00934/OUT - Erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements) - See Planning Statement for full detail	Granted	25.06.18
18/01532/NMA	Application for a non-material amendment following grant of planning permission 17/00140/VAR - to amend wording of condition 1 to allow implementation of approved access detail.	Granted	14.09.18
18/02004/REM	Application for approval of Reserved Matters (appearance, landscaping, layout and scale) following the grant of outline planning permission 17/00140/VAR with S106, for the construction of 56 dwellings and associated open space, landscaping, new access road, highway improvements and associated development.	Pending Considerati on	

### POLICY CONSIDERATIONS

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



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

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

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

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

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP22	Accessible Housing and Lifetime Housing
RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP65	External Lighting
RLP69	Sustainable Urban Drainage

RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP72	Water Quality
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP94	Public Art
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP138	Provision of Open Space in New Housing Developments

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

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP2	Spatial Strategy for North Essex
SP3	Meeting Housing Needs
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP51	An Inclusive Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat

LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

#### Other Material Considerations

Essex Design Guide  
 Essex Parking Standards/Urban Space Supplement  
 Earls Colne Village Design Statement  
 Open Space SPD

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

This application is being reported to the Planning Committee as the Planning Development Manager considers that the application should be reported to the Planning Committee in light of the concerns that Members of the Committee have expressed regarding the mix of housing in new housing developments and given the significance of refusing an application for this reason.

#### SITE HISTORY – BACKGROUND TO CURRENT APPLICATION

The application site is located outside the Earls Colne village development envelope, as designated in the Braintree District Local Plan Review, 2005.

The application site was included in the Pre-Submission Site Allocation and Development Management Policy Plan (ADMP) for residential development of 10 or more dwellings. The Earls Colne proposals map within the ADMP showed the application site was allocated for residential development, structural landscaping belts along the northern and eastern site boundaries and hedgerow belt through the middle of the site. An area of informal recreation was also shown at the southern end of the site. The proposals map within the Draft Local Plan contains similar proposed designations for the site.

The site has the benefit of outline planning permission for the erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements, pursuant to 15/00934/OUT and 17/00140/VAR which amended the list of approved plans.

Access was not a reserved matter and details of the vehicular access from Station Road were submitted and approved as part of the Outline planning permission.

Several conditions on the outline permission required additional information on submission of the first of the Reserved Matters applications. An application to discharge conditions has been submitted in respect of:

10 (Drainage Strategy);  
11 (Off-Site Flooding);  
12 (SUDs Maintenance);  
19 (External Lighting);  
21 (Refuse Bins & Recycling);  
22 (Public Realm Details); and  
24 (Badger Survey).

The details pursuant to these conditions have been submitted as part of separate discharge of condition application and therefore are to be considered separate to the determination of this application.

Members are also advised that the applicant has notified the Council that they have submitted an appeal to the Planning Inspectorate against the non-determination of their other reserved matters application (Application Reference 18/02004/REM).

### SITE DESCRIPTION

When the Outline planning application was reported to the Planning Committee in September 2017 the site was described as follows.

*'The application site consists of 4.45 hectares on the eastern side of Station Road. The majority of the site comprises two fields kept as roughly mown grass and which are largely divided by a solid hedge through the centre of the site.*

*The application site is on the northern side of the village and is adjacent to Station Road which runs northwest from the junction of the High Street and Halstead Road to the village boundary at the River Colne.*

*The land historically formed part of the grounds of Colne House to the west. The original access to Colne House was via a driveway which runs through the application site to the south east, however in the late 20th century another access was formed from Station Road to serve Colne House and the golf club.*

*The application site is bounded by the Colne Valley Golf Course to the north with the clubhouse and car park adjoining the application site to the North West. The golf club has a modern purpose built single storey clubhouse and staff quarters constructed in light coloured brick with slate roofs.*

*There is a solid tree belt which straddles the northern boundary with trees standing both within the application site and on the golf course land immediately adjoining the site.*

*Further west are the attractive grounds of Colne House. Colne House and the golf course are currently served by a tarmac access road. Colne House is now*

*a nursing home. This Grade II listed building was once a large mansion built in the pale fawn bricks and a slate roof. Within the grounds of Colne House a number of small retirement bungalows have been constructed in a similar style to the main house. There are also a number of outbuildings which have also been converted into apartments for residents.*

*To the south of the application site is a mews of ten bungalows in Tillwicks Close. These properties back onto the site and are accessed from the Halstead Road. South Lodge, a single storey Grade II listed building also stands to the south of the site, next to the historic driveway which served Colne House. Whilst the southern end of Station Road is characterized by trees and hedges enclosing the road, to the north of the access to the site, on the west side of the road is a ribbon of development, consisting of a mixture of bungalows and detached houses in various styles, using brick, render and tiled roofs.*

*On the eastern side of the application site is Homefield Way which was built in the late 1980s. This development contains a mix of terraced houses with semi-detached and detached houses and bungalows. The housing is largely red brick with the upper half rendered and some pargetting. Along this boundary there is some vegetation although this is not as strong or consistent as that on the other site boundaries.*

*The Conservation Area covers this part of Station Road, along with the grounds of Colne House, however the only parts of the application site that fall within the Conservation Area are the road frontage with Station Road and the access road up to the first belt of trees to the north east of the site access’.*

The description of the surroundings remains applicable, however the applicant has commenced works at the site and has formed the vehicular access off Station Road, into the site.

## PROPOSAL

This application seeks the approval of all the Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to the grant of outline planning permission. This application seeks approval for all the matters that were reserved by the outline planning permission.

Outline planning permission was granted subject to a S106 agreement which set out a range of planning obligations as follows:

- Affordable Housing (40% of units provided on-site)
- Pedestrian links to Homefield Way
- Provision of On-Site Public Open Space and suitable management arrangements for the On-Site Public Open Space, including payment of financial contribution towards its maintenance
- Travel Packs

The applicant has provided an accommodation table that sets out the mix of housing that is proposed by the development. The mix of housing would consist

of a mix of detached, semi-detached and terraced houses with between 2 & 5 bedrooms and a block of apartments containing 1 & 2 bed flats.

In addition to the usual full set of layout and elevational drawings the application is also supported by a suite of documents, including:

Accommodation Schedule  
Design & Access Statement  
Ecological Assessment  
Flood Risk Assessment and Drainage Strategy  
Heritage Statement  
Housing Report  
Landscaping scheme  
Planning Statement  
Rebuttal letters to issues raised by Officers  
Statement of Community Involvement  
Tree Survey

## CONSULTATIONS

### External Consultees

**Anglian Water** – No objection.

Foul drainage from this development is in the catchment of Earls Colne Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy has been prepared in consultation with the developer confirming mitigation measures, but no confirmed strategy has been submitted by the developer confirming foul drainage plans. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. The developer has indicated they will be utilising a SUDS solution. However, no clear strategy has been provided confirming the strategy for the site. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

**Essex Police Architectural Liaison** – No objection.

They would welcome the opportunity to consult on this development to assist the developer with their obligation under this policy and to assist with compliance of Approved Document "Q" by achieving a Secured by Design award.

**Historic Buildings Adviser (HBA)** – No objection.

No harm to any of the designated heritage assets was identified when outline planning permission was granted. The development would be mainly located

on land screened from both the conservation area, and the adjacent listed buildings, so limited concerns are raised from a conservation perspective.

However they note that several house types (e.g. 1, 3, 8 and 10) show overly large span widths, with wide unadorned and visually uninteresting gables, of distinctly modern character and appearance. Given the proximity to the historic core of the conservation area, and the local planning authority's commitment to securing good design, the HBA suggests that these house types could be improved by narrowing their depth to allow for a steeper roof pitch. The appearance of the development could be distinctly improved by the installation of more traditional materials.

Finally the applicant shows a proposed 'entrance feature wall'. This is assumed to be located at the Station Road entrance to the development and is not a particularly sensitive addition to the streetscene.

The applicant submitted revised plans and after reviewing these they provided the following comments:

In their original comments they did not state that there would be a level of harm to the identified heritage assets. The applicant's rebuttal statement on heritage suggests that the works would result in less than substantial harm as per Paragraph 134 of the NPPF, albeit at the lower end. The Council's HBA states they would be happy for this to be taken as the level of harm which is weighed against public benefit in the planning balance.

They disagree with the applicant's assessment in relation to the appropriateness of the proposed design in relation to local distinctiveness. In particular they again highlight the slack nature of the roof pitches which are fundamentally at odds with the steep nature of the roof pitches within the settlement, the character of which is dominated by its medieval core and Victorian extension. They also state that the use of pseudo-materials to be inappropriate and will fail to reflect the character and appearance of the village.

The revised plans still retain the elements to which they previously raised concerns. I therefore do not believe that anything in the revised information would lead me to revise my previous comments.

**Natural England – No objection**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**Lead Local Flood Authority (Essex County Council SUDs Team) – Holding objection.**

Additional information required to demonstrate that suitable arrangements were designed / to be provided to handle surface water run-off at the site. Information required on the adequacy of the allowance for Urban Creep; routes for exceedance flows; evidence that consent has been granted to discharge into a watercourse.



## Internal Consultation

**BDC Environmental Services** – No comment on Environmental Health grounds.

## PARISH / TOWN COUNCIL

Earls Colne Parish Council state that they have no objection to the application.

## PUBLICITY

The application was publicised by way of site notices and neighbour notification letters to the residents of dwellings adjoining the site.

Representations objecting to the application have been submitted from seven different dwellings. A summary of the main issues raised in the representations are set out below:

### **Drainage**

- Horrified at the lack of suitable Foul Water and Surface Water drainage strategy given Anglian Water's expression of concern at the significant risk of flooding.
- Notice that the Attenuation Pond, believed to be an integral component of the SuDS strategy, is missing from the new Soft Landscape Proposals (5 of 5).
- There is a deep ditch running the length of eastern boundary of the site with at least one large diameter pipe culvert connecting two sections at the rear of 42 Homefield Way. This considerable ditch, into which the fields currently drain, was placed there sometime in the past to prevent the field flooding. The ditch is an integral part of any drainage strategy but can see no mention of it in any of the documentation submitted with this Planning Application.

### **Trees and Landscape**

- There are some differences regarding the boundary outline and the tree survey between the applications in 2015 and 2018. In March 2017 Mr Tom Fraser of Savills representing Mr Long in the sale of this land to Cala Homes spoke with the four residents who shared the boundary on the south field. They were informed that a footpath created sixty years ago between two hedges was in fact land belonging to the south field and that they were trespassing.

- Recorded differences on the tree surveys:

Tree Survey 15/00934/OUT States T020 “in neighbouring property” with dense ivy and dead top, in decline to be removed and felled to ground level – There are in fact two Ash trees, one covered in ivy and nearer the field and the second near boundary with 9 Tillwicks Close and dead at the top.

Tree Survey 18/00371/REM Ash Tree T17 “located off site”. Poor, co-dominant, with advanced crown die-back. No works required. This is the same tree as T020.

Request that the BDC Tree Officer visit and comment on this tree. This Ash Tree is very large and on what was the created footpath of which has completely overgrown at the side of the 9 Tillwicks Close boundary.

- On the Publication Draft Local Plan Inset Map 21 there is a very clear provision for a wide green strip of land between the new development and the Homefield Way existing residences. In the Cala proposal, they have encroached grossly on this area of land, where they plan to fit in extra housing and a road with a turning point that virtually eliminates any green boundary between the development and existing housing.

- The existing pond that was to remain on the previously confirmed plans, now appears to be filled in and become part of a perimeter road.

- The amount of Informal Recreational Space has now been greatly reduced.

### **Living Conditions**

- Concerns with regard to overlooking of 46 Homefield Way, which has an orangery and decking area totalling 8m deep to its rear.

- Loss of light to neighbouring properties.

## **REPORT**

### **Principle of Development**

The site was identified in the Site Allocations and Development Management Plan (ADMP) and more recently the Publication Draft Local Plan, which has already been the subject of public consultation.

Outline planning permission for the erection of up to 56 dwellings with associated open space, access roads and highway works has already been granted and these factors all firmly establish that the Council has accepted the principle of residential development of the site.

### **Layout, Scale, Appearance**

The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. NPPF Paragraph 127 states that developments should aim to deliver development which *‘are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’*. It goes on to state that developments should *‘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...’.*

Policy CS9 of the Adopted Core Strategy states that ‘*the Council will promote and secure the highest possible standards of design and layout in all new development*’. This is supported by Policy RLP90 of the Adopted Local Plan and these sentiments are also reflected within Policies SP6, LPP37, LPP50 and LPP55 of the Draft Local Plan which are concerned with place shaping principles, housing type and density, the built and historic environment and the layout and design of development.

The proposals are for all dwellings to be 2-storey which is line with the views expressed by Officers at outline application stage, as Officers were concerned that taller buildings could have an unacceptable visual impact on the wider landscape character.

The layout has broadly, but not exclusively been formed by taking into account the indicative layout that was approved at the outline stage and the existing trees, landscaping and hedging that are situated within and along the site’s boundaries. It has however evolved since the outline planning permission was granted and as with the matters of appearance, scale and landscaping, has been the subject to extensive pre-application discussions with Officers, as well as having been revised further during the processing of the current application. Officers raised concerns about the relationship of proposed dwellings to properties on Homefield Way and the manner in which proposed dwellings addressed areas of Open Space. The area around the retained hedge through the middle of the site has also been enhanced to provide a more attractive, usable and sustainable space.

By taking some cues from the Essex Design Guide, it is considered that the proposal would respond adequately to local character, provide buildings that exhibit some architectural quality and with defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are integrated as part of the overall design, albeit lacking in soft landscaping to break up the car park that serves the affordable flats.

It is proposed that there would be two blocks of flats, providing part of the affordable housing provision. The Council’s Urban Design consultant has expressed concerns about the design of these buildings, specifically regarding the roof form which will appear disproportionately large in the streetscene, exacerbating the poor proportions of the building, and with half hips which introduce a further alien feature to the streetscene. The absence of an entrance door off the street at the front of the building means that the building has poor legibility. The single entrance is located at the back of the building and is located to the doors for refuse store which provides a poor sense of arrival and place. The building would provide a relatively poor environment in which the

occupants of the eight apartments will be expected to live in and this is not considered to be acceptable and constitutes a reason for refusal.

None of the plans showing house type elevations show chimneys, although Officers have requested that these be provided and some have been shown in the streetscene illustrations. If the Council were minded to approve the application then this matter could be covered by condition.

Policy CS10 of the Adopted Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space to meet a range of recreation, outdoor sport and amenity needs. New development should make appropriate provision for publicly accessible green space or the improvement of accessible green space to meet the future needs of residents.

Third party concerns with regard to differences between the proposed layout and that illustrated within the Publication Draft Local Plan Inset Map 21 are noted, although there remains provision for a relatively wide green buffer of land between the new development and Homefield Way (beyond the eastern boundary), also being contiguous with areas of open space proposed to be retained to the north and south of the site.

The woodland belt at the northern end of the site will be largely retained in-situ, maintaining a buffer between the proposed development and the Golf Course but also maintaining the screening that this affords preventing the site being overly prominent in long views across the valley. Within the woodland area an attenuation basin is proposed that will form part of the SUDs strategy for the site. The drainage aspects of the proposal are the subject of the discharge of conditions application 18/00372/DAC and therefore are not determining factors for this reserved matters application.

### Heritage Assets

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan seeks to protect listed buildings and their settings. Whilst the NPPF also seeks to protect designated heritage assets such as this the approach is not consistent with Paragraph 196 which states that harm to heritage assets to be balanced against public benefits.

Within the surrounding area there are Grade II listed buildings and the front of the site is adjacent to the Earls Colne Conservation Area.

The concerns and comments made by the HBA are noted. The applicant produced a 'rebuttal statement' to the initial consultation response in which they were largely dismissive of the HBA's concerns, although the applicant's statement concludes that the works would result in less than substantial harm as per Paragraph 134 of the NPPF, albeit at the lower end of that spectrum. The Council's HBA has subsequently stated that they would not disagree and that can be taken as the level of harm arising from the development.

Officers acknowledge that the depth of plan for some of the dwellings could be reduced and their roof pitches steepened, so as to be more in keeping with the vernacular, in view of the enclosed nature of the site, on balance it is considered that the Council could not substantiate a reason for refusal on the grounds of appearance and scale. If the Council has been so minded to have granted planning permission, details of finishing materials could have been secured by way of the imposition of a planning condition.

As Members will be aware where less than substantial harm to heritage assets is identified the Council is required to weigh the public benefits of the proposed development against the harm identified. There are clear public benefits arising from the scheme when considering the environmental, social and economic dimensions of the scheme. The development will bring both social and economic benefits with the provision of much needed affordable housing, in accordance with the Council's policy requirement. There is also the provision of market housing and the 34 houses would help increase the Districts housing supply, although the weight that can be given to this particular benefit is tempered by the housing mix that is proposed which Officers do not consider will provide an appropriate mix of housing to help meet housing needs. Other economic and social benefits would include employment and economic activity during the construction phase and thereafter with additional residents supporting the services and facilities within the village. A further social benefit will be the provision of Public Open Space that all local residents will be able to enjoy. These factors weigh in favour of the proposal in the planning balance.

In terms of environmental sustainability, the less than substantial harm to heritage assets, albeit at a low level, must weigh against the proposal. Although the level is low local planning authorities are required to have special regard to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of Conservation Areas.

Overall Officers consider that the public benefits of the scheme would outweigh the level of harm identified by the Council's Historic Buildings Consultant and as such would not recommend that the application should be refused due to harm to designated heritage assets.

### Housing Mix

Local and national planning policies seek to promote mixed and inclusive communities. Policy RLP7 of the Adopted Local Plan is concerned with housing and mixed use sites states new residential development should seek to achieve mixed communities and that where appropriate a mix of different house types and tenures and other uses, which are compatible with the residential amenities of both existing and proposed dwellings, should be included having regard to size, location, suitability and the economics of provision. Policy RLP8 of the Adopted Local Plan goes on to add that the Council will seek the provision of a range of house types and sizes from one development site to another and within individual sites, in order to meet the local needs of the different household types.

This is a greenfield site with no unusual or significant constraints on development and is located on the edge of one of the Districts Key Service Villages. The Council proposed to allocate the site as part of the District wide need for new housing and it is not intended to simply meet existing local demand for new housing. As it is intended that the housing help the Council meet the District's general housing need, Officers consider that the mix of housing should include a range of house types that will help meet the need identified through the Strategic Housing Market Assessment (SHMA).

Policy LPP37 of the Draft Local Plan indicates that the Council will expect the housing mix to be in line with the identified local need '*set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise*'.

Whilst Part Two of the Publication Draft Local Plan is yet to be examined and adopted, Paragraph 50 of then NPPF, now Paragraphs 60 & 61 in NPPF 3 (February 2019) highlights the need for local planning authorities to deliver a wide choice of high quality homes. It goes on to state that the planning system should widen opportunities for home ownership and create sustainable, inclusive and mixed communities; plan for a mix of housing based on demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and, identify the size, type, tenure and range of housing required in particular locations, reflecting local demand.

The Council's SHMA indicates that demand for Market Housing across the District is:

- 1-Bed - 5.7%;
- 2-Bed – 34.2%;
- 3-Bed – 42.8%; and
- 4+Bed – 17.2%.

The mix of market housing proposed by the applicant in the original submission contained a mix that was heavily skewed towards larger houses:

- 1-Bed – 0;
- 2-Bed – 5 (14.7% of the market dwellings proposed in the development);
- 3-Bed – 4 (11.8% of the market dwellings);
- 4-Bed – 17 (50% of the market dwellings); and
- 5-Bed – 8 (23.5% of the market dwellings)

Officers raised concerns about the mix of housing that was being proposed and subsequently the applicant submitted revised plans and an accommodation schedule which set out the following mix of market housing:

- 1-Bed – 0;
- 2-Bed – 5 (14.7% of the market dwellings proposed in the development);
- 3-Bed – 13 (38.3% of the market dwellings);
- 4-Bed – 8 (23.5% of the market dwellings); and

- 5-Bed – 8 (23.5% of the market dwellings)

However when Officers have checked the accommodation schedule against the submitted plans this revealed that the 3-bed dwellings all had 3-bedrooms and an upstairs study (the 4<sup>th</sup> bedroom had been relabelled as a study). Whilst the study was smaller than the bedrooms in terms of floor area it would appear to just meet the minimum standard for a bedroom specified in the Nationally Described Space Standards. Officers have also compared the house types on the accommodation schedule to the schedule that the applicant has submitted in respect of the other Reserved Matters application that they have submitted for this site – 18/02004/REM. This shows that a number of the house types described as being 3-bed 5-person houses on application 18/00371/REM and listed as 4-bed, 6-person houses in application 18/02004/REM (e.g. House Type 9 has an internal floor area of 147.53sq.m. on both applications but has been described as a 3-bed 5 person house and a 4-bed 6 person house). It is the view of Officers that the dwellings are to all intents and purposes 4-bed dwellings in terms of their size and the accommodation they can provide. Taking this view Officers consider that the actual mix of market housing proposed through the submitted revised plans to be as follows:

- 1-Bed – 0;
- 2-Bed – 5 (14.7% of the market dwellings proposed in the development);
- 3-Bed – 0;
- 4-Bed – 21 (61.7% of the market dwellings); and
- 5-Bed – 8 (23.5% of the market dwellings)

Officers accept that only limited weight that can currently be attached to policies contained in the Draft Local Plan and on other applications the Council has taken the view that it cannot currently reasonably require that the Market Housing mix completely reflect the SHMA, however despite raising the issue with the applicant on several occasions Officers remain concerned that the market housing being provided contains too great a proportion of larger 4 and 5 bed houses. Whilst Officers accept that there would be a demand for the proposed dwellings the mix proposed does not assist the Council in providing a mix of market housing that will help meet the demand for smaller market dwellings identified by the Council's SHMA.

The applicant has argued that it is wrong to rely on the SHMA data to inform housing mix for this development, arguing that the SHMA is dated (it was published in 2015); and that it does not set out specific mix requirements for individual sites. It is a district-wide document that has not focussed on a particular location or settlement and that the mix they propose has been selected to meet local need that they have identified within the Parish of Earls Colne.

Officers do not consider there is any suitable reason why the market housing being provided should not be reflective of the need for market housing that has been identified within the District. The failure to offer a suitable mix of market housing is considered to be contrary to Policies RLP7 and RLP8 of the Adopted

Local Plan and Paragraphs 59 – 61 of the NPPF and this constitutes a reason for refusal.

### 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 on the amenity of any nearby residential properties*’. The Draft Local Plan Policies have similar objectives as those set out in the Local Plan Review.

The Essex Design Guide states that “*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*”. It goes on to state that “*where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved*”.

Furthermore, the Essex Design Guide stipulates that where new houses are at an angle of greater than 30° to the existing, proximity may increase proportionately down to 1 metre from the boundary; and where new houses are at right angles to the existing, and there are no windows in the flank end or problems of overshadowing, the new houses may encroach up to 1 metre from the boundary with a building to building distance of at least 15m. Properties are also expected to be provided with suitable private amenity space with a minimum of 50sq.m for 2-bed houses and 100sq.m for houses with 3 or more bedrooms.

The layout complies with the design guidance and it is considered that future occupiers of the development would be afforded a reasonable standard of amenity.

### Occupants of Neighbouring dwellings

Third party concerns have been raised with regard to overlooking of and a loss of light to the closest residential properties within Homefield Way.

Officers have required that the buildings are orientated so that they do not face towards the adjoining properties in Homefield Way. The building to building distances between the dwellings proposed on plots 46 & 47 and the existing dwellings at 46 & 44 Homefield Way respectively are 25m & 26m. Consequently it is considered that the proposal would not give rise to a material loss of privacy and outlook.



The new dwellings would be due west of the Homefield Way and due to the intervening vegetation and the distance would be unlikely give rise to a material level of overshadowing or consequent loss of light to existing residents.

Therefore, in conclusion on this issue it is considered that the proposal would provide for acceptable living conditions for existing neighbouring residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies and guidance.

### Other Issues

#### **Affordable Housing**

Policy CS2 of the Adopted Core Strategy requires developers to provide affordable housing on site with a target of 40% affordable housing provision on sites in rural areas which would be met in this instance, although Policy RLP3 of the Adopted Local Plan requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP7 and RLP8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures. Policy LPP33 of the Draft Local Plan on Affordable Housing states that a mix of units to reflect the current local need will be required to be delivered on the site.

The Council's Housing Enabling Officer has agreed a mix of tenure and dwellings types that will assist the Council in meeting identified local housing need. The agreed 22 affordable dwellings would comprise:

- 4no. x 1-bed, 2 person flats (Affordable Rent)
- 4no. x 2-bed, 4 person flats (Affordable Rent)
- 8no. x 2-bed 4 person Houses (6 x Affordable Rent; 2 x Intermediate Housing)
- 6no. x 3-bed 5 person Houses (2x Affordable Rent; 4 x Intermediate Housing)

#### **Access and Highway Considerations**

The outline planning permission approved details of the vehicular access to the site.

Internally the applicant has advised that they do not intend to offer the estate roads, beyond the first dwelling on entry to the site, for adoption by the Highway Authority and that they will instead be transferred to and maintained by a management company that would be funded by future residents of the development. As such the Highway Authority has not reviewed the internal estate roads with a view to adoption. They have advised Officers that the planning drawings submitted do not appear to match the plans in respect of the access road that is to be offered for adoption through Section 38 of the Highways Act.

Officers are satisfied that the development would be served by a logical hierarchy of streets with the access road being provided with a footway from Station Road so far as the first dwellings when the road changes to a lower order, shared surface street, permeating the site.

Parking for each dwelling would be provided in accordance with the Essex The Council's adopted Parking Standards (2009) require minimum that dwellings are provided with a minimum of 1 space per 1 bed unit and a minimum of 2 spaces for each dwelling with 2 or more bedrooms. In addition visitor parking is required, provided at a rate of 0.25 space for each dwelling. The proposed layout would comply with the adopted standards.

Cycle storage is required to be provided for all dwellings. Plans have been produced to show the cycle storage for the apartment blocks. The provision of those stores and provision for all houses could be covered by condition, in the event that the Council were to approve the application.

### **Habitat Regulations Assessment (HRA / RAMS)**

Natural England published revised interim guidance on 16th August 2018 in connection with the emerging strategic approach relating to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitat Regulations. Natural England have identified Earls Colne as being within the Zone of Influence of the Blackwater Estuary and their standing advice would therefore be that due to the scale and location of the proposed development they believe that the Council need to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and that planning permission should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

However, the current proposal is for the approval of Reserved Matters pursuant to an existing extant outline planning permission with the relevant planning obligations already being secured under the s106 Agreement attached to this outline planning permission. It is not therefore considered that an Appropriate Assessment is required under the Habitat Regulations.

### **CONCLUSION**

The principle of the residential re-development of the site is established under the existing outline consent. The applicant seeks permission only for reserved matters pursuant to this outline consent consisting of the appearance; landscaping; layout and scale of the development.

It is acknowledged that refusal of the application will delay the delivery of housing on the site at a time when the Council want to see consented developments coming forward and providing new homes to meet the need across the District for new housing. Officers have raised concerns regarding layout and design and specifically the mix of market housing, offering the

applicant the opportunity to amend the proposals and address these concerns. Despite being offered the opportunity to provide a mix of market housing that better reflects the need identified within the District the mix being offered by the applicant is still unacceptable. The mix remains heavily weighted towards the provision of large four and five bed houses and Officers consider that this is contrary to Policies RLP7 and RLP8 of the Adopted Local Plan and the NPPF and fails to provide appropriate a mix of different market house types and sizes. As required by the NPPF the Council has assessed the size, type and tenure of housing needed for different groups in the community and has reflected this through a specific policy within the Draft Local Plan. It is considered that the proposed mix would fail to assist the Council in its responsibility to meet the varied needs of different groups housing needs by providing a limited range of predominantly large market dwellings.

Furthermore the design of the two apartment blocks is considered to be unacceptable, providing a building which is not legible and where the residents of these Affordable Homes would endure poor living conditions.

### RECOMMENDATION

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

- 1 Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning should ensure a high standard of amenity for existing and future users. In addition NPPF paragraph 91 stipulates that planning decisions should aim to ensure that developments will create safe and accessible environments where crime and disorder, and the fear of crime.

Policy CS9 of the Braintree Core Strategy 2011 (BCS) states that the Council will promote and secure the highest possible standards of design and layout in all new development; Create environments which are safe and accessible to everyone, and which will contribute towards the quality of life in all towns and villages; and create good quality built environments in, amongst other things, residential areas.

Policy RLP90 of the Braintree District Local Plan Review (2005) (BDLPR), Policies SP6 and LPP55 of the Braintree Publication Draft Local Plan (2017) (BPDLP) all seek a high standard of layout and design in all developments.

The design, layout and appearance of the two blocks of flats is considered to be unacceptable with a roof form that has a mass and design that would result in the building having an overly large, prominent and alien appearance in the streetscene. Furthermore there is no entrance on the front of the building, facing the road and

instead the design of the building means that the only entrance is to the rear of the building, with the entrance door located directly alongside the doors to the refuse store. The result is a poor building with poor legibility and where the environment that the occupants of this Affordable Housing would not be of the required high standard, resulting in poor living conditions.

The proposal is therefore contrary to the NPPF, PPG, Policy CS9 of the Braintree Core Strategy 2011, Policy RLP90 of the Braintree District Local Plan Review (2005), Policies SP6, LPP1, LPP37, LPP50 and LPP55 of the Braintree Publication Draft Local Plan (2017) as well as the Essex Design Guide.

- 2 In order to boost significantly the supply of housing, the NPPF requires that Local Planning Authority's assess the need for housing within their area, objectively assessed needs for market and affordable housing in the housing market area. Within the context of significantly increasing housing supply the NPPF at Paragraphs 60 & 61 directs local planning authorities to assess and plan for a mix of housing, with the size, type and tenure of housing needed for different groups in the community.

Policy RLP 3 of the Braintree District Local Plan Review (2005) requires that regard is paid to the extent to which proposals for housing development will contribute towards meeting local housing needs. Policies RLP 7 and RLP 8 require that new residential development should seek to achieve mixed communities incorporating a mix of different house types, sizes and tenures. Policy LPP37 of the Draft Local Plan indicates that the Council will expect the housing mix to be in line with the identified local need 'set out in the 2015 SHMA update (or its successor), unless material considerations indicate otherwise'.

In this case the mix of market housing does not reflect the need for different sizes of dwellings that is set out within the Council's Strategic Housing Market Assessment and it is considered that the mix of market housing fails to adequately provide a mix of dwelling types that will help the Council meet the identified demand that exists for smaller dwellings within the District.

The proposal is therefore contrary to the NPPF, PPG, Policy RLP3, RLP7 and RLP8 of the Braintree District Local Plan Review (2005), and Policy LPP37 of the Braintree Draft Local Plan.

## SUBMITTED PLANS

Proposed Site Plan	Plan Ref: 668.200.26
Movement and Permeability Plan	Plan Ref: 668.201.08
Conveyance Plan	Plan Ref: 668.202.04

Street elevation	Plan Ref: 668.203.03
Proposed Plans	Plan Ref: 668.204.03
Proposed Plans	Plan Ref: 668.205.03
Proposed Plans	Plan Ref: 668.206.02
Proposed Plans	Plan Ref: 668.207.02
Proposed Plans	Plan Ref: 668.208.02
Proposed Plans	Plan Ref: 668.209.02
Proposed Plans	Plan Ref: 668.210.02
Proposed Plans	Plan Ref: 668.211.02
Proposed Plans	Plan Ref: 668.212.02
Garage Details	Plan Ref: 668.213.01
Proposed Floor Plan	Plan Ref: 668.214.01
Proposed Floor Plan	Plan Ref: 668.215.01
Proposed Elevations	Plan Ref: 668.216.00
Proposed Plans	Plan Ref: 668.221.00
Proposed Plans	Plan Ref: 668.222.00
Proposed Plans	Plan Ref: 668.223.00
Proposed Plans	Plan Ref: 668.224.01
Proposed Plans	Plan Ref: 668.225.00
Site Plan	Plan Ref: 668.217.06
Amenity Space Details	Plan Ref: 668.218.02
Materials Details	Plan Ref: 668.219.08
Transfer Plan	Plan Ref: 668.220.03
Refuse Information	Plan Ref: 668.226.02
Neighbouring Relationship plan	Plan Ref: 668.227.00
Substation Details	Plan Ref: 668.229.00
Enclosures etc	Plan Ref: 668.230.00
Footpath link	Plan Ref: 668.231.00
Levels	Plan Ref: 173160/002
Levels	Plan Ref: 173160/003
Landscaping	Plan Ref: CALA21645-11 1 of 5
Landscaping	Plan Ref: CALA21645-11 2 of 5
Landscaping	Plan Ref: CALA21645-11 3 of 5
Landscaping	Plan Ref: CALA21645-11 4 of 5
Landscaping	Plan Ref: CALA21645-11 5 of 5
Landscaping	Plan Ref: CALA21645-12 1 of 4
Landscaping	Plan Ref: CALA21645-12 2 of 4
Landscaping	Plan Ref: CALA21645-12 3 of 4
Landscaping	Plan Ref: CALA21645-12 4 of 4
Location Plan	Plan Ref: 668.001.03

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

Planning Application 18/00279/OUT - Shardlowes Farm, Hedingham Road, Gosfield		Agenda No: 5b
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Lisa Page, Planning Consultant	
Report prepared by:	Lisa Page, Planning Consultant	
Background Papers:	Public Report	
Original Planning Committee Report - Application Reference 18/00279/OUT (Agenda Item 5a on 19 <sup>th</sup> February 2019 Planning Committee) Planning Committee Minutes – 19 <sup>th</sup> February 2019	Key Decision: No	
Executive Summary:		
<p>The above planning application was reported to Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.</p> <p>The published Committee Report (copy of which is attached) stated that following the publication of the 2018 Annual Monitoring Report on 15th January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.</p> <p>At the Committee on 19th February 2019, Officers provided a verbal update to Members as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. This resulted in the Council's 5 Year Housing Land Supply position decreasing from 6.00 years to 4.74 years'. As a consequence the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.</p> <p>However, there was a further material change to the Council's 5 Year Housing Land</p>		

Supply position which occurred later within the same day which was not reported to Members of the Planning Committee, namely the results of the 2018 Housing Delivery Test (as Officers were unaware of this at the time). When recalculating the Council's 5 year supply figure (utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), the Council's latest 5 year supply figure is 5.42 years, as at 31st March 2018.

This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

**Recommended Decision:**

To refuse planning permission for the reasons detailed in section 4 of the report.

**Purpose of Decision:**

To determine the above planning application to enable a decision to be issued.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	No matters arising out of this report
<b>Legal:</b>	<p>Further to the case of <i>R (on the application of Kides) v South Cambridgeshire District Council</i> [2002] EWCA Civ 1370. The Planning Committee formally makes decisions as the local planning authority 'in principle' with Officers later formalising this with the issuing of a final decision notice either to refuse or grant an application. Where new factors arise between the 'in principle' resolution and the formal determination, the local planning authority must have regard to any factors that are material considerations and must consider them with the particular planning application in mind. However, this does not necessarily mean that each time a new material consideration arises after the initial 'in principle' resolution, the planning application has to be referred back to the Planning Committee.</p> <p>In this case whilst unusual the fact that there was a significant change in a material consideration in terms of the Councils 5 year supply figure care has to be had with respect to the decision making.</p> <p>The original report was prepared on the basis that the Council could demonstrate over a 5 year supply, the Committee was updated on the night of committee that this was no longer the case and made its decision on a substantively different test. Whilst the further update has returned the position to that broadly outlined in the Officer report the sequencing of this situation is sufficient to warrant a referral back to Members to consider the matter again.</p> <p>In considering the matter Members must make a fresh assessment of the application considering all material facts. Members are free to reach the same substantive conclusions (refusal) but must do so based on the current material factors, rather than a straight ratification of the earlier decision.</p>
<b>Safeguarding:</b>	No matters arising out of this report
<b>Equalities/Diversity:</b>	No matters arising out of this report
<b>Customer Impact:</b>	No matters arising out of this report
<b>Environment and Climate Change:</b>	As detailed in the report.
<b>Consultation/Community Engagement:</b>	No matters arising out of this report
<b>Risks:</b>	No matters arising out of this report
<b>Officer Contact:</b>	Lisa Page
<b>Designation:</b>	Planning Consultant
<b>Ext. No:</b>	2516
<b>E-mail:</b>	<a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a>



## 1. BACKGROUND

- 1.1 The above planning application at Shardlowes Farm, Hedingham Road, Gosfield, was reported to the Council's Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.
- 1.2 The published Committee Report stated that following the publication of the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.
- 1.3 At the Committee on 19<sup>th</sup> February 2019, Officers provided a verbal update to Members at the Planning Committee as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. Earlier on the day of Planning Committee the Government published its response to the technical consultation on updates to national planning policy and guidance. The effect of this change was that in utilising the Government's Standard Methodology, the 2014 based household projections would need to be used to calculate the Council's 5 Year Housing Land Supply requirement. This resulted in the Council's 5 Year Housing Land Supply position decreasing from the previously declared 6.00 years to 4.74 years'.
- 1.4 As a consequence of this change, the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.
- 1.5 However, at the time of reporting this, Officers were unaware that the Government had also published the 2018 housing delivery test results. Therefore, since the application was considered by the Planning Committee, there has been a further material change in circumstances in relation to the Council's 5 Year Housing Land Supply position.
- 1.6 This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

## 2. 5 YEAR HOUSING LAND SUPPLY

- 2.1 As outlined within the Committee Report, the site lies outside of the settlement boundary of Gosfield, where, in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, countryside policies will apply.
- 2.2 However, a material consideration to such an application for housing is the Council current housing land supply situation. Following Planning Committee, the decision to refuse permission was based on an understanding of the LPA not being able to demonstrate a 5 year land supply.

- 2.3 However, subsequent to the Planning Committee, the standard methodology was revised by the Government in Planning Practice Guidance 20th February 2019, which prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.
- 2.4 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and taking into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply, which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year housing land supply requirement.
- 2.5 The above revised 5 Year Housing Land Supply position needs to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment contained within the published Planning Committee Report.

### 3. PLANNING BALANCE AND CONCLUSION

- 3.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 3.2 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a

new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

- 3.3 The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).
- 3.4 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).
- 3.5 In terms of the settlement hierarchy in both the Adopted Development Plan and the emerging, the site would not be considered a sustainable location for residential development. Despite the facilities within Gosfield village and a regular bus service, the site is disconnected from these, and as such it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.
- 3.6 There are some social sustainability benefits in terms of the provision of housing and in particular the provision of affordable housing. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. These matters weigh in favour of the proposal.
- 3.7 In terms of environmental sustainability, whilst the development would result in removal and remediation of contamination and a visual improvement to the area of the site that is previously developed, any positive weight has to be balanced against the harm from the scale of development on previously undeveloped and open countryside. The proposal would result in harm to the

landscape character of the area and there is insufficient evidence submitted to adequately assess the impacts of the proposed development on protected species.

- 3.8 Further, there would be harm by reason of the scale of development that is out of context and at odds with the existing settlement. There would further be harm to the significance of a designated heritage asset in relation to the listed building and its setting, and to the setting of the Conservation Area, wherein the harm would not be outweighed against the public benefits of the proposal. Lastly, there is an objection from the LLFA in terms of flooding and drainage. These factors weigh against the proposal.
- 3.9 When considering the overall planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not constitute sustainable development and Officers recommend that the decision should proceed to be issued in accordance with the reasons as set out within the published Committee Report and updated reason as verbally reported to Members.

#### 4. RECOMMENDATION

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

- (1) The site is located in the countryside, outside any defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The site is disconnected from the village centre facilities which would limit walking or cycling and would place reliance on travel by car. The scale of the development is out of context and at odds with the existing settlement and would result in harm to the landscape approach of the village and the wider rural character and appearance of the locality. The development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP2, RLP9, RLP80 and RLP90 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011) and Policies SP1, LPP1, LPP55 and LPP71 of the Braintree District Publication Draft Local Plan (2017).
- (2) The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
- (3) Insufficient information has been submitted to adequately demonstrate that flood risk matters are addressed or that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree

District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).

(4) Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of Policy RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017) and the National Planning Policy Framework.

(5) Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:-

- the provision of affordable housing
- a financial contribution towards the provision of early years and childcare facilities; primary school places; and transport to secondary school
- a financial contribution towards the provision of primary health care
- the provision, delivery and maintenance of Public Open Space within the application site
- a financial contribution towards the provision / improvement of outdoor sports facilities and allotments

As such the proposal is contrary to the above policies and adopted SPD.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

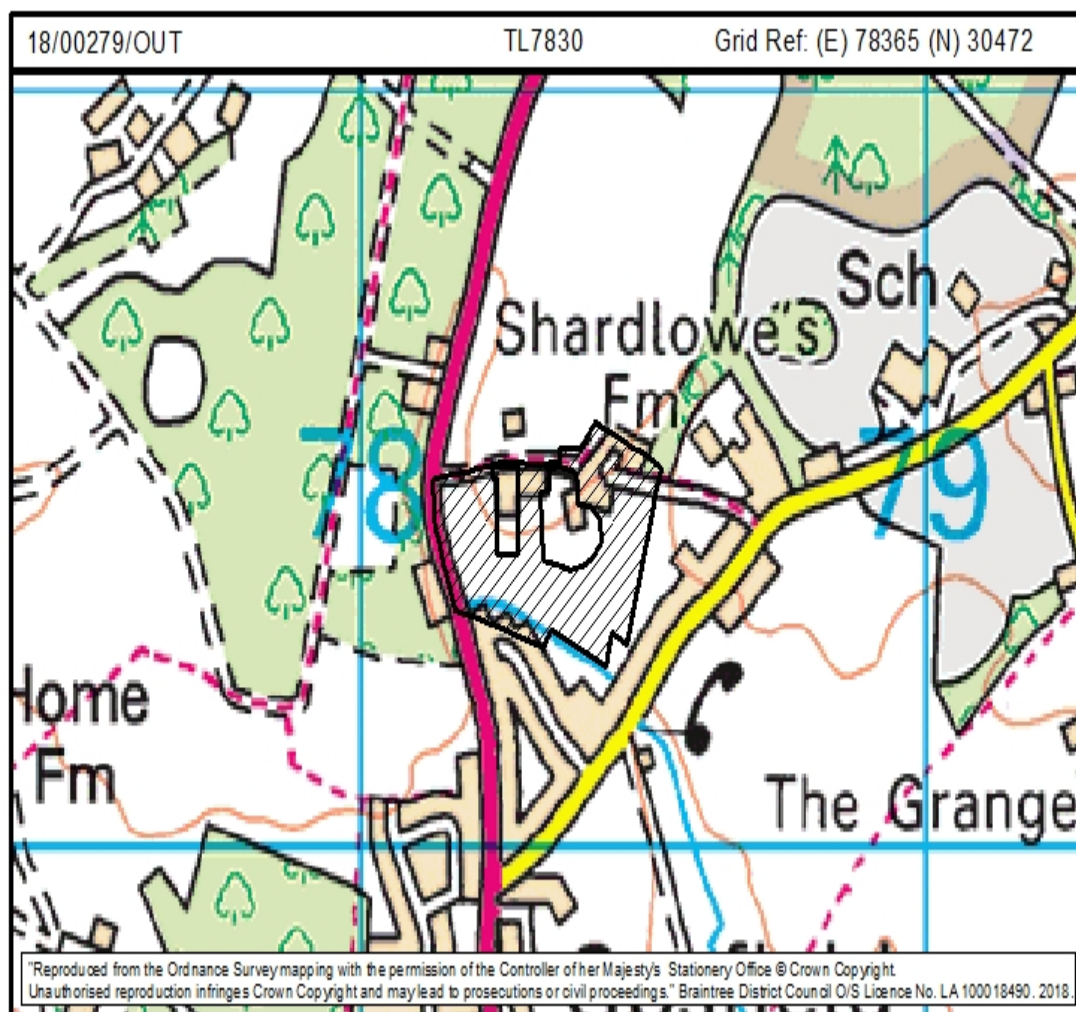
PART A

AGENDA ITEM NUMBER 5

APPLICATION NO: 18/00279/OUT      DATE: 03.04.18  
VALID:  
APPLICANT: Stockplace Investments Limited  
Mr Paul Denney, The Tutton Family, Susan Stevens and L  
& D Minton, C/O Mill House Barn, Mill Lane, Chelmsford,  
Essex, CM3 1JZ  
AGENT: Pomery Planning Consultants Ltd  
Mr Robert Pomery, Pappus House, Tollgate West,  
Stanway, Colchester, Essex, CO3 8AQ  
DESCRIPTION: Outline Planning Application with all matters reserved  
except access, for the demolition of commercial buildings,  
erection of up to 135 dwellings including 54 affordable  
dwellings.  
LOCATION: Shardlowes Farm, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:

Lisa Page on:- 01376 551414 or by e-mail to: [lisa.page@braintree.gov.uk](mailto:lisa.page@braintree.gov.uk)



## SITE HISTORY

01/00625/COU	Change of use of land for temporary stationing of mobile home and temporary use of calf rearing sheds for storage	Granted	25.09.01
03/00940/T56	Installation of 15m Monopole and associated development	Permission not Required	25.06.03
75/00722/P	Lorry servicing and maintenance, plant maintenance and sons car repairs.	Refused	23.09.75
87/02143/P	Change of use from industrial to business and general industrial uses.	Granted	01.03.88
90/01408/PFHN	Change of Use of redundant piggeries and retention of 4 no. buildings for industrial use	Granted	03.10.91
90/01514/POHN	Proposed Fishing Lake	Granted	03.10.91
94/01509/FUL	Continued use of redundant piggeries and retention of 4 No Buildings for industrial use	Withdrawn	29.03.95
95/00367/FUL	Application for full planning permission for existing buildings for storage and maintenance of personal goods and for light industrial use	Granted	31.05.95
97/00519/FUL	Erection of new farmhouse	Refused	25.06.97
04/02566/FUL	Proposed extension to dwelling house	Refused	22.02.05
05/00195/FUL	Erection of new garage	Granted	13.05.05
90/00143/PFHN	Construction Of New Access	Granted	22.03.90
96/00992/FUL	Erection of extension and alterations	Granted	03.10.96
04/01150/FUL	Change of use of land from storage to storage and parking for sweeper lorries, including increased height of workshop	Granted	13.09.05
97/00519/P	Erection of new farmhouse.	Refused	25.06.97
97/00519/FUL	Erection of new farmhouse	Refused	25.06.97

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

The North Essex Authorities have agreed to produce further evidence to present to the Planning Inspector on the section 1 Local Plan. The Authorities



will need to agree with the Planning Inspector a timetable for the completion of this work, but this will result in a delay to the adoption of the Local Plan.

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP38	Conversion of Rural Buildings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP49	Pedestrian Networks

RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
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
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP101	Listed Agricultural Buildings
RLP138	Provision of Open Space in New Housing Developments

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

CS1	Housing Provision and Delivery
CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

#### Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide

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

- Page 81 – 109 – Design

Essex Parking Standards/Urban Space Supplement  
Open Space Supplementary Planning Document  
Open Spaces Action Plan  
Landscape Character Assessment (2006)

## 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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

## SITE DESCRIPTION

The site is approximately 7.10 hectares in area, sited on the northern edge of the village of Gosfield. It lies to the east of the Hedingham Road (A1017) and to the west of the Halstead Road (A131). The north-eastern area of the site is in existing commercial use and contains a large amount of outside storage. This area of the site can be described as brownfield. The remainder of the site is open. The site excludes Shardlowes Farm, which has a pond within its plot, and it also excludes the residential dwelling of Oaklands.

To the north of the site is an existing access from the A1017 to the commercial use, beyond which lies the residential dwelling of Honeywoods with open countryside beyond. The eastern boundary is formed by the rear gardens of the ribbon development that fronts Halstead Road. The southern boundary also abuts the rear gardens of residential properties in Highlands and a small paddock. The eastern boundary is formed by the A1017, beyond which are three dwellings within open countryside.

The site lies outside of the Conservation Area but the barn within the site is a Grade II Listed Building.

## PROPOSAL

The application is in outline form with all matters reserved except for access. The proposal seeks the demolition of the commercial buildings on site and the erection of up to 135 dwellings, including 54 affordable dwellings. Initially, the application also sought the restoration of the listed barn for employment use, but this element has subsequently been removed from the description.

The application has been submitted with the following:-

- Flood Risk and Drainage Strategy;
- Foul Surface Water Report;
- Contamination Report (Phase 1);
- Sustainability Statement;
- Transport Assessment;
- Tree Survey / Arboricultural Assessment;

- Preliminary Ecological Appraisal;
- Air Quality Screening Assessment;
- Landscape Appraisal.

The application represents a departure from the Development Plan and has been advertised accordingly.

The proposed development does not fall within the threshold outlined in category 10 (b) Schedule 2 of the Regulations: Urban Development Projects and has not been subject of a request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, to determine whether or not the proposed development should be accompanied by an Environmental Impact Assessment (EIA).

### CONSULTATIONS

ECC Highways – Do not object to the application. Recommends conditions to secure: - a construction traffic management plan; visibility splays; upgrading of the footway along the entire site frontage to a minimum width of 2 metres; and residential travel information packs.

ECC Education – Comments that in regards to Early Years and Childcare, there are insufficient full day care places to meet demand from this proposal. They seek a financial contribution to mitigate its impact. In terms of primary education they note that the school is at or close to capacity in every year group and temporary accommodation within the local schools (Braintree group 3) is needed to meet current demand. This development will add to demand for such places in the area and, thereby, the scope of any project to provide additional school places will be directly related to the proposal. They seek a financial contribution to mitigate its impact on local primary provision. In regards to secondary education there is currently capacity at secondary level to meet the demand of this development. However the nearest secondary school is over 3 miles from the proposed development, ECC is obliged to provide transport the cost and they seek a financial contribution towards this transport provision.

Historic Building Consultant – Recommends refusal and comments that the development would result in an adverse impact upon the listed barn and its setting without appropriate safeguards in place for its preservation and enhancement. Further, that the development would have an adverse impact upon the Gosfield Conservation Area. For the purposes of planning the level of harm is considered less than substantial with the harm caused to the Grade II listed being of a higher degree. Any heritage gains which may arise as a result of the scheme cannot be accurately determined or given particular weight in my opinion due to a lack of detail.

ECC Local Lead Flood Authority – Object to the application based on insufficient information in respect of:- verifying that discharging via infiltration is not viable; that the size of the brownfield site is unclear and inconsistent;

the size of the impermeable area created by the development is therefore unclear; and in regards to discharge rates.

ECC Archaeological Advisor – Comments that the site is within a sensitive archaeological area and a condition is recommended to provide for archaeological evaluation and historic building recording.

ECC Ecology Section – Object to the application and comments that the Preliminary Ecological Appraisal submitted has identified that the site has moderate ecological value and that further surveys for bats, Great Crested Newts, reptiles, badgers and dormice are required to be able to complete an accurate ecological impact assessment of the site and inform an appropriate mitigation strategy.

BDC Environmental Services – No objections. Recommends conditions to secure: - hours of working; a dust and mud scheme; piling details; and further investigation will be needed to consider potential contamination of the site by way of a comprehensive Phase Two Survey together with a remediation scheme if necessary.

Anglian Water – Comments that in terms of wastewater treatment and the foul sewerage network there is capacity for these flows. In terms of surface water disposal, the proposed method of surface water management does not relate to Anglian Water operated assets and no comments are therefore provided.

Natural England – Responded with no comment.

Essex Police Liaison Officer – Comment that it is unclear what measures will be in place to mitigate the through traffic from Halstead Road to Hedingham Road, with concerns that this may generate crime and anti-social behaviour. Seek the opportunity to assist the developer to achieve Secured by Design.

#### Parish Council

Gosfield Parish Council object on the following grounds:

- Access to the site;
- The increase in the size of the village;
- A danger of becoming a suburb of Halstead;
- Pressure on the A1017;
- Lack of infrastructure (NHS, schools etc.);
- Lack of an Environmental Impact Assessment.

#### REPRESENTATIONS

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

1 letter of support has been received raising the following comments:-

- No objection to the planning application, however the existing northern access onto the A1017 should not be used for construction;
- Noise, dust, light and any other pollution to be kept to a minimum;
- Utilities services for the whole of the development site must be contained wholly within the site area, apart from connections to the highway;
- The overhead electricity cables running north to south across the field to the north, shall be removed.

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

- There are badger setts which are monitored by North East Essex Badger Group. The loss of badger setts to development is increasing to the detriment of the species.

18 letters of objection have been received from nearby residents, raising the following comments:-

- Scale of development is out of proportion with the village;
- Schools and other services already at capacity;
- Lack of facilities in the village;
- There has been no pre-planning public consultation or engagement concerning this application;
- Whilst this area of land was noted in the local plan 2033 draft as an alternative site, the plan has not yet been determined and therefore remains in draft form;
- An Environmental Impact Assessment should have been undertaken;
- Concerns in terms of ecology;
- Queries over ownership of the site;
- Lack of assessment of trees / adverse impact on trees;
- Site is not sustainable - facilities and amenities are beyond reasonable and safe walking distance. Would place reliance upon travel by car;
- The site is located in the countryside and falls outside of the defined village envelope;
- Detrimental to the highway efficiency of movement, capacity and safety;
- Concerns on flood risk/drainage;

## REPORT

### PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

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

### The Development Plan

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

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

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

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

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

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

### 5 Year Housing Land Supply

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

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

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

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

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



- Step 3 caps the level of any increase to 40% over the baseline target. The cap is only applicable if the target number of dwellings per annum, derived from steps 1 and 2, exceeds the baseline target + 40%.

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19th October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15th January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

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

## SITE ASSESSMENT

### Location and Access to Services and Facilities

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'.

Policy CS5 of the Adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

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

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where:

- Direct public transport services exist, or there is potential for the development to be well served by public transport
- The layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance of the entire site.

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

The development will undoubtedly bring both social and economic benefits with the provision of housing and also affordable housing (in accordance with the policy requirement). In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services and facilities within nearby towns/villages. These factors weigh in favour of the proposal in the planning balance.

In terms of environmental sustainability, the north-eastern part of the site contains an existing commercial use, with a number of sprawling low level and poor quality structures and outside storage provision. This area of the site can be considered to be previously developed land. The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value. This must however be considered in the context of the Framework as a whole. Although broadly the use of brownfield land to deliver housing would be preferable to releasing greenfield sites, when considering a brownfield site it is not the case that all other standards and policies are

disregarded. The NPPF does not dictate or presume that the development of brownfield land should be granted planning permission without giving due consideration to all other material considerations, including securing sustainable development. Previously developed land is a consideration and has benefit in terms of sustainability, but it is not the sole determining factor.

In this regard, the redevelopment would facilitate the potential to remove a somewhat unsightly use and would improve the visual amenity of the area. Furthermore, removal of contamination and remediation would be a positive aspect. However, this development proposal is not solely for the redevelopment of the area that can be described as brownfield, rather it extends across other undeveloped greenfield land. Any removal of structures and improvements to this area of land is at the expense of development on a larger area of undeveloped land and loss of countryside and habitats.

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

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

Policy CS7 of the Adopted Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. Gosfield is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop (although planning permission has just recently been refused to renew its consent) and a small retail offer, recreational ground, social club, tennis club, golf club and a church. The village is served by the No. 38/38A and No. 352 bus services. The No. 38 bus service provides links to Halstead, Braintree, Witham, Cressing, Silver End and Rivenhall and is a ½ hourly service Monday to Saturday. The No. 352 service links to Halstead, Braintree, Great Leighs,

Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

Whilst it is noted that Gosfield does have a variety of amenities and facilities these are, in the main, located within the village centre. The site is located beyond the settlement limits, is disconnected from the village centre and is not within a reasonable walking distance of the site. Development in this location would place reliance on travel by car and this weighs against the proposal in the overall planning balance.

To summarise on the matter of the site location, access to services and facilities and general sustainability of the site, in terms of the settlement hierarchy in both the Adopted Development Plan and the emerging, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Gosfield village and a regular bus service, the site is disconnected from these and as such it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.

There are some social benefits in terms of the provision of housing and in particular the policy compliant provision of affordable housing, and the development would also provide for economic benefits. These matters weigh in favour of the proposal.

In terms of environmental sustainability, whilst the development would result in removal and remediation of contamination and a visual improvement to the area of the site that is previously developed, any positive weight has to be balanced against the harm from the scale of development on previously undeveloped and open countryside.

### Layout, Design and Appearance

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

The application proposes up to 135 dwellings. This is considered of a scale that would be out of context with the scale of the existing settlement of Gosfield. On this application, layout, scale, appearance and landscaping are reserved matters. However, the application has been submitted with an indicative layout plan which demonstrates one way in which the application site could accommodate the proposed quantum of development. The

applicant seeks permission for the erection of up to 135 dwellings at a density of approximately 10.01 dwellings per hectare.

From the indicative layout of the development, Officers are not persuaded that it has been adequately demonstrated that the number of units can be achieved on the site without undue harm to the grain of development in the area. In reaching this view, it is noted that the indicative layout shows a scheme in which the majority of dwellings would have publically accessible space behind their private gardens. The large open space to the south is not actively addressed by houses fronting onto it, and as is similar to other areas of the site, has back gardens onto the public space.

There are instances of poorly designed car parking and townscape throughout the proposal with small backland arrangements that have a poor sense of place. Highway standards have not been adhered to with many private drives and inadequately wide carriageways serving too many dwellings or lacking turning facilities for waste collection vehicles. Further, and as is discussed in more detail later in this report, the listed building is not enhanced by the proposal, introducing a large suburban development around it.

Overall in terms of the scale of development, a proposal for up to 135 dwellings would be out of context and at odds with the existing settlement. Further, the indicative plans do not evidence that the stated number of dwellings can be appropriately accommodated on the site and this weighs against the proposal.

### Heritage

The site is located outside of the Gosfield Conservation Area, being separated from it by a late twentieth century housing development. However, the site does contain a Grade II listed late seventeenth / early eighteenth century barn, though it has been allowed to fall into a state of disrepair and much of the historic farm has been altered with the setting of this listed barn substantially altered throughout the late twentieth century by the erection of numerous structures associated with industrial uses and residential dwellings.

In accordance with the NPPF, a heritage statement has been provided which heavily draws on the heritage benefits of the development through the demolition of existing structures and the conversion of the barn to office accommodation. However, due to the lack of a detailed and robust heritage statement or the submission of a Listed Building Consent application, little weight can be given to this presumption. There is no evidence to suggest that the proposed conversion of the barn is appropriate and would be granted Listed Building Consent or any guarantee that this permission would be implemented. In order for this to be evaluated and given weight a Listed Building Consent application for the proposed conversion would need to be approved, and for this then to be tied into this application through an appropriately worded Legal Agreement to ensure that the works to secure the barn were undertaken.

Whilst the demolition of existing structures would represent an enhancement to the listed barns setting, the erection of numerous residential dwellings in such close proximity to the barn would undermine this heritage gain. Within any proposed scheme the listed barn should be given a much more generous setting with no new dwellings in close proximity to the barn.

Further in regards to the erection of up to 135 residential dwellings, the principle consideration is how this would impact upon the setting of the Grade II listed barn and how it is experienced and interpreted within the wider landscape. At present the barn is principally experienced by members of the public from the public right of way which follows the historic access route to the farm complex between Halstead Road and Hedingham Road. Running east to west this route's character is defined by the strong sense of enclosure created by the hedgerows and trees which line the route. The notable exception to this is the central section of the footpath occupied by Shardlowes Farm and the assortment of structures and storage which surround it. As already discussed, the removal of these structures and associated storage material together with the implementation of an appropriate landscaping scheme (and potentially the erection of further structures to create a farmyard aesthetic) would enhance the heritage asset's setting. However, the number of proposed new dwellings is considered overly ambitious, and would, as a result undermine the proposed enhancement to the barn's setting whilst also having a detrimental impact upon how the asset is experienced within its landscape by altering the character of the public footpath. Those dwellings to the north of the public right of way, those which back onto it together with those which address the route will all contribute to a domestic character which could not be adequately controlled by any landscape condition.

The proposed development is situated to the north of the Gosfield Conservation Area and would contribute to the dilution of the settlement's historic core through extending the ribbon of later development further along Hedingham Road beyond the twentieth century development which already disconnects the village from its landscape setting. Despite the retention of hedgerow, the properties to the western edge of the site parallel to Hedingham Road would likely be visible from this route towards the Conservation Area. Furthermore, due to the required visibility splays there are concerns that the new entrance to the development would appear urbanising and would alter the character of the approach to Gosfield.

As acknowledged, by the National Planning Policy Framework (NPPF), heritage assets are an irreplaceable resource, the significance of which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In this instance, the level of harm to the significance of a designated heritage asset (relating to the listed building and its setting, and to the setting of the Conservation Area), would be 'less than substantial'. In accordance with the NPPF this harm should be weighed against the public benefits of the

proposal. Due to the nature of the application in outline form with all matters except access as reserved matters, and as an acceptable proposal for the future of the listed building is not secured through this application, any heritage gains which may arise as a result of the scheme cannot be accurately determined or given particular weight. Whilst there is some benefit in terms of the removal of unsightly structures and the delivery of housing in the District, these matters would not be of such public benefit to weigh against the harm.

#### Impact on Neighbour and Future Amenity

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

Given the outline nature of the application, detailed layouts and housing types do not form part of the proposal. Despite concerns expressed with the scale of development on this site, given the site area Officers are content that a layout could be developed without having an unacceptable impact upon neighbour's amenity or future occupier's amenity in terms of overlooking, loss of light or outlook. This would form a detailed planning consideration at the reserved matters stage.

#### Highway Matters

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel. The NPPF also requires developments which will generate significant amounts of movement to be supported by a Transport Statement and for decisions to take account of whether i) the opportunities for sustainable transport modes have been taken up and ii) whether safe and suitable access to the site can be achieved for all people.

Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exists or there is potential for the development to be well served by public transport and the layout has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

The application proposes that the dwellings would be served by Hedingham Road. The Highways Authority raise no objections to the application subject to conditions to secure a construction traffic management plan; visibility splays; upgrading of the footway along the entire site frontage to a minimum width of 2 metres; and residential travel information packs.

## Flood Risk and Surface Water Drainage

The application site is located within Flood Zone 1 (low probability risk of flooding). The applicant has submitted a Flood Risk Assessment and Drainage Strategy in support of their application.

The Lead Local Flood Authority (LLFA) have been consulted on its contents to review the acceptability of the SuDS scheme and to ensure sustainable drainage proposals comply with the required standards. The LLFA object to the application, stating that there is insufficient information/justification made in regards to discharging via infiltration; discharge rates; the size of the brownfield site; and the size of the impermeable area created by the development.

Overall, in terms of flood risk and drainage, the application has failed to produce an appropriate assessment to demonstrate that the development would be acceptable.

## Landscape and Ecology

The site is fairly contained within an undulating landscape and traversed by a public footpath (PROW 82-12) that runs along the northern boundary. Given the scale of the development on this mainly undeveloped site, there would be a vast change to the local landscape. The proposed development would be partially visible through existing vegetation and this will be visible as visitors drive into the village along the Hedingham Road. It is considered that the village announces itself in a fairly discrete and subtle manner when approaching from this direction and this will be changed by the proposed layout introducing a more suburban character from this aspect; views from this road along the northern boundary will also contain a greater sense of a larger settlement than exists within the current setting.

The impact of the proposals on the approach from Halstead and the views from PROW 88-14 which runs along the edge of the woodland nature reserve further to the south are not considered to be significant, partly due to the topography and also because the settlement edge along this approach road already contains a significant amount of modern housing and a more suburban feel.

In regards to trees the access would require the removal of a tree to enable the required sightlines. Whilst their removal is regrettable due to the amenity value they offer, given the scale of removal, which is required to facilitate highway safety and wherein compensatory tree planting can be offered, it is considered acceptable in this case. Other trees at the site can be protected and retained by way of Condition.

A Preliminary Ecological Appraisal (PEA) has been submitted with this application. The PEA has identified that the site has moderate ecological value and that further surveys for bats, Great Crested Newts, reptiles, badgers



and dormice are required to be able to complete an accurate ecological impact assessment of the site and inform an appropriate mitigation strategy. The further survey work will also determine if Protected Species Licences will be required to be obtained from Natural England. These additional surveys have not been undertaken, and it is therefore determined that there is insufficient information submitted for Officers to adequately assess the impacts of the proposed development on protected species.

#### Habitat Regulations Assessment (HRA / RAMS)

The site falls outside of the zones of influence and as such an appropriate assessment is not required.

#### Other Matters

Contaminated Land – A Phase 1 Contamination Report has been provided, which outlines that it will be necessary to consider potential contamination of the site by way of undertaking a comprehensive survey (Phase Two). Subject to a condition that a copy of the survey findings together with a remediation scheme (if necessary) to bring the site to a suitable condition in that it represents an acceptable risk, be submitted to and agreed in writing with the Local Planning, the development is considered acceptable in terms of contamination impacts.

Air Quality – The application is supported by an Air Quality Assessment. This concludes that any increase in pollutant concentrations will not exceed any air quality objectives and thus the development will not have a significant effect on air quality.

#### PLANNING BALANCE AND CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current

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

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

In terms of the settlement hierarchy in both the Adopted Development Plan and the emerging, the site would not be considered a sustainable location for residential development. Despite the facilities within Gosfield village and a regular bus service, the site is disconnected from these, and as such it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.

There are some social sustainability benefits in terms of the provision of housing and in particular the provision of affordable housing. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. These matters weigh in favour of the proposal.

In terms of environmental sustainability, whilst the development would result in removal and remediation of contamination and a visual improvement to the area of the site that is previously developed, any positive weight has to be balanced against the harm from the scale of development on previously undeveloped and open countryside. The proposal would result in harm to the landscape character of the area and there is insufficient evidence submitted to adequately assess the impacts of the proposed development on protected species.

Further, there would be harm by reason of the scale of development that is out of context and at odds with the existing settlement. There would further be harm to the significance of a designated heritage asset in relation to the listed building and its setting, and to the setting of the Conservation Area, wherein the harm would not be outweighed against the public benefits of the proposal. Lastly, there is an objection from the LLFA in terms of flooding and drainage. These factors weigh against the proposal.

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

### RECOMMENDATION

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

- 1        The site is located in the countryside, outside any defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The site is disconnected from the village centre facilities which would limit walking or cycling and would place reliance on travel by car. The scale of the development is out of context and at odds with the existing settlement and would result in harm to the landscape approach of the village and the wider rural character and appearance of the locality. The development is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP2, RLP9, RLP80 and RLP90 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011) and Policies SP1, LPP1, LPP55 and LPP71 of the Braintree District Publication Draft Local Plan (2017).
- 2        The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the

Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).

- 3 Insufficient information has been submitted to adequately demonstrate that flood risk matters are addressed or that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).
- 4 Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of Policy RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017) and the National Planning Policy Framework.

#### SUBMITTED PLANS

Location Plan	Plan Ref: TY.LOC
Site Plan	Plan Ref: TY.02a
Cycle Plan	Plan Ref: TY03d
Proposed Site Plan	Plan Ref: TY.04g
Site Plan	Plan Ref: TY.05d
Landscaping	Plan Ref: TY.06
Aerial Photo	Plan Ref: TY.LOC
Access Details	Plan Ref: IT1841/TA/03

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

Planning Application 18/01853/OUT – Land South of Nounsley Road, Hatfield Peverel		Agenda No: 5c
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Lisa Page, Planning Consultant	
Report prepared by:	Lisa Page, Planning Consultant	
Background Papers:	Public Report	
Original Planning Committee Report - Application Reference 18/01853/OUT (Agenda Item 5b on 19 <sup>th</sup> February 2019 Planning Committee) Planning Committee Minutes – 19 <sup>th</sup> February 2019	Key Decision: No	
Executive Summary:		
<p>The above planning application was reported to Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.</p> <p>The published Committee Report (copy of which is attached) stated that following the publication of the 2018 Annual Monitoring Report on 15th January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.</p> <p>At the Committee on 19th February 2019, Officers provided a verbal update to Members as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. This resulted in the Council's 5 Year Housing Land Supply position decreasing from 6.00 years to 4.74 years'. As a consequence the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.</p> <p>However, there was a further material change to the Council's 5 Year Housing Land</p>		

Supply position which occurred later within the same day which was not reported to Members of the Planning Committee, namely the results of the 2018 Housing Delivery Test (as Officers were unaware of this at the time). When recalculating the Council's 5 year supply figure (utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), the Council's latest 5 year supply figure is 5.42 years, as at 31st March 2018.

This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

**Recommended Decision:**

To refuse planning permission for the reasons detailed in section 4 of the report.

**Purpose of Decision:**

To determine the above planning application to enable a decision to be issued.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	No matters arising out of this report
<b>Legal:</b>	<p>Further to the case of <i>R (on the application of Kides) v South Cambridgeshire District Council</i> [2002] EWCA Civ 1370. The Planning Committee formally makes decisions as the local planning authority 'in principle' with Officers later formalising this with the issuing of a final decision notice either to refuse or grant an application. Where new factors arise between the 'in principle' resolution and the formal determination, the local planning authority must have regard to any factors that are material considerations and must consider them with the particular planning application in mind. However, this does not necessarily mean that each time a new material consideration arises after the initial 'in principle' resolution, the planning application has to be referred back to the Planning Committee.</p> <p>In this case whilst unusual the fact that there was a significant change in a material consideration in terms of the Councils 5 year supply figure care has to be had with respect to the decision making.</p> <p>The original report was prepared on the basis that the Council could demonstrate over a 5 year supply, the Committee was updated on the night of committee that this was no longer the case and made its decision on a substantively different test. Whilst the further update has returned the position to that broadly outlined in the Officer report the sequencing of this situation is sufficient to warrant a referral back to Members to consider the matter again.</p> <p>In considering the matter Members must make a fresh assessment of the application considering all material facts. Members are free to reach the same substantive conclusions (refusal) but must do so based on the current material factors, rather than a straight ratification of the earlier decision.</p>
<b>Safeguarding:</b>	No matters arising out of this report
<b>Equalities/Diversity:</b>	No matters arising out of this report
<b>Customer Impact:</b>	No matters arising out of this report
<b>Environment and Climate Change:</b>	As detailed in the report.
<b>Consultation/Community Engagement:</b>	No matters arising out of this report
<b>Risks:</b>	No matters arising out of this report
<b>Officer Contact:</b>	Lisa Page
<b>Designation:</b>	Planning Consultant
<b>Ext. No:</b>	2516
<b>E-mail:</b>	<a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a>

## 1. BACKGROUND

- 1.1 The above planning application at Land South of Nounsley Road was reported to the Council's Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.
- 1.2 The published Committee Report stated that following the publication of the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.
- 1.3 At the Committee on 19<sup>th</sup> February 2019, Officers provided a verbal update to Members at the Planning Committee as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. Earlier on the day of Planning Committee the Government published its response to the technical consultation on updates to national planning policy and guidance. The effect of this change was that in utilising the Government's Standard Methodology, the 2014 based household projections would need to be used to calculate the Council's 5 Year Housing Land Supply requirement. This resulted in the Council's 5 Year Housing Land Supply position decreasing from the previously declared 6.00 years to 4.74 years'.
- 1.4 As a consequence of this change, the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.
- 1.5 However, at the time of reporting this, Officers were unaware that the Government had also published the 2018 housing delivery test results. Therefore, since the application was considered by the Planning Committee, there has been a further material change in circumstances in relation to the Council's 5 Year Housing Land Supply position.
- 1.6 This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

## 2. 5 YEAR HOUSING LAND SUPPLY

- 2.1 As outlined within the Committee Report, the site lies outside of the settlement boundary of Nounsley, where, in accordance with Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan, countryside policies will apply.
- 2.2 However, a material consideration to such an application for housing is the Council current housing land supply situation. Following Planning Committee, the decision to refuse permission was based on an understanding of the LPA not being able to demonstrate a 5 year land supply.



- 2.3 However, subsequent to the Planning Committee, the standard methodology was revised by the Government in Planning Practice Guidance 20th February 2019, which prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.
- 2.4 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and taking into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply, which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year housing land supply requirement.
- 2.5 The above revised 5 Year Housing Land Supply position needs to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment contained within the published Planning Committee Report.

### 3. PLANNING BALANCE AND CONCLUSION

- 3.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and is therefore located within the countryside, where new development is strictly controlled to uses appropriate within the countryside in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside. There is therefore a presumption that the application should be refused unless there are material reasons to grant planning permission.
- 3.2 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a

new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

- 3.3 The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).
- 3.4 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).
- 3.5 There are some social benefits in terms of the provision of housing and the development would provide for economic benefits which weigh in favour of the proposal. However, in terms of the settlement hierarchy in both the Adopted Development Plan and the emerging, the site would not be considered a sustainable location for residential development, where despite there being facilities within Hatfield Peverel, given the distances involved and the characteristics of the route, it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.
- 3.6 There is further harm by reason of the impact upon the setting of the heritage asset of Barns and Gate Farmhouse, and insufficient information to adequately assess the application in terms of its impact upon protected species. Furthermore, the application does not demonstrate that a sustainable drainage proposal is achieved.
- 3.7 When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not

outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not constitute sustainable development and recommend that planning permission is refused.

#### 4. RECOMMENDATION

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

- (1) The site is located in the countryside, outside any defined village envelope as identified in the Adopted Local Plan and Adopted Core Strategy. The site is in a location with limited access to facilities, amenities, public transport links and employment opportunities and would undoubtedly place reliance on travel by car and do little to enhance or maintain the vitality of the area. In such circumstances, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits arising from the development, contrary to the provisions of the National Planning Policy Framework; Policy RLP2 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011); and Policies SP1, LPP1 and LPP55 of the Braintree District Publication Draft Local Plan (2017).
- (2) The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
- (3) Insufficient information has been submitted to adequately demonstrate that a suitable sustainable urban drainage system can be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).
- (4) Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017).
- (5) Insufficient information has been submitted to adequately demonstrate that the proposal would be acceptable in terms of highway safety and efficiency. The proposal is thereby contrary to Paragraph 109 of the National Planning Policy Framework (2012), Policy CS7 of the Braintree District Local Development Strategy Core Strategy (2011) and Policy RLP90 of the Braintree District Local Plan Review (2005).

- (6) Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed.

Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:-

- The provision of affordable housing
- A financial contribution towards the provision / improvement of public open space

The proposed development triggers the need for these obligations. As such the proposal is contrary to the above policies and adopted SPD.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## AGENDA ITEM NUMBER 5

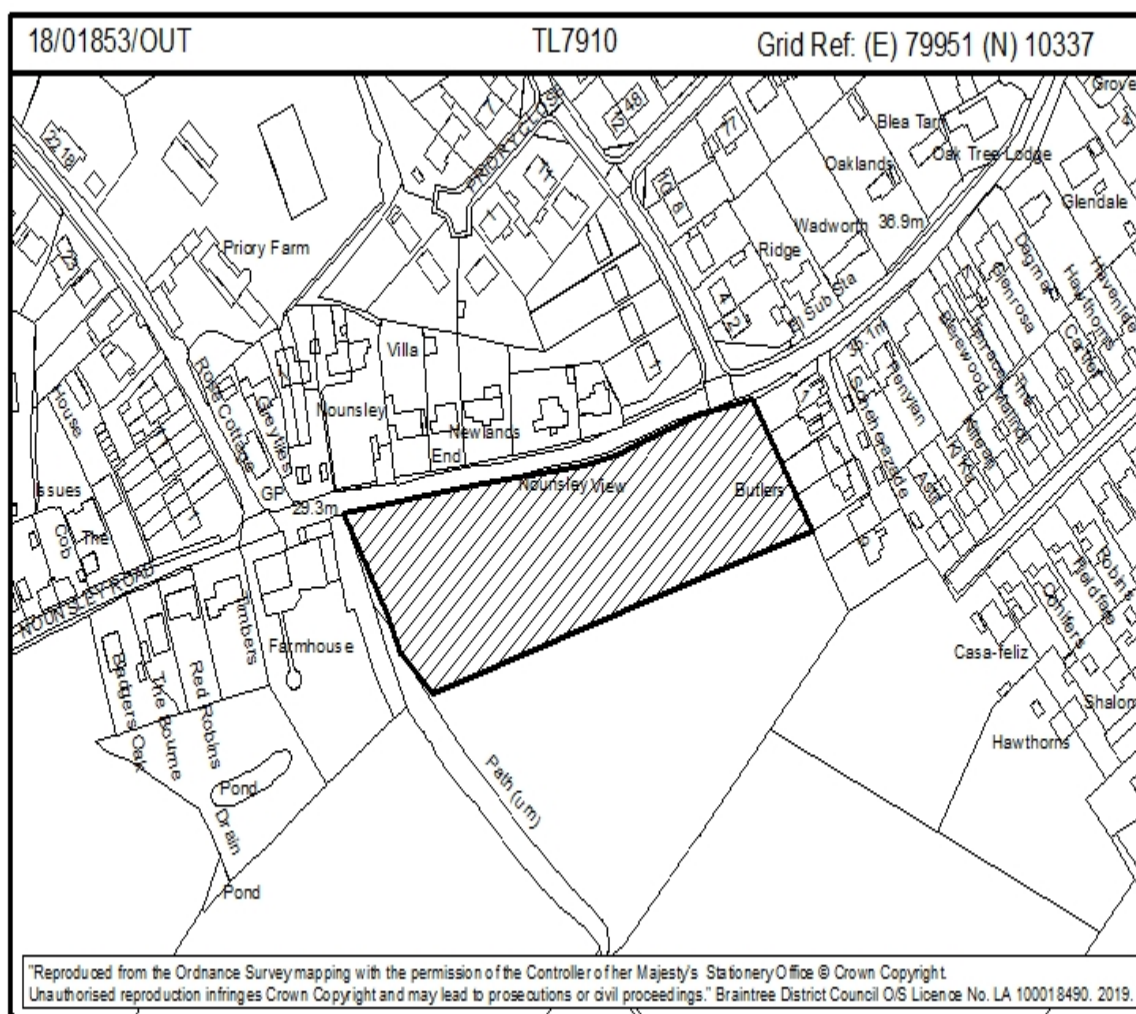
### PART A

**APPLICATION NO:** 18/01853/OUT      **DATE:** 12.10.18  
**VALID:**  
**APPLICANT:** Mr Arran Gordon  
 Gordon (Homes) Ltd, 19 Juliette Way, Purfleet Industrial Park, South Ockendon, RM15 4YD  
**AGENT:** Penny Little  
 A & P Designs Ltd, 116 Oak Road , Rivenhall , CM8 3HG, United Kingdom  
**DESCRIPTION:** Application for outline planning permission with all matters reserved - 10 dwellings with associated parking, garaging and community footpath.  
**LOCATION:** Land South Of, Nounsley Road, Hatfield Peverel, Essex

For more information about this Application please contact:

Lisa Page on:- 01376 551414 Ext.

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



## SITE HISTORY

85/00462/P	Conversion of outbuildings to residential dwelling.	Appeal Dismissed	02.05.86
85/00463/P	Conversion of outbuildings to residential dwelling.	Refused	18.06.85
87/02114/P	Conversion of farm buildings to granny flat and garage.	Refused	16.03.88
87/02120/P	Conversion of farm buildings to granny flat and garage.	Refused	16.03.88
79/01917/P	Erection of 2 storey extensions and additions and demolition of outbuildings at Barnards & Gate Farmhouse.	Granted	05.02.80
97/00004/FUL	Renovation of existing outbuilding to be used as games room/gymnasium ancillary to the dwelling house	Granted	15.05.97
15/01495/FUL	Extended ground floor areas under existing rear cantilevers, change of all existing windows and new window to dining area	Granted	29.02.16
15/01496/LBC	Extended ground floor areas under existing rear cantilevers, change of all existing windows and new window to dining area	Granted	29.02.16
16/00814/FUL	Extend single storey lean-to toward the rear of the property retaining existing width	Granted	08.07.16
16/00815/LBC	Extend single storey lean-to toward the rear of the property retaining existing width	Granted	08.07.16
17/01858/DAC	Application for approval of details reserved by condition no. 3 of approved application 15/01496/LBC	Granted	30.11.17

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP49	Pedestrian Networks
RLP53	Generators of Travel Demand
RLP54	Transport Assessments



RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP69	Sustainable Urban Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

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

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

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP82	Infrastructure Delivery and Impact Mitigation

Site Allocations and Development Management Plan  
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement  
Landscape Character Assessment (2006)

## 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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

## SITE DESCRIPTION

The application site is located within Nounsley, to the south of Hatfield Peverel. It lies outside of the Village Envelope of Nounsley and within open countryside. The site (0.976ha) is broadly rectangular with a 175metre frontage to Nounsley Road and forms the northern part of an open field. It is this northern part that is proposed to be developed – the remainder of the field would remain as existing for grazing or similar. This northern boundary is defined by an established hedgerow. The Eastern boundary is defined by the rear gardens of Butlers Cottages. A public footpath runs along the Western boundary, beyond which lies the Grade II Listed buildings of Barns and Gate Farmhouse and its associated barns.

## PROPOSAL

The application seeks outline planning permission for the erection of ten detached dwellings with all matters reserved. An indicative layout has been submitted with the application to demonstrate one way in which 10 dwellings could be accommodated at the site.

## CONSULTATIONS

ECC Highways – No comments received to date. Members will be updated on any comments received at Committee.

ECC Ecology – Object to the application and comment that no ecological assessment has been provided to assess the impacts of the development on Protected and Priority species and habitats.

ECC Archaeologists – Comment that the site lies within an area of archaeological potential. Seek a condition to properly provide for archaeological investigation, mitigation and recording.

ECC Lead Local Flood Authority – Object to the application and comment that the information does not provide sufficient information to assess the proposed development.

ECC Historic Building Consultant – Do not support. Note that no heritage assessment has been submitted, nor referred to in the Planning Statement. Comment that the development would cause harm to the adjacent listed building by further divorcing the heritage asset from its agrarian landscape.

BDC Environmental Health – No comments received to date. Members will be updated on any comments received at Committee.

BDC Landscape Officer – Comment that the boundary along the roadside frontage is formed by a significant hedgerow that helps define the character and setting for this part of the village. Would object to the loss of this feature on landscape grounds (and highlight that there may also be an ecological/biodiversity argument for its retention depending on its age and species composition). The proposal to provide a replacement/new hedge along the rear boundary of these properties is welcome but any new planting will fall to each property to maintain and there is no guarantee that this will be consistent beyond the 5 years that the landscape condition could be enforced; the elevations, visual mass and a boundary that may end up some years hence with Leylandii hedges and close board fencing will be a detrimental prospect for those using the adjacent PROW. The proposal will extend the roadside development and remove the views across the open field-scape and the setting for the PROW.

Natural England – Comment that the site falls within the ‘Zone of Influence’ (ZOI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitats Regulations Assessment (HRA) is required to be undertaken to secure any necessary mitigation.

Essex Police – Comment that designs and layouts shall promote a safe and secure environment, crime reduction and prevention and shall encourage the related objective of enhancing personal safety. Raise no concerns with the layout but would wish to see proposed lighting, boundary treatments and physical security measures.

Anglian Water – Comment that in regards to ‘wastewater treatment’, the foul drainage from this development is in the catchment of Witham Water Recycling Centre that will have available capacity for these flows. In regards to ‘used water network’ comment that the sewerage system at present has available capacity for these flows via a gravity discharge regime only. If the developer wishes to connect to their sewerage network they should serve notice. In regards to ‘surface water disposal’ comment that the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted is unacceptable. If Officers are minded to approve permission, a condition should be imposed to ensure that no drainage works shall commence until a surface water management strategy has been submitted to and approved in writing.

### Parish Council

Hatfield Peverel Parish Council does not support the above application and make the following comments:

- The site is located outside of the existing development boundary;

- The road is narrow and there is no footpath along the stretch of road where the proposed development fronts;
- The site is in a location with limited access to facilities, amenities, and public transport links;
- Increase of traffic in Nounsley Road. The surface of the road is in poor condition;
- Loss of grazing/agricultural land and established hedgerows;
- It was identified through the NDP engagement that there is a need for starter homes and bungalows or ground floor accommodation. The proposals for this site do not include those options;
- The site was not put forward for consideration in the new Local Plan, and is not allocated for development in the new Local Plan or the emerging Neighbourhood Development Plan;
- Desire for Nounsley to remain as a small hamlet;
- The site falls within the Hatfield Peverel Landscape Character Assessment October 2015 Area 5. The development would not enhance the area but would be detrimental, harming the landscape and character of the area with loss of natural habitats;
- Housing anticipated on other sites in the Parish meets the identified housing need within the Parish;
- The cumulative impact - roads, schools and doctors' surgery at capacity;

## REPRESENTATIONS

107 letters of objection and a further planning consultant's letter representing a number of neighbours, have been received objecting and raising the following comments:

- The site is outside of the village envelope – within open countryside;
- The site was not proposed by BDC for allocation in the Local Development Framework and is not proposed for allocation in the Draft Local Plan and is outside the Neighbourhood Plan;
- No need for further housing - substantial planned development with the Hatfield Peverel area negates this proposed build;
- Proposal does not meet any local need;
- The road itself is narrow and does not support additional housing access;
- Traffic increase and harm to safety. Will add to congestion;
- Is no footpath either side of Nounsley road in this location;
- The existing hedgerow on the south side of the road would be lost/ loss of habitats and harm to wildlife;
- Will change the rural character of the area and housing style out of keeping;
- Village has poor facilities. Those in Hatfield Peverel are at some distance and along poor routes that are not well lit;
- Services such as health care and education already at capacity;
- Poor public transport links – reliance on private car;

- The agricultural land classification appears to be Grade 3 'Good to Moderate';
- Harm to listed buildings;
- Increase flood risk and drainage concerns;
- Harm to neighbouring amenity from light and outlook and noise during construction.

## REPORT

### PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the

Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

### The Development Plan

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

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

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

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

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

### 5 Year Housing Land Supply

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

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

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

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our

'local housing need' plus the relevant buffer. 'Local housing need' is defined as the 'standard method'. The new standard methodology applies a 3 step process as follows:

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

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19<sup>th</sup> October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of

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

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

## SITE ASSESSMENT

### Location and Access to Services and Facilities

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'.

Policy CS5 of the Adopted Core Strategy states that 'development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside'.

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 both social benefits with the provision of housing, and economic benefits during the construction stage. Albeit these benefits would be limited to the scale of development, these factors weigh in favour of the proposal in the planning balance.

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

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



Nounsley is an 'other village' within the settlement hierarchy within the Adopted Core Strategy. The Publication Draft Local Plan classes the village as 'third tier'. These are the smallest villages in the District and lack most of the facilities required to meet day to day needs. They often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development within a third tier village.

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Nounsley itself does not benefit from a post office, local shop, primary school provision, village hall or similar. There is one Public House, which is not currently open for business (and is sited on the edge of the settlement and outside of the defined boundary). In terms of accessibility to nearby towns and villages to access services, whilst there are bus services from Nounsley, to Hatfield Peverel, Maldon and Chelmsford, these are not frequent and would provide limited realistic flexibility and opportunities for occupiers to have adequate service to such services especially in terms of access to school or to commute further afield.

The relative close proximity of Hatfield Peverel to the north is noted. Indeed this is a key service village where there are a number of facilities and services including Infants and Junior school, doctors surgery, shops, Public Houses and restaurants, library, Church and similar, as well as the railway Station. In terms of accessing those facilities, occupiers of the site would most realistically travel via Nounsley Road and Ulting Road. Via this route, the School is located around 1 mile from the site, the town 1.3 miles and the train station 1.7 miles. Much of the route, especially along Ulting Road, is without lighting and this is a factor that would discourage occupiers of the site from walking or cycling to Hatfield Peverel. Overall given the distances involved and the characteristics of the some of the route, occupiers of the site would be unlikely to connect to the services in Hatfield Peverel on foot and bicycle.

To summarise on the matter of the site location, access to services and facilities and general sustainability of the site, in terms of the settlement hierarchy in both the current development plan and the emerging, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Hatfield Peverel, given the distances involved and the characteristics of the route, it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.

There are some social benefits in terms of the provision of housing and in that the development would provide for economic benefits. These matters weigh in favour of the proposal.

#### Layout, Design and Appearance

The NPPF seeks a high quality design as a key aspect to achieving sustainable development. Further, Policy RLP90 of the Adopted Local Plan

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

On this application, matters including layout, scale and appearance are reserved matters. However, the application has been submitted with an indicative layout plan which demonstrates one way in which the application site could accommodate the proposed quantum of development. The applicant seeks permission for the erection of 10 detached dwellings. Whilst no view is given as to the acceptability of the illustrative layout, or in terms of their size and form, it does demonstrate that the number of units can be achieved on the site, without undue harm to the grain of development in the area and with the dwellings being compliant with the Essex Design Guide in terms of back to back distances and garden size, and the layout demonstrating that parking provision can be made in accordance with the Essex Parking Standards.

There is a significant hedgerow to the site frontage that helps define the character and setting for this part of the village and the indicative layout shown with a number of vehicular access points would result in a loss of this landscape feature. However, the access is also a reserved matter and an amended layout could achieve the retention of more of this hedge.

### Heritage

The site is adjacent to the Grade II listed Barns and Gate Farmhouse. Despite twentieth century development to the north and west, the listed farmhouse can still be experienced within an agrarian landscape by virtue of the fields to the east and to the south. In this instance setting is considered to make a positive contribution to the significance of the heritage asset and currently, this positive contribution is seen in views from Nounsley Road and the Public Right of Way which adjoins Nounsley Road at the east of the application site.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

The applicant has not provided a heritage assessment or noted the presence of the listed building within the Planning Statement. As such, the scheme is contrary to Paragraph 189 of the NPPF.

The development of this site would cause harm to the adjacent listed building by further divorcing the heritage asset from its agrarian landscape, thereby altering how this is experienced and interpreted within the heritage values of the early sixteenth century property. This harm is considered less than

substantial. Whilst there are some public benefits from the development in terms of additional dwellings within the District, in accordance with the NPPF, this public benefit would not outweigh this harm.

#### Impact on Neighbour and Future Amenity

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

Given the outline nature of the application, detailed layouts and housing types do not form part of the proposal. However, the indicative layout demonstrates one way in which the site could be developed without having an unacceptable impact upon neighbours amenity in terms of overlooking, loss of light or outlook.

In terms of the impact to future occupiers, this would also be a detailed consideration on the reserved matters application. However, the indicative layout does also demonstrate compliance with the Essex Design Guide in terms of garden sizes and back to back distances between dwellings.

#### Highway Issues

The indicative layout plan has 5 access points onto Nounsley Road. Whilst access remains a reserved matter on the application, there is a need to be certain that a safe vehicular access can be achieved. In this respect, Essex County Council Highways have been consulted and their formal comments will be reported to Members at the Committee.

#### Ecology

No ecological assessment has been provided for this application. Despite the grazing of horses on the site, there are established hedgerow boundaries and there is potential for protected species to be affected. The application does not provide certainty of impacts for Protected and Priority species and habitats for this application.

#### Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

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

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

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

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

#### Flood Risk

The site is located within Flood Zone 1, the lowest zone of flood risk. However, given this is a 'major' application, the application is required to be submitted with a Flood Risk Assessment. The Lead Local Flood Authority (LLFA) have reviewed the submission and are not content that a sustainable drainage proposal is proposed.

#### Land Contamination

The application was not supported by a Land Contamination Assessment or similar. However, given the current and historic use of the site, it is considered that contamination is unlikely. A condition can be placed on any grant of consent which requires a survey and remediation strategy to be submitted should contamination be found on site during the construction phase.

#### PLANNING BALANCE AND CONCLUSION

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

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy).

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

There are some social benefits in terms of the provision of housing and the development would provide for economic benefits which weigh in favour of the proposal. However, in terms of the settlement hierarchy in both the Adopted

Development Plan and the emerging, the site would not be considered a sustainable location for residential development, where despite there being facilities within Hatfield Peverel, given the distances involved and the characteristics of the route, it would not encourage sustainable means of travel, such a walking or cycling. This weighs against the proposal.

There is further harm by reason of the impact upon the setting of the heritage asset of Barns and Gate Farmhouse, and insufficient information to adequately assess the application in terms of its impact upon protected species. Furthermore, the application does not demonstrate that a sustainable drainage proposal is achieved.

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

### RECOMMENDATION

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

- 1        The site is located in the countryside, outside any defined village envelope as identified in the Adopted Local Plan and Adopted Core Strategy. The site is in a location with limited access to facilities, amenities, public transport links and employment opportunities and would undoubtedly place reliance on travel by car and do little to enhance or maintain the vitality of the area. In such circumstances, the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits arising from the development, contrary to the provisions of the National Planning Policy Framework; Policy RLP2 of the Braintree District Local Plan Review (2005); Policies CS5 and CS7 of the Braintree District Core Strategy (2011); and Policies SP1, LPP1 and LPP55 of the Braintree District Publication Draft Local Plan (2017).
- 2        The development would result in harm to the setting of a designated heritage asset contrary to the provisions of the National Planning Policy Framework; Policies RLP90 and RLP100 of the Braintree District Local Plan Review (2005); Policy CS9 of the Braintree District Core Strategy (2011); and Policies LPP50, LPP55 and LPP60 of the Braintree District Publication Draft Local Plan (2017).
- 3        Insufficient information has been submitted to adequately demonstrate that a suitable sustainable urban drainage system can

be achieved. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policy RLP69 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP78, LPP79 and LPP80 of the Braintree District Publication Draft Local Plan (2017).

- 4 Insufficient information has been submitted to adequately demonstrate that the development would not adversely impact upon protected species. The proposal is thereby contrary to the provisions of the National Planning Policy Framework; Policies RLP80 and RLP84 of the Braintree District Local Plan Review (2005); Policy CS8 of the Braintree District Core Strategy (2011); and Policies LPP55, LPP68 and LPP71 of the Braintree District Publication Draft Local Plan (2017).

#### SUBMITTED PLANS

Location Plan	Plan Ref: 5811/01
Site Plan	Plan Ref: 5811/02

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

<b>Planning Application 18/02118/FUL – Land West of The Old Coach House, Silver Street, Wethersfield</b>		<b>Agenda No: 5d</b>
<b>Portfolio</b>	<b>Planning and Housing</b>	
<b>Corporate Outcome:</b>	<p><b>A sustainable environment and a great place to live, work and play</b>  <b>A well connected and growing district with high quality homes and infrastructure</b>  <b>A prosperous district that attracts business growth and provides high quality employment opportunities</b>  <b>Residents live well in healthy and resilient communities where residents feel supported</b></p>	
<b>Report presented by:</b>	<b>Lisa Page, Planning Consultant</b>	
<b>Report prepared by:</b>	<b>Lisa Page, Planning Consultant</b>	
<b>Background Papers:</b>		<b>Public Report</b>
<p>Original Planning Committee Report - Application Reference 18/02118/FUL (Agenda Item 5c on 19<sup>th</sup> February 2019 Planning Committee)</p> <p>Planning Committee Minutes – 19<sup>th</sup> February 2019</p>		<b>Key Decision: No</b>
<b>Executive Summary:</b>		
<p>The above planning application was reported to Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.</p> <p>The published Committee Report (copy of which is attached) stated that following the publication of the 2018 Annual Monitoring Report on 15th January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.</p> <p>At the Committee on 19th February 2019, Officers provided a verbal update to Members as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. This resulted in the Council's 5 Year Housing Land Supply position decreasing from 6.00 years to 4.74 years'. As a consequence the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.</p> <p>However, there was a further material change to the Council's 5 Year Housing Land</p>		



Supply position which occurred later within the same day which was not reported to Members of the Planning Committee, namely the results of the 2018 Housing Delivery Test (as Officers were unaware of this at the time). When recalculating the Council's 5 year supply figure (utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), the Council's latest 5 year supply figure is 5.42 years, as at 31st March 2018.

This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

**Recommended Decision:**

To refuse planning permission for the reasons detailed in section 4 of the report.

**Purpose of Decision:**

To determine the above planning application to enable a decision to be issued.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	No matters arising out of this report
<b>Legal:</b>	<p>Further to the case of <i>R (on the application of Kides) v South Cambridgeshire District Council</i> [2002] EWCA Civ 1370. The Planning Committee formally makes decisions as the local planning authority 'in principle' with Officers later formalising this with the issuing of a final decision notice either to refuse or grant an application. Where new factors arise between the 'in principle' resolution and the formal determination, the local planning authority must have regard to any factors that are material considerations and must consider them with the particular planning application in mind. However, this does not necessarily mean that each time a new material consideration arises after the initial 'in principle' resolution, the planning application has to be referred back to the Planning Committee.</p> <p>In this case whilst unusual the fact that there was a significant change in a material consideration in terms of the Councils 5 year supply figure care has to be had with respect to the decision making.</p> <p>The original report was prepared on the basis that the Council could demonstrate over a 5 year supply, the Committee was updated on the night of committee that this was no longer the case and made its decision on a substantively different test. Whilst the further update has returned the position to that broadly outlined in the Officer report the sequencing of this situation is sufficient to warrant a referral back to Members to consider the matter again.</p> <p>In considering the matter Members must make a fresh assessment of the application considering all material facts. Members are free to reach the same substantive conclusions (refusal) but must do so based on the current material factors, rather than a straight ratification of the earlier decision.</p>
<b>Safeguarding:</b>	No matters arising out of this report
<b>Equalities/Diversity:</b>	No matters arising out of this report
<b>Customer Impact:</b>	No matters arising out of this report
<b>Environment and Climate Change:</b>	As detailed in the report.
<b>Consultation/Community Engagement:</b>	No matters arising out of this report
<b>Risks:</b>	No matters arising out of this report
<b>Officer Contact:</b>	Juliet Kirkaldy
<b>Designation:</b>	Planner
<b>Ext. No:</b>	2558
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## 1. BACKGROUND

- 1.1 The above planning application at Land West of The Old Coach House, in Silver Street, Wethersfield, was reported to the Council's Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to refuse planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.
- 1.2 The published Committee Report stated that following the publication of the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.
- 1.3 At the Committee on 19<sup>th</sup> February 2019, Officers provided a verbal update to Members at the Planning Committee as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. Earlier on the day of Planning Committee the Government published its response to the technical consultation on updates to national planning policy and guidance. The effect of this change was that in utilising the Government's Standard Methodology, the 2014 based household projections would need to be used to calculate the Council's 5 Year Housing Land Supply requirement. This resulted in the Council's 5 Year Housing Land Supply position decreasing from the previously declared 6.00 years to 4.74 years'.
- 1.4 As a consequence of this change, the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.
- 1.5 However, at the time of reporting this, Officers were unaware that the Government had also published the 2018 housing delivery test results. Therefore, since the application was considered by the Planning Committee, there has been a further material change in circumstances in relation to the Council's 5 Year Housing Land Supply position.
- 1.6 This report considers the implications of this issue in light of the resolution from Planning Committee to refuse planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

## 2. 5 YEAR HOUSING LAND SUPPLY

- 2.1 As outlined within the Committee Report, the site lies outside of the settlement boundary of Wethersfield, where, in accordance with Policy RLP2 of the Adopted Local Plan countryside policies will apply. However, as identified application site is proposed for allocation for residential development in the Draft Local Plan. The proposed development is therefore contrary to the adopted Development Plan.
- 2.2 However, a material consideration to such an application for housing is the Council current housing land supply situation. Following Planning Committee,

the decision to refuse permission was based on an understanding of the LPA not being able to demonstrate a 5 year land supply.

- 2.3 However, subsequent to the Planning Committee, the standard methodology was revised by the Government in Planning Practice Guidance 20th February 2019, which prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.
- 2.4 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and taking into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply, which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year housing land supply requirement.
- 2.5 The above revised 5 Year Housing Land Supply position needs to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment contained within the published Planning Committee Report.

### 3. PLANNING BALANCE AND CONCLUSION

- 3.1 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.
- 3.2 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector

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

- 3.3 The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.
- 3.4 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).
- 3.5 It is acknowledged that the provision of 5 market houses would bring some limited social and economic benefits. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the future residents. This is applicable to housing development generally and the benefit should be given moderate weight. However, the failure to provide any affordable housing would have an adverse impact on the social and economic merits of the site.
- 3.6 In terms of the settlement hierarchy in both the Adopted Development Plan and the Draft Local Plan, although not a town or key service village, Wethersfield provides some facilities to the benefit of its residents which are

within reasonable walking distance from the application site. The application site is connected to these services by an existing footway. In the appeal at the adjoining site the Inspector considered the accessibility of services and facilities from the site. The Inspector acknowledges that there would be a need to use a private car to access services and facilities beyond Wethersfield, however based on the services and facilities within Wethersfield and the fairly regular bus services, they concluded that future occupants of the proposed development would not be overly reliant on the private car and therefore the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited. The Inspector concluded that the development would not be isolated.

- 3.7 The proposal by way of the design and layout of the development is at odds with the prevailing character of development within the immediate area given that it does not address Silver Street and the form of development evident. The proposed terraced scheme appears cramped and contrived within the site. Furthermore, the proposal would have a detrimental impact on neighbouring amenity in terms of overlooking and loss of privacy. There would also be poor amenity for prospective occupiers in terms of overbearing and overshadowing due to the proximity of the development under construction. Cumulatively these reasons weigh against the proposal in the overall planning balance.
- 3.8 When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan. The proposed development does not constitute sustainable development and Officers recommend that planning permission is refused.

#### 4. RECOMMENDATION

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

- (1) The siting, layout, design and bulk form of the proposal would result in a cramped form of development that is harmful to both the character and appearance of the locality and the amenity of neighbouring dwellings and prospective occupiers of the proposed dwellings. The proposal is contrary to the NPPF, Policies RLP2, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review, Policies CS8 and CS9 of the Braintree District Core Strategy, Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.
- (2) Policy CS2 of the Braintree District Core Strategy states that affordable housing will be directly provided by the developer within housing schemes. Policies CS10 and CS11 of the Core Strategy and Policy RLP138 of the Local Plan Review require proposals for new residential development to provide, or contribute towards the cost of improvements to community facilities and infrastructure appropriate to the type and scale of development proposed. Braintree District Council has adopted an Open Space Supplementary Planning Document (SPD) which sets out the

process and mechanisms for the delivery and improvement of open space in the Braintree District. These requirements would need to be secured through a Section 106 Agreement. In the absence of an obligation, the proposal would conflict with the Development Plan as regards:

- the provision of affordable housing
- a financial contribution towards the provision / improvement of Public Open Space

The proposed development triggers the need for these obligations when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL).

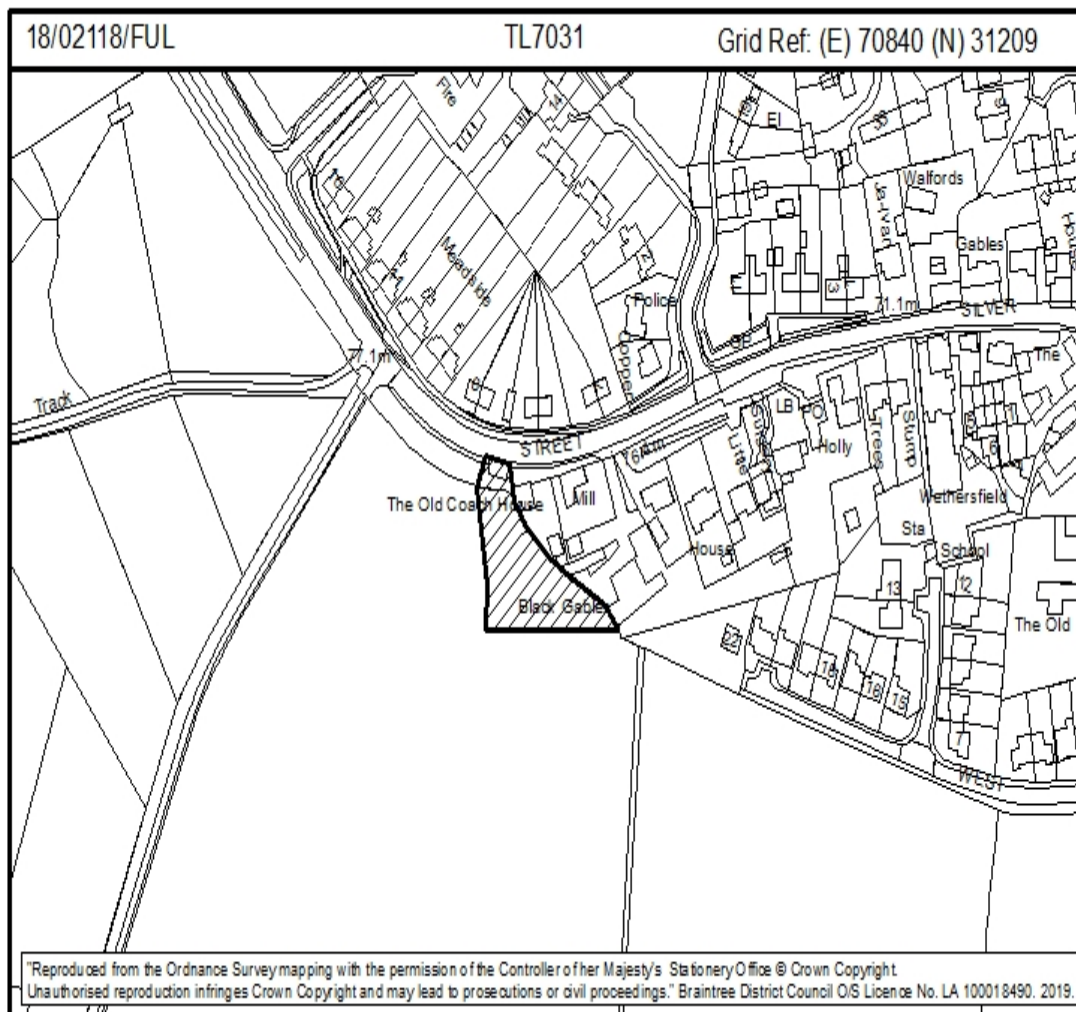
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## AGENDA ITEM NUMBER 5

### PART A

**APPLICATION NO:** 18/02118/FUL      **DATE VALID:** 28.11.18  
**APPLICANT:** Wethersfield Developments Ltd  
                     C/O Agent  
**AGENT:** Mrs Lisa Skinner  
                     Bidwells, Bidwell House, Trumpington Road, Cambridge,  
                     CB2 9LD, Cambridgeshire  
**DESCRIPTION:** Erection of 5, two-bedroom, one and a half storey dwellings  
                     with associated infrastructure.  
**LOCATION:** Land West of The Old Coach House, Silver Street,  
                     Wethersfield, Essex

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





## SITE HISTORY

None

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### National Planning Guidance

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

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP7	Housing and Mixed Use Sites
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density

RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP56	Vehicle Parking
RLP65	External Lighting
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP92	Accessibility

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

CS2	Affordable Housing
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan

#### 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 at the request of the Chairman and Vice-Chairman of the Planning Committee.

#### SITE DESCRIPTION

The application site comprises of a triangular area of land measuring approximately 0.16ha and is located to the south west of Wethersfield village,

on the southern side of Silver Street. The site is situated outside of the defined development boundary for Wethersfield in the Adopted Local Plan. However, it is situated within the proposed amended development boundary in the Draft Local Plan.

The site is currently being used as the site compound for the adjacent development to the west which is under construction (planning application reference: 17/02253/FUL). The site has previously formed part of an agricultural field. The site is undulating in topography and is sited at a lower level than Silver Street. The site abuts the boundary of neighbouring properties The Old Coach House and Black Gables. There was a hedge along the frontage of the site which has been partially removed.

### PROPOSAL

The application seeks full planning permission for a terraced scheme of 5 one and a half storey dwellings with associated infrastructure.

The application is supported by a suite of documents which include:

- Design and Access Statement
- Environmental Statement
- Hedgerow Survey
- Planning Statement

### CONSULTATIONS

BDC Ecology – No objection subject to conditions relating to vegetation planting and retention of a buffer zone to promote biodiversity. The Council has previously accepted that an ecology survey was not required for the site. Officer has reviewed the Hedgerow Survey submitted.

BDC Environmental Health – No objection subject to conditions relating to works of demolition, site clearance and construction.

BDC Waste Operations – No comments to make.

ECC Highways – No comments received to date. Members will be updated on any comments received at Committee.

### REPRESENTATIONS

Wethersfield Parish Council – Objects as follows:-

- Impact on neighbouring amenity at The Old Coach House, loss of privacy and the nuisance and disruption from proposed access road
- The lack of affordable housing provision
- Impact of a new access road

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

25 objections and 1 representation of support have been received.

In summary the following objection comments have been made:

- **Concerns regarding existing development under construction**
- Works commenced without permission for a new access road into the site
- Concern regarding legitimacy of Wethersfield Developments
- Impact on structural soundness of Coach House Way (which was built in 1800)
- Concern about dust and disruption caused by existing development under construction
  
- **Highway/Parking Issues**
- There is no requirement to have two access roads in close proximity
- The proposed access is on a blind bend
- Increased traffic and congestion
- Safety concerns regarding crossing the road particularly considering proximity to school
  
- **Impact on Neighbouring Amenity**
- Loss of privacy
- Overlooking of garden
- Loss of light
  
- **Design and Layout Issues**
- Concern about the proximity of bin store to neighbouring properties
- Insufficient parking provision for new development
- Overdevelopment of the plot
- Loss of parking spaces for existing residents who park on the verge
- Out of character with the surrounding development
- Lack of affordable housing provision
  
- **Impact on Facilities/Services**
- There are no services such as doctors surgery, shop, post office and garage
- School is at capacity
  
- **Other**
- No planning notice displayed
- Parish Council asked for this land to be left for the community to enjoy
- Setting a precedent for future development on surrounding fields
- Concern regarding traffic congestion during construction works
- There is a suitable brownfield site alternative at Wethersfield Airbase which will be closing soon
- Previous development on site for a larger scheme has been refused.

- There is no party wall agreement
- Noise and pollution
- Damage to tree roots

The following support comment was made:

- The development will provide homes for the young people in Wethersfield.

## REPORT

### PRINCIPLE OF DEVELOPMENT

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

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

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

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

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

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

### The Development Plan

Currently the Council's statutory Development Plan consists of the Adopted Local Plan and the Adopted Core Strategy.

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

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

The application site is proposed for allocation for residential development in the Draft Local Plan. Policy LPP1 of the Draft Local Plan states that within development boundaries, development will be permitted where it satisfies amenity, design, environmental and highway criteria and therefore development is acceptable in principle.

However, as application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

### 5 Year Housing Land Supply

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

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

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

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

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

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was published in June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the June 2018 housing land supply update published on 19<sup>th</sup> October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which



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

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

## SITE ASSESSMENT

### Location and Access to Services and Facilities

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

Paragraph 79 of the NPPF states that planning policies and decisions should avoid isolated new homes in the countryside unless there are special circumstances.

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

The site was put forward in the 'Call for Sites' as part of the process for the new Local Plan. The site was considered initially by the Local Plan Sub Committee on the 9<sup>th</sup> May 2016 (ref: WETH414). Officers recommended to the Committee that the site not be allocated for residential development. Officers advised that *'the site would provide approximately 11 dwellings. The site is lower than the level of the road, and would not be a natural extension to development in the village, and does not have a natural boundary to contain the site'*. Members of the Sub Committee resolved for the site to be included within a revised village envelope within the new Local Plan.

Accordingly the application site is therefore located within the proposed Development Boundary for Wethersfield within the Draft Local Plan and identified as an allocated residential site.

Planning permission has been granted (reference 17/02253/FUL) on part of the allocated site for 9 dwellings and is currently under construction. A previous application (reference 17/01621/FUL) on this site under construction was refused and dismissed on appeal by the Planning Inspector. This appeal decision forms a material consideration in the determination of this application. A copy of this decision is appended to this report.

The Planning Inspector stated in the appeal decision,

*'25. Wethersfield is a small village but contains a primary school and pre-school as well as a post office/shop, recreation ground and village hall amongst other facilities. From the appeal site, it is possible to walk to all of these facilities via pavements. Nevertheless, these facilities would not meet every day-to-day need and there would be a requirement to travel beyond Wethersfield on a regular basis. Bus services to larger settlements run around once an hour during the week and provide access to a wider range of services and facilities including employment and the railway station at Braintree.'*

*26. There would inevitably be a need for private car use to access services and facilities beyond Wethersfield in locations where the bus services do not reach and at times when the services are not available or convenient. However, based on the services and facilities within Wethersfield and the fairly regular bus services during the week, future occupants of the proposed development would not be overly reliant on the private car. Thus, the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited.*

The Inspector concluded that the development would not be isolated and that the proposed development would represent a suitable location for housing having regard to the accessibility of local service and facilities and would accord with Policy CS7 of the Adopted Core Strategy. It can therefore be concluded that this application for the site on the land adjoining the appeal decision is in accordance with Policy CS7 of the Adopted Core Strategy.

### Design, Appearance and Layout

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

Paragraph 127 states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

The Council has adopted the Essex Design Guide as a Supplementary Planning Document. This indicates that dwellings with two bedrooms should be provided with a private rear garden of 50sq.m or more, and three bedroom dwellings should be provided with 100sq.m or more. Furthermore, Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan requires that sufficient vehicle parking should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The submitted layout proposes a terrace of 5 dwellings with a new access gained to the north east of the site adjacent to the Old Coach House. The dwellings are set back from the road frontage at a lower level than the neighbouring properties at Silver Street and are orientated to front onto the boundary wall of the neighbouring properties at the Old Coach House and Black Gables.

The site currently provides a buffer between the existing neighbouring dwellings to the east of the site (The Old Coach House and Black Gables) and the development that is currently under construction to the west.

The terraced development has a width of approximately 25 metres and a depth of approximately 8 metres.

The submitted elevation proposes a roof light on the front elevation for bedroom 1 instead of a window. As this is a north east facing elevation natural light will be limited. On the front elevation a wide full length window is proposed at ground floor. On the rear elevation a dormer is proposed with a large window and at ground floor a glazed elevation with patio doors. The materials proposed for the external finish is black feather edge boarding with a slate roof.

Whilst the submitted layout plan proposes sufficient amenity space to accord with the Essex Design Guide 2005, the amenity space for plot 1 appears to be enclosed by the north east flank wall of the 2.5 storey dwelling (plot 4 – approved scheme 17/02253/FUL) which is currently under construction. The relationship and proximity of this 2.5 storey dwelling and the proposed 1.5 storey terrace is poor and will inevitably have a detrimental impact on the amenity of prospective occupiers for the proposed terraced dwelling at plot 1 in terms of overbearing and overshadowing.

The submitted layout plan indicates the provision of a bin store on the road frontage with Silver Street. This would have a detrimental visual impact on the character and appearance of Silver Street. The siting of the waste collection bin would expect prospective occupiers to walk more than 30 metres to the waste collection point which is contrary to the Essex Design Guide.

The NPPF requires development to respond to the local character and history and reflect the identity of the local surroundings and materials. However, the proposal is at odds with the prevailing character of development within the immediate area given that it does not address Silver Street and the form of development evident. The proposed terraced scheme appears cramped and contrived within the site. The development is therefore harmful by reason of its resultant poor living conditions and thus represents poor design contrary to the NPPF. The proposal is therefore also contrary to the criterion in Policy RLP90 of the Adopted Local Plan and LPP55 of the Draft Local Plan.

A number of representation letters make reference to a loss of car parking on the grass verge adjacent to the site. This grass verge is outside of the application site and is in the ownership of Essex County Council. It is appreciated that residents from the houses opposite park on the grass verge, however this is not formal car parking and could be prevented by the land owner at any time. As such there is no requirement for this car parking to be provided elsewhere. Nonetheless the development will only remove part of this verge in order to provide the access and thus car parking could still take place on the remainder of the verge, unless this is restricted by the land owner.

#### Impact on Neighbour Amenities

The NPPF requires a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan requires no undue or unacceptable impact on the amenity of any nearby residential properties.

The site is within close proximity to the residential properties of The Old Coach House and Black Gables (and its annexe). These neighbouring properties (and their habitable windows) are sited directly on their western boundary adjoining the site. Officers have undertaken a site visit to the Old Coach House. This dwelling is sited at a higher level than the application site and has habitable windows and its garden overlooking the site.

Due to the siting of the proposed access road and the close relationship to the neighbouring property (The Old Coach House) the proposed development would result in an unreasonable noise and disturbance from vehicle movements to the neighbouring occupiers and be harmful to their amenities and therefore is contrary to Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan.

The proposed development would front onto the rear garden and rear elevation of The Old Coach House. The submitted layout plan refers to a 2metre boundary wall for The Old Coach House. However, following the

Officer site visit it was evident that this is a low wall with views clearly into the site. Although a landscaping buffer is proposed there is no detail submitted with the application. Whilst the treatment and landscaping of this boundary can be controlled by condition there is concern that landscaping to provide screening and promote privacy may cause a loss of light to the habitable windows on the west flank wall of The Old Coach House adjacent to the access road. The proposed layout would result in unacceptable levels of privacy for The Old Coach House both within the house and rear garden.

It should be noted that the Planning Inspector referred to the relationship of the appeal site (which adjoins this site) with The Old Coach House and Black Gables and stated that, *'A previous application for 12 dwellings in this location was withdrawn in May 2017. An extract of the plans in the appellant's statement of case shows that the previous site extended as far as the side boundary with The Old Coach House and Black Gables with housing nearer to both properties than is the case with the appeal scheme. The previous application was withdrawn due to the impact of the development on the living conditions of the occupants of the two properties. The appeal site is therefore smaller with a buffer to the two existing properties.'* This submitted application would result in the loss of this 'buffer'.

### Highway Issues

The NPPF requires planning to focus significant development in locations which are or can be made sustainable. Policy CS7 of the Adopted Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

The submitted layout plan proposes a new access into the north east of the site adjacent to the neighbouring property The Old Coach House. The Design and Access Statement incorrectly referred to this 'as an existing opening'. Recent photos illustrate that this part of the site formed part of a continuation of the hedge along the road frontage of Silver Street. However, during the course of this application unauthorised works to remove part of the hedge have taken place.

It is noted that several local residents have raised concern with regards to the proposed access and its implications for safety.

At the time of writing this report a response from the Highways Authority had not been received. Members will be provided with an update at the Committee meeting.

12 car parking spaces are proposed. This accords with the Essex Vehicle Parking Standards.

## Affordable Housing

Paragraph 5.2 of the Braintree District Council Affordable Housing Supplementary Planning Document refers to the sub division of plots and states that an entire site will be used to determine whether an affordable housing policy is applicable. In reaching a view on this the Council will take into account such factors as landownership, site history and the natural boundaries of the site.

The application site is adjacent to a consented scheme (17/02253/FUL) for 9 dwellings. There is a physical relationship between the site and the consented scheme and it is therefore not considered unreasonable for the Council to consider the two sites cumulatively with an appropriate affordable housing contribution applied. Indeed, a previous application 17/00313/FUL for 12 dwellings (withdrawn) encompassed the whole site allocated in the Draft Local Plan.

Policy CS2 of the Adopted Core Strategy requires 'a target of 40% affordable housing provision on sites in rural areas and a threshold of 5 dwellings or 0.16ha in rural areas' to meet the needs of people unable to gain access to the open market. Policy CS2 further states, 'The Local Planning will take economic viability into account where it is proved to be necessary to do so'.

Failure to demonstrate that the proposal could not viably deliver some affordable housing would undermine the framework aims to create mixed and balanced communities.

The proposal is therefore considered contrary to Policy CS2 of the Adopted Core Strategy as it does not provide affordable housing provision.

## OTHER MATTERS

### Hedgerow Survey

The application is supported by a Hedgerow Survey Summary. The survey found that the hedgerow is comprised of four species and thus it is not considered to be important under the Hedgerow Regulations (1997). The hedgerow does however contain more than 80% UK native woody species and as such meets the definition of a habitat of principal importance under the Natural Environment and Rural Communities Act. As noted in the response from the Ecology Officer:

*'A small part of the hedgerow is proposed to be removed in order to accommodate the access in to the site. Given the majority of the hedgerow will remain the small area of loss is not considered objectionable, provided that additional planting is proposed elsewhere in the site. This can be controlled by condition on any grant of consent'.*

## PLANNING BALANCE AND CONCLUSION

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated village envelope/town development boundary and as such is located on land designated as countryside in the Adopted Local Plan and the Adopted Core Strategy. The application site is proposed for allocation for residential development in the Draft Local Plan. However, as the application site is located outside of a designated village envelope/town development boundary, the proposed development is currently contrary to the provisions of the Adopted Development Plan.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be important material consideration, which in Officers view, justify attributing only 'more than moderate but less than significant' weight to the policies of the Development Plan which restrict the supply of housing (specifically Policy RLP2 of the Adopted Local Plan and Policy CS5 of the Adopted Core Strategy). Furthermore, and as identified above, the application site has a draft allocation within the Publication Draft Local Plan for residential development which is an important material consideration and should be afforded some weight.

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).

It is acknowledged that the provision of 5 market houses would bring some limited social and economic benefits. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. This is applicable to housing development generally and the benefit should be given moderate weight. However, the failure to provide affordable housing would have an adverse impact on the social and economic merits of the site.

In terms of the settlement hierarchy in both the Adopted Development Plan and the Draft Local Plan, although not a town or key service village, Wethersfield provides some facilities to the benefit of its residents which are within reasonable walking distance from the application site. The application site is connected to these services by an existing footpath. In the appeal at the adjoining site the Inspector considered the accessibility of services and facilities from the site. The Inspector acknowledges that there would be a need to use a private car to access services and facilities beyond Wethersfield, however based on the services and facilities within Wethersfield and the fairly regular bus services, he concluded that future occupants of the proposed development would not be overly reliant on the private car and therefore the negative social and environmental effects in terms of the accessibility of services and protecting natural resources would be limited. The Inspector concluded that the development would not be isolated.

The proposal by way of the design and layout of the development is at odds with the prevailing character of development within the immediate area given that it does not address Silver Street and the form of development evident. The proposed terraced scheme appears cramped and contrived within the site. Furthermore, the proposal would have a detrimental impact on neighbouring amenity in terms of overlooking and loss of privacy. There would also be poor amenity for prospective occupiers in terms of overbearing and overshadowing due to the proximity of the development under construction. Cumulatively these reasons weigh against the proposal in the overall planning balance.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the harm of the proposal and the conflict with the Development Plan.



The proposed development does not constitute sustainable development and Officers recommend that planning permission is refused.

### RECOMMENDATION

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

- 1        The siting, layout, design and bulk form of the proposal would result in a cramped form of development that is harmful to both the character and appearance of the locality and the amenity of neighbouring dwellings and prospective occupiers of the proposed dwellings. The proposal is contrary to the NPPF, Policies RLP2, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review, Policies CS8 and CS9 of the Braintree District Core Strategy, Policies LPP1, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.
- 2        The proposed development triggers the need for affordable housing contribution when considered cumulatively with the adjacent development (planning application reference 17/02253/FUL). However, the submitted application fails to demonstrate a provision of affordable housing and therefore is considered contrary to the NPPF and Policy CS2 of the Braintree District Core Strategy.

### SUBMITTED PLANS

Location / Block Plan	Plan Ref: 067_EX00
Proposed Plans	Plan Ref: 067_PR00
Proposed Elevations	Plan Ref: 067_PR01
Site Plan	Plan Ref: 067_PR03

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

Planning Application 18/02221/FUL – 33 Clockhouse Way, Braintree, Essex, CM7 3RD		Agenda No: 5e
Portfolio	Planning and Housing	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Lisa Page, Planning Consultant	
Report prepared by:	Lisa Page, Planning Consultant	
Background Papers:	Public Report	
Original Planning Committee Report - Application Reference 18/02221/FUL (Agenda Item 5d on 19 <sup>th</sup> February 2019 Planning Committee) Planning Committee Minutes – 19 <sup>th</sup> February 2019	Key Decision: No	
Executive Summary:		
<p>The above planning application was reported to Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to grant planning permission for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.</p> <p>The published Committee Report (copy of which is attached) stated that following the publication of the 2018 Annual Monitoring Report on 15th January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.</p> <p>At the Committee on 19th February 2019, Officers provided a verbal update to Members as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. This resulted in the Council's 5 Year Housing Land Supply position decreasing from 6.00 years to 4.74 years'. As a consequence the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.</p> <p>However, there was a further material change to the Council's 5 Year Housing Land</p>		

Supply position which occurred later within the same day which was not reported to Members of the Planning Committee, namely the results of the 2018 Housing Delivery Test (as Officers were unaware of this at the time). When recalculating the Council's 5 year supply figure (utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), the Council's latest 5 year supply figure is 5.42 years, as at 31st March 2018.

This report considers the implications of this issue in light of the resolution from Planning Committee to grant planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

**Recommended Decision:**

To grant planning permission for the reasons detailed in section 4 of the report.

**Purpose of Decision:**

To determine the above planning application to enable a decision to be issued.

**Any Corporate implications in relation to the following should be explained in detail.**

<b>Financial:</b>	No matters arising out of this report
<b>Legal:</b>	<p>Further to the case of <i>R (on the application of Kides) v South Cambridgeshire District Council</i> [2002] EWCA Civ 1370. The Planning Committee formally makes decisions as the local planning authority 'in principle' with Officers later formalising this with the issuing of a final decision notice either to refuse or grant an application. Where new factors arise between the 'in principle' resolution and the formal determination, the local planning authority must have regard to any factors that are material considerations and must consider them with the particular planning application in mind. However, this does not necessarily mean that each time a new material consideration arises after the initial 'in principle' resolution, the planning application has to be referred back to the Planning Committee.</p> <p>In this case whilst unusual the fact that there was a significant change in a material consideration in terms of the Councils 5 year supply figure care has to be had with respect to the decision making.</p> <p>The original report was prepared on the basis that the Council could demonstrate over a 5 year supply, the Committee was updated on the night of committee that this was no longer the case and made its decision on a substantively different test. Whilst the further update has returned the position to that broadly outlined in the Officer report the sequencing of this situation is sufficient to warrant a referral back to Members to consider the matter again.</p> <p>In considering the matter Members must make a fresh assessment of the application considering all material facts. Members are free to reach the same substantive conclusions (refusal) but must do so based on the current material factors, rather than a straight ratification of the earlier decision.</p>
<b>Safeguarding:</b>	No matters arising out of this report
<b>Equalities/Diversity:</b>	No matters arising out of this report
<b>Customer Impact:</b>	No matters arising out of this report
<b>Environment and Climate Change:</b>	As detailed in the report.
<b>Consultation/Community Engagement:</b>	No matters arising out of this report
<b>Risks:</b>	No matters arising out of this report
<b>Officer Contact:</b>	Lisa Page
<b>Designation:</b>	Planning Consultant
<b>Ext. No:</b>	2516
<b>E-mail:</b>	<a href="mailto:lisa.page@braintree.gov.uk">lisa.page@braintree.gov.uk</a>

## 1. BACKGROUND

- 1.1 The above planning application at 33 Clockhouse Way in Braintree, was reported to the Council's Planning Committee on 19<sup>th</sup> February 2019 where Members resolved to grant planning permission, subject to conditions, for the reasons set out within the published Committee Report and as recommended during the Officer presentation at Committee.
- 1.2 The published Committee Report stated that following the publication of the 2018 Annual Monitoring Report on 15th January 2019, the Council could demonstrate a 6.00 years' Housing Land Supply.
- 1.3 At the Committee on 19<sup>th</sup> February 2019, Officers provided a verbal update to Members at the Planning Committee as there had been a material change in the 5 Year Housing Land Supply position since the publication of the Committee Report. Earlier on the day of Planning Committee the Government published its response to the technical consultation on updates to national planning policy and guidance. The effect of this change was that in utilising the Government's Standard Methodology, the 2014 based household projections would need to be used to calculate the Council's 5 Year Housing Land Supply requirement. This resulted in the Council's 5 Year Housing Land Supply position decreasing from the previously declared 6.00 years to 4.74 years'.
- 1.4 As a consequence of this change, the decision on this planning application which was made by the Planning Committee was based on the Council not being able to demonstrate a 5 Year Housing Land Supply and on the basis that the presumption in paragraph 11 of the NPPF was engaged.
- 1.5 However, at the time of reporting this, Officers were unaware that the Government had also published the 2018 housing delivery test results. Therefore, since the application was considered by the Planning Committee, there has been a further material change in circumstances in relation to the Council's 5 Year Housing Land Supply position.
- 1.6 This report considers the implications of this issue in light of the resolution from Planning Committee to grant planning permission, and sets out an updated 5 Year Housing Land Supply position and an updated Planning Balance and Conclusion which reflects the change in circumstances.

## 2. 5 YEAR HOUSING LAND SUPPLY

- 2.1 As outlined within the Committee Report, the application site is located within a designated town development boundary, where in accordance with Policy RLP2 of the Adopted Local Plan, new development will be confined to.
- 2.2 However, a material consideration to such an application for housing is the Council current housing land supply situation. Following Planning Committee, the decision to grant permission was based on an understanding of the LPA not being able to demonstrate a 5 year land supply.

- 2.3 However, subsequent to the Planning Committee, the standard methodology was revised by the Government in Planning Practice Guidance 20th February 2019, which prescribes a formula which uses information from the 2014 based household projections; the Government Housing Delivery Test results, and the official housing affordability data for the district. The 2018 Housing Delivery Test results were published 19th February 2019 and they determined that the current buffer to apply to the base target for Braintree District is 5%. The most recent (2017 based) housing affordability data was published 26 April 2018.
- 2.4 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and taking into account the 2018 Housing Delivery Test results), must still be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply, which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year housing land supply requirement.
- 2.5 The above revised 5 Year Housing Land Supply position needs to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment contained within the published Planning Committee Report.

### 3. PLANNING BALANCE AND CONCLUSION

- 3.1 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 a town development boundary where the principle of development is acceptable.
- 3.2 Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.42 years, as at 31st March 2018 (recalculated utilising the 2014 based household projections and takes into account the 2018 Housing Delivery Test results), must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.
- 3.3 The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material

consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

- 3.4 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).
- 3.5 The development would provide some limited economic benefits from the refurbishment of the property, and socially would provide some windfall units and adds to the mix of dwelling types in the area. The layout and design of the development, including its rear extension, would respect the character and appearance of the dwelling and the alterations to the frontage would be an enhancement to the street scene. The development would provide for acceptable amenity for future occupiers and neighbouring properties. Equally adequate parking provision is provided.
- 3.6 When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would result in a sustainable development of an acceptable layout and design in accordance with Policy RLP24 of the Adopted Local Plan and it is recommended that planning permission be granted.

#### 4. RECOMMENDATION

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

##### APPROVED PLANS:

- Location Plan
- Site Plan Plan Ref: 0708/31
- Elevations Plan Ref: 0708/33
- Proposed Floor Plan Plan Ref: 0708/34

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

Reason

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

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

Reason

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

3. The external materials and finishes shall be as indicated on the approved plans.

Reason

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

4. Prior to the first occupation of the dwellings hereby permitted, the car parking provision shall be provided in accordance with the approved plans and thereafter shall be retained as such.

Reason

In the interests of the visual amenity of the locality and in the interest of amenity for future occupiers.

5. Prior to the first occupation of the development hereby permitted, detailed drawings of the bin store enclosure, including materials of construction, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to the first occupation, and shall thereafter be retained as such.

Reason

In the interests of the visual amenity of the area and the amenity of future occupiers.

6. Prior to the first occupation of the development hereby approved, a full hard surfacing materials schedule and soft planting schedule, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be fully implemented in accordance with the approved details prior to the first occupation.

Reason

In the interests of the visual amenity of the locality.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

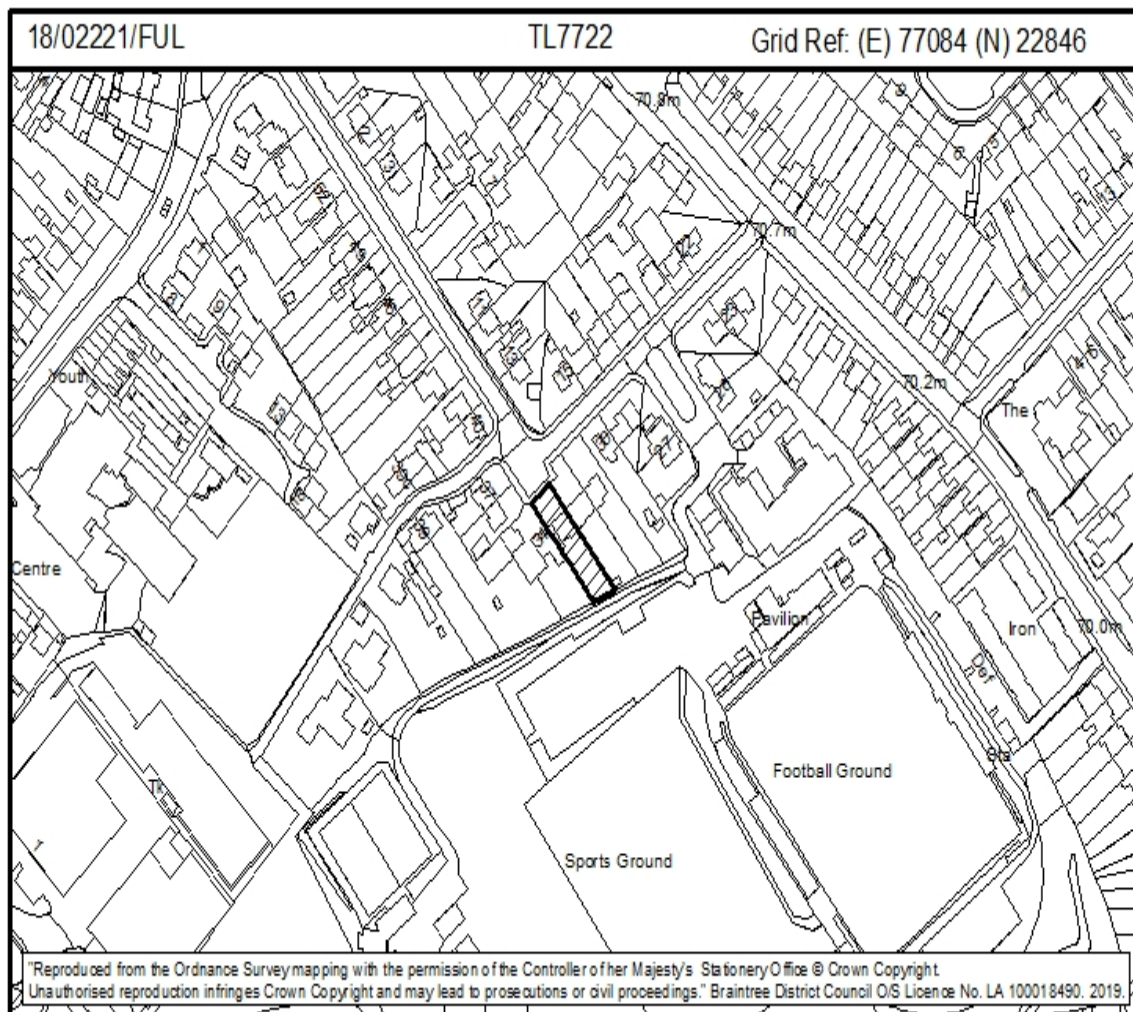


PARTA

AGENDA ITEM NUMBER 5

APPLICATION NO: 18/02221/FUL  
DATE VALID: 17.12.18  
APPLICANT: Mr Manu Patel  
RSK Properties, 2 Chatley Road, Great Leighs, Essex, CM3 1NU  
AGENT: Mr John Baugh  
John Baugh Ltd, 67 Church Lane, Bocking, Braintree, CM7 5SD  
DESCRIPTION: Conversion of semi-detached dwellinghouse to form 1 x 2 bedroom flat and 1 x 1 bedroom flat, together with the erection of a single-storey rear extension.  
LOCATION: 33 Clockhouse Way, Braintree, Essex, CM7 3RD

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



## SITE HISTORY

18/00717/FUL	Conversion of existing dwellinghouse to form four no. one bedroom self contained flats	Withdrawn	27.06.18
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## POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27<sup>th</sup> June has also been received. This letter provided the Inspectors views on policy SP3 of the

Section 1 Plan which covers housing requirements. The letter concludes that the housing requirement figures for each of the NEAs set out in policy SP3 is its respective objectively-assessed housing need, which for Braintree is 716 dwellings per annum.

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes

RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP24	Subdivision of Dwellings
RLP51	Cycle Parking
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development

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

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment

#### Braintree District Publication Draft Local Plan 2017

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

#### Other Material Considerations

Site Allocations and Development Management Plan  
Essex Design Guide

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

Essex Parking Standards/Urban Space Supplement

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

This application is being presented to Committee as the agent is an elected Member.

#### SITE DESCRIPTION

The application site is located to the south-east of Braintree town centre, within a residential street consisting of semi-detached and terraced dwellings. The site is a rectangular in shape with an area of 0.0439 hectares. The existing property is a 2 storey flat roof dwelling which benefits from a large rear garden.

The property adjoins No. 32 to the east and is attached via a single storey extension to No. 34 to the west. Further residential properties lie to the north and to the south is Braintree Town Football Club and grounds.

## PROPOSAL

The application seeks full planning permission for the change of use of the dwelling into 2no. flats with the erection of a single storey rear extension. The rear garden would be shared and the frontage would accommodate a refuse store and 3 vehicle parking spaces, accessed via the existing dropped curb that extends the length of the frontage.

## CONSULTATIONS

BDC Environmental Health – No objections subject to conditions in respect of hours of working and no burning on site.

## REPRESENTATIONS

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

## REPORT

## PRINCIPLE OF DEVELOPMENT

### National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, a further material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply.

### The Development Plan

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

The application site is located within a designated town development boundary, where in accordance with Policy RLP2 of the Adopted Local Plan, new development will be confined to. The proposed development is therefore acceptable in principle. There is further policy support in accordance with Policy RLP24 relating to subdivision of dwellings, which states that these are assessed against the following criteria:-

- The provision of car parking, amenity, garden space and facilities for refuse storage in accordance with the Council's standards;
- The likely impact on the immediate neighbourhood including cumulative effect of the subdivision of dwellings;
- The adequacy of the internal accommodation relative to the intensity of occupation envisaged.

### 5 Year Housing Land Supply

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

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

By paragraph 73 NPPF, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against (in the case of Braintree District) our 'local housing need' plus the relevant buffer. 'Local housing need' is defined

as the 'standard method'. The new standard methodology applies a 3 step process as follows:

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

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

Since 31st March 2017 the Council has produced quarterly updates on the 5 Year Supply Assessment to assist in the consideration and determination of planning applications (the last update was June 2018). Based on these assessments, the Council within both Committee and Delegated reports, acknowledged that it was unable to demonstrate a 5 year Housing Land Supply, and as such Paragraph 11 of NPPF (previously Paragraph 14 of the NPPF 2012) was engaged.

Following the publication of NPPF2 in July 2018, by applying paragraph 73 to its supply, the revised March 2018 Housing Land Supply update published on 19<sup>th</sup> October 2018 indicated a 5.83 years' supply. This position was however not an annual monitoring report, based on a comprehensive assessment of sites, in accordance with the revised definition of 'deliverable' in the new NPPF. Subsequently, the Council published the 2018 Annual Monitoring Report on 15<sup>th</sup> January 2019 which demonstrates a 6.00 years' supply.

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology

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

This will need to be considered as part of the overall planning balance, along with any benefits and harms identified within the detailed site assessment considered below.

## SITE ASSESSMENT

### Layout, Design, Appearance

The scale of development, providing 2 modest flats would not result in a change to the immediate character of the area, where it is acknowledged that Clockhouse Way is already varied with dwelling types, including dwellings and flats. There would be no adverse cumulative impact to the immediate neighbourhood from the subdivision in accordance with Policy RLP24 of the Adopted Local Plan.

The proposed single storey rear extension is of a modest depth that respects the size and scale of the existing dwelling and designed with a lean-to roof form which would be in keeping with the character and appearance of the dwelling. The rendered walls would match the existing external material and the metal roof would be a contemporary material to this flat roof dwelling.

The existing frontage is entirely laid out for parking, with no soft landscaping provision. The proposed layout in contrast proposes 3 off-street parking spaces, with defined paths and soft planting and would enhance the character and appearance of the street scene. A dedicated refuse storage area is provided which is discreetly sited. A condition to ensure this is designed as a high quality structure would be imposed.

### Impact on Amenity of Future Occupiers and Neighbours

In terms of the impact upon amenity to neighbours from the rear extension, given the depth of extension and relationship to neighbours, there would be no unacceptable impact upon neighbour's amenity from loss of light, outlook, overlooking or similar. Environmental Health have requested a condition in respect of hours of working and no burning on site, in the interests of neighbour amenity. However, given the scale and nature of the application, and as these matters can be dealt with under separate legislation, they are not imposed.

Further, in terms of neighbour amenity, given the scale of development there is unlikely to be any noticeable increased activity from the coming of goings of occupiers, their visitors and similar. The rear garden would be shared between the 2 flats and is not anticipated to result in harm to neighbours amenity.

Turning to the amenity for future occupiers, externally the shared garden space provides for 244sqm and would be an acceptable provision. The flats



would not be affected by overlooking. The ground floor flat would have its frontage outlook (from the 2 bedrooms) onto the parking area, but there is some set back from the access route and parking to provide a defensible space and this would not be unacceptable to amenity.

Internally, flat 1 on the ground floor would provide for 74sqm, with flat 2 on the first floor providing for 52sqm. Flat 1 is a 2 bed unit, wherein the bedroom sizes and total floor area would meet with the National Described Space Standards (March 2015). Flat 2 provides for 1 double bedroom and a study. Defining this unit as a 1 bed would meet with National Described Space Standards. Both the flats would therefore result in an acceptable level of internal amenity for future occupiers.

Overall the proposal would meet with the Council's standards for amenity, garden space and internal accommodation, in accordance with Policy RLP24 of the Adopted Local Plan.

### Highway Issues

The development proposes a total of 3 parking spaces to the frontage of the dwelling. This equates to 2 spaces for the 2 bed unit and 1 space for the 1 bed unit, which would meet with the Council's parking standards.

Cycle storage is provided within the single storey side element, and this would provide secure provision for both of the units.

### Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

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

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

It is therefore concluded that the amount of development approved under schemes of 99 unit or less prior to the adoption of the RAMS will be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period and it is not

therefore considered that the current proposal would result in a likely significant effect on European designated sites.

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

### PLANNING BALANCE AND CONCLUSION

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

Although the Council now considers that the supply indicated within the 2018 Annual Monitoring Report represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 6.00 years as set out within the Council's 2018 Annual Monitoring Report (as at 31st March 2018) must be considered in the context of the emerging Publication Draft Local Plan. The Publication Draft Local Plan which currently sits with the Inspector must be able to demonstrate a 5 Year Housing Land Supply in order for it to be found sound and adopted. Unlike the current methodology for calculating 5 year supply which takes account of housing undersupply in the standard methodology formula, the methodology for calculating 5 year supply under a new Local Plan must add on the backlog from previous years. This results in a higher 5 year supply requirement.

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh any conflict with the Adopted Development Plan. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be an important material consideration.

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

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

The development would provide some limited economic benefits from the refurbishment of the property, and socially would provide some windfall units and provide a mix of dwelling types in the area. The layout and design of the development, including its rear extension, would respect the character and appearance of the dwelling and the alterations to the frontage would be an enhancement to the street scene. The development would provide for acceptable amenity for future occupiers and neighbouring properties. Equally adequate parking provision is provided.

When considering the planning balance and having regard to the benefits as identified above, and having regard to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would result in a sustainable development of an acceptable layout and design in accordance with Policy RLP24 of the Adopted Local Plan and it is recommended that planning permission be granted.

### RECOMMENDATION

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

### APPROVED PLANS

Location Plan	
Site Plan	Plan Ref: 0708/31

Elevations	Plan Ref: 0708/33
Proposed Floor Plan	Plan Ref: 0708/34

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

#### Reason

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

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

#### Reason

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

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

Reason

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

- 4 Prior to the first occupation of the dwellings hereby permitted, the car parking provision shall be provided in accordance with the approved plans and thereafter shall be retained as such.

Reason

In the interests of the visual amenity of the locality and in the interest of amenity for future occupiers.

- 5 Prior to the first occupation of the development hereby permitted, detailed drawings of the bin store enclosure, including materials of construction, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details prior to the first occupation, and shall thereafter be retained as such.

Reason

In the interests of the visual amenity of the area and the amenity of future occupiers.

- 6 Prior to the first occupation of the development hereby approved, a full hard surfacing materials schedule and soft planting schedule, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be fully implemented in accordance with the approved details prior to the first occupation.

Reason

In the interests of the visual amenity of the locality.

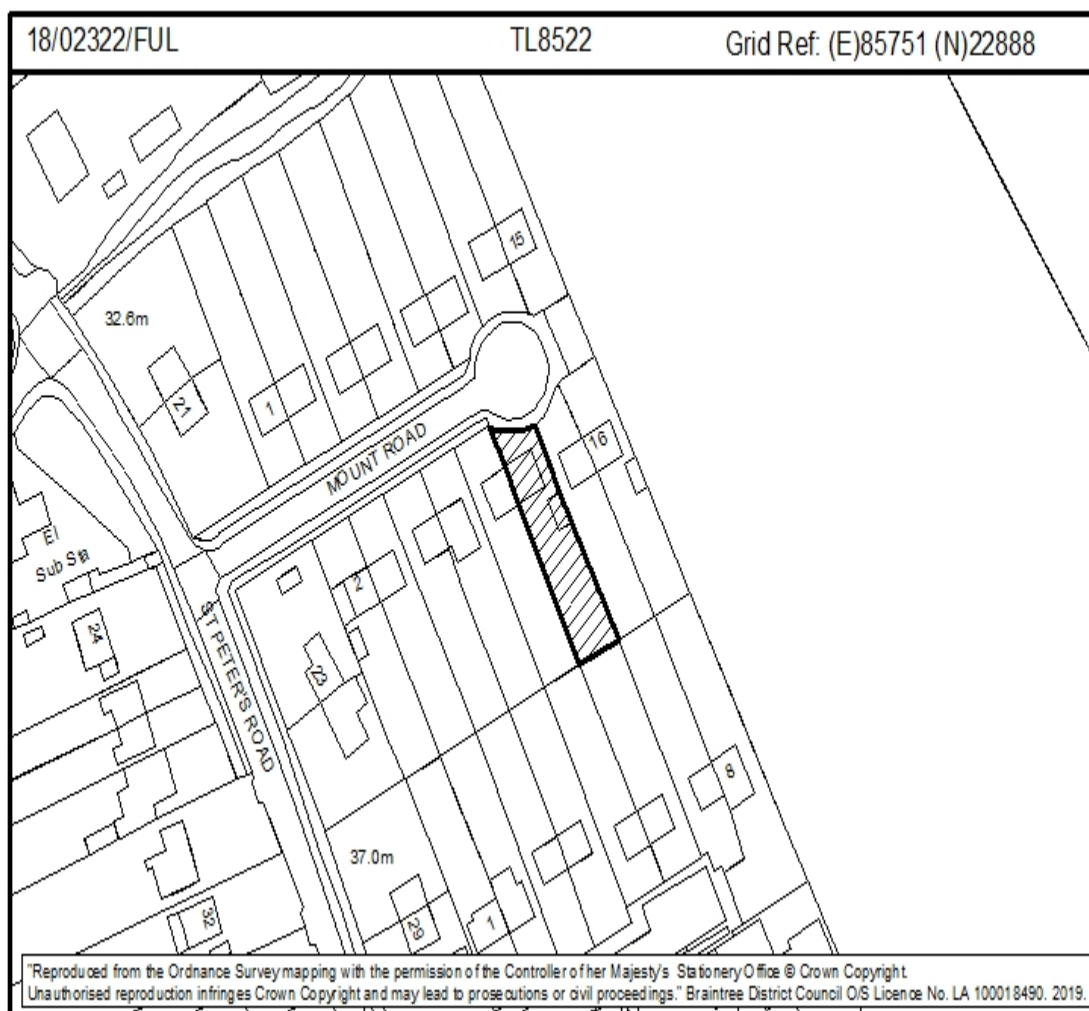
CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## PART B

## AGENDA ITEM NUMBER 5f

APPLICATION NO: 18/02322/FUL DATE: 31.12.18  
VALID:  
APPLICANT: Mrs Clare Iona Linney Bailey  
12 Mount Road, Coggeshall, CO6 1SS  
AGENT: Mark Perkins Partnership  
Mark Perkins, Hamilton House, Mersea Road, Langenhoe,  
Colchester, CO5 7LF, United Kingdom  
DESCRIPTION: Single-storey side and rear extension, and conversion of  
existing garage to habitable accommodation.  
LOCATION: 12 Mount Road, Coggeshall, Essex, CO6 1SS

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKLIHNBFM1G00>

## SITE HISTORY

None

## POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### National Planning Guidance

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

#### Braintree District Local Plan Review 2005

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

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

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

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

#### SITE DESCRIPTION

The site comprises a semi-detached dwelling located on the south side of the turning head of the cul-de-sac to Mount Road within the development boundary of Coggeshall. The property has been previously extended with a small conservatory at the rear. The existing detached garage is set back from the rear elevation, and is served by a narrow access along the side of the dwelling.

#### PROPOSAL

The proposal is for a single storey side and rear extension, and conversion of the existing garage to create additional living accommodation.

#### CONSULTATIONS

None.

#### PARISH / TOWN COUNCIL

Coggeshall Parish Council: Raises Objection to the application. Their comments are as follows:



*Coggeshall Parish Council would like to object to this planning application. It is felt that the loss of private parking and garage in a road where on street parking is congested was a concern. The property is situated at the end of a cul-de-sac which has a turning circle at the end, however cars are often parked on the road in the turning circle making it difficult to manoeuvre.*

## REPRESENTATIONS

No neighbour representations were received for this application.

## REPORT

### Principle of Development

The proposal is for a single storey side and rear extension and the conversion of the existing garage. The proposal is located within the Coggeshall development boundary and is therefore acceptable in principle in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to meeting criteria on design, amenity and other material considerations.

### Design and Appearance

Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan allows for the extension of an existing dwelling provided that there is no over-development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwelling, and providing there is no unacceptable material impact on the identity of the street scene, scale and character of the area.

In addition to this, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require designs to recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials, and use appropriate landscaping. Policy CS9 of the Adopted Core Strategy similarly seeks a high standard of design and layout in all new developments.

The proposal is for a single storey side and rear extension and the conversion of the existing garage into a study. The proposal would see the demolition of the existing conservatory and a new extension constructed in its place. The proposed rear extension would measure 3.8 metres in depth, 5.4 metres in width and 2.3 metres in height at the eaves. It would have a mono-pitched roof with roof lights and be constructed from red brick to match the host dwelling. The side extension would be constructed from the same matching materials as that to the rear. It would be built up to the boundary and set back from the front elevation of the host dwelling. This would measure 2.2 metres in

width, would attach to the converted garage and would be 2.3 metres in height at the eaves. The side extension would comprise a new entrance to the property with a hallway, utility room and wet room; the garage would be converted to a study.

The extension is considered to be subservient and would be constructed from materials to match the original property. The proposal would not harm the character and appearance of the host dwelling or the wider street scene and therefore is considered to be compliant with the abovementioned policies.

#### Impact on Neighbouring Residential Amenities

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.

The extensions would be built up to the boundary on both sides, however they would be single storey with no side elevation windows and the height of the eaves has been kept to a minimum. The development would not result in any degree of overlooking, nor would it have an overbearing effect on the neighbouring dwellings. To the east no.10 Mount Road has been previously extended and the proposed extension would project no further than the line of this existing extension. To the west, the proposed extension would infill the side of the property to the front of the existing garage. No.14 Mount Road has two ground floor windows and a door to their side elevation which would face the flank elevation of the proposed side extension, these serve non-habitable rooms and/or are secondary windows. Taking into account the configuration of these adjacent dwellings it is not considered that any harm would arise as a result of loss of light. Therefore the proposal would comply with the abovementioned policies.

#### Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that developments should comply with the parking standards set out in Essex County Council's Vehicle Parking Standards document. Accordingly, the requirement for dwellings with 2 or more bedrooms is a minimum of 2 parking spaces.

The proposal would result in the loss of the side access and the existing garage space. This existing access/driveway cannot be considered a useable parking space as it does not comply with the minimum parking standards, measuring only 2.4 metres in width. Therefore the garage cannot be accessed by a car and so the existing property only provides one useable off road parking space which would be retained. Therefore regardless of the development proposed by way of this application there would be no loss of parking experienced and therefore a reason for refusal could not be substantiated on these grounds.

## Conclusion

The proposal is in keeping with the character and appearance of the host dwelling and no harm would arise to the amenity of existing neighbouring properties. It can be demonstrated that there is only one existing parking space on the driveway and the loss of the garage and erection of the side extension would not attribute to any further loss.

## 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: 1228/03

Proposed Plans                    Plan Ref: 1228/02

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

#### Reason

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

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

#### Reason

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

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

#### Reason

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

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER