

PLANNING COMMITTEE AGENDA

Wed. 18 September 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)
www.braintree.gov.uk

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF 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 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

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

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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

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 10th September 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

5a	Application No. 18 00740 FUL - Chalkney Lakes Log Cabin, Colchester Road, WHITE COLNE	6 - 22
5b	Application No. 19 00141 OUT - Land North of 17 Gosfield Road, BRAINTREE	23 - 40
5c	Application No. 19 00184 VAR - The Coach House, Russells Road, GREENSTEAD GREEN	41 - 52
5d	Application No. 19 00185 FUL - 9 Gardeners Road, HALSTEAD	53 - 66
5e	Application No. 19 00302 FUL - Land at 22 West Drive, WETHERSFIELD	67 - 80

5f	Application No. 19 00565 OUT - Land off Chapel End Way, STAMBOURNE	81 - 94
 PART B Minor Planning Applications		
5g	Application No. 18 01611 FUL - 80 Francis Way, SILVER END	95 - 102
5h	Application No. 19 01005 HH - 1 Waterfall Cottages, Park Road, RIVENHALL	103 - 109
5i	Application No. 19 01115 ADV - 1 Springwood Drive, BRAINTREE	110 - 118
5j	Application No. 19 01190 FUL - Gosfield Mens Social Club, The Street, GOSFIELD	119 - 127

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

8 Urgent Business - Private Session

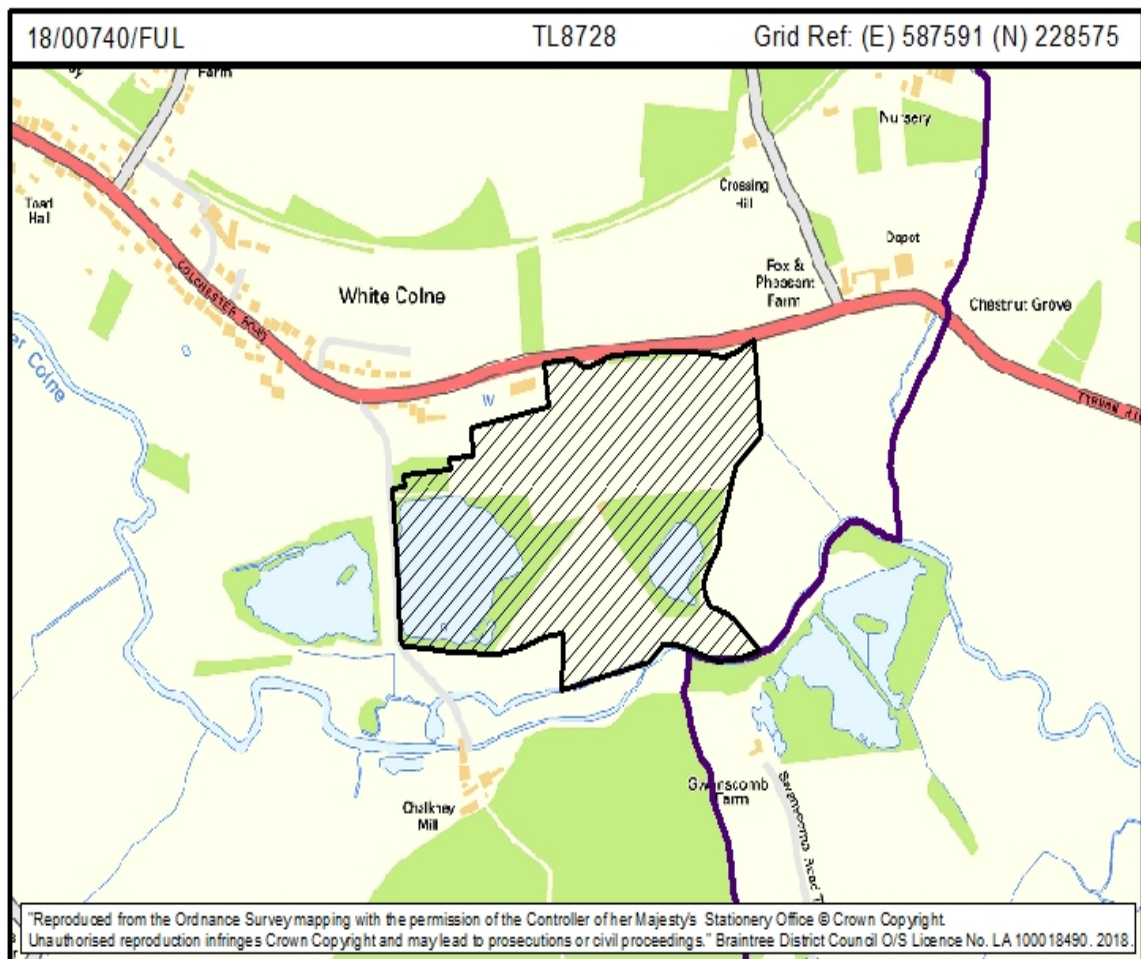
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 18/00740/FUL DATE: 22.05.18
 VALID:
 APPLICANT: Browning Bros
 Mr Browning, 2 Brook Road, Great Tey, Colchester, Essex
 AGENT: Pomery Planning Consultants Ltd
 Mr Robert Pomery, Pappus House, Tollgate West,
 Stanway, Colchester, Essex, CO3 8AQ
 DESCRIPTION: Erection of single cabin for use as a Holiday Let
 LOCATION: Chalkney Lakes Log Cabin, Colchester Road, White Colne,
 Essex

For more information about this Application please contact:
 Mr Andrew Martin on:- 01376 551414 Ext.
 or by e-mail to: andrew.martin@braintree.gov.uk



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7MXWEBF0G000>

SITE HISTORY

89/00776/P	Erection Of Log Cabin To Let For Tourism During Spring And Summer Months	Granted	18.07.89
17/01829/VAR	Application for variation of Condition 7 of approved application P/BTE/776/89/FL/H - To allow a longer letting period in any year	Granted	21.12.17
17/00062/REF	Change of use of land to form seasonal wedding venue (1 May to 30 September inclusive) including erection of three linked Tipis		
89/00776/P	Erection Of Log Cabin To Let For Tourism During Spring And Summer Months	Granted	18.07.89
08/00679/FUL	Temporary approval to site a mobile home on agricultural land to house an agricultural worker	Withdrawn	02.06.08
16/01352/FUL	Change of use of land to form seasonal wedding venue (1 May to 30 September inclusive) including erection of three linked Tipis	Refused	02.03.17
17/01829/VAR	Application for variation of Condition 7 of approved application P/BTE/776/89/FL/H - To allow a longer letting period in any year	Granted	21.12.17
18/00120/AGR	Prior notification of agricultural or forestry development - Erection of lambing shed and implement store for materials/plant	Planning Permission Required	12.02.18
18/01570/FUL	New agricultural building for lambing and implement	Pending Considerati	

store.

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP64	Contaminated Land

RLP65	External Lighting
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP86	River Corridors
RLP90	Layout and Design of Development
RLP144	Static Caravans, Chalets or Cabins
RLP146	Tourist Accommodation

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP8	Rural Enterprise
LLP9	Tourist Development within the Countryside
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP51	An Inclusive Environment
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
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan
Essex Design Guide
Essex Parking Standards

INTRODUCTION

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

SITE DESCRIPTION

The application site is a large expanse of relatively flat land, located within the countryside, to the south-east of the White Colne Village Envelope. It comprises of a restored gravel pit, grassland, and woodland. There are two lakes within the site and the River Colne is located directly to the south. Residential dwellings and a commercial premises adjoin the site to the north-west. Access to the site is provided directly from the A1124 Colchester Road.

In terms of use, the site remains agricultural in nature but it has also diversified, with planning permission having previously been granted at appeal for its use as a seasonal wedding venue. A log cabin, in use as a holiday let, is also present on the site to the south of the proposed cabin's location.

PROPOSAL

Originally the application sought planning permission for three buildings for use as holiday lets. The application was subsequently revised to two holiday lets, following an objection from the Environment Agency, so that all of the proposed development would be sited within Flood Zone 1.

The proposal was then reduced further to one holiday let, due to an outstanding objection from the Environment Agency, in relation to land contamination. This reduced proposal initially related to a tree house design, however, this was shortly after changed to a cabin design.

Therefore, as amended, the application seeks planning permission for the construction of one cabin to be used as a holiday let.

The cabin would be situated within the woodland surrounding the eastern lake on the site, to the north of the existing cabin.

CONSULTATIONS

BDC Ecology

No objection subject to conditions securing the biodiversity and mitigation enhancement measures proposed.

BDC Landscape Services

No objections.

BDC Emergency Planning

No comment.

BDC Environmental Health

No objections raised, although conditions have been recommended in relation to site clearance and the burning of refuse, waste or vegetation.

Environment Agency

Four consultation responses have been received, based upon revisions to the quantum and siting of the development proposed, with the third response removing the objection on flood risk grounds and the fourth response removing the objection on contamination grounds.

There are no outstanding Environment Agency objections to the proposal.

Essex County Council Highways

No objections raised.

PARISH / TOWN COUNCIL

White Colne Parish Council have submitted four consultation responses.

The first response raised the following objections:

- Inaccuracies regarding boundaries and visibilities of units to residents
- Residential amenity would be compromised due to noise and light pollution
- Development would be dominant within the countryside
- Located within an area of flood risk.

Since the first response, a number of changes have been made to the proposal, including a revision to the red line and a reduction in the number of holiday lets sought.

The three subsequent responses offered no further comments but maintained the initial objection raised.

REPRESENTATIONS

Two letters of objection have been received which have been summarised as follows:

- Boundary drawings are incorrect
- Existing log cabin on site has resulted in noise disturbance to local residents
- Increase in risk of woodland fires
- Loss of privacy
- Loss of ecology
- Use of site is dependent on outstanding appeal decision.

One letter of support has been received which has been summarised as follows:

- Proposal would add value to the local community
- Other seasonal cabins within the village
- Development would be screened by trees
- Diversification of the site is beneficial to the locality.

REPORT

Principle of Development

Policy RLP2 of the Adopted Local Plan and Policy LPP1 of the Draft Local Plan state that new development will be confined to areas within Town Development Boundaries and Village Envelopes. 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, biodiversity, geodiversity, and amenity of the countryside.

Notwithstanding the above, Policy RLP144 of the Adopted Local Plan states that cabins can be permissible where there would be no significant impact on the character of a designated area, road safety, landscape, wildlife, or residential amenity, and that essential services can be provided. It then goes on to cite that the location of such sites should be well screened, located outside areas liable to flooding, and result in no loss of the best and most versatile agricultural land. Furthermore, where a permanent residential use would not normally be acceptable but a holiday use would be, conditions will be imposed restricting the occupancy to holiday use.

Where a proposal does relate to tourist accommodation, Policy RLP146 of the Adopted Local Plan explains that within the countryside the preference is for the conversion of existing buildings, rather than the construction of new buildings. This preference is acknowledged, however, in this case there are no suitable buildings available for conversion on the site. It is also noted that Policy RLP146 does not prohibit the construction of new buildings for tourist accommodation purposes.

Additionally, Policy LPP9 of the Draft Local Plan states that proposals for new tourist accommodation and facilities, within the countryside, will be permitted providing developments meet seven specific criterion. These criterion generally relate to demand, sustainability of location, landscape character, access, no harmful loss of agricultural land, adequate services, and high quality landscaping. It too, like Policy RLP144 of the Adopted Local Plan, is explicit that the use for tourist accommodation will be restricted via condition or legal agreement.

In terms of national policy, Paragraph 83 of the Nationally Planning Policy Framework (NPPF) sets out that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas. This includes the development and diversification of agricultural and other land-based rural businesses. It then goes on to cite that such developments must respect the character of the countryside.

There is subsequently local and national policy provision for the proposal, subject to an appropriate condition, for restricting the use of the cabin to tourist accommodation.

The applicant has also provided information demonstrating the demand for the existing holiday let on the site which in turn indicates a demand for the proposed holiday let.

Occupancy levels for the existing holiday let reached 60% in 2016/17 and 71% within the last year. Given the site is not within a holiday hotspot, such as London, the coast, or close to a national or regional attraction, such levels of occupancy are very positive. In addition, over the aforementioned period, the cabin generated £28,000 of income to the business and would also have contributed notably towards the local economy.

Another holiday let on the site would enhance the existing offering, generate additional income for a rural business, and encourage further growth of the local economy.

To conclude the principle of the proposed development is acceptable.

Design, Layout and Appearance

Paragraph 124 of the NPPF sets out that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. It then goes on to cite good design as a 'key aspect of sustainable development'.

Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are, amongst other matters, sympathetic to local character and history, including the surrounding built environment and landscape setting.

This is in accordance with Paragraph 170 of the NPPF, which makes specific reference to the need for development to contribute to and enhance the natural and local environment, including recognising the intrinsic character and beauty of the countryside.

Policy CS9 of the Adopted Core Strategy, Policy RLP90 of the Adopted Local Plan, and Policies LPP50 and LPP55 of the Draft Local Plan reflect the NPPF, by seeking the highest possible standards of design and layout in all new development, including the need for the overall design of buildings to reflect or

enhance the area's local distinctiveness, whilst maintaining harmony with the character and appearance of the surrounding area.

Planning permission is sought for the construction of a single-storey cabin to be used as a holiday let. The cabin would be located within a copse of woodland, which surrounds the south-eastern lake within the site, to the north of the existing holiday let cabin.

In terms of design and appearance, the proposed cabin would be of a contemporary style, characterised by a flat roof, large panels of glazing, and an overhang canopy. Areas of decking would be provided to the front and right-side of the cabin. These areas of decking would accommodate a Jacuzzi, a sauna, and a shower. The cabin, and its surrounding decking, would be laid out in an 'L'-shape.

The simplistic form and appearance of the cabin would be appropriate for the rural context of the application site. It would also be sympathetic to the appearance of the existing cabin located to the south.

Details of the exact external materials and finishes to be used for the cabin have not been submitted as part of the application. However, from the submitted visualisations of the external elevations, it would appear that the materials sought would be sympathetic to the modern design and appearance of the cabin. Notwithstanding this, and for the avoidance of doubt, a condition is recommended for the submission and approval of material samples prior to above ground development.

Overall, with regards to the layout, design and appearance, Officers are content that the proposed development would be acceptable.

It is also noted that the application originally included three holiday lets, two of which were proposed to be of a 'tree-house design', meaning that they would have been raised above ground-level on a stilted platform. During the course of the application, these 'tree-houses' have been specifically omitted from the scheme by the applicant, in response to the concerns of local residents and the Parish Council.

Furthermore, in order to secure the satisfactory development of the site, and in the interests of visual amenity, it is recommended that permitted development rights be removed for Classes A, B, C, D, and E of Part 1 of Schedule 2, and Class A of Part 2 of Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A suitable condition is recommended.

Impact on Neighbour Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan, both emphasise the need to protect the amenity of nearby properties by

preventing any loss of privacy, increase in overshadowing, loss of light, or overbearing impact.

Furthermore, Policies RLP62 and RLP65 of the Adopted Local Plan and Policies LPP73 and LPP81 of the Draft Local Plan, state that permission will not be granted for developments which will, or could, give rise to a harmful increase in polluting emissions including, but not exclusive to, noise, smell, fumes, and light.

The proposed cabin would be single-storey and west-facing. It would be separated from the nearest dwellings, adjacent to the north-western boundary, by at least 100 metres and there would as such be no instances of direct overlooking.

Concern has been raised by the Parish Council and local residents with regards to the potential for noise and light pollution. The proposal is for one cabin which, as aforementioned, would be situated a notable distance from the site's boundaries. It is not therefore considered that the likely noise and light to be generated by the proposed development would be harmful to residential amenity.

Moreover, planning permission was previously refused on the site for a seasonal wedding venue (Application Reference 16/01352/FUL), on the grounds of noise disturbance. An appeal was lodged against the Council's decision and it was subsequently allowed (Appeal Reference APP/Z1510/W/17/3183445). Within the appeal decision, the Inspector made reference to the fact that local residents already experience background noise, due to their position on/or in close proximity to Colchester Road.

In addition to the above, it is not reasonable to assert that the holiday accommodation would be occupied in a manner which would otherwise be intrinsically different from a conventional dwellinghouse, in terms of the noise generated by the associated domestic activities. The impact of the proposal, upon the amenity of neighbouring residential properties, would consequently be acceptable.

Environmental Health have been consulted on the application and have raised no objections. Conditions were, however, recommended in relation to site clearance and the disposal of refuse, waste and vegetation. These conditions have not been attached as their subject matter is covered by separate legislation.

To conclude Officers are content that the proposed development would not result in harm to the amenity of neighbouring residential properties.

Highways Issues

Access to the cabin would be provided by the existing access and egress off of Colchester Road. This access is acceptable and no objections have been raised by Essex County Council Highways.

Sufficient space would be available within the site to provide a suitable level of parking.

Landscape

As aforementioned, in the above section on design, appearance, and layout, Paragraph 127 of the NPPF details that planning policies and decisions should ensure that developments are sympathetic to landscape setting.

Policy RLP80 of the Adopted Local Plan explains that development which would not successfully integrate into the local landscape will not be permitted. This objective is also reiterated under Policy LPP71 of the Draft Local Plan.

The application site is situated within the countryside and accordingly the impact of the proposal on the surrounding landscape is an important consideration.

It is notable that the holiday let would be modest in height, massing, and footprint. Moreover, due to its position within the woodland adjacent to the south-west lake, it would not be prominent within the landscape setting. No trees are to be felled to facilitate the cabin, which would be positioned so as not to damage the tree cover, or root protection areas.

Landscape Services have been consulted on the application and have raised no objections.

Ecology

Paragraph 170 of the NPPF is explicit that planning decisions should contribute to and enhance the local environment by minimising impacts on, and providing net gains for, biodiversity.

Policy RLP84 of the Adopted Local Plan and Policy LPP68 of the Draft Local Plan both detail that, amongst other matters, planning permission will not be granted for development which would have an adverse impact on badgers, or species protected under the various UK and European legislation.

The application has been submitted with a Phase 1 Habitat Survey and Protected Species Report (Skilled Ecology, July 2016) and an updated Preliminary Ecological Appraisal (Skilled Ecology, November 2018). These documents relate to the residual/likely impacts of the proposed development on Protected and Priority habitats and species. Proportionate mitigations measures are then proposed in alignment with the conclusions.

The mitigation measures identified, within the updated Preliminary Ecological Appraisal (Skilled Ecology, 2018), are acceptable and conditions have been attached to secure their implementation in full.

Therefore, subject to the attached conditions, net gains for biodiversity would be secured through the proposed development.

Flood Risk

During the course of the application, the scheme has been revised to sequentially locate the proposed development entirely within Flood Zone 1, the lowest zone of flood risk. However, given the broader site includes fluvial Flood Zone 3a, a flood risk assessment (reference 1636/RE/06-16/01 Revision C) has been submitted.

The Environment Agency have been consulted on the application and have raised no objections to the most recent iteration of the proposal or the flood risk assessment.

Contamination

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination. Paragraph 179 is explicit that, where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner.

Policy RLP64 of the Adopted Local Plan and Policy LPP73 of the Draft Local Plan both reflect the national policy above, by setting out that development will not be permitted, unless practicable and effective measures are taken to treat, contain or control any contamination on site.

Initially, development was proposed over an area of former landfill (gravel pit), known as White Colne (EAHLD02540). A holding objection was imposed by the Environment Agency, as insufficient information was available for them to make an informed response, in terms of the contamination risk.

In light of the contamination concern raised, the applicant reduced the scale of the development from three holiday lets to one, which enabled the proposed development to be situated entirely outside the extent of the former landfill.

The Environment Agency were re-consulted on the revision and raised no objections. The Council's Environmental Health team have also raised no objections.

PLANNING BALANCE AND CONCLUSION

Paragraph 8 of the NPPF defines sustainable development as having three overarching interdependent objectives as follows:

a) an economic objective - to help build 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;

b) 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

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historical 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 conducting a planning balance it is necessary to weigh the benefits of the proposed development against the resulting harm.

Moreover, as set out under Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

In this case, the application site is located within the countryside, and the proposal is to construct a cabin to serve as a holiday let. The principle of tourist accommodation within rural areas is established under Policies RLP144 and RLP146 of the Adopted Local Plan, Policy LPP9 of the Draft Local Plan, and is supported by the NPPF.

In terms of benefits, the development would provide an economic benefit during construction, in addition to contributing towards the local economy through tourism. There would also be social benefits to the creation of a well-designed tourist accommodation and its contribution towards the local economy. Environmental benefits would materialise from the proposed net gains in biodiversity.

No harms have been identified in relation to the proposed development.

When considering the planning balance, and having regards to the requirements of the NPPF as a whole, Officers have concluded that the proposed development would constitute sustainable development 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

Proposed Plans	Plan Ref: Cabin Design all plans	
Visibility Splays	Plan Ref: 18-30-1102	
Site Plan	Plan Ref: Landfill	Version: A
Site Plan		

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason

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

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

Reason

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

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

Reason

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

- 4 No above ground development shall commence unless and until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Updated Preliminary Ecological Appraisal (Skilled Ecology, 2018), have been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and thereafter permanently retained.

Reason

To enhance Protected and Priority Species and allow the local planning authority to discharge its duties under s.40 of the NERC Act 2006 (Priority Habitats & Species).

- 5 Prior to the installation of any external lighting, a biodiversity lighting design scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance

along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and thereafter permanently retained. Under no circumstances should any external lighting be installed without prior consent from the local planning authority.

Reason

To allow the local planning authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, as amended, and s.40 of the NERC Act 2006 (Priority Habitats & Species).

- 6 The accommodation hereby permitted shall be used only for holiday accommodation purposes and shall not be occupied by any lease, tenant or guest for any period exceeding 28 days consecutively.

Reason

The site lies in a rural area where residential accommodation, other than tourist accommodation, is not normally permitted.

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

Reason

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

- 8 In the event that unexpected contamination is found, at any time when carrying out the development, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment would subsequently need to be undertaken and, where necessary, a remediation scheme would need to be submitted to the local planning authority for approval. Any agreed remediation shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

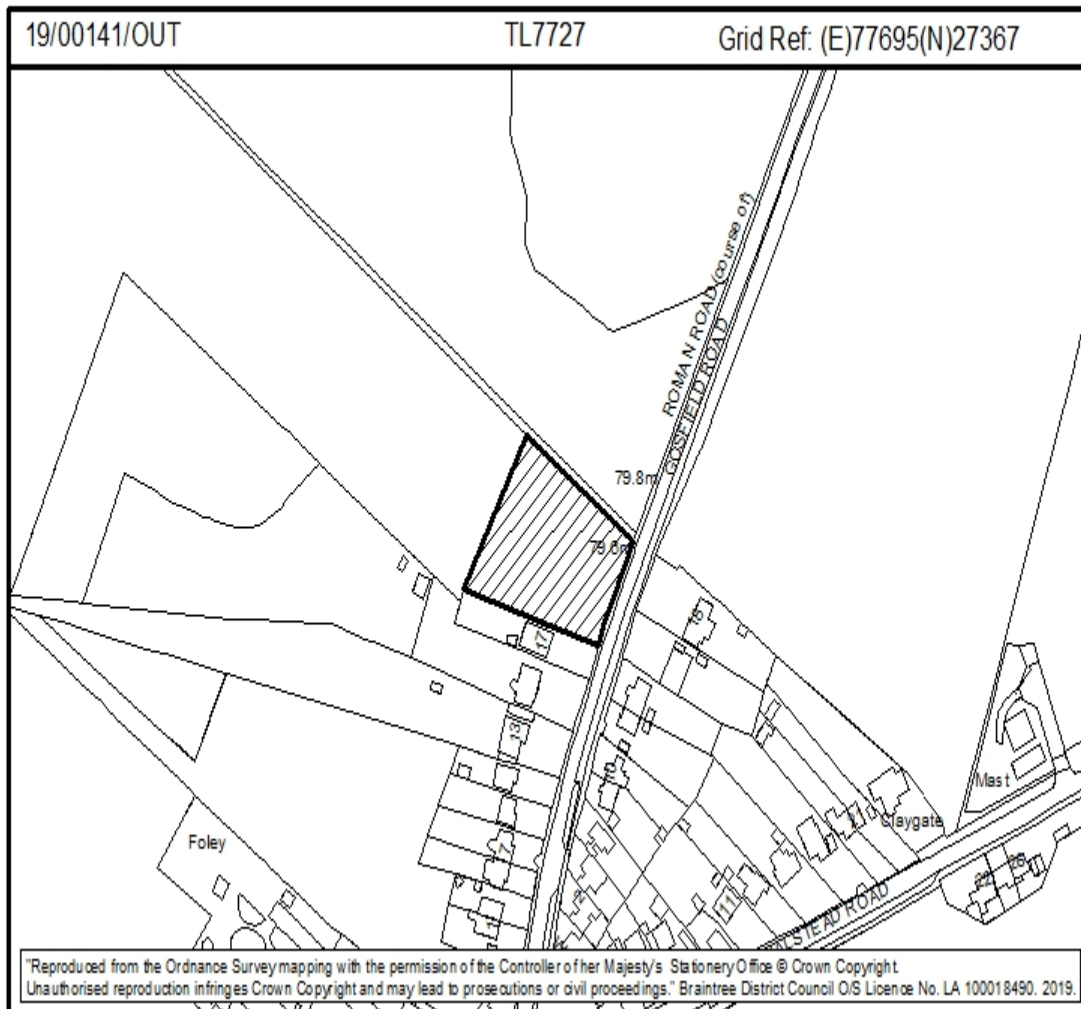
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 19/00141/OUT DATE: 25.01.19
 VALID:
 APPLICANT: Mr N Porter
 Iron Pear Tree Farm, Gosfield Road, Braintree, CM7 5PA
 AGENT: Mr Dave Farrow
 West End Barn, The Street, Rayne, Braintree, CM77 6RY
 DESCRIPTION: Erection of 3No Dwellings
 LOCATION: Land North Of, 17 Gosfield Road, Braintree, 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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLW769BFM FN00>

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
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
RLP53	Generators of Travel Demand
RLP54	Transport Assessments
RLP55	Travel Plans
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP65	External Lighting
RLP67	Flood Risk in Undeveloped Areas
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
RLP84	Protected Species
RLP87	Protected Lanes
RLP90	Layout and Design of Development
RLP91	Site Appraisal
RLP92	Accessibility
RLP93	Public Realm
RLP105	Archaeological Evaluation

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
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
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP44	Sustainable Transport
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP52	Health and Wellbeing Impact Assessment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
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
LPP74	Climate Change
LPP75	Energy Efficiency
LPP77	Renewable Energy within New Developments
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting
LPP82	Infrastructure Delivery and Impact Mitigation

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation at the request of the Chairman and Vice-Chairman of the Planning Committee.

SITE DESCRIPTION

The application site is situated to the north west of High Garrett to the west of Gosfield Road and measures 0.29ha in area. The site abuts the built form of High Garrett to the south and east of the site. However, it is situated outside of the defined development boundary. There is a Public Right of Way (number 10) which runs along the northern boundary of the site. There is a bus stop within close proximity to the site.

PROPOSAL

The application seeks outline planning permission with all matters reserved, except for access, for the erection of 3 dwellings.

An indicative site plan has been submitted to illustrate how the proposed dwellings could be accommodated on the application site. An indicative street elevation has also been provided which shows three two storey dwellings in a linear arrangement fronting the main road.

The proposed vehicular access to each of the plots is shown on the submitted plans.

CONSULTATIONS

ECC Highway Authority

Objection. The developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility.

BDC Landscape Services

The proposal will impinge on the vista along the woodland edge and the attractive prospect of the views beyond into open countryside for those using the public footpath that runs parallel to the site. The proposed layout would require the removal of the vegetation along the roadside to provide suitable sightlines and require a significant reduction in the canopy of the trees in the adjacent woodland. Concern was also raised regarding the potential to damage the root protection zones of the established trees on the outer edge of the woodland. The character and landscape setting of PROW 68-10 would be damaged by the confinement of the access from the road within a narrow corridor adjacent to the proposed property and the curtilage/garden boundary sacrificing the open views along the woodland edge and the open countryside.

BDC Ecology

No objection subject to conditions relating to mitigation and enhancement measures.

BDC Environmental Health

No objection subject to conditions relating to demolition, site clearance and construction.

PARISH / TOWN COUNCIL

N/A. The site is situated within Bocking North Ward.

REPRESENTATIONS

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

In response 41 objection comments and 1 general comment have been received in response to the neighbour notification, the contents are summarised below:

- Highway Issues
 - Traffic speed is dangerous.
 - 40 mph speed limit is not adhered to.
 - Increase in traffic movements which will increase carbon footprint and damage air quality.
 - There will be a reliance on car to access services and facilities.
 - If granted a bus shelter should be provided.
 - There is no footpath on some parts of the road.
 - It is dangerous for pedestrians to cross the road.
 - What provisions have been made for the Public Right of Way?
 - Development will deplete the rural views from the Public Right of Way.
 - The Public Right of Way is used regularly and provides access to Gosfield Lakes.
 - The actual Public Right of Way lies several metres within the boundary of the site.
 - The trains at Braintree Station are every hour and not 20 minutes.
- Environmental Issues
 - Loss of agricultural land. We need agricultural land to provide for future generations.
 - The land was cultivated up until 2 years ago as part of a wider farm field. It is now fallow.
 - Harmful to the landscape and openness of the countryside.
 - Disturbance to wildlife
 - Frustration with the desktop analyse submitted with application which refers to a lack of wildlife.
 - There is a diverse range of wildlife including badgers, deer and bats etc.
 - The woodland is habitat to many animals.
- Design and Layout Issues
 - Harmful to the character and appearance of the area.
 - Loss of light to windows of 17 Gosfield Road (which face the field).
- Other Issues
 - Site is outside of the defined development boundary.

- There is currently a distinctive separation between built development and the countryside.
- The end of development is clearly defined.
- There is a distinct historic boundary.
- There are no services or facilities within walking distance.
- It is difficult to work from home due to the poor broadband speeds.
- If granted the development will open the gateway for a bigger development on site.
- Proposal would provide an insignificant contribution to the local housing stock.
- Proposal would not enhance the vitality of Gosfield.
- Concern that it is same landowner as Bocking Church Street application for 300 dwellings.
- Schools are not within walking distance.
- There are alternative brownfield sites.
- It will continue ribbon development and reduce separation with Gosfield and Bocking.
- There are drainage and flooding issues onsite.
- It will set a precedent for future development towards Gosfield.
- There is a shooting range within 1 mile of site.
- Pressure on existing services and facilities.
- Concern regarding position of site notice. *(Note: A further site notice was displayed onsite adjacent to the Public Right of Way).*

In addition to the above, an objection letter has also been received from Councillor Everard, who has objected to the proposals due to the inappropriate location, the likely flooding of adjacent properties, joining up of communities, and the impact on traffic which could lead to several accidents.

REPORT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

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

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

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. 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.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the

subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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.

Location and Access to Services and Facilities

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

The development will bring both social and economic benefits, albeit limited in nature relative to the scale of the development. The development will provide a minimal contribution towards housing for the local area. In addition the development would provide benefits during the construction stage and thereafter with prospective occupiers supporting the services/facilities within nearby towns/villages.

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.

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.

The site is located within close proximity to Bocking which is situated to the south west of the site (approximately 1.6 miles by car). The application site is also located adjacent to existing residential development. Therefore, it is reasonable to conclude that the site is not isolated. However, it should be noted that to access these services and facilities within Bocking would require future occupants of the dwellings to cross the A1017 and A131 where there aren't any pedestrian crossings. Officers estimated that it would take approximately 30 minutes by foot to walk to the primary school in Bocking. There is lack of a pedestrian pavement on the west side of Gosfield Road adjacent to the site. As such, there is likely to be a strong reliance on the private car to access services and facilities. There is a bus stop in close proximity to the site however, to access the southbound bus stop would require prospective occupiers to cross the road which lacks a pedestrian crossing point.

To the north of the site (approximately 1.4 miles by car) is the village of Gosfield. Gosfield benefits from some facilities, including a small shop, primary school and public house, however the range of amenities is limited. Gosfield and its amenities are beyond reasonable walking distance from the site and there is a lack of a pedestrian route along the full length of Braintree Road. There would be a reliance on travel by private car between the site and Gosfield village.

Overall, whilst the site is physically located relatively close to Bocking, due to poor pedestrian connectivity between the site and Bocking and Gosfield and the inevitable reliance on private vehicles to access services and facilities, this proposal would result in social and environmental harm. Therefore the proposal would conflict with the requirements of Policy CS7 of the Adopted Core Strategy which seeks to direct future development to accessible locations which weighs against the proposal in the overall planning balance.

Design, Layout and Landscaping

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan require a high standard of design and layout in all developments. Policy CS9 of the Adopted Core Strategy requires 'the highest possible standards of design and layout in all new development'. At the national level, the NPPF requires a high quality of design and layout.

As set out above, the application seeks outline planning permission with all matters reserved, except for access, for the erection of 3 dwellings. As such, scale, layout, appearance and landscaping are reserved for future consideration. In addition to considering the principle of the development, it is necessary to consider whether the development as proposed can be accommodated on the application site.

The indicative drawings submitted propose 3 detached four bedroom dwellings. The dwellings are set back from the road frontage and follow the existing built line of development a continuation of the existing ribbon development along Gosfield Road. There are 3 separate vehicular access points proposed from Gosfield Road for each dwelling.

The indicative drawings propose the dwellings to have a similar footprint to that of surrounding development and be two storey in height. The indicative street scene submitted demonstrates a roof height slightly higher than that of the neighbouring properties of 13, 15 Gosfield Road (2 storey dwellings) and 17 Gosfield Road (1.5 storey dwelling) which is adjacent to the site.

The 'Essex Design Guide' (2005) states that new dwellings containing 3 bedrooms or more should include at least 100 square metres (sq.m) of private garden amenity space. As stated in the Essex Design Guide, for a 3 bedroom dwelling a 100sq.m minimum garden size, *'has been found to be an acceptable and workable minimum size that accommodates most household activities and is at the same time adequate to offer visual delight, receive some sunshine, and encourage plant growth'*. The submitted indicative site layout does not indicate the size of the proposed amenity space. However this has been measured by officers and the proposed provision accords with this standard.

The indicative drawings illustrate a scheme that broadly reflects the surrounding character and form of development and would provide sufficient amenity space and car parking provision for each dwelling. However, the development of this site would further extend ribbon development along Gosfield Road encroaching into the open countryside beyond the defined development boundary. It would have a material detrimental impact on the existing character of the settlement, eroding the undeveloped nature of the site which makes a positive contribution to the amenity of the locality and the setting of the public right of way and on open long views across the countryside.

Impact on Neighbouring Amenity

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 indicative plans indicate a 2 storey dwelling at Plot 3; the neighbouring property (17 Gosfield Road) is 1.5 storey. Due to the siting of the dwelling at Plot 3 and the relationship with 17 Gosfield Road there is potential for impact on neighbouring amenity.

The relationship between the proposed development and existing neighbouring properties would be a key consideration at the reserved matters stage. However, it is considered that a dwelling could be designed to ensure that the proposal did not have a detrimental impact upon adjacent amenity in terms of loss of natural light, overshadowing, overbearing, loss of privacy.

Highway Impact

A 2+ bedroom house is required to have two off street parking spaces and the required minimum dimensions of parking spaces as set out in the Essex Vehicle Parking Standards 2009.

The indicative plans submitted indicate the provision of two car parking spaces with a turning head for each plot.

Three separate vehicular access points proposed on Gosfield Road, one to serve each plot. The access points for Plot 1 and Plot 2 are adjacent to each other. The access point for Plot 3 abuts the neighbouring boundary of 17 Gosfield Road.

The Highway Authority have raised an objection to the proposal as the developer has not demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. Insufficient information has therefore been submitted demonstrating that satisfactory visibility splays can be achieved. The Highway Authority have also raised concern that the applicant has not submitted detail with regards to the impact the proposal would have on the Public Right of Way 10. The Public Right of Way may have naturally shifted over time as a result of overgrown hedging.

A further revised plan was submitted by the Agent to address the concerns raised by the Highway Authority. However, the Highway Authority have reviewed the plan and maintain their objection and stated, *'the drawing submitted does not adequately demonstrate that appropriate visibility can be provided (as requested 10 July 19) therefore, given the proposal is still not acceptable the Highway Authority will not revise its recommendation'*.

Ecology

A Preliminary Ecological Appraisal undertaken by Open Spaces Landscape Architects has been prepared and submitted as supporting documentation for the planning application. The report concluded that, the site is not within nor bounds a statutory or non-statutory designated location. No trees with potential bat roosting habitat are situated within the site. It is possible that bats may forage and commute in the area given the presence of nearby woodland. A low impact lighting solution be installed such that lighting is minimal,

directional and that the offsite woodland (to the north and south west) are not subject to illumination during both the construction and operational phase. It is advised that the site be enhanced thorough infill/improvement planting of the existing hedgerow/planting on the southern perimeter, in addition to the planting of a new tree/line/hedgerow on the western boundary and within the site interior. It is not considered that the proposal would have an adverse impact upon reptile or great crested newt. No active or inactive badger setts were found. However, appropriate precautions have been advised for the construction phase. A Biodiversity Management Plan (BMP) setting out all ecological enhancements/strategies should be secured by appropriate condition.

The Council Ecology Officer has reviewed the appraisal submitted and raised no objection subject to conditions relating to biodiversity enhancement and mitigation. This includes submission of a Biodiversity Method Statement for Protected and Priority species including bats, badgers, hedgehogs and breeding birds and a Biodiversity Enhancement Layout providing finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. 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.

Flooding

The site is situated within Flood Zone 1 (low probability risk of flooding). No objections to the proposal are raised in this regard.

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 considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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).

The development of three dwellings would have a negligible influence on the vitality of the community and it would not be large enough to bring about the creation of new services within the settlement. The development will therefore perform only a very marginal economic role, i.e. the short term employment related to construction.

In providing a social role development should create high quality built environments which reflect the community's needs and support its health, social and cultural well-being. The prospective occupiers of the dwellings would support health, cultural and social facilities in Bocking and Braintree to only a limited extent. The provision of three dwelling would also make a limited contribution to the Council's 5 Year Housing Land Supply given the scale of development proposal.

In terms of the environmental role, development should contribute to protecting and enhancing the natural, built and historic environment. As discussed above the proposal would increase development in the countryside and would be harmful to the character and appearance of the locality. Given the poor pedestrian connectivity between the site and the services and facilities within Bocking the proposal would encourage dependency upon travel by car increasing carbon emissions. The proposal would therefore be the antithesis of sustainable development.

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 it is recommended that planning permission is refused.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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 of the defined village envelope. The proposal in this case would introduce an unsustainable form of development in this location which would have a detrimental impact upon the character of the area and would increase reliance upon the private car. The proposal is therefore contrary to the objectives of local and national policies to secure sustainable patterns of development and consequently would be contrary to the NPPF, Policy RLP2 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy and Policy LPP1 of the Braintree District Publication Draft Local Plan.

- 2 Insufficient information has been submitted to demonstrate that adequate visibility splays can be achieved in either direction when leaving the site. It is therefore considered that the proposal would have a detrimental impact upon highway safety. As such, the proposal is considered to be contrary to the NPPF, Policy RLP2 of the Braintree District Local Plan Review, Policies CS5, CS8 and CS9 of the Braintree District Core Strategy, and Policy LPP1 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

Location Plan	Plan Ref: 01
Block Plan	Plan Ref: 02
Existing Site Plan	Plan Ref: 03
Proposed Site Plan	Plan Ref: 04
Elevations	Plan Ref: 05

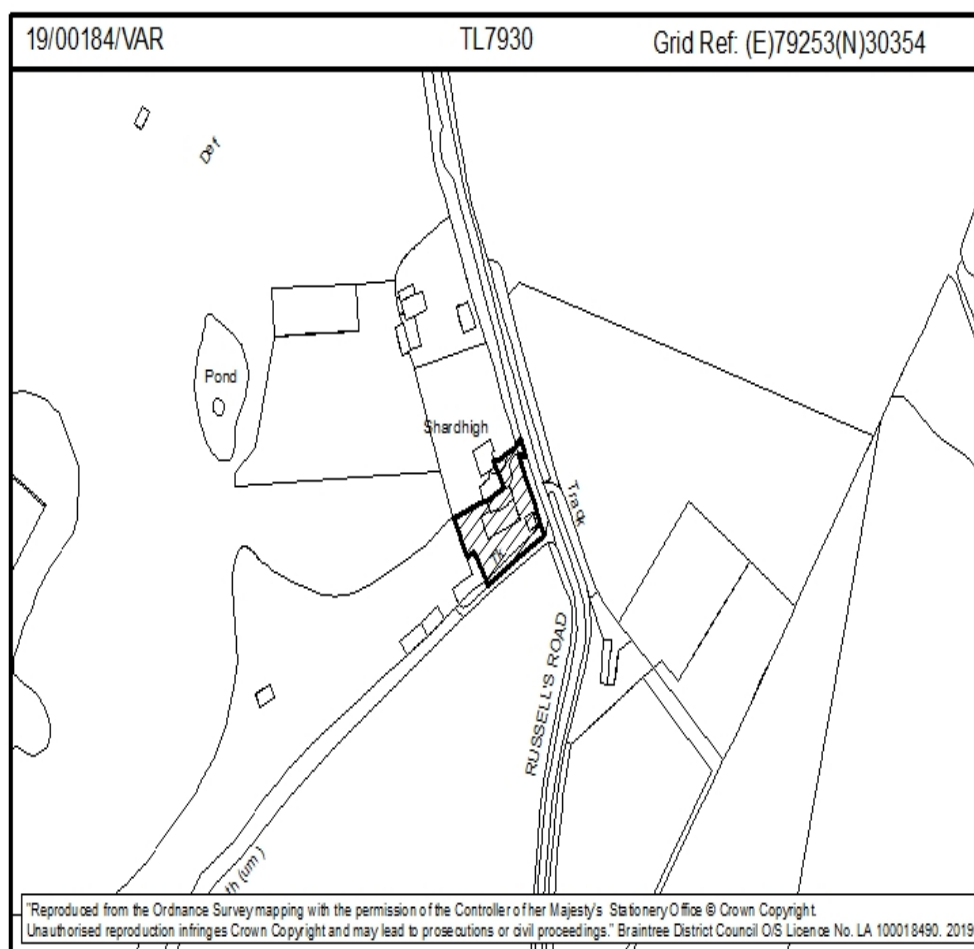
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

AGENDA ITEM NUMBER 5c

APPLICATION NO: 19/00184/VAR DATE: 05.02.19
VALID:
APPLICANT: Mr J Burrell
The Coach House, Russells Road, Greenstead Green, CO9 1SR
AGENT: Tim Harbord
2 Rivish Lane, Long Melford, CO10 9TH
DESCRIPTION: Application for variation of Condition 3 of approved application 13/00923/FUL - to allow use as a permanent dwelling.
LOCATION: The Coach House, Russells Road, Greenstead Green, Essex, CO9 1SR

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMG0XNBFMKW00>

SITE HISTORY

96/00018/REF	Erection of residential clinic and teaching centre for integrated natural medicines, change of use of existing bungalow and formation of 45 No car spaces and 5 No staff spaces	Appeal Dismissed	27.03.97
88/02018/P	Erection of two storey front extension	Granted	06.02.89
92/00047/	Erection of single storey front extension to dwelling	Granted	20.02.92
94/00049/FUL	Erection of first floor extension to side of existing building	Granted	18.02.94
97/00847/COU	Change of use of building to C2 for use in connection with existing clinic facilities in Green Lodge for a temporary period of three years	Granted	27.08.97
13/00923/FUL	Conversion of domestic outbuilding to holiday accommodation	Granted with S106 Agreement	10.10.13

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP38	Conversion of Rural Buildings
RLP146	Tourist Accommodation
RLP56	Vehicle Parking
RLP70	Water Efficiency
RLP74	Provision of Space for Recycling
RLP77	Energy Efficiency
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS5	The Countryside

Braintree District Publication Draft Local Plan 2017

LPP1	Development Boundaries
LPP42	Residential Conversion of Buildings in the Countryside
LLP9	Tourist Development within the Countryside
LPP45	Parking Provision
LPP75	Energy Efficiency

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Greenstead Green and Halstead Rural Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The site is situated to the west of Halstead and to the east of Gosfield and is located outside of a defined development boundary. The site is situated to the west of Russells Road and is developed by a single/two storey building being a former coach house. To the north of the site is a residential dwelling which previously formed part of the site but is now in separate ownership. Adjacent to the southern boundary of the site is a public right of way (Footpath 14).

PROPOSAL

The proposal seeks to vary Condition 3 of planning permission reference 13/00923/FUL which states, "the accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be occupied by any guest for a period exceeding 28 days consecutively" to allow use as a permanent residential dwelling.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Greenstead Green and Halstead Rural Parish Council – Objection on following grounds:

- No evidence submitted by the applicant that planning permission 13/00923/FUL was implemented.
- No evidence submitted to demonstrate that the applicant has tried to let for holiday accommodation in the past 12 months.
- Policy LPP9 of the Publication Draft Local Plan June 2017 continues to require the occupation of tourist accommodation to be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.
- Appeal decisions in Babergh District carry little weight as the merits of each site are specific (the agent referred to 3 appeal decisions in the neighbouring authority of Babergh which he suggests set a precedent for a proposal of this nature).
- Disappointed that the Council have failed to take enforcement action.

REPRESENTATIONS

The application has been advertised as a departure from the Council's adopted Development Plan.

A site notice was displayed adjacent to the site for a 21 day period and the immediate neighbour was notified by letter. No representations have been received.

REPORT

Principle of Development

The site is located in outside of a development boundary and therefore countryside policies apply as set out in Policy RLP2 of the Adopted Local Plan. Policy CS5 of the Adopted Core Strategy states that development outside development boundaries 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.

Permission was granted in 2013 for the conversion of the building to holiday accommodation (Application Reference 13/00923/FUL). Policy RLP146 of the Adopted Local Plan states within the countryside, conversion of existing buildings for tourist accommodation will be encouraged in preference to the construction of new buildings.

This application seeks to vary condition 3 of 13/00923/FUL '*3. The accommodation hereby permitted shall be used for holiday accommodation purposes only and shall not be occupied by any guest for a period exceeding 28 days consecutively. Reason. The site lies in a rural area where development other than for agricultural purposes is not normally permitted*'.

The supporting statement submitted with the application states, '*Shortly after the permission had been granted the applicant's marriage failed leaving him with a problem as to where he could afford to live. He moved into The Coach House on 29th June 2014 and has been living there ever since. It offered him a way out of a difficult situation and he has since progressed the internal conversion works to a point where they are largely complete. In June 2014 Shardhigh was sold away to the current owner*'.

The Officer report for application 13/00923/FUL referred to the viability of the proposed holiday let and stated, '*it is noted that no information has been submitted to demonstrate that the applicants have investigated the market. However, the Councils current adopted policy does not request such information and therefore it would be unreasonable to request this at the present time*'. The Adopted Local Plan does not contain policies which seek to prevent the loss of tourist accommodation in the District.

Since the determination of this planning application there has been consultation and publication of the Draft Local Plan. The preamble to Policy LPP9 of the Draft Local Plan states, *'to ensure the districts countryside is protected from inappropriate conversions of new tourist accommodation to residential usages, a reasonable business case i.e. costings and business model will be required for new tourist accommodation proposals to ensure the local term viability of such proposals.'*

This policy is however only relevant in the determination of 'new tourist accommodation'.

Policy RLP38 of the Adopted Local Plan states the conversion to residential use will only be acceptable where: i) the applicant has made every reasonable effort to secure suitable employment or community re use and the application is supported by a statement of the efforts that have been made or ii) residential conversion is a subordinate part of a scheme for business reuse of the building.

The NPPF supports economic growth in rural areas, in particular the growth and expansion of all types of business and sustainable rural tourism, including the provision and expansion of tourist and visitor facilities. To the contrary new dwellings outside of development boundaries and in isolated locations should be avoided, as advised by paragraph 79 of the NPPF, unless... *c) the development would re-use redundant or disused buildings and enhance its immediate setting.* In this case the proposal reuses a building which exists (formally a coach house).

The Parish Council concerns are noted. However, as explained above the Adopted Local Plan does not have policies which seek to prevent the loss of tourist accommodation in the District or require a planning application for tourist accommodation to be supported by a marketing viability appraisal. The Parish Council refer to the Draft Local Plan policies and the requirement for occupation of tourist accommodation to be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation. However, the Draft Local Plan has limited weight in the determination of planning applications and would not have been a consideration in the determination of the planning application in 2013.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. 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.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply

using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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.

Design, Appearance and Layout

The building is existing and was formally a coach house. There are no internal or external alterations proposed to the building above those considered within the previously approved application (Application Reference 13/00923/FUL). The building has three bedrooms with a kitchen, dining room, sitting room, bathroom, and utility room. Given that the building is existing and no alterations are proposed, the development would not give rise to any greater harm to the countryside or the character and appearance of the area.

The NPPF requires planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings. Policy RLP90 of the Adopted Local Plan and Policy CS8 of the Adopted Core Strategy also seek a high standard of design in all developments.

A block plan has been submitted with the application which indicates that the existing vehicular access is to be retained with a parking area. The garden area is proposed to the south of the site.

The garden area complies with the Essex Design Guide which refers to a minimum of 100sq.m for a 3 or more bedroom dwelling.

The car parking provision accords with the Essex Vehicular Parking Standards which requires a minimum of 2 spaces per 2+ bedroom dwelling.

To conclude, the building would be able to provide adequate car parking provision and amenity space and provide a good standard of amenity for current/future occupants of the residential dwelling in accordance with the NPPF, Policy RLP90 of the Adopted Local Plan, Policy CS9 of the Adopted Core Strategy, and Policy LPP55 of the Draft Local Plan.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan states that there should be no undue or unacceptable impact upon

neighbouring residential amenity. It is not considered that the amenities of the neighbouring property 'Shardhigh' would be compromised by the use of the building as a permanent dwellinghouse.

Highway Issues

There are no alterations proposed to the existing access/car parking arrangements.

Habitat Regulations Assessment (HRA / RAMS)

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

In accordance with the revised interim guidance an appropriate assessment has been completed for this application, as it falls within the threshold of a scheme of 99 residential units or less and is located within the updated Zones of Influence of the relevant European designated sites. 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 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 considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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).

The creation of one residential dwelling through the use of the existing building would have a negligible influence on the vitality of the community with future occupiers supporting to a limited extent the existing services and

facilities in the neighbouring town of Halstead. The development would not be large enough such to bring about the creation of new services within neighbouring settlements.

The development will perform only a very marginal economic role given the previous consent for holiday let accommodation.

The proposed residential development although not considered isolated would be dependent on the car to access the services and facilities in the neighbouring village and town. This will inevitably have an impact on the environment in terms of carbon emissions. However, when considering the environmental impact on balance, the building is existing and has previously been granted permission for uses including an annexe and more recently a holiday let. The NPPF supports new residential development in the countryside where development would re-use redundant or disused buildings and enhance its immediate setting. This is relevant and applicable to this planning application. The proposal for conversion of an existing building (formally a coach house) to residential use would make effective use of the land in this instance ensuring the long term viability of an existing structurally sound building in the countryside.

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

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following condition and reason and in accordance with the Approved Plan:-

APPROVED PLAN

Site Plan

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

Reason

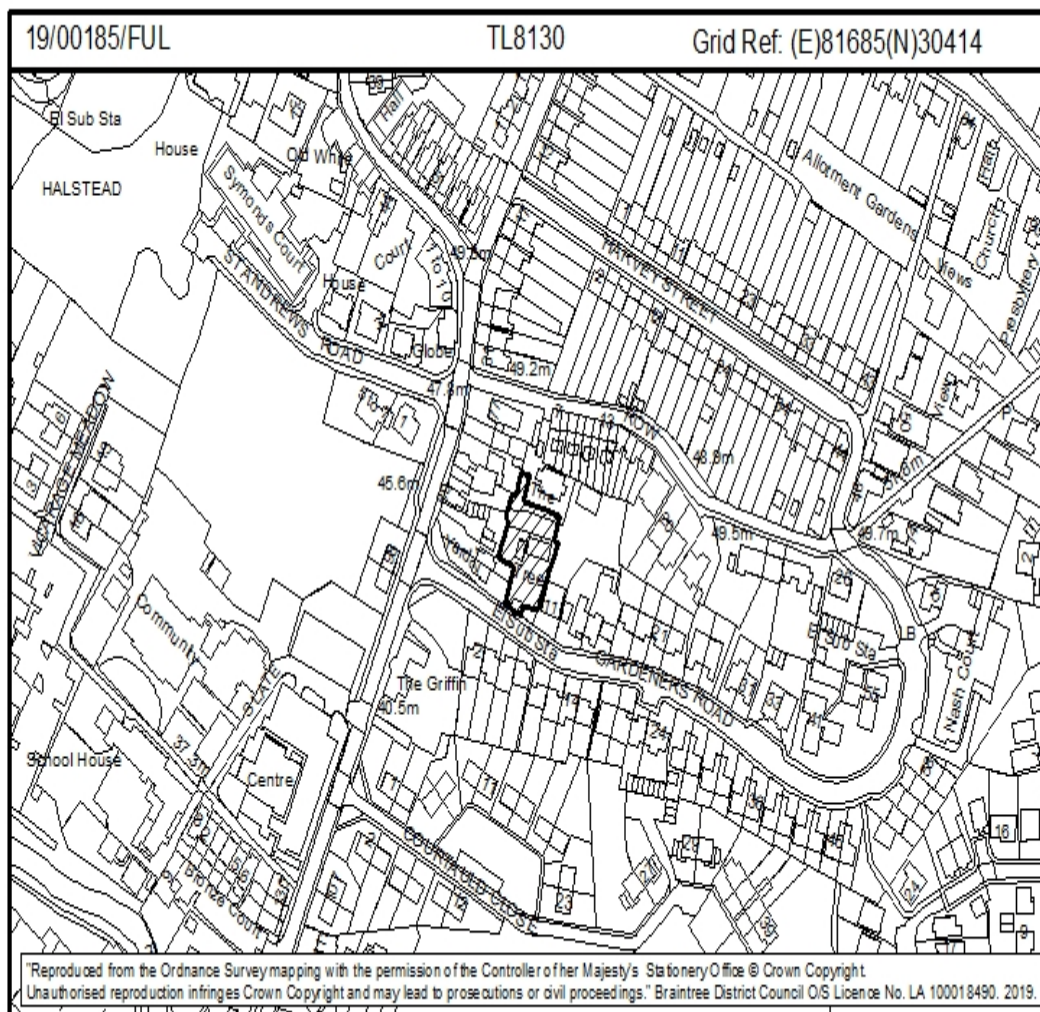
For the avoidance of doubt and in the interests of proper planning.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 19/00185/FUL DATE: 05.02.19
 VALID:
 APPLICANT: Mr B Edwards
 127 Broad Road, Braintree, CM7 9RZ
 AGENT: Andrew Stevenson Associates
 Mr Andrew Stevenson, 21A High Street, Great Dunmow,
 CM6 1AB
 DESCRIPTION: Erection of 1no. two bedroom dwelling with associated
 garaging and landscaping
 LOCATION: 9 Gardeners Road, Halstead, Essex, CO9 2JU

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMG0YMBF MKY00>

SITE HISTORY

17/01310/FUL	Erection of two bedroom dwelling with associated parking and landscaping	Withdrawn	21.09.17
18/00454/FUL	Erection of 1no. two bedroom dwelling with associated parking and landscaping.	Granted	04.12.18
19/00046/HH	Proposed double garage and store.	Application Returned	

POLICY CONSIDERATIONS

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

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

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

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

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

- Option 1 – Remove the Garden Communities proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time.
- Option 2 – The NEAs carry out further work on evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2

examinations. This option would result in the suspension of the examination, and the part 2 examination could not take place.

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

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

Braintree District Local Development Framework Core Strategy 2011

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
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to Planning Committee as the Applicant is related to a member of staff.

SITE DESCRIPTION

The application site consists of a two storey residential dwellinghouse known as Walnut Tree House, located on a plot of land set back from Gardeners Road. The site is located within the town development boundary of Halstead.

Adjacent to the existing dwelling is a plot of approximately 36 metres in depth and 11 metres in width at its widest, and tapers down to approximately 8.5 metres at its narrowest point. At present this plot is vacant and overgrown.

The site is located on higher ground than street level at Gardeners Road, although this change in level is not overly prominent due to large amounts of boundary treatments.

In 2018, planning permission was granted for the erection of a residential dwellinghouse on the site (Application Reference 18/00454/FUL).

PROPOSAL

Members will recall an application similar to that proposed within this application was granted by the Planning Committee on 30 October 2018. This planning application seeks planning permission for the same development as that approved in 2018, for the erection of a residential dwellinghouse, but now includes the erection of a single bay garage in front of the new dwelling and alongside the existing dwelling at 9 Gardeners Road.

The garage would sit almost within the footprint of an existing garage, and would measure approximately 5.6 metres x 2.9 metres internally, and would feature a traditional and simple design with a pitched roof and a rendered finish. The plans show that the roof would be finished in either slates or plain tiles.

CONSULTATIONS

Essex Highways

No Objections.

PARISH / TOWN COUNCIL

Halstead Town Council raised no objections to the proposal.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. One representation was received from a neighbouring dwelling known as 'The Bungalow', which raises concern in relation to the existing power cables, and loss of privacy.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

The Development Plan

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

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

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

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. 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.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Council's assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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

Location and Access to Services and Facilities

The application site is situated within the town development boundary of Halstead, one of the District's three main towns as defined in the Adopted Core Strategy and in the Draft Local Plan. The site is within walking distance to the town centre of Halstead.

The site in this regard is considered to be highly sustainable having regard to its location with good access to services and facilities.

Design, Appearance and Layout

The design of the new dwellinghouse is the same as previously approved in 2018. Therefore the main consideration from a design, appearance and layout perspective is the acceptability of the proposed garage.

The garage would be single bay, having limited proportions, and consist of a traditional design. Officers consider that the proposed garage is acceptable in terms of design. Although the garage would be located in front of the new dwelling and would appear prominent from the street scene, on balance, the proposal is not considered sufficiently detrimental to warrant the refusal of planning permission.

The materials palette is considered to be acceptable, however it is noted that the proposed plans show two possibilities for the roof finish, including slate and plain tiles. Both are considered to be acceptable; however it is not possible to approve two options and therefore a condition is recommended to require samples of materials to be submitted for approval for both the dwelling and the garage.

Impact on Neighbour Amenity

As discussed above, there is an established fall-back position for the erection of a new dwelling in this location. The impact of the new dwelling was previously considered to be acceptable.

The key consideration in this case is whether the proposed garage would give rise to any detrimental impacts upon neighbouring residential amenity.

The original application proposed a double bay garage immediately adjacent to the boundary shared with the curtilage of 1 Garden Yard to the west of the application site. Officers raised concern in relation to the adverse impact on the residential amenities of 1 Garden Yard, and as such, amended plans were requested to reduce the size of the garage, and relocate it away from the shared boundary.

Revised plans have been submitted to reduce the size of the garage to a single bay, and also to move it away from the boundary, towards the centre of the site, alongside the existing dwelling, and in front of the new dwelling.

The resultant design would result in an element of harm being caused to the residential amenities of the occupiers of the existing dwelling and any future occupiers of the new dwelling on the site. Notwithstanding this, the new dwelling would retain an acceptable outlook and would not be impacted through loss of light, whilst the existing dwelling has no ground floor side elevation windows. The potential impacts on the dwellings at the site would not amount to unacceptable impacts, and therefore on balance, the proposal is considered to be acceptable in this regard.

Highway Issues

The proposed garage would not provide an internal space of 7m x 3m, as required by the Adopted Parking Standards, and therefore could not be counted as a parking space. Notwithstanding this, there is parking space for 4 cars within the application site, which would comply with the Adopted Parking Standards. Furthermore, the Highway Authority raises no objections and therefore the application is acceptable in this regard.

Other Issues

The submitted representation raises concern in relation to an existing telegraph pole on the site, which sits just in front of the new dwelling. This pole would remain in its present form, and would not be affected by the application, or the new garage.

Habitat Regulations Assessment

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

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

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

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 where the principle of development is acceptable.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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).

In the case of this application, the proposal represents a new dwelling in a location which would have good access to facilities and services. The

proposal would have economic and social benefits, in terms of employment generated from the construction period and the provision of a new dwelling which would contribute to the Council's housing land supply. Such benefits would be consistent with the social and economic objectives of sustainable development; however they would be limited in weight due to the scale of the development.

Furthermore, there would not be any adverse environmental impacts arising from the proposed development. Planning permission has previously been granted for a new dwelling in this location. This represents a fall-back position which must be given substantial weight.

The addition of a single bay garage, as proposed within this application, is on balance, considered to be acceptable in terms of design, layout and relationship to neighbouring properties. Furthermore, both the existing and new dwelling would be provided with an appropriate number of parking spaces in accordance with the Council's adopted standards.

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

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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

Block Plan	Plan Ref: 103	Version: C
Garage Details	Plan Ref: 104	Version: C
Section	Plan Ref: 109	Version: C
Street elevation	Plan Ref: 110	Version: C
Location Plan	Plan Ref: 101	
Existing Block Plan	Plan Ref: 102	
Proposed Plans	Plan Ref: 105	
Section	Plan Ref: 106	
Section	Plan Ref: 107	
Street elevation	Plan Ref: 108	
Existing Block Plan	Plan Ref: 111	

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

Reason

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

- 4 The building hereby permitted shall not be occupied until the first floor windows and rooflights on the rear facing elevation have been glazed with obscure glass to a minimum of Level 3, and no part of those windows or rooflights that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The windows and rooflights shall be so maintained in this form at all times.

Reason

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

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

Reason

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

- 6 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

Reason

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

- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason

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

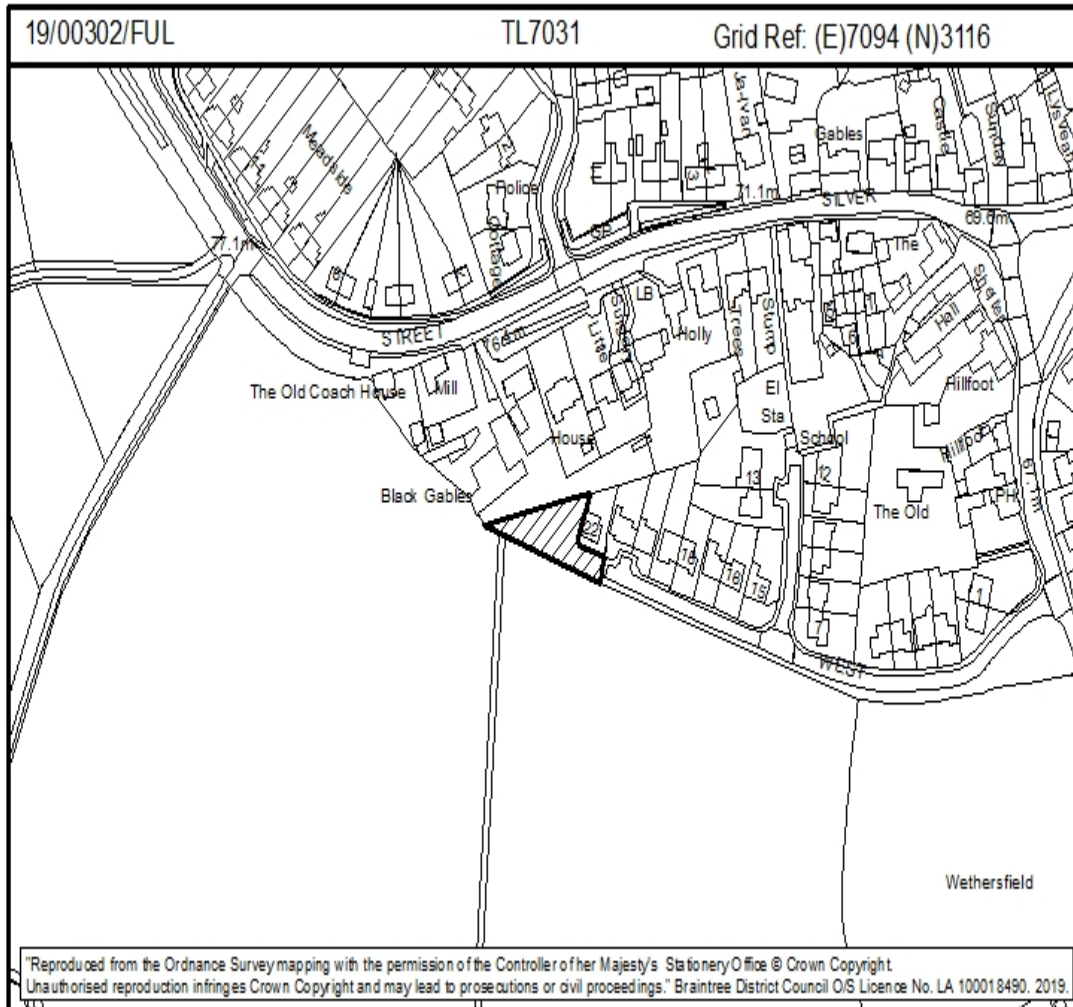
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART A

APPLICATION NO: 19/00302/FUL DATE: 20.02.19
 VALID:
 APPLICANT: Mr D Thompson
 22 West Drive, Wethersfield, CM7 4BT
 AGENT: Mr Nick Peasland
 2 Hall Cottages, Assington Park, Assington, CO10 5LQ
 DESCRIPTION: Detached two storey 2 bedroom dwelling
 LOCATION: Land At, 22 West Drive, Wethersfield, Essex, CM7 4BT

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PN89P9BFMV800>

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

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

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

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

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

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

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

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

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

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

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

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to 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 consists a triangular plot of land, which currently includes an existing dwelling known as 22 West Drive. The site is located within the village envelope of Wethersfield. The site is surrounded to the north and to the east by existing dwellinghouses, and to the west and south by open countryside. The size of the plot is approximately 600sq.m. Vehicular access is provided off of an existing access from West Drive, a residential cul-de-sac.

PROPOSAL

The planning application seeks full planning permission for the erection of a single detached residential dwellinghouse. The dwelling would be two storey, with a contemporary design, consisting of two step-ups, with mono-pitched roofs.

The building would contain two bedrooms, and an external amenity area of approximately 300sq.m. The existing dwelling would retain an external amenity area of approximately 120sq.m.

CONSULTATIONS

BDC Environmental Health

No Objections, subject to conditions restricting hours of construction on site, and preventing any burning of refuse materials on the site.

Essex Highways

No Objections, subject to a condition relating to the size of the parking spaces to be provided.

PARISH / TOWN COUNCIL

Wethersfield Parish Council made no comment on the application.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. In total, three neighbour representations were received, two of which raise objection based on grounds of loss of privacy to 'Black Gables', a dwelling to the rear of the site, which has an access onto Silver Street. A general comment was made relating to an increase in vehicular traffic using the highway.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

The Development Plan

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

The application site is located within the village envelope of Wethersfield. In this regard, the development of the site for residential purposes complies with the Braintree District Development Plan.

5 Year Housing Land Supply

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. 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.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply. Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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

Location and Access to Services and Facilities

The application site is located within the village envelope of Wethersfield. Policy RLP2 of the Adopted Local Plan states that new development will be confined to areas within Town Development Boundaries and Village Envelopes.

The village of Wethersfield is classified as an 'Other' village in the Settlement Hierarchy set out in the Adopted Core Strategy, and as a 'Third Tier' village in the Emerging Local Plan.

This classification is defined as "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".

Within Wethersfield, there is a Primary School, a village shop, and an hourly service connecting 'The Green' in the centre of the village to the town of Braintree. The location of the site within the development limits of Wethersfield, in the context of the limited scale of development proposed within the application, is regarded as sustainable.

Design, Appearance and Layout/Impact upon Character of the Area

The street scene at West Drive consists a row of uniform semi-detached and detached dwellings. Located at the end of the street the application site comprises a plot of land capable of accommodating a dwellinghouse, being currently maintained but not utilised as private amenity space for the existing dwelling.

The proposed dwelling would be sited with the side elevation fronting the road, and therefore the elevation which would be most prominent in the street scene. In this regard, the new dwelling would form a 'Bookend' effect to the termination of the cul de sac, which creates closure of the vista. The side elevation would see a form of design; incorporating two roof pitches featuring a zinc finish, and weatherboarded elevations.

This contemporary form of design would, in reality, appear very different to the rest of the street scene. Notwithstanding this, there are examples of unique design in the village of Wethersfield, for example toward Hereward Way. This design 'language' employed in this case is therefore considered to be acceptable.

Concerns are raised in relation to the amenity of the occupiers, particularly related to the high level windows on the rear elevation which would serve first floor rooms, including a landing, a W/C and a living room. The landing and W/C are not habitable rooms, and are high level windows, which can be conditioned to be obscure glazed. Subject to a suitable condition the proposal is considered to be acceptable.

The living room is a habitable room, and therefore a good quality of amenity is required. However, this room would be served by not only a high level window to the rear but a large window on the front elevation and a more traditional style of window on the side elevation. The ground floor rooms would all be served by usable windows and provided with natural light.

The amenity area to the rear of the new dwelling would measure approximately 300sq.m, whilst the existing dwelling would retain an area of approximately 120sq.m; both in excess of the required 100sq.m in the Essex Design Guide.

A corner area of landscaping would be provided to the front of the existing dwelling, which would serve as a buffer and a visual demarcation of private and public, as at present the green space appears open with little privacy.

In terms of design and appearance, the application is therefore acceptable.

Highways, Transport and Parking

The site is served by an existing access off of West Drive, which would be utilised to provide vehicular access for the new dwelling. Essex Highways raised no objections, subject to a condition requiring the parking spaces as shown on the submitted plans to be 2.9m x 5.5m.

The application is acceptable in regards to highways considerations.

Impacts on Neighbouring Residential Amenities & Construction Activity

Following the consultation exercise, a total of three representations were received. Two of these representations raised concerns in relation to impacts on the nearby dwelling Black Gables.

Black Gables is a single storey bungalow situated in a back-land location off of Silver Street. Due to a variation in site levels, the dwelling is set on higher land than the application site. There is a mature hedge separating the application site from Black Gables.

The Essex Design Guide sets out when a new house will 'back onto' an existing house, how close the new building can be to the boundary. The Guide explains that when a new dwelling is within 30° of the rear of an existing dwelling, then the new dwelling should be set at least 15 metres from the boundary. However, when the angle is greater than 30°, the distance to the boundary can be reduced to 1 metre from the boundary, as appropriate.

In the case of this application, the new dwelling would be set at a 50° angle to the existing dwelling at Black Gables. This therefore allows a closer distance to the boundary. There would be concern if the distance proposed was 1 metre; however at the 6 metres proposed, this distance would suffice and be in compliance with the Essex Design Guide.

Furthermore, due to the siting of Black Gables on a higher ground level than the application site, together with the design of the proposed dwelling, which sees the area closest to the boundary being a single storey element, and also that high level windows are proposed (and will be conditioned to ensure these are obscure glazed), results in a development which would not result in an unacceptable impact upon the residential amenities of Black Gables.

Landscaping

The submitted plans show some details of proposed enclosures, however not all details have been included and the lines which mark out the fence locations are not complete. A condition is suggested requiring details of type and location of new enclosures.

Habitat Regulations Assessment (HRA / RAMS)

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all

residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

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 where the principle of development is acceptable.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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).

As discussed above, the site is situated in a sustainable location within the defined development limits of Wethersfield, and being within close proximity to a local school with bus links to more sustainable locations, and some facilities.

The design and layout of the proposed development has been given consideration and on balance has been found to be acceptable. Although there have been representations made covering a number of points, most particularly related to impacts on the residential amenities of the dwelling Black Gables, Officers are satisfied that harm would be mitigated, and through the use of appropriately worded planning conditions, the development would be acceptable.

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 the proposal outweighs the harms and as such it is considered that the proposed development would constitute sustainable development and recommend that planning permission is granted.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

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: 2602/01

Proposed Elevations and Floor Plans Plan

Ref: 2602/02 Version: A

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

Reason

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

- 2 The development hereby permitted shall be carried out in accordance with

the approved plans listed above.

Reason

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

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

Reason

To protect the amenities and privacy of adjoining occupiers.

- 4 Prior to construction of the new dwellinghouse, samples of the materials to be used on the external surfaces have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved samples.

Reason

To ensure the use of appropriate materials having regard to the importance of this scheme in a rural area and to ensure that the choice of materials will harmonise with the character of the surrounding development.

- 5 The first floor windows on the north facing elevation shall be glazed with obscure glass and shall be so maintained at all times.

Reason

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

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

Reason

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

- 7 Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.

Reason

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

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

Reason

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

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

Monday to Friday 0800 hours - 1800 hours

Saturday 0800 hours - 1300 hours

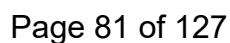
Sundays, Public and Bank Holidays - no work

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POZAFEBF0IJ00>

SITE HISTORY

00/00102/COU	Change of use of land from agricultural to private garden	Granted	06.04.00
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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 20th June 2016 and was the subject of public consultation between the 27th June and 19th August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5th June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16th June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

Sustainability Appraisal, and the relevant consultation and other procedures required by legislation.

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP74	Provision of Space for Recycling
RLP90	Layout and Design of Development
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
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP37	Housing Type and Density
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to 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 consists an agricultural field of approximately 1.21 hectares in size. The site is well screened from the public highway by tall hedgerows. The site is situated outside of the village envelope of Stambourne which in terms of settlement hierarchy is defined as an 'Other Village' in the Adopted Core Strategy, and a 'Third Tier' village in the Draft Local Plan.

PROPOSAL

The application seeks outline planning permission with all matters reserved for the erection of nine residential dwellings. Although the application is outline, details have been submitted to show an indicative layout of the site with and elevational/floor plans of each individual dwelling. Access would be from Chapel End Way via a new vehicular access.

No details have been provided at this stage with regards to number of bedrooms for each dwelling.

CONSULTATIONS

Archaeological Services

No Objections raised.

BDC Environmental Health

Following submission of a Phase 1 contamination report, no objections raised.

Essex Police

No Objections raised.

Highway Authority

Object on grounds that they are not satisfied visibility splays of 43m with a setback of 2.4m can be achieved on land over which the applicants have control.

REPRESENTATIONS

The planning application has been advertised in the local press and on site as a Departure from the provisions of the Development Plan and neighbours were notified by letter. A total of 38 representations were received, raising objection on grounds which include the following:

- Lack of street lighting;
- No pavements for pedestrians;
- Despite 30mph speed limit, highway users often travel in excess of this speed;
- Loss of privacy for neighbouring residential amenities;
- Loss of rural character;
- No facilities in the village to accommodate new residential development;
- No public transport servicing the village, meaning the new dwellings would rely on private car;
- Loss of hedge at front of site, to allow for visibility splays;

- Impacts on neighbouring residential amenities caused by construction;
- The site is outside the village envelope;
- The application doesn't appear to include affordable housing for families who require it.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2019

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

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

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

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

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

affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

The Development Plan

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

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

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

The application site is not proposed for allocation for development in the emerging Draft Local Plan. The proposed development is therefore contrary to 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

A material consideration in this case, is the Council's current housing land supply position. In July 2018 the Government published the new National Planning Policy Framework 2018 (NPPF2) which was subsequently revised in February 2019 (NPPF3). These revisions to national policy changed the basis of how the 5 year housing land supply is calculated. 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.

For decision making purposes, as Braintree District Council does not have an up to date Local Plan, the Council is currently required to calculate supply using the Government's Standard Methodology, until such time as the new Local Plan is adopted.

The Council has recently received decisions from the Secretary of State in relation to the Brook Green appeal and the 'Call In' applications in Hatfield Peverel (Land South of Stonepath Drive and Gleneagles Way) in which the Secretary of State found that the supply position was 4.15 years supply.

Having considered the evidence, the Secretary of State excluded 10 sites from the deliverable 5 year supply believing there was not clear evidence of deliverability as required by PPG. No justification or reasoning was provided in the decisions, but in excluding just the 10 sites from the supply, the Secretary of State has by default accepted the Council's evidence in respect all other sites.

The Council has reviewed the position in respect of the 10 sites which the Secretary of State did not include. The Secretary of State has not explained why these sites were considered to not meet the clear evidence test; the Council has requested the principles of this explanation, which is needed for interpreting evidence for current and future supply assessments of sites; but has been advised by the Case Work Unit that the information will not be provided.

Having reviewed the evidence, the Council has concluded that the 2018-2023 5 year supply position should be amended by the deletion of 3 sites on which there is not yet sufficient clear evidence of deliverability (Land rear of Halstead Road, Earls Colne; Land south of Maltings Lane, Witham; and Former Bowls Club site at Ivy Chimneys, Hatfield Road, Witham). The Council considers that the remaining 7 sites (Sudbury Road, Halstead; Inworth Road, Feering; Panfield Lane, Braintree; Monks Farm, Station Road, Kelvedon; Conrad Road, Witham; Ashen Road, Ridgewell; The Limes Gosfield), meet the clear evidence requirement and as such should be included within the supply: all of these 7 sites are the subject of detailed planning applications from developers with confirmation from the developers that they will deliver completions before 2023; one of the sites is an adopted allocation with a hybrid application the subject of a Resolution to Grant and one of the sites is even actively under construction; confirming the reasonableness of the Councils assessment.

Consequently, it is considered that the revised 5 year supply position for Braintree District for the period 2018-2023 is 5.15 years supply.

Although the Council considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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

The application site is located, outside of the defined village envelope adjacent to the village of Stambourne. Stambourne itself is split into two parts; being Stambourne Dyers End and Stambourne Chapel End Way. The application site is located to the north of Chapel End Way. In this location, there is no public bus route, facilities or services, and no pavements, street lighting or safe pedestrian passageway.

In Stambourne Dyers End, there is a recreation ground (1.6km distance away from site), a village hall (1.9km distance from site), but no public transport services.

The closest key service village, with a broad range of services and facilities, is Sible Hedingham approximately 8.7km to the south east of the application site. Steeple Bumpstead which is referred to as an 'other Village' with a limited range of services and facilities is approximately 3.5km 'as the crow flies' to the north west of the site.

Distances to any form of services and facilities would not be walkable, and therefore the new dwellings would be wholly reliant on the use of the private car to reach facilities and services. The site is therefore not within a sustainable location capable of accommodating this level of new residential development.

Design, Appearance and Layout

The application is for outline planning permission only with all matters to be reserved, including site layout. Notwithstanding this, details were submitted to show an indicative layout. This includes an access road from the public highway to serve the proposed dwellings.

To some degree, the new dwellings would mirror the existing dwellings on the other side of the road, although what is proposed is for a higher density of dwellings than those existing with less space between each plot and a lesser sense of spaciousness than the rest of the street scene. Despite this, officers consider that 9 dwellings could be accommodated on the site in a less cramped and more spacious layout than that shown on the indicative site layout plan. Any future reserved matters application would need to better reflect the density and character of existing development in the locality.

The design of the proposed dwellings (two example house types have been provided with the application) appear out of keeping with the rural character of the site, and unsympathetic to existing development which characterises the street scene.

Although these plans are purely indicative and do not form part of the application, the design shown, if put forward as part of an application for reserved matters, would not be supported due to being of urban or suburban character typical of that found on large housing estates.

Impact upon Rural Character of the Area

The site is set within an open field in a countryside location. The field itself is screened from the front by a mature hedgerow, and to the side there is a boundary feature separating the site from the neighbouring dwelling known as High Green.

Notwithstanding the objection from the Highway Authority, the proposed vehicular access to the site would necessitate the removal of the vast majority of the hedgerow at the front of the site. The loss of the hedgerow and the replacement with a new residential development would have a significant detrimental impact upon the rural character of the area. While it is accepted that the impact could be softened with replacement landscaping, Officers do not consider that this would adequately mitigate the loss of this important feature.

To the rear, the site is open, with a small hedge across the back boundary. On approach to the village along Birdbrook Road, the site is visible, with views across the field adjacent to Birdbrook Road right through the hedge which fronts the application site.

The development of this site would result in the extension of Stambourne outward, and the spread of built form into the countryside. This would be visible in this rural setting, resulting in an unacceptable impact on the countryside location.

Highways, Transport and Parking

The application site is situated with access from Chapel End Way, which is a Class III road. The submitted indicative layout plan includes a proposed location for a new access road to serve vehicular traffic generated from the new development.

Although the application seeks outline planning permission with all matters reserved, including highway considerations, the Highway Authority have stated that they would need to be satisfied that an access can be provided in this location without detriment to highway safety.

In this regard, the Highway Authority have stated that at present, without further details which show possible visibility splays at the site, they are not

satisfied that a safe access from the public highway can be achieved and therefore recommend refusal on this basis.

The proposed development of nine dwellings of at least two or more bedrooms would require a minimum of 18 parking spaces to be associated with the development. These spaces would need to measure at least 5.5 metres x 2.9 metres in their size, and be usable in practise.

The proposed plans show that each dwelling would include 2 parking spaces, which is in compliance with the Adopted Car Parking Standards.

Archaeological Considerations

The application site includes an agricultural field which has not been previously developed. As such the Place Services Historic Environment Team recommend a condition requiring a written scheme of investigation to be prepared and submitted to the Local Planning Authority before development commences.

Other Matters

When the application was first made, there were no details submitted which related to contamination on the land. The Council's Environmental Health Officer recommended conditions related to contamination, requiring a Phase 1 survey be submitted prior to the commencement of development. This survey was subsequently submitted during the consideration of the application, and the Environmental Health Officer raises no objections on this basis.

Habitat Regulations Assessment (HRA / RAMS)

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

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

However, whilst the appropriate assessment of the Local Plan has identified a likely significant effect for all residential development in-combination with other plans and projects, the amount of minor and major development proposals for 1-99 houses that is likely to be granted planning permission prior to the adoption of the RAMS, which will require financial contributions for all

residential proposals, is considered to be de minimis considering that the RAMS will be dealing with the in-combination effects of housing growth across Essex over a 15 year period. As such, it is concluded that this proposal would not have a likely significant effect and therefore no financial contribution is requested in this case. Notwithstanding the above, at the present time, there are no specific costed projects identified and no clear evidence base to give the Local Planning Authority any ability to impose such a requirement for a proportionate, evidence based contribution.

CONCLUSION AND PLANNING BALANCE

As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located 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 considers that the supply indicated above represents a robust assessment of the Council's Housing Land Supply position, the Council's latest 5 year supply figure of 5.15 years, as at 6th August 2019 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 will result 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 this case, it is acknowledged that the proposal would give rise to some social and economic benefits. The proposed development would contribute 9 dwellings towards meeting the District's housing land supply, however limited weight is attributed to this given the scale of the development proposed. The development would generate some jobs during the construction stage, however the number of jobs would be limited and these would be for a limited period of time, and some further economic benefits from future occupiers.

In terms of the environmental dimension the proposed dwellings, while not isolated, would represent residential development outside of the village envelope of Stambourne Chapel End Way. The application site comprises former agricultural land containing some mature trees and hedgerows along the boundaries which contribute to the rural appearance of, and as a reference to, the rural context of the village. Development of this site would give rise to a loss of its green and undeveloped appearance, compounded by the potential damage to and future pressure for the removal of, retained trees and hedging. Furthermore, the harm caused through the spread of built form into undeveloped land in this location would result in a detrimental impact on the character and appearance of the countryside.

When considering the planning balance and having regard to the benefits as identified above, and to the requirements of the NPPF as a whole, Officers conclude that the benefits of this proposal do not outweigh the harms identified and the weight afforded to the conflict with the Development Plan, and therefore the application should be refused permission.

Notwithstanding the above, even if applying the 'tilted' balance in favour of sustainable development, the Officer recommendation as set out above would not differ.

RECOMMENDATION

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

- 1 The proposal seeks to introduce nine new dwellings in a countryside location, where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. The proposal in this case would introduce an unsustainable form of development in this location which would have a detrimental impact upon the character of the area and would increase reliance on the private car. These adverse impacts are considered to significantly and demonstrably outweigh the benefits of the proposed development. As such, the application is considered to be contrary to the NPPF, Policies RLP2 and RLP90 of the Braintree District Local Plan Review, Policies CS5 and CS7 of the Braintree District Core Strategy, and Policies LPP1, LPP37, LPP50 and LPP55 of the Braintree District Publication Draft Local Plan.
- 2 The application submission has not provided sufficient detail, to the satisfaction of the Local Planning Authority, to show that a vehicular access can be provided off of the public highway without detriment to highway safety. The application is therefore considered to be contrary to the National Planning Policy Framework (2012), Policy CS7 of the Braintree District Local Development Strategy Core Strategy (2011), Policy RLP90 of the Braintree District Local Plan Review (2005), and Policy LPP1 of the Braintree District Publication Draft Local Plan.

SUBMITTED PLANS

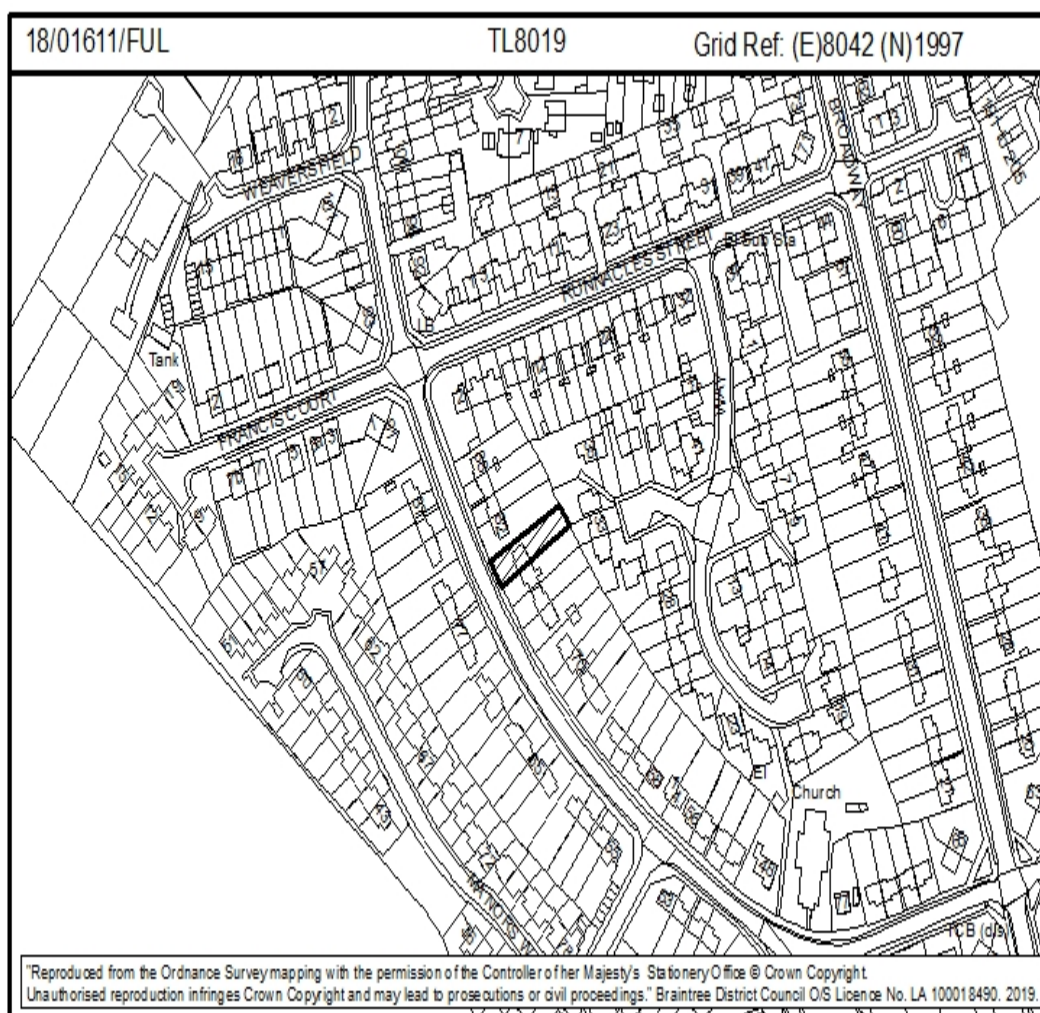
Site Layout	Plan Ref: P01
Location Plan	Plan Ref: P02
Proposed Elevations and Floor Plans	Plan Ref: P03
Proposed Elevations and Floor Plans	Plan Ref: P04

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 18/01611/FUL DATE: 26.09.18
 VALID:
 APPLICANT: Mrs Frances Brown
 80 Francis Way, Silver End, Essex, CM8 3QU
 DESCRIPTION: Replacement front windows.
 LOCATION: 80 Francis Way, Silver End, Essex, CM8 3QU

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=PEIZX4BF0!G00>

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

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP17 Extensions and Alterations to Dwellings in Towns and Villages

RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
LPP1 Development Boundaries
LPP38 Residential Alterations, Extensions and Outbuildings
LPP50 Built and Historic Environment
LPP55 Layout and Design of Development
LPP56 Conservation Areas

Other Material Considerations

Silver End Conservation Area Guide 1999

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee in accordance with the Council's scheme of delegation as Silver End Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

80 Francis Way is an end of terrace property located in the village boundary of Silver End. The property is situated within the Silver End Conservation Area and within the area which is subject to an Article 4 Direction. Amongst other things, the Article 4 Direction requires that planning permission is required for the replacement of windows.

PROPOSAL

The application seeks planning permission for the replacement of five windows on the front elevation of the property.

CONSULTATIONS

Historic Building Consultant

The Historic Buildings Consultant initially objected to the application due to the belief that the windows were not beyond reasonable repair. Following a series of discussions the latest response from the Historic Buildings Consultant is summarised below:

Although an optimum solution has been identified for replacing the windows with steel Crittall style windows with slim-profile double glazed units it is understood that the local planning authority is unable at this moment in time able to pursue this option due to the absence of an up-to-date Design Guide as a robust evidence base. As such, it is acknowledged the present scheme, as amended, has reduced the level of harm caused as best possible at this moment in time though there will remain a level of harm within the realm of 'less than substantial'.

PARISH / TOWN COUNCIL

Silver End Parish Council have stated that they object to the application as the proposals are in contravention of current Conservation Guidelines, as published.

REPRESENTATIONS

A site notice was displayed opposite 80 Francis Way for a period of 21 days. No neighbour representations have been received.

REPORT

Both the NPPF and the NPPG require all new forms of development to be well designed. Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan reiterate this, allowing 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.

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 LPP50 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.

In addition to this, Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detailing on significant buildings within the conservation area are retained both physically and in their significance.

The property is located within the Conservation Area of Silver End and where an Article 4 Direction is in place which requires planning permission for the replacement of all windows. Silver End was an intimately designed “garden village” with different sections designed by different architects, all of whom, went into meticulous detail when designing the houses, right down to the individual design of doors and windows.

80-74 (evens) Francis Way is an example of a ‘Modernist’ terrace of four properties designed by J Miller. These are of a stark design of brick construction with a rendered finish and flat roof with simple detailing. These properties retain their original timber front doors, however the original Georgian pattern windows were replaced in the 1950s.

This proposal looks to replace five 1950s windows currently at the front of the property with aluminium double glazed (28mm) windows which would mimic as closely as possible, the original Georgian pattern which would have been found on the original windows at the property.

The installation of aluminium double glazed windows with surface mounted ‘flat’ glazing bars would lead to larger units than existing and would disrupt the uniformity of the terrace. The optimum solution is considered to be Steel Crittall style windows with slim-profile double glazed units. It has therefore been concluded by the Historic Building Consultant that the proposals would cause ‘less than substantial harm’ as defined in Paragraph 196 of the NPPF.

In purely applying Paragraph 196 of the NPPF, harm to the significance of the heritage asset (Silver End Conservation Area) should be weighed against public benefits. It is considered that the proposal would have little public benefit. The proposal would generate jobs at the installation stage although this is considered to have significantly limited benefit due to the small scale nature of the work involvement. As such it is considered that the proposal would be contrary to Paragraph 196 of the NPPF and weighs against the proposal in the overall planning balance.

However, the use of double-glazed aluminium framed windows in Silver End has been established with many previous approvals within the Conservation Area in recent years. It has also been acknowledged by the Historic Building Consultant that there is growing pressure within Silver End to replace existing Crittall windows with double glazed alternatives due to their age, condition and current performance. The fact that this proposal looks to try and replicate the Georgian style windows that were originally at the property is considered to be in keeping with the host dwelling and is positive. Whilst the Georgian style windows would disrupt the current uniformity across this terrace, it is considered that as future properties on this terrace and in the wider Conservation Area look to replace their windows, this style would be most appropriate. This would bring back uniformity and would ensure that the terrace and wider Conservation Area would be of an appearance that is more in keeping with how Silver End originally looked and was designed. The Historic Building Consultant also concludes as part of their response, that the current proposal has “*reduced the level of harm caused as best as possible at*

this moment in time". It is therefore acknowledged by the Historic Building Consultant that what is being proposed, is the most appropriate solution in current circumstances. The most recent Silver End Conservation Guide was published in 1999. In this context therefore every application should be considered on a case by case basis.

Therefore on balance, whilst it is acknowledged that there may be 'less than substantial harm' to the Silver End Conservation Area, it is considered that harm has been minimised as much as possible at this current time. The Georgian style windows are of a style that mimic as closely as possible the windows that were originally on this terrace of houses and therefore would be in keeping with original designs for this terrace. As such the proposal is considered acceptable in this instance.

CONCLUSION

It is concluded that the proposals on balance are acceptable from a design, appearance and heritage perspective. It is considered that the proposals have minimised harm to the Silver End Conservation Area as much as possible at this current time and the Georgian style windows would be more in keeping with windows which were originally found at properties in this terrace.

RECOMMENDATION

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

APPROVED PLANS

Location Plan	Plan Ref: Not numbered received: 26.09.2018
Block Plan	Plan Ref: Not numbered received: 26.09.2018
Window details	Plan Ref: Window 1
Window details	Plan Ref: Window 2
Window details	Plan Ref: Window 3
Window details	Plan Ref: Window 4
Window details	Plan Ref: Window 5

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

Reason

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

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

Reason

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

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

Reason

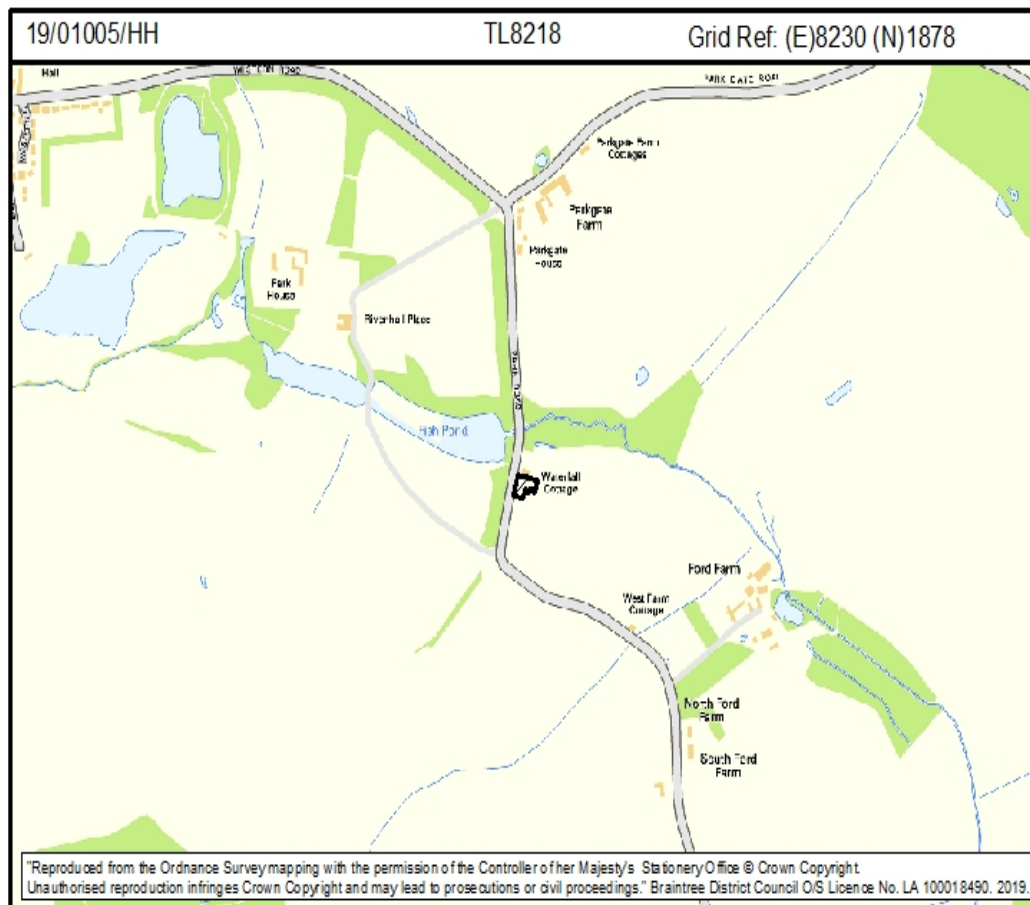
To ensure the use of appropriate detailing within the Conservation Area.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART B

APPLICATION NO: 19/01005/HH
 DATE: 05.06.19
 VALID:
 APPLICANT: Mr & Ms James & Cheryl Abbott & Gerrard
 1 Waterfall Cottages, Park Road, Rivenhall, CM8 3PR
 AGENT: Mr David Osborne
 1 Olympus Close, Ipswich, IP1 5LJ
 DESCRIPTION: Single storey conservatory to the rear of the property wrapping partly around the side.
 LOCATION: 1 Waterfall Cottages, Park Road, Rivenhall, Essex, CM8 3PR

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSMK4HBF GUF00>

SITE HISTORY

74/00954/P	Erection of block three garages.	Granted	24.02.75
95/01206/FUL	Addition to existing storage building to provide an observatory with dome on first floor	Granted	21.11.95
05/01160/FUL	Enclose porch and link to conservatory	Granted	12.08.05
19/00787/HHPA	Erection of single storey rear extension. Extension will extend beyond rear wall of the original house by 3.5m, with a maximum height of 3.54m and 2.55m to the eaves of the extension.	Application Returned	

POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date

Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 48 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP18 Extensions to Existing Dwellings in the Countryside
RLP56 Vehicle Parking
RLP90 Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

CS5 The Countryside
CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

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

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as the Applicant is a BDC Councillor.

SITE DESCRIPTION

The site comprises an end of terrace dwelling off of Park Road to the north west of Rivenhall. The site has a large garden to the front, side and rear of the property. There is an existing single storey rear extension, which is mirrored by the neighbouring No.2 Waterfall Cottages, and a lean-to style side extension.

PROPOSAL

The application seeks planning permission for a single storey conservatory to the rear of the property, wrapping around the side of the existing rear single storey element.

CONSULTATIONS

None.

PARISH / TOWN COUNCIL

Rivenhall Parish Council have stated they have no comments on the application.

REPRESENTATIONS

No neighbour representations have been received in connection with this application.

REPORT

Principle of Development

The application site is located within the countryside to the northwest of Rivenhall, where the principle of extensions to habitable, permanent dwellings is acceptable as established by Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan. This is subject to the siting, design and materials of the extension being in harmony with the countryside setting and compatible with the scale and character of the existing dwelling and the plot on which it stands, along with being subordinate to the existing dwelling in terms of bulk, height, width and position.

The principle of an extension in this location is considered acceptable subject to compliance with the abovementioned policies.

Design and Appearance

The proposal is for a single storey conservatory. The conservatory would extend 2.54 metres in depth from the existing single storey rear extension and wrap around the side of the property to join with the existing lean-to on the

side of the property. The conservatory would be constructed of rendered brickwork, with grey UPVC windows and doors, and an Edwardian style conservatory roof.

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

Impact on Neighbour Amenity

Policy RLP18 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan requires that extensions should result in no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The neighbouring property at No.2 Waterfall Cottages has been extended with a single storey conservatory on the boundary with the application site. The proposal would extend further than the neighbouring property's conservatory, but due to the distance between the boundary and the conservatory, it is not envisaged that this would have an unacceptable impact on neighbouring amenity.

Due to the size, scale and siting of the extension, the enlarged dwelling would maintain an acceptable relationship with the neighbouring properties and would not have a detrimental impact in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

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.

There will be no change to the current parking provision as a result of this proposal and therefore the proposal would comply with Council's Adopted Parking Standards.

CONCLUSION

The design and appearance of the proposal would be in keeping with the character and appearance of the existing property and would not have a detrimental impact upon neighbouring residential amenity. The application is therefore recommended for approval.

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

Proposed Elevations and Floor Plans	Plan Ref: 2907044/1
Elevations	Plan Ref: 2907044/2
Section	Plan Ref: 2907044

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

Reason

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

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

Reason

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

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

Reason

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

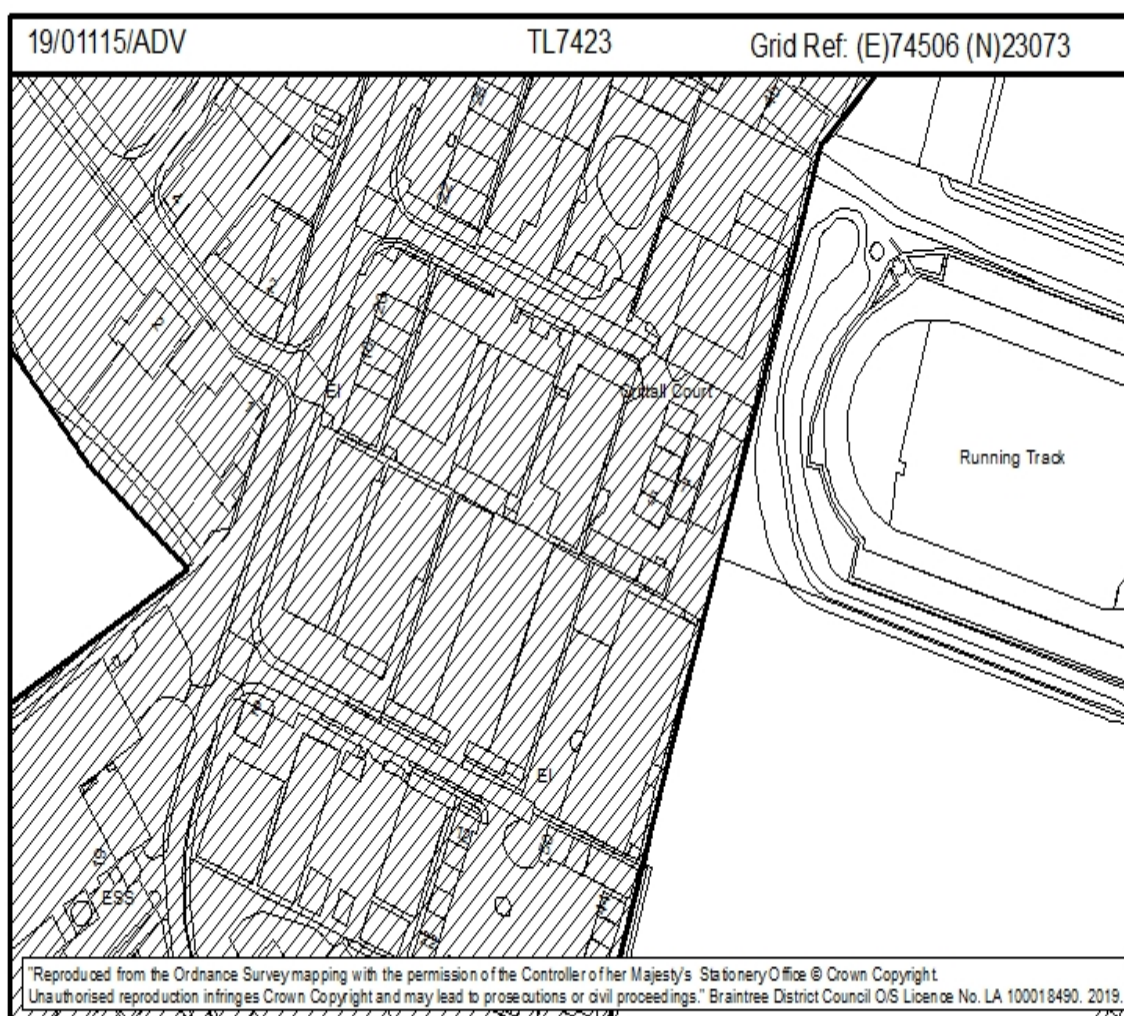
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5i

PART B

APPLICATION NO: 19/01115/ADV DATE: 25.06.19
 VALID:
 APPLICANT: Ms Danielle Putt
 Causeway House, Bocking End, Braintree, CM7 9HB
 AGENT: Mr Nik Boseley
 Epsilon House, Masterlord Office Village, Ramsomes
 Europark, Ipswich, IP3 9FJ
 DESCRIPTION: New signage for entire site to include the Springwood Ind
 Est new brand and wayfinding for vehicles and pedestrians.
 LOCATION: 1 Springwood Drive, Braintree, Essex, CM7 2YN

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PTLO02BFH5A00>

SITE HISTORY

92/00207/P	Change of use of existing industrial buildings to B8 warehouse.	Granted	17.03.92
92/00207/PFBN	Change Of Use Of Existing Industrial Buildings To B8 Warehousing	Granted	17.03.92
92/00447/PFBN	Erection Of Directional Sign	Withdrawn	22.10.92
97/01565/COU	Change of use of B2 Industrial Unit to D2 Leisure Use – Children’s Indoor Soft Play Area	Refused	27.01.98
18/01928/FUL	Rebuilding of warehouse units (B2 & B8 use) destroyed by fire.	Granted	01.02.19
19/01293/NMA	Application for a non-material amendment following grant of planning permission 18/01928/FUL- to change door positions and addition of canopies.	Granted	08.08.19

POLICY CONSIDERATIONS

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

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

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

The joint North Essex-Authorities (NEAs) have received a post hearing letter dated 8th June 2018. This letter outlined a number of short comings about the

Garden Communities in the Section 1 Plan relating to transport infrastructure, employment, viability, and the sustainability appraisal.

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP90 Layout and Design of Development
RLP107 Outdoor Advertisements

Braintree District Local Development Framework Core Strategy 2011

CS9 Built and Historic Environment

Braintree District Publication Draft Local Plan 2017

LPP1 Development Boundaries
LPP55 Layout and Design of Development

Neighbourhood Plan

N/A

Other Material Considerations

Town and Country Planning (Control of Advertisements) (England)
Regulations 2007

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as the Applicant is Braintree District Council.

SITE DESCRIPTION

The application site consists an Industrial Estate on the western edge of Braintree, known as Springwood Industrial Estate. The site at present contains various forms of signage which direct users to the units in the Estate.

The site is located within the Industrial Development Limits and within the town development boundary of Braintree.

PROPOSAL

The application seeks advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the erection of 39 forms of signage as a comprehensive branding scheme, which can be categorised as being either to identify the entrance to the Estate and facilities within the Estate, to direct vehicles around the Estate, to direct pedestrians and to identify individual estate roads. The proposals are set out in detail below:

Street Name Signage: These signs would be 1m tall, non-illuminated with a blue fascia and white lettering. They would be positioned in locations where they would be visible, but not prominent in their siting.

Road Directional Signage: There would be 8 of these types of signs, positioned at the entrance to each side access road. They would be 2.19m tall, non-illuminated with a darker blue fascia, and the name of the road positioned toward the top of the sign with a lighter blue background. The intention of these signs would be to provide the user with information of the businesses located on each individual road.

Site Entrance Signage: This sign would consist a 3.25m high non-illuminated sign, with larger lettering displaying the text 'Springwood Industrial Estate'. Its location, situated away from the roundabout and on a corner forming part of the entrance to the Industrial Estate, is appropriate in terms of providing information but not such as to cause undue distraction to drivers of vehicles.

Facilities Entrance Signage: There would be two of these types of signs. They would be used to identify entrances to the car and lorry parks on the Industrial Estate, be non-illuminated and would measure 1.9m in height.

Fingerpost Signage:	These signs would be non-illuminated, 3.2m in height and slim in their profile. They would provide pedestrian directions to roads in the Industrial Estate, and to public footpaths. There would be 6 of these types of signs.
Monolith Signage:	There would be 2 of these signs, non-illuminated and measuring 2.3m in height. These signs would provide more detailed pedestrian information, including a map of the Industrial Estate.
Information Point Signage:	Toward the centre of the Industrial Estate would be a single information point, which would be three panels and consist a map and details of all roads and businesses. This would take the place of an existing information point, and would be non-illuminated.

CONSULTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations have been received in connection with this application.

REPRESENTATIONS

As set out within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, there is no requirement to publicise applications for advertisement consent. Notwithstanding this, representations which are received are to be taken into account as material considerations.

Two representations have been received, which comment on the content of the signs themselves, as opposed to the design.

REPORT

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 stipulates how an application for advertisement consent can be determined. The only considerations relevant include visual amenity (how the signage would look in its context), and highway safety impacts (whether the signage has the potential to distract drivers and therefore impede on the safety of road users).

Visual Amenity

In terms of visual amenity, the proposal consists a total of 39 signs. These signs can be categorised as being either street name signs, road directional name signs which include details of the units in the road, site entrance signage, facilities entrance signage to identify entrances to car and lorry

parks, fingerposts to provide detail to pedestrians, monolith signs which include a map of the Estate for the benefit of pedestrians, and an information point sign which provides a more in-depth overview of the Estate. A more detailed description of the proposed signage has been provided above.

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.

The proposed signage would replace existing signage, which are dated and non-uniform, and do not make a positive contribution to the appearance of the Industrial Estate. The new signage would be well-designed, cohesive and consistent throughout the Industrial Estate. Accordingly the proposed signage is considered acceptable having regard to the visual amenity.

Highway Safety

The proposed signage would not be illuminated, and although it would be visible for users of the highway, as some of the signs are intended to be used by drivers, it seems necessary that this is the case. Essex County Council Highways raises no objections to the application on grounds of impacts on highway safety.

Officers are satisfied that the proposed advertisements would not impede on the safety of the highway or its users.

CONCLUSION

The application proposes the replacement, as part of a comprehensive branding, of all existing signs on the Springwood Industrial Estate. The proposed signage would represent a visual improvement over existing signs which appear dated. None of the proposed signs would be illuminated, and would be sited appropriate locations with an acceptable design. The scheme has demonstrated that there would be no highway safety impacts. The application is therefore recommended for approval.

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
Signage Details

- 1 The consent hereby granted shall expire at the end of a period of 5 years from the date hereof.

Reason

This condition is imposed pursuant to the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 and in the interests of visual amenity.

- 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 There shall be no illumination of the signs whatsoever.

Reason

To minimise pollution of the environment and to safeguard the amenities of the locality and the appearance of the development.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the Town and Country Planning (Control of Advertisements) Regulations 1992 and the need to comply with the following:-

(i) Any advertisements displayed, and any site used for the display of advertisements, should be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

(ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements should be maintained in a safe condition.

(iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

(iv) No advertisement should be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(v) No advertisement should be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, or aerodrome (civil or military).

2 Except when it is otherwise directed by the local planning authority when granting consent, or where renewal of consent is applied for and refused, advertisements displayed with express consent granted under the Town and Country Planning (Control of Advertisements) Regulations 1992 may, on the expiry of the term thereof, continue to be displayed, subject to the power of the local planning authority to require the discontinuance of the display under Regulation 8.

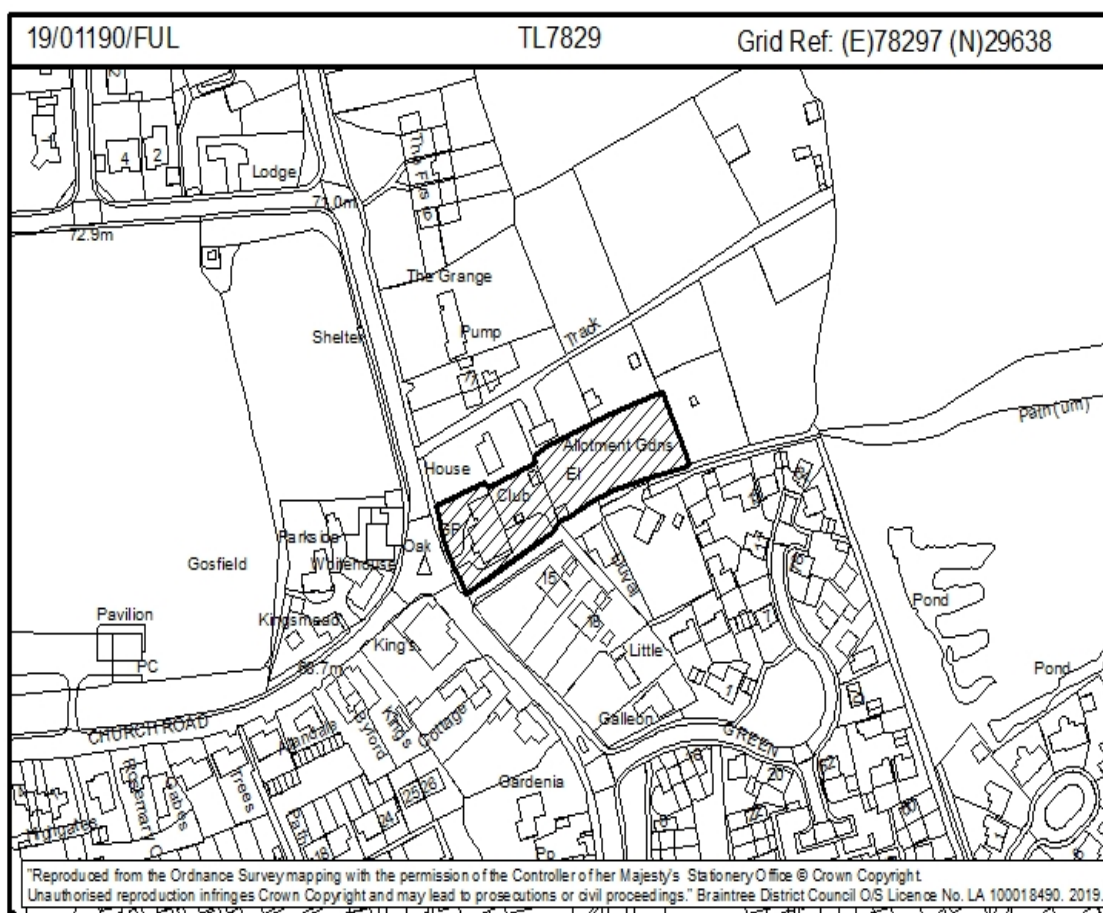
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5j

PART B

APPLICATION NO: 19/01190/FUL DATE: 03.07.19
 VALID:
 APPLICANT: Mr Barry Broyd
 31 Braintree Road, Gosfield, Essex, CO9 1PR
 AGENT: Mr David Jarvis
 33 Highlands, Gosfield, Essex, CO9 1PH
 DESCRIPTION: Single storey rear extension and repositioning of entrance door to porch.
 LOCATION: Gosfield Mens Social Club, The Street, Gosfield, Essex, CO9 1TJ

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



The application can be viewed on the link below.

<http://publicaccess.braintree.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PU29A3BF0EC00>

SITE HISTORY

02/01621/LBC	Removal of asbestos roof and replacement with marine ply covered with roofing felt	Granted	13.11.02
75/00323/P	Stationing of temporary caravan while building work is carried out to house.	Granted	14.04.76
79/01831/P	Alterations and extensions to mens club at the Coffee Room.	Granted	30.01.80
91/00635/PFHN	Erection Of Club Snooker Room	Granted	04.07.91
91/01256/PFHN	Erection Of Snooker Room	Granted	03.12.91
98/01226/FUL	Installation of roof light	Granted	28.09.98
98/01227/LBC	Installation of roof light	Granted	28.09.98
05/00801/TPOCON	Notice of intent to carry out works to trees protected by The Conservation Area - Cut down 7 conifers and trim 1 sycamore	Granted	17.05.05
11/00190/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Lime - cut back to trunk to a height of 3m, 2 Sycamores - Fell, Alder - fell and Conifer - lower branches over access road to car park to be removed	Granted	13.09.11
13/00195/LBC	Erection of small rear extension to form porch, installation of wall mounted gas fire boiler in existing entrance porch, replacement of two windows and removal of existing internal window between snooker room and bar area and replacement with doorway	Granted	13.05.13
13/00375/FUL	Erection of rear extension to form entrance porch	Granted	13.05.13
13/00103/DAC	Application for approval of	Granted	27.06.13

13/00162/DAC	details reserved by condition no. 3 of approved application 13/00195/LBC Application for approval of details reserved by condition nos. 3 and 4 of approved application 13/00195/LBC	Granted	28.08.13
18/00295/LBC	Conversion of existing sitting room in Steward's accommodation to provide enlarged social club area.	Withdrawn	21.03.18
18/00289/TPOCON	Notice of intent to carry out works to trees in a Conservation Area - Crown lift Silver Birch to 3-3.5 metres, Reduce the old stems of a Lilac to approx 2 metres or nearest growth point, Cut small section of hedge to 2 metres to bring in line with rest of hedge and cut single Elm branch growing out from under the Cypress to 2 metres and crown lift Cypress to 3 metres from ground level and prune lower limbs from another Cypress (see plan with application)	Granted	01.11.18
18/01945/LBC	Single storey rear extension, internal alterations to include provision of disabled toilet and removal of internal wall. Repositioning of entrance door to porch.	Granted	26.06.19

POLICY CONSIDERATIONS

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

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

June to 28th July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9th October 2017.

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

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

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

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

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP56	Vehicle Parking
RLP95	Preservation and Enhancement of Conservation Areas
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

Braintree District Local Development Framework Core Strategy 2011

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
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas
LPP60	Heritage Assets and their Settings

Neighbourhood Plan

N/A

Other Material Considerations

Essex Design Guide

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

Essex Parking Standards

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to Planning Committee as the Agent is a member of staff.

SITE DESCRIPTION

The application site consists a Grade II listed building situated within the village envelope and Conservation Area of Gosfield. The building on the site has been extended on numerous occasions in the past.

PROPOSAL

The application seeks full planning permission for the erection of a single storey rear extension, incorporating a new porch/entrance to the rear of the building.

A linked application for listed building consent was granted in June 2019.

CONSULTATIONS

Historic Buildings Consultant – No objections.

PARISH / TOWN COUNCIL

Gosfield Parish Council – Support application.

REPRESENTATIONS

A site notice was displayed at the front of the site and neighbours were notified by letter. No representations have been received in connection with this application.

REPORT

Principle of Development

The application site is situated within the village envelope of Gosfield, where the principle of development is acceptable subject to detailed considerations, which are set out below.

Heritage

The National Planning Policy Framework states at Paragraph 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy RLP100 of the Adopted Local Plan and Policy LPP60 of the Draft Local Plan state development involving internal or external alterations, extensions and partial demolitions to either a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not harm the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, whilst using appropriate materials and finishes.

Paragraph 200 of the National Planning Policy Framework states Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy RLP95 of the Adopted Local Plan and Policy LPP56 of the Draft Local Plan state that development within or adjacent to a Conservation Area and affecting its setting will only be permitted provided that the proposal does not detract from the character, appearance and essential features of the Conservation Area such as the street scene, scaling and proportions of its surroundings. Furthermore development should ensure architectural detailing on significant buildings within the conservation area are retained both physically and in their significance.

The application site consists of a Grade II listed building and is located within the Gosfield Conservation Area. The proposals include alterations and extensions to the listed building. In accordance with the NPPF, harm caused by the proposals needs to be identified. In order to ascertain whether the proposed development would result in any harm, the Council's Historic Buildings Consultant was consulted on the proposals and identified no harm, and therefore raised no objections to the approval of the application. The proposal is therefore considered to be satisfactory in this regard.

Design, Appearance and Layout

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 and LPP50 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.

At present, there are various extensions which have added to the building, which, cumulatively, have a negative impact on the building's character and appearance. The proposed development would see the amalgamation of these extensions into a single entity which would be a visual improvement over the existing massing. No additional external illumination is shown on the proposed plans and the material palette would be in keeping with the existing building. A condition was attached to the approved listed building consent which requires the submission of samples of materials to be used on the external finishes. As such it would not be necessary to replicate that condition on this permission.

The proposed development is therefore acceptable having regard to Policies RLP90 of the Adopted Local Plan and Policies LPP55 and LPP56 of the Draft Local Plan.

Impact on Neighbour Amenity

Policy RLP90 of the Adopted Local Plan and Policy LPP55 of the Draft Local Plan allow for new development where there would be "no unacceptable or undue impact" on neighbouring residential amenities by way of loss of "privacy, overshadowing, loss of light or overbearing impact".

The site is enclosed to either side by residential development; known as Parkland House and 15 Park Cottages, The Street. The proposed extension would not result in the building spreading toward either boundary, and therefore it is not considered that the proposal would have a detrimental impact upon neighbouring residential amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking.

Highway Issues

The proposed extension would not affect existing parking provision or result in an additional need for on-site parking.

CONCLUSION

The proposed development would see a well-utilised community facility altered and extended. The site is in a sustainable location, would not harm the significance of either the listed building or the Conservation Area, and would amalgamate a number of extensions. The design of the proposals is acceptable and would not have a detrimental impact upon neighbouring amenity or existing parking provision. The application is therefore recommended for approval.

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

Block Plan

Photograph

Proposed Ground Floor Plan

Plan Ref: GSC/02

Version: A

Proposed Elevations

Plan Ref: GSC/03

Version: A

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

Reason

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

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

Reason

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

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER