

PLANNING COMMITTEE AGENDA

Tuesday, 29 January 2019 at 07:15PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)

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

Membership:-

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

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

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Webcast and Audio Recording: Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

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

PUBLIC SESSION

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1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Previous Meeting

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 15th January 2019 (copy to follow).

4 Public Question Time

(See paragraph above)

5 Planning Applications

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

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

PART A

Planning Applications

- | | | |
|-----------|---|----------------|
| 5a | Application No. 17 01157 OUT (Variation) - Land at the Airfield, EARLS COLNE | 5 - 8 |
| 5b | Application No. 18 01255 FUL - Land West of Hedingham Road, GOSFIELD | 9 - 26 |
| 5c | Application No. 18 01824 OUT - Bower Hall, Western Road, SILVER END | 27 - 48 |

PART B

Minor Planning Applications

- | | | |
|-----------|---|----------------|
| 5d | Application No. 18 01832 FUL - 21 Churchfield Road, COGGESHALL | 49 - 55 |
| 5e | Application No. 18 02011 FUL - 111 The Street, BLACK NOTLEY | 56 - 64 |

6 Urgent Business - Public Session

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

7 Exclusion of the Public and Press

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

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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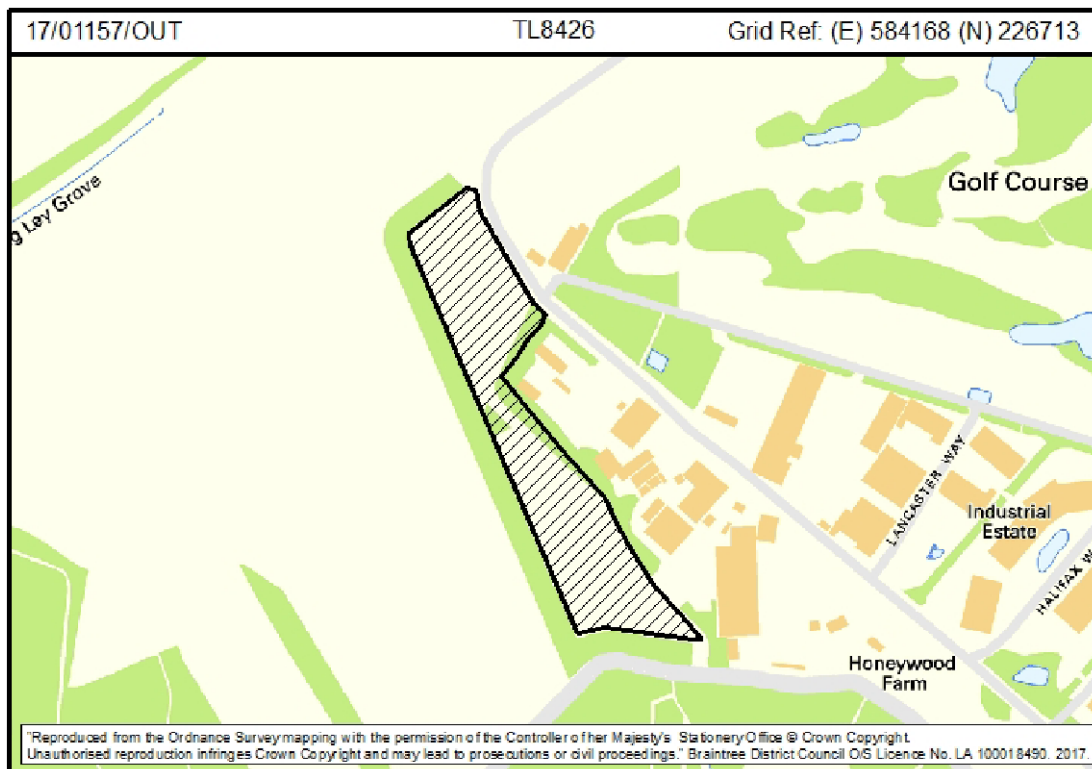
8 Urgent Business - Private Session

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.

PART A

APPLICATION NO: 17/01157/OUT DATE: 29.06.2017
VALID:
APPLICANT: Trustees of Marks Hall Estate
C/o Agent
AGENT: Strutt & Parker
Jack Lillott, Coval Hall, Rainsford Road, Chelmsford, Essex,
CM1 2QF
DESCRIPTION: Variation to resolution to grant planning permission
LOCATION: Land at the Airfield, Earls Colne, Essex

For more information about this Application please contact:
Mr T Havers on:- 01376 551414 Ext. 2526
or by e-mail to: timothyhavers@braintree.gov.uk



Variation to resolution to grant planning permission, Land at the Airfield, Earls Colne – 17/01157/OUT		Agenda No: 5a
Portfolio	Environment and Place Planning and Housing Economic Development Health and Communities	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Tim Havers, Principal Planning Officer	
Report prepared by:	Tim Havers, Principal Planning Officer	
Background Papers:		Public Report
Planning Committee Report – Application Reference 17/01157/OUT Planning Committee Minutes – 24.10.2017		Key Decision: No
Executive Summary:		
<p>This report relates to a planning application for commercial development that the Planning Committee previously considered and resolved to grant subject to a s106 Agreement. Officers are seeking to vary one aspect only of the Heads of Terms of this s106 Agreement and the matter is duly brought back to Committee for consideration of this point.</p> <p>Members resolved to grant planning permission for a commercial development of up to 10,220m² of B1; B2 and B8 employment floorspace at Earls Colne Airfield on 10th October 2017, subject to a S106 Agreement. The draft Heads of Terms secured, amongst other things a financial contribution of approximately £50,539 towards the off-site provision of casual/informal open space and outdoor sports provision. The Planning Permission has not yet been issued as the applicant, after prolonged discussion seeks to amend this head of term.</p> <p>The original financial contribution towards off-site open space provision was required due to the lack of open space on the application site. Although Officers were aware that the nearest informal/casual open space and formal sports projects are located some distance from the application site, in the village of Earls Colne, they were the closest available projects at the time to which the money could be allocated. Subsequently, the applicant (The Trustees of the Marks Hall Estate) has proposed an alternative solution.</p>		

Future employees of the new businesses to be located on the application site would each be provided with access to a pass enabling them to have free access to the Marks Hall Gardens and Arboretum on weekdays during Marks Hall normal opening hours. Marks Hall is located immediately adjacent to the site and would provide usable and directly accessible off-site open space for future employees of the planning application site to utilise. This proposal is supported by Officers.

The Parish Council has no objections to the proposed change to the s106 Heads of Terms. They have also advised that they are keen to facilitate access between Earls Colne and Marks Hall and would like to discuss the possibility of money being allocated to the upgrading of the footpath which runs from the site to an all-weather cycleway which is noted by Officers and would be a matter for consideration for future Section 106 Agreements for other developments.

As a result it is proposed that the Heads of Terms for the S106 are varied to remove the requirement for an off-site financial contribution and replace it with a requirement to provide access to free pass cards to the Marks Hall Gardens and Arboretum as set out above.

This report therefore seeks Members' approval to the revised Heads of Terms and a revised resolution to grant planning permission, subject to completion of the S106 legal agreement.

Recommended Decision:

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

- **Open Space** (future employees of the new businesses to be located on the application site to each be provided with access to a pass enabling them to have free access to the Marks Hall Gardens and Arboretum on weekdays during Marks Hall normal opening hours);
- **Travel Plan and Monitoring Fee** (provision and implementation of a Travel Plan including a monitoring fee);
- **Aircraft Emergency Landing Safeguards** (identified area at the northern end of the site to remain free from any form of development; storage use or parking of vehicles. To remain in its current form as a flat grassed area for emergency aircraft landings with no benches, seating areas or similar to be erected. Existing hedge along site's northern boundary to be permanently retained and maintained to a maximum height of 6m. Existing hedge located along site's western boundary to be permanently retained and maintained to a maximum height of 15m where identified as necessary by the Local Planning Authority. Submission and approval of a management and maintenance plan to cover these matters and s106 to specify the above restrictions).

The Planning Development Manager be authorised to GRANT planning permission under delegated powers subject to the conditions and reasons set out in the original report to Planning Committee. Alternatively, in the event that a suitable planning obligation is not agreed with three calendar months of the date of the resolution to approve the application by the Planning Committee the Planning Development Manager may use his delegated authority to refuse the application.

Purpose of Decision:	
To enable the Local Planning Authority to make suitable variations to the terms of the planning permission and associated legal agreement as set out above.	
Corporate Implications	
Financial:	There are no financial implications for the Council. The financial contribution would have been paid to the Council but then allocated to the Parish Council. The Applicant will meet any additional legal costs associated with changes to the draft s106 Agreement.
Legal:	Any legal implications have been considered as part of the assessment.
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	The provision of some of the planning obligations, which provide benefits for the whole of the local community, will be varied.
Environment and Climate Change:	None
Consultation/Community Engagement:	Earls Colne Parish Council has been consulted
Risks:	None
Officer Contact:	Tim Havers
Designation:	Principal Planning Officer
Ext. No:	2526
E-mail:	tim.havers@braintree.gov.uk

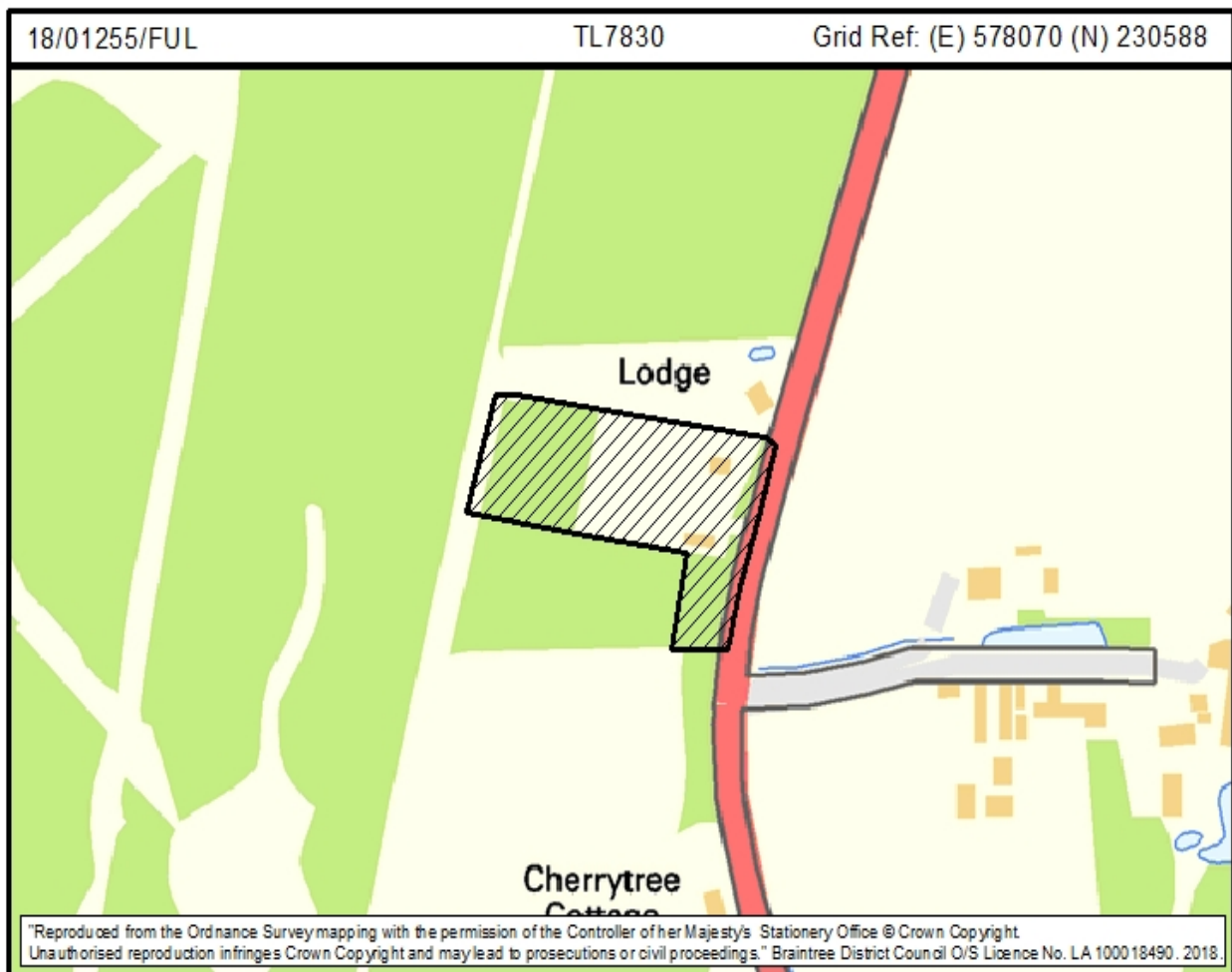
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 18/01255/FUL DATE: 17.07.18
VALID:
APPLICANT: Mr Marfleet
19 Fourth Avenue, Bluebridge Industrial Estate, Halstead,
CO9 2SY
AGENT: Miss Heather Organ
Unit 4, Phillows Barns, Hammonds Road, Little Baddow,
CM3 4BG
DESCRIPTION: Residential development of 8 new dwellings, associated
parking and landscaping to replace existing industrial
buildings and hardstanding on Land at Hedingham Road,
Gosfield, Essex
LOCATION: Land West Of, Hedingham Road, Gosfield, Essex

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



SITE HISTORY

17/01607/FUL	Proposed development of 40 no. new residential dwellings	Refused	11.12.17
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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 Inspector's 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
RLP35	Non-Conforming and Un-Neighbourly Industry

RLP49	Pedestrian Networks
RLP51	Cycle Parking
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP71	Water Supply, Sewerage & Drainage
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP93	Public Realm
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
LPP45	Parking Provision
LPP55	Layout and Design of Development
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

Other Material Considerations

Site Allocations and Development Management Plan

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

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

SITE DESCRIPTION

The application site comprises 1.09ha of a larger, roughly rectangular area of land located to the western side of Hedingham Road, Gosfield. Part of the site was formerly used as the oil depot for the adjacent airfield and was used for the storage of containers and materials. There were items stored on the site at the time of the officer site visit however the access was blocked by concrete blocks and therefore the site does not appear to be in regular use.

Notwithstanding this the site can reasonably be regarded as previously developed land. The western (rear) portion of the site remains undeveloped. The trees across the frontage of the site are protected by way of a Tree Preservation Order (REF: TPO 1/22-A2).

The site is served by an access off Hedingham Road and this is to be utilised for the proposed development. The site does not adjoin existing residential development, other than Orange Hall Lodge, a detached property immediately to the north of the site. The site backs on to a public footpath (Public Right of Way), which is also an unmade road and beyond this the Gosfield Airfield and associated commercial operations.

PROPOSAL

The application seeks full planning permission for 8 residential units served from a single point of access off Hedingham Road. The development includes a mix of 2, 3, 4 and 5 bedroom dwellings, of which one is a bungalow. The proposed layout also has an area for surface water attenuation.

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

- Design and Access Statement
- Tree Survey and Protection Plan
- Arboricultural Impact Assessment
- Phase I Habitat Survey and Great Crested Newt Survey
- Geo-Environmental Assessment
- Flood Risk Assessment and SuDs information.

CONSULTATIONS

ECC SUDS – No objection. Conditions suggested regarding submission of a detailed surface water drainage scheme and maintenance plan.

BDC Landscape Services – No objections. Conditions suggested regarding the submission of an amended arboricultural impact assessment, tree protection plan and landscaping plan.

BDC Environmental Services – No objection. Conditions suggested regarding hours of work, no piling, no burning, submission of a dust and mud control management scheme and contaminated land conditions.

BDC Waste Services – No comments received.

ECC Highways – From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions requiring the submission of a Construction Management Plan, provision of a footway at the site frontage, from the access to the south to join with the existing footway provision by Cherrytree Cottage and the provision of a residential travel pack for each dwelling.

Essex Police – Would like the developer to achieve a Secured By Design award.

Gosfield Parish Council – Gosfield Parish Council has voted to remain neutral and not to comment on this application.

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 site for a 21 day period and neighbours were notified by letter.

No neighbour representations or responses to the advertisement were received.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, paragraph 38 of the NPPF

prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible.

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

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

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

The Development Plan

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

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

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

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

the Draft Local Plan, in particular Policy LPP1 of the Draft Local Plan which states that outside development boundaries development will be strictly controlled to uses appropriate to the countryside.

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

5 Year Housing Land Supply

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

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

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

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

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

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

The application site is located adjacent to a dwelling known as Orange Hall Lodge, and to the west of a cluster of dwellings along the access road that serves Shardlowes Farm. Whilst this small cluster of buildings and eight dwellings does not constitute a settlement or village as outlined above, it does mean that the new dwellings would not be isolated in the context of the recent Court of Appeal decision.

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

Notwithstanding the settlement hierarchy it is necessary to consider the amenities/facilities that are available within the village. Gosfield has a primary school, private school, public house, village shop and a small retail offer, recreational ground, social club, tennis club, golf club and a church. The village is served by the No.38/38A and No.352 bus services. The No.38 bus service provides links to Halstead, Braintree, Witham, Cressing, Silver End and Rivenhall and is a ½ hourly service Monday to Saturday. The No.352 service links to Halstead, Braintree, Great Leighs, Chelmsford (including train station) and Broomfield Hospital. This service runs twice a day Monday – Saturday during the evening (19:00 – 23:00) and every 2 hours on a Sunday between 10:00 and 20:30.

Gosfield does have a variety of amenities and facilities; however the site is located beyond the settlement limits, is disconnected from the village centre and is not within a reasonable walking distance of the site. Furthermore there is not currently a safe walking environment from the site. The plans show a new footway on the western side of Hedingham Road, which ECC Highways have assessed and agree could be achieved. However, notwithstanding this, the presence of the Public Right of Way and a proposed footway link fails to satisfactorily address the poor connection of the application site to the village,

being located approximately a 1km walk from the centre of the village. Development in this location would place reliance on travel by car and this weighs against the proposal in the overall planning balance.

This view is supported by a recent appeal decision at the site further along the A1017, in Great Yeldham, which related to a new dwelling proposed outside the village envelope and in the countryside. The Inspector states the following:

'However, the appeal site is not in the main built up area of Great Yeldham. Whilst I acknowledge the businesses operating from Woodpecker Court, Poole

Farm Animal Feeds and Livery nearby overall the area in the immediate vicinity of the appeal site has limited services, facilities and employment opportunities.

Furthermore, the walking and cycling route to Great Yeldham would be along a narrow rural road with a narrow footpath on the opposite side of the road to the appeal site. That route is unlit for the majority of the route and vehicles travel at some speed.

With the absence of any substantive evidence to the contrary, in my view, the route to Great Yeldham would not be attractive for future occupiers to walk or cycle along, particularly at night and in poor weather. There is no substantive evidence before me which allows me to assess the frequency of the bus services in the area.

I acknowledge that opportunities to maximise sustainable transport will vary between urban and rural areas. However, on the basis of the evidence before me I find that future occupiers of the proposed dwelling would have no reasonable transport choice other than to rely on private motorised transport to access services, facilities and more likely than not employment. Whilst a single dwelling would only generate a small number of private motorised vehicle trips, private motorised transport is the least sustainable transport mode and the proposed development would still therefore result in environmental harm.'

The Inspector concludes with the following:

'Overall, when all of the benefits are combined there is no substantive evidence to suggest that the proposal would have any significant influence on the vitality of the local community. Thus, even though I attach substantial additional weight to the benefit of housing and the contribution to the housing shortfall, the combined benefits are still relatively modest such that they are in my view, significantly and demonstrably outweighed by the harm arising from the dependence on the private car and the harm to the character and appearance of the area.

Consequently, the proposal would not amount to sustainable development and does not therefore benefit from the presumption in favour of sustainable development. For the reasons given, on balance the proposal would not therefore accord with the development plan or the Framework.'

Part of the site can be considered to be previously developed land. The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value. This must however be considered in the context of the Framework as a whole. Although broadly the use of brownfield land to deliver housing would be preferable to releasing greenfield sites, when considering a brownfield site it is not the case that all other standards and policies are disregarded. The NPPF does not dictate or presume that the development of brownfield land should be granted planning permission without giving due consideration to all other material considerations, including securing sustainable development. Previously developed land is a consideration and has benefit in terms of sustainability, but it is not the sole determining factor.

To conclude, in terms of the settlement hierarchy in both the Adopted Development Plan and the emerging Draft Local Plan, the site would not be considered a sustainable location for residential development. Furthermore, despite there being facilities within Gosfield village and a regular bus service, the site is disconnected from these despite the introduction of a footway link, and as such it would not encourage sustainable means of travel, such as walking or cycling. This must be a factor in the overall planning balance.

Character, Design, Appearance and Layout

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

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

In addition to this, Policy RLP90 of the Adopted Local Plan 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 LPP55 of the Draft Local Plan seeks to secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment.

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

should be provided for all new development in accordance with the Essex County Council Vehicle Parking Standards 2009.

The application site is located beyond the village settlement and also divorced from the existing development. At this point along Hedingham Road, existing development is entirely separate from the main settlement being sporadic in individual or semi-detached plots. The site is detached and poorly related to the settlement and the development would result in an enclave of housing unrelated to the village and fails to integrate into its setting. A development of this scale in this location would be completely at odds with the character of the settlement and impact upon the amenity afforded to the countryside by introducing 8 large residential units beyond settlement limits in a rural location whereby residential development is intermittent. Despite the brownfield nature of part of the site, it is not heavily developed with buildings or infrastructure. The residential development of the site and the introduction of the new footway link would urbanise the rural approach into and out of the village and result in an unwarranted intrusion into the countryside.

The Design and Access Statement suggests that the site layout has been carefully designed to blend the development into the village context. Officers disagree and consider the design and layout has no sense of place nor a character which reflects either the village of Gosfield or has any sympathy to the countryside location. The proposed development is suburban in arrangement and architectural style which is not reflective of the context in which it would be situated and is unsympathetic to the rural attributes of the site. The site is not suitable for the suburban development this proposal creates. Furthermore the development at depth is out of character with the immediate locality where development is much less concentrated than within the settlement limits.

To conclude, given the disconnected nature of the site from a settlement, the development of the site for residential purposes would result in an enclave of housing which would be an unnatural and physically separate enlargement of the village and at a scale distinctly at odds with the immediate locality. The proposal by way of the design, layout and introduction of new footway link results in a development which is suburban in character, unrelated and fails to integrate successfully into the countryside location in which it would be situated and cumulatively these weigh against the proposal in the overall planning balance. The proposal falls contrary to the abovementioned policies and fails to secure sustainable development in this regard.

Impact on Neighbour Amenity

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

The site is well distanced in the main from residential properties, apart from Orange Hall Lodge which is immediately to the north of the application site,

but separated by an access road. The proposed development would not give rise to any unacceptable impact on the amenity of this neighbouring property, due to its layout and distance from the neighbouring property.

Highway Issues

The application is supported by a Transport Statement, which concludes that the development would have a negligible impact on the local highway network.

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

Policy RLP49 of the Adopted Local Plan states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in to the design and layout. Policy RLP50 of the Adopted Local Plan advises that development proposals will only be permitted where design and layout incorporates routes for cyclists. Policy RLP53 of the Adopted Local Plan states that major new development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport services exists or there is potential for the development to be well served by public transport and the layout has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

Following the submission of additional information, during the life of the application, with regards the creation of a new footway link from the site to connect to village, ECC Highways are satisfied with the proposal from a highways perspective. The sustainability credentials of the proposal and the application site are discussed above.

OTHER MATTERS

Surface Water Drainage

The application is supported by a Flood Risk Assessment which has been revised during the course of the application.

Essex County Council as Lead Local Flood Authority has considered the assessment provided and not does raise an objection. Conditions are suggested by the Lead Local Flood Authority, if the LPA were to approve the development.

The application is acceptable on this basis; given the conflict with the NPPF, Policy CS8 of the Adopted Core Strategy and Policies RLP69 and RLP71 of the Adopted Local Plan, however it is acknowledged that should the betterment required be demonstrated, this reason could be overcome.

Contamination

The application is supported by a Geo-environmental report which has been reviewed by the Council's Environmental Health Team. The content of the report is considered to be satisfactory. The report outlines the need for further gas monitoring of the site or the provision of gas protection measures. There is some suggestion of the proposed remediation of the site, which the Environmental Health Officer is in broad agreement with, however a more detailed remediation scheme to include details of validation measures is also required. This can reasonably be secured by way of condition on any grant of consent, if the local planning authority were to grant planning permission for the development.

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

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

Draft Local Plan is considered to be an important material consideration, which in Officers' view, justifies 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).

It is acknowledged that the provision of 8 market houses would bring some limited social and economic benefits. It is also recognised that the building of houses generates economic benefits through the construction process and also the spending power of the residents. This is applicable to housing development generally and the benefit should be given moderate weight.

In terms of the settlement hierarchy in both the Adopted Development Plan and the emerging Draft Local Plan, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Gosfield village and a regular bus service, the site is disconnected from these, such it would not encourage means of travel, such as walking or cycling, which would weigh against the development.

Given the disconnected nature of the site from a settlement, the development of the site for residential purposes would result in an enclave of housing which would be an unnatural and physically separate enlargement of the village and at a scale distinctly at odds with the immediate locality. The proposal by way of the design, layout and new footway link results in a development which is suburban in character, unrelated to any settlements and fails to integrate successfully into the countryside location in which it would be situated and cumulatively these weigh against the proposal in the overall planning balance.

Whilst paragraph 117 of the NPPF encourages the effectively re-use of brownfield land, this is subject to not being in conflict with other policies set out within the Framework such as development being in sustainable locations.

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

RECOMMENDATION

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

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal would introduce 8no. dwellings in the countryside where development is resisted unless it is sustainable and is located where it will enhance or maintain the vitality of rural communities. Facilities and amenities are beyond reasonable walking distance of the site and development in this location would undoubtedly place reliance upon travel by car.

In addition the disconnected and divorced nature of the site from the existing settlement results in an enclave of housing which would be an unnatural enlargement of the village and at a scale distinctly at odds with the immediate locality, of harm to the amenity afforded to the countryside location and the character of the settlement. Furthermore the proposal by way of the design, layout and new footway link results in a development which is suburban in character, unrelated to its context and failing to integrate in to the countryside location in which it would be situated and failing to secure a high standard of design or good level of amenity for future occupiers.

Cumulatively the adverse impacts of the development outweigh the benefits and the proposal fails to secure sustainable development, contrary to the NPPF, Policies RLP2, RLP9, RLP10, RLP53 RLP80 and RLP90 of the Braintree District Local Plan Review and Policies CS5, CS7, CS8 and CS9 of the Braintree District Core Strategy.
- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:

- A financial contribution towards public open space
- On site affordable housing
- A Financial contribution towards Early Years and Childcare
- A financial contribution towards Primary School Provision

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to Policy RLP138 of the Braintree District Local Plan Review (2005), Policies CS10 and CS11 of the Braintree District Core Strategy (2011), and the Open Space Supplementary Planning Document (2009).

SUBMITTED PLANS

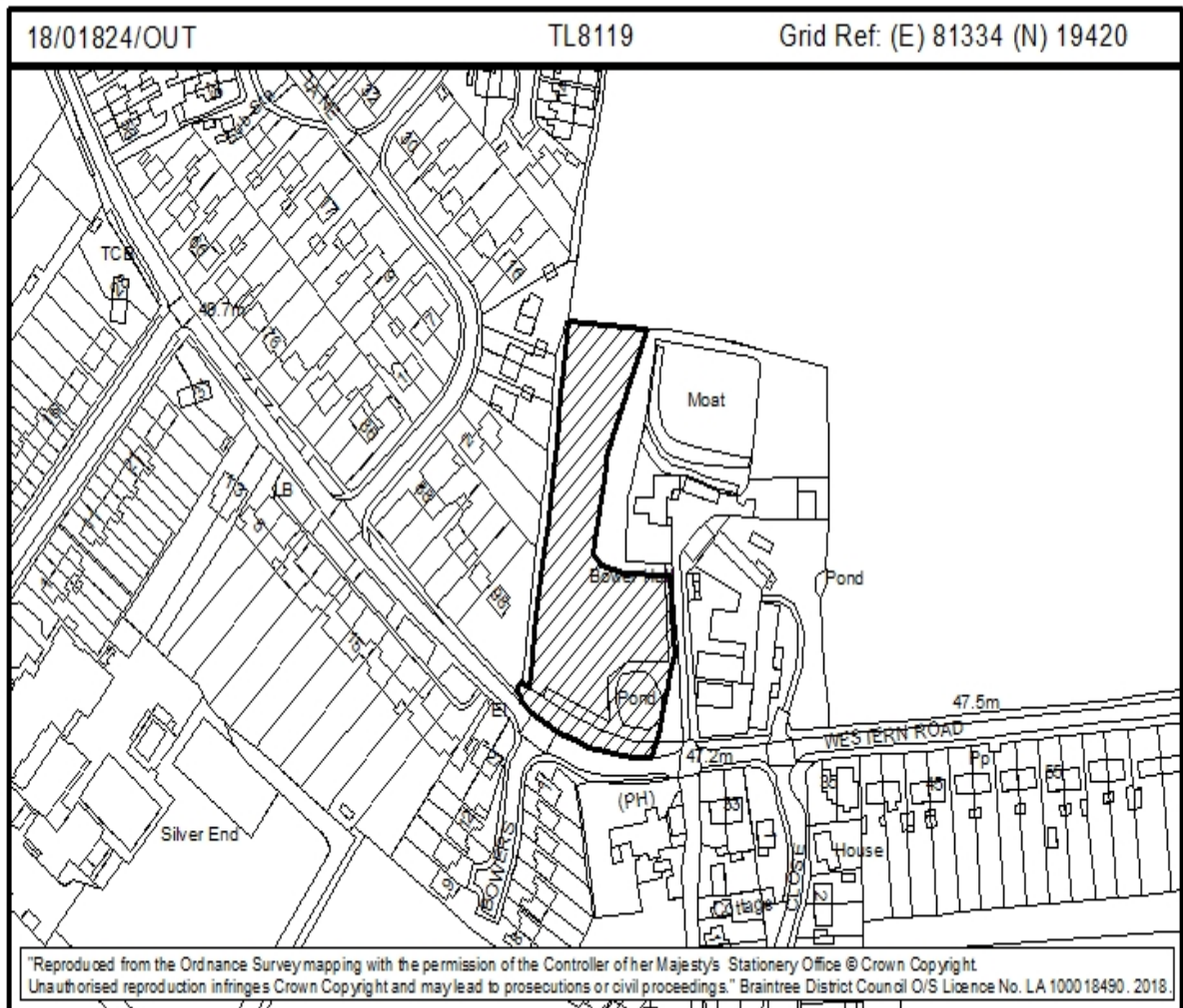
Proposed Plans	Plan Ref: 16/10/103
Proposed Plans	Plan Ref: 16/10/104
Proposed Plans	Plan Ref: 16/10/105
Proposed Plans	Plan Ref: 16/10/106
Proposed Plans	Plan Ref: 16/10/107
Proposed Plans	Plan Ref: 16/10/108
Street elevation	Plan Ref: 16/10/109
Drainage Plan	Plan Ref: 1804-162-001
Location Plan	Plan Ref: 16/10/101
Proposed Site Plan	Plan Ref: 16/10/102

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

PART A

APPLICATION NO: 18/01824/OUT DATE: 09.10.18
 VALID:
 APPLICANT: Mr Robert Crow
 Sennen, Queenborough Lane, Braintree, Essex, CM77 7QD
 DESCRIPTION: Application for outline planning permission with some matters reserved - Erection of 9 houses (Landscape only reserved)
 LOCATION: Bower Hall, Western Road, Silver End, Essex, CM8 3SG

For more information about this Application please contact:
 Mrs Natalie Banks on:- 01376 551414 Ext. 2545
 or by e-mail to: natalie.banks@braintree.gov.uk



SITE HISTORY

98/00026/COND	Change of use of existing agricultural buildings to commercial including classic car restoration, craft studios and general storage	Appeal Dismissed	20.11.98
18/00097/NONDET	Application for outline planning permission with some matters reserved- Erection of 9 houses (Landscape only reserved)		
00/01144/FUL	Erection of detached garage and store	Granted	19.09.00
92/01230/LBC	Demolition of outbuilding and removal of collapsed cart shed and erection of entrance gates	Granted	24.02.93
92/01231/LBC	Proposed repairs and improvements	Granted	17.02.93
97/01612/COU	Proposed change of use of redundant farm buildings and adjacent farmyard to workshop and premises associated with renovation of classic vehicles and professions	Withdrawn	03.02.98
97/01613/LBC	Proposed change of use of redundant farm buildings and adjacent farmyard to workshop and premises associated with renovation of classic vehicles and associated professions	Withdrawn	03.02.98
98/00509/COU	Change of use of existing agricultural buildings to commercial including classic car restoration, craft studios and general storage	Granted	17.06.98
98/00510/LBC	Change of use of existing agricultural buildings to commercial including classic car restoration, craft studios and general storage	Granted	15.06.98
99/00093/LBC	Demolition of small tumbledown brick shed and shortening of existing chicken house by 2.6m	Granted	01.04.99
09/01168/LBC	Removal of greenhouse at front of property	Granted	13.10.09

13/01130/FUL	Erection of detached outbuilding comprising 3 no. stables and store/tool shed.	Granted	12.12.13
17/02035/FUL	Change of use of vacant unused outbuilding into a private commercial cattery	Granted	26.01.18

POLICY CONSIDERATIONS

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

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

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

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

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

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

A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspector's 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
RLP10	Residential Density
RLP56	Vehicle Parking

RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP70	Water Efficiency
RLP71	Water Supply, Sewerage & Drainage
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP104	Ancient Monuments and Sites of Archaeological Importance
RLP105	Archaeological Evaluation

Braintree District Local Development Framework Core Strategy 2011

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

Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP49	Broadband
LPP50	Built and Historic Environment
LPP51	An Inclusive Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
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

Other Material Considerations

The Essex Design Guide
Essex Vehicle Parking Standards 2009

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.

The applicant has submitted an appeal against non-determination. The Local Planning Authority can, therefore, no longer determine the application. The appeal will be determined via the 'written-representations' procedure.

The decision of the Planning Committee in this case will establish the Council's position on the merits of the proposal which will be presented to the Planning Inspectorate as part of the appeal process.

SITE DESCRIPTION

Bower Hall is sited on the north side of Western Road, and is located outside of the village of Silver End. The impact of an appeal decision relating to the land to the north and east of the site means that the site will inevitably be included within the Village Envelope in the new Draft Local Plan, however, at the present time, the application site is located outside development limits, and is therefore located in the countryside.

The proposed development would lie within the curtilage of the Hall which is Grade II listed and also a moated settlement site. The early 17th century listed building survives within the moated enclosure. Bowers Hall is a timber framed and plastered building of seventeenth century construction, of a handsome appearance, with a prominent decorative chimney stack. To the east are the surviving barns, one of which is a large multiphase structure of nineteenth century or earlier and is in separate ownership to the Hall. The barns are listed Grade II. The farmhouse and barns forms one of a series of historic farmsteads located along Boars Tye and Western Road, which also include Boars Tye Farm and Rolphs Farm.

PROPOSAL

This application seeks outline planning permission for the erection of 9 4-bed detached dwellings. The application seeks approval for layout, appearance, scale, and access, with landscaping as the only reserved matter. They would be sited on ancillary land to the west of Bowers Hall and served by a new access point and driveway to the west of the existing access on Western Road. The dwellings would be positioned off the driveway which runs to the north for a distance of approximately 25m. The houses would be of a 'modern' design reminiscent of the mid-20th Century in a simple plan form with an intersecting mono-pitched roof to form a gable at either end.

They would measure approximately 7.2m-7.5m in height, 8.8m in width and 11.4m in depth. They would feature large full-height windows on the front and

rear elevations, with a variation of full height windows on one side and a door and small windows on the other. Three house types are proposed. House Type 'A' and 'B' would have an integral garage, with an internal floor area of approximately 3m x 6.8m, together with a parking space measuring approximately 2.4m in width and lengths varying between 3.7m and 6.9m. House Type 'C' of which there are 3 would have a larger internal floor area and a detached mono-pitched double garage measuring approximately 4.3m in height, 6.1m in width and 7.1m in depth, with an internal floor area measuring 5m x 6.9m. Garden sizes vary between 58.5sqm up to 125.7sqm. The materials proposed are rendered walls with plain tiled roofs. No details have been submitted regarding the windows. No supporting documentation has been received with the application.

CONSULTATIONS

ECC Highways objects to the proposal on the grounds that the applicant has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. Additional information is required to demonstrate that:

- a) Sufficient visibility could be achieved from the proposed access and;
- b) Parking could be provided in accordance with the current parking standards in terms of both numbers and dimensions of car parking spaces/internal garage size.

The applicant should be asked to submit additional information to address the above issues. The visibility information should consist of a single scaled drawing to show:

- a) The proposal site outlined in red
- b) Other land within the applicant's control outlined in blue
- c) The extent of highway coloured yellow
- d) The visibility achievable from the centre of the proposed access, as measured 2.4m back from the carriageway edge, from and along the nearside carriageway edge. The visibility must be achievable using land within the applicant's control and/or highway.

ECC Historic Buildings Consultant – considers that the proposal would result in harm. The harm caused is considered at the higher end of 'less than substantial' and cumulative to that caused by the adjacent scheme allowed on appeal reference APP/Z1510/W/16/3146968 (15/00280/OUT). It is also noted that, in the Historic Buildings Consultant's opinion, the proposal cannot be considered to make a positive contribution to local character and distinctiveness (Para.192.c of the NPPF).

ECC Archaeology – comment that aerial photography has recorded cropmark features in the adjacent fields indicative of field boundaries which predate the earliest Ordnance Survey maps (c.1870). Evidence for activity associated with the adjacent medieval manorial site may survive within the proposed development area and be impacted upon by the proposed development. In addition the setting of the manorial site and the extant listed building would be

impacted upon by any development in the immediate area. Conditions are recommended if the Council is minded to grant permission.

BDC Environment Health – request conditions requiring the submission of a Contamination Report and relating to the construction phase.

BDC Waste – comment that if the driveway is not to be adopted, arrangements would be required for the furthest 3 dwellings to bring their bins to a point where the private road meets the highway.

BDC Ecology – objects to the proposal due to lack of ecological information that would allow the local planning authority to determine the application. The application should be supported by adequate ecological surveys and assessments to enable the local planning authority to determine the application in line with national and local policy and its statutory duties. This should include likely impacts on designated sites (international, national and local), Protected species and Priority habitats and species - not just significant ones.

Essex Police – comment that whilst there are no apparent concerns with the layout, further detail such as the proposed lighting, boundary treatments and physical security measures should be agreed.

REPRESENTATIONS

Silver End Parish Council - objects to the proposal on the grounds that the proposal is too close to the listed building; there is a lack of parking and over-development. The Inspector appointed to determine the appeal on the adjacent site, reference 15/00280/OUT, commented that the setting of Bower Hall was a significant consideration, therefore, a buffer was required.

A letter of representation has been received from Councillor James Abbott, objecting to the proposal, which is summarised as below:

- The access would be on to Western Road on the inside of a bend, which would not only limit visibility but is also in close proximity to other access points.
- Impact on trees and vulnerable wildlife species. The plans appear to show one of the dwellings built over the pond that lies in front of the Hall.
- Detrimental impact on infrastructure as a result of high level of development proposed for the Village.

Four letters of representation have also been received from local residents in Grooms Lane, Western Road and Bowers Close, summarised as follows:

- Potential impact on the ditch/culvert that runs along the side of 98 Western Road;

- Impact on local wildlife including Great Crested Newts;
- Loss of countryside views;
- Cumulative impact on infrastructure such as schools/Drs surgery;
- Highway safety – access is on a blind bend;
- Impact on the listed building and moated site.

REPORT

PRINCIPLE OF DEVELOPMENT

National Planning Policy Framework (NPPF) 2018

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

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

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

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

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

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

The Development Plan

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

The application site is located outside of a designated village envelope 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.

Whilst the application site is proposed for inclusion with the Village Envelope in the emerging Draft Local Plan, it would be without a specific allocation. The proposed development would not therefore be contrary to 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 contrary to the Adopted Development Plan.

5 Year Housing Land Supply

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

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

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

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

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

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

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

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

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

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

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

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

SITE ASSESSMENT

Location and Access to Services and Facilities

The site is located outside of the Silver End Village Envelope. Whilst it is identified as a Key Service Village in the Adopted Core Strategy, it is proposed to be downgrade Silver End to a 'second tier village' in the Draft Local Plan. Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Village. Development on a small scale may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village. Therefore, in terms of the site's location and access to services and facilities, it could not be argued that the development would not be sustainable in terms of its location relative to the Village.

Heritage

The application site is on land that forms part of the curtilage to Bower Hall which is a Grade II Listed building, which is part of a historic farmstead and moated settlement and is a scheduled archaeological site. Planning law states that development within the settings of listed buildings, regard must first be had to Section 66(1) of The Planning (Listed Buildings and Conservation Areas Act) 1990. This imposes on the local planning authority a duty to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Regard must also be had to the NPPF and relevant policies in the Local Plan that are compliant with its aims.

In terms of the Development Plan, Policy RLP100 of the Adopted Local Plan seeks to ensure, amongst other things, that development within the setting of a listed building will not be permitted that would harm the setting or character of the building. Policy CS9 of the Adopted Core Strategy seeks to ensure that development responds to local context, especially where it affects the setting of historic or important buildings, conservation areas and areas of the highest archaeological sensitivity. Policy RLP104 of the Adopted Local Plan states that where development would adversely affect the physical preservation of Scheduled Ancient Monuments and other nationally important archaeological

remains, and their settings, whether scheduled or not, there will be a presumption in favour of their preservation in situ. Policy RLP105 of the Adopted Local Plan states that where important archaeological deposits are thought to be at risk from development the developer will be required to arrange for an archaeological evaluation to be undertaken prior to the planning decision being made. Whilst these policies are compliant with the NPPF, the NPPF sets out an additional requirement, the requirement for the local planning authority to assess the effect of a proposal on the significance of a heritage asset.

Paragraph 184 of the NPPF emphasises that Heritage assets can range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Substantial harm to or loss of Grade II listed buildings should be exceptional. If it is determined that a proposal will lead to 'less than substantial harm', this harm should be weighed against the public benefits of the proposal, in accordance with Paragraph 196. Paragraph 197 of the NPPF states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site of the proposed development is within the curtilage and setting of Bowers Hall together with its associated barns and outbuildings to the south east. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The applicant has not provided a heritage assessment or Design and Access Statement documenting the design process and rationale. This lack of consideration is immediately apparent in the scheme which has been submitted which appears to have taken no regard of the presence of Bower Hall and associated structures.

The Historic Buildings Consultant states that the significance of this site has previously been evaluated and summarised as part of a Planning Appeal for the adjacent site (APP/Z1510/W/16/3146968- 15/00280/OUT), some of which is included below:

'Bower Hall is a Grade II listed building. The listing description records that it is a timber framed structure dating from the 17th century and that the interior has exposed beams and original doors and panelling. The Hall also has a large chimney stack with a moulded brick cap which is a prominent feature. The Hall has both historic and architectural interest as an example of the vernacular architecture of the period. The listing description also includes 'barns and outbuildings to the south east'. The most prominent of these is a large early 19th century threshing barn built on a north/south axis in the south east corner of the complex. A lower barn, of similar age, was built on a north west/south east axis between the threshing barn and the Hall. Other outbuildings are thought to be of little heritage significance and some may post-date the listing. (Paragraph 51)'

'The Hall is set within extensive grounds which include gardens, paddocks, stables and the former moat. The grounds contribute to its significance because they enable the Hall to be seen as a free-standing structure in a sylvan setting. In addition, there is a pond and paddocks which may be vestiges of the former agricultural role of the farmstead. This is an aspect of the setting which can be seen in views from Western Road. The views from Western Road provide a good opportunity to appreciate the scale of the decorative chimney stack in relation to the roof of the Hall. The threshing barn can also be seen from Western Road. (Paragraph 54)'

As acknowledged within the Inspectors Appeal Decision, the main effect of the adjacent scheme was to remove the agricultural land use which was formerly associated with Bower Hall. The once isolated farm group has 20th century development to the west and south with the recent development allowed on appeal as referred to above, introducing new housing to the north and east, separating the Hall and barns from the open countryside. The Inspector identified that this would have a negative impact on the significance of the heritage assets 'though noted that the coherence of the farm group as a whole, albeit somewhat eroded, would be preserved in views from Western Road.

The present scheme seeks to erect nine dwellings within the curtilage and setting of the Bower Hall which would significantly alter the setting of the farm group and the ability to experience and interpret these heritage assets. As a result the contribution of the site to the significance of the Hall as identified by the Inspector would be irrevocably lost. This harm is considered cumulative to that caused by the adjacent large housing development by further enclosing their setting and severing views from Western Road.

In compliance with the aims of the NPPF, the harm that would be caused is considered to be at the higher end of 'less than substantial' and cumulative to that caused by the adjacent appeal scheme. Accordingly, this harm must be weighed against any public benefits which may arise from the proposed development as set out in Paragraph 196 of the NPPF. Whilst it is acknowledged that the proposal would result in some social and economic benefit, these benefits do not outweigh the harm identified above to the heritage asset.

In conclusion, and in addition to the likely harm that would arise from the proposal, it would also fail to make a positive contribution to local character and distinctiveness as suggested in Paragraph 192c) of the NPPF.

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

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

In terms of the Development Plan the most relevant policies in relation to schemes of this size are set out below:

Policy RLP10 of the Adopted Local Plan seeks to ensure that the density and massing of residential development is well related to the characteristics of the site and the layout and density of surrounding development.

Policy CS9 of the Adopted Core Strategy along with RLP90 of the Adopted Local Plan seek to promote and secure the highest possible standards of design and layout in all new development and the protection and enhancement of the historic environment with the aim of creating good quality environments in all circumstances. Policy RLP90 in particular states that design should recognise and reflect local distinctiveness and ensure that the layout, height, mass and overall elevational design of development is in harmony with the existing context. There should also be no undue or unacceptable impact on the amenity of any nearby residential properties

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan seeks to ensure that all new development is provided with sufficient parking in accordance with Essex County Council's Vehicle Parking Standards 2009. The Standards require that for dwellings of 2-beds or more, 2 vehicle parking spaces should be provided with dimensions of 2.9m x 5.5m. Where garages are provided, they should have an internal floor area of 3m x 7m. Non-achievement of the Standards can be an indication of poor design, signalling that the constraints of a particular site are such that they cannot accommodate the amount of development proposed.

The above policies have been found to be compliant with the NPPF at recent appeals and can be given significant weight. Notwithstanding this, Paragraph 127 of the NPPF further endorses the importance of good quality design. Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; will be sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place. Paragraph 131 states that in determining applications, great weight

should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The Council has also adopted the Essex Design Guide (EDG) as Supplementary Planning Guidance. This recommends a minimum standard of 100sqm of amenity space for 3-bed dwellings. It also sets out recommended spatial standards in terms of residential layouts. With rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, a minimum of 25m between the backs of houses may be acceptable. Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses are approximately parallel to the existing, the rear of new houses may not encroach any closer than 15 metres to an existing rear boundary.

This application has been submitted without the benefit of any 'pre-application' advice and, as referred to by the Historic Buildings Consultant, it is evident from the information submitted that no consideration has been given to the local context or to the listed buildings adjacent to the site. Although the site is located outside of the Conservation Area, more recent development in Silver End is characterised by a sense of rhythm, with active frontages, creating a sense uniformity, despite differences in design detailing.

The proposed development would be served by a long driveway which runs parallel to the driveway to Bower Hall, forming a cul-de-sac. The dwellings would be positioned either side of the driveway in a random manner, facing in different directions. The arrangement makes no attempt to provide a focus within itself, nor does it seek to form a relationship with Western Road. The development 'turns its back' onto existing residences, including the Hall, and although 2 of the dwellings would face Western Road, the view of these would be partially blocked by detached garages. The proposed arrangement would not create a sense of place and have no connectivity to the existing village, resulting in an isolated and alien enclave of dwellings. This in turn would be exacerbated by the unusual design of the dwellings, which whilst being interesting in their own way, do not reflect either the design of the adjacent buildings, or any other phase of the Village's development.

In terms of compliance with relevant amenity standards two of the new dwellings would not achieve a 25m 'back-to-back relationship'. The two dwellings at the northern part of the site would also not achieve a satisfactory 'back-to-back' relationship with existing premises on Grooms Lane. Only 4 of the proposed new dwellings would have sufficient amenity space of 100m+ and 3 of the dwellings are considerably short of the Standard. The integral and detached garages, together with the surface parking are all short of the Vehicle Parking Standards. This non-compliance with well-established standards is indicative of a poorly designed scheme which, notwithstanding the harm that would be caused to the heritage assets, would result in harm to

residential amenity not only for existing residents, but also for potential occupiers.

It is also relevant to note The EDG defines private drives as vehicular and pedestrian access ways not suitable for adoption as highways that would be maintainable at public expense. They may give rise to a maximum of 5 dwellings. It is relevant to note that refuse vehicles will not enter private drives and any dwellings more than 25m from the highway will need a bin collection point within that distance. BDC Waste has commented that arrangements would be required for the furthest 3 dwellings to bring their bins to a point where the private road meets the highway as they are outside the threshold set out in the EDG.

This development therefore would not create an attractive place that would function well in the context of the existing environment. It is concluded therefore, that the design of this proposal is not acceptable as it would not add to the overall quality of the area, be visually attractive or to contribute to local character and history.

Landscape and Ecology

Whilst it is noted that landscaping of the site would be a reserved matter, in view of the close proximity of the pond to the south of Bower Hall, consideration should be given in terms of the potential impact on wildlife and protected species.

Policy RLP80 of the Adopted Local Plan states that proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Policy RLP84 of the Adopted Local Plan states that planning permission will not be granted for development, which would have an adverse impact on badgers, or species protected under various UK and European legislation. Where development is proposed that may have an impact on these species, the developer would be required to carry out a full ecological assessment. Policy CS8 of the Adopted Core Strategy requires that all development proposals take account of the potential impacts of climate change and ensure the protection and enhancement of the natural environment, habitats and biodiversity and geo-diversity of the District. Development must have regard to the character of the landscape and its sensitivity to change.

Paragraph 170 of the NPPF indicates, amongst other things, that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value. Paragraph 175 of the NPPF states that consent should be refused if significant harm to biodiversity would result, which cannot be avoided through mitigation.

As referred to above, BDC Ecology has objected to the application on the grounds that no information has been provided to enable an assessment of the likely impact on ecology. Ecological assessments should take data search records & survey information and use professional judgement to come to reasoned conclusions as to the likelihood of species being present and affected by the proposed development. If there are residual impacts, these will need to be compensated for on site or offset and appropriate enhancements included to ensure Biodiversity Net Gain from development.

Additionally, if a preliminary ecological report identifies that further surveys are required to be undertaken the results of these surveys should inform any necessary mitigation and ecological enhancement proposals, and must be provided to ensure the local planning authority has adequate information on the likely impacts of development on Protected and Priority species. BS:42020:2013 para 6.4.5 states 'the (survey) 'work shall be undertaken before determination of the planning application'.

In the absence of any information to the contrary, it is concluded it has not been demonstrated that the development would not result in adverse impacts to local wildlife or protected species as a result of this proposal.

Highways

Paragraph 102 of the NPPF sets out that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

As referred to above, ECC Highways consider that the proposal is not acceptable from a highway and transportation perspective as the applicant has not demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. The lack of any consideration given to these issues demonstrates further this proposal is not acceptable.

Other Matters

The points raised in the representations are noted and are addressed in the above report. With regard to the issue raised in relation to the culvert/ditch on adjacent land, this is a matter that could be addressed by appropriate conditions if planning permission is granted.

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

The Government's policy objective of significantly boosting the supply of homes as highlighted in Paragraph 59 of the NPPF is an important material consideration in this case, however this in itself is not considered to be sufficient to outweigh the conflict with the Adopted Development Plan as identified above. In contrast, the above factor in relation to the Publication Draft Local Plan is considered to be 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 need 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 stated above, it would be difficult to argue that the site is not in a sustainable location, given its close proximity to the Village Envelope and having regard to the development granted on appeal on the adjacent farmland. Moderate weight can be given in terms of this benefit. Moderate weight can also be afforded in terms of the economic benefits of the proposal in providing some short term employment during the construction phase and the social benefits of providing 9 new residential dwellings.

However, this would not offset the significant weight that is due in terms of harm that would arise from this proposal. This harm would be environmental at the higher end of 'less-than-substantial' harm to the historic assets but also harm to the public domain and to residential amenity for proposed and existing residents. This harm can also be considered as a social harm as the historic environment is an irreplaceable resource, which is protected in the public interest. Significant weight can also be afforded to the fact that the applicant has not demonstrated that the proposal would be safe or function well in highway terms.

When considering the planning balance and having regard to the benefits and dis-benefits identified above, and to the requirements of the NPPF as a whole, Officers have concluded that the benefits of this proposal do not outweigh the significant weight afforded to the conflict with the Development Plan and the NPPF. The proposed development would not constitute sustainable development and it is recommended that planning permission is refused.

RECOMMENDATION

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

- 1 The site of the proposed development is within the curtilage and setting of Bowers Hall together with its associated barns and outbuildings to the south east all of which are Grade II listed.

The proposal by virtue of its siting, design, layout and external appearance would result in 'less-than-substantial-harm' in accordance with Paragraph 196 of the National Planning Policy Framework. Whilst the proposal would result in some social and economic benefit, this would not outweigh the harm identified above to the heritage asset. The proposal is therefore considered to contrary to the NPPF, Policy RLP100 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy, and Policy LPP60 of the Braintree District Publication Draft Local Plan.
- 2 The design, layout and external appearance of the development of the proposal would represent poor design in the context not only to the listed buildings but also the wider context of the existing settlement.

The proposal would result in a contrived and cramped environment which would be alien and incongruous within its context. It would also fail to achieve a satisfactory design or standard of residential amenity and has had little regard for the amenity of existing residents contrary to the National Planning Policy Framework; Policies RLP10, RLP56 and RLP90 of the Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy; Policies LPP1, LPP45, LPP50, LPP55, and LPP60 of the Braintree District Publication Draft Local Plan, and relevant standards adopted by the Council in the Essex Design Guide the Essex Vehicle Parking Standards 2009.
- 3 Paragraph 175 of the National Planning Policy Framework indicates that consent should be refused for development if it would result in significant harm to biodiversity, which cannot be avoided through mitigation.

In this case, there is an established pond with the application site. Insufficient information has been submitted to demonstrate that this proposal would not result in any harm to local biodiversity and in the absence of this information it is concluded that the proposal would be contrary to the National Planning Policy Framework, Policies RLP80 and RLP84 of the Braintree District Local Plan Review, Policies CS5 and CS8 of the Braintree District Core Strategy, and Policies LPP68 and LPP70 of the Braintree District Publication Draft Local Plan.

- 4 Paragraph 102 of the National Planning Policy Framework sets out that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impacts of development on transport networks can be addressed.

In this case as insufficient information has been submitted to demonstrate that the proposal would be acceptable in terms of highway safety and efficiency it is concluded that the proposal is contrary to the NPPF, Policy RLP56 of Braintree District Local Plan Review, Policy CS9 of the Braintree District Core Strategy, Policies LPP44 and LPP45 of the Draft Local Plan, and the adopted Guidance set out in the Essex Vehicle Parking Standards.

SUBMITTED PLANS

Location Plan	Plan Ref: WR-100-04
Site Plan	Plan Ref: WR-100-03
Proposed Floor Plan	Plan Ref: WR-100-05
Proposed Elevations	Plan Ref: WR-100-06
Proposed Elevations	Plan Ref: WR-100-07
Garage Details	Plan Ref: WR-100-08

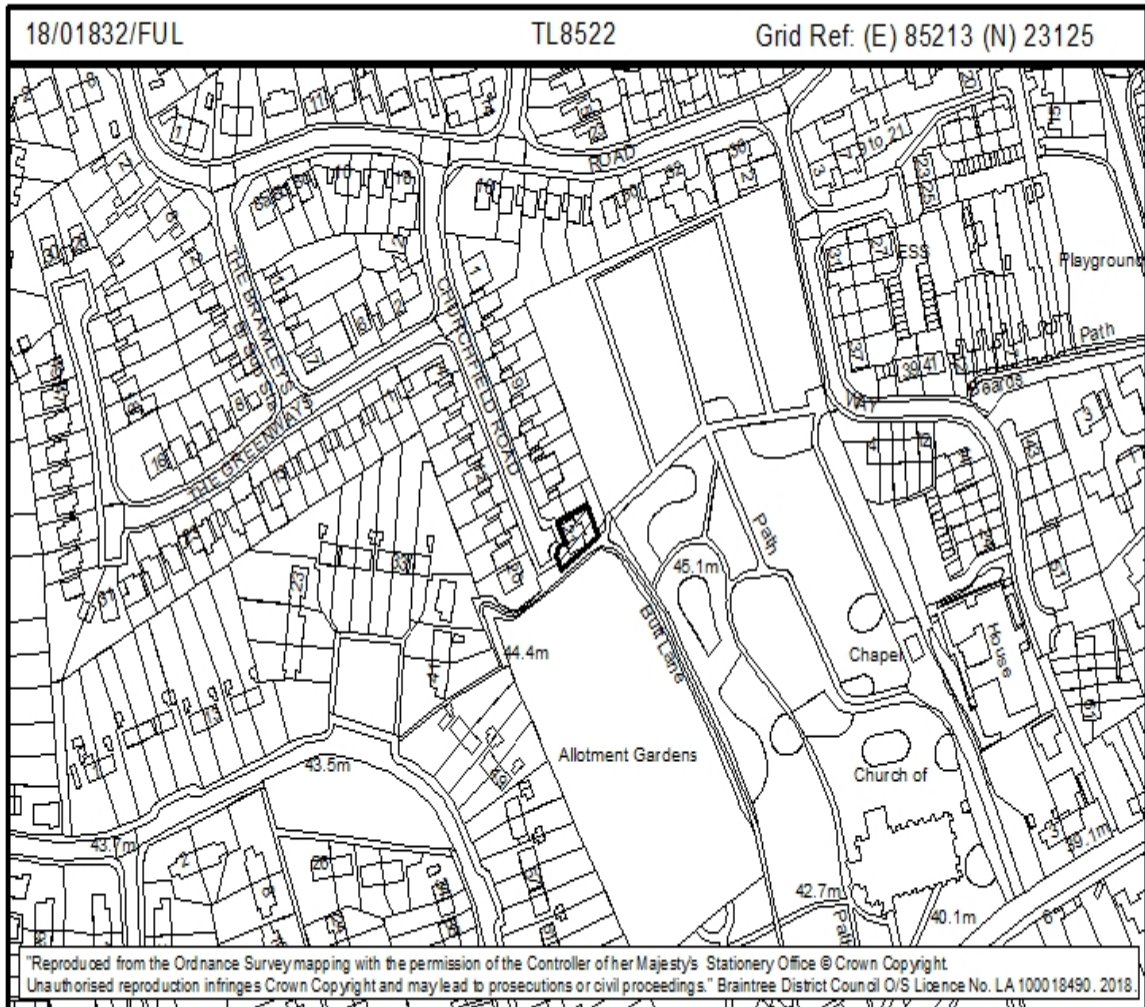
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5d

PART B

APPLICATION NO: 18/01832/FUL DATE: 17.10.18
VALID:
APPLICANT: Mr R Harrison
21, Churchfield Road, Coggeshall, CO6 1QE
AGENT: Mr R Harrison
21 Churchfield Rd, Coggeshall, CO6 1QE
DESCRIPTION: Conversion of garage to habitable room and replace garage door with window
LOCATION: 21 Churchfield Road, Coggeshall, Essex, CO6 1QE

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



SITE HISTORY

08/00417/OUT	Erection of a two bedroom detached dwelling	Withdrawn	23.04.08
08/01014/OUT	Erection of a two bedroom dwelling	Granted	08.09.08
09/01461/FUL	Demolition of existing detached double garage and erection of new 3 bedroom detached dwelling	Refused	23.12.09
10/00078/FUL	Demolition of existing detached double garage and erection of new three bedroom detached dwelling	Granted	02.03.10
10/00772/FUL	Demolition of existing detached double garage and erection of new three bedroom detached dwelling - APPLICATION NOT PROCEEDED WITH	Application Returned	
10/01312/FUL	Erection of new three bedroom detached dwelling	Granted with S106 Agreement	08.11.10
10/01558/FUL	Change of use of land to garden and proposed single garage to flank of dwelling and erection of new brick boundary wall along southern boundary	Granted	06.01.11

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

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

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

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

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

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

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

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

National Planning Guidance

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

Braintree District Local Plan Review 2005

RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP56	Vehicle Parking
RLP90	Layout and Design of Development

Braintree District Local Development Framework Core Strategy 2011

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

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

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee, because Coggeshall Parish Council has objected to the proposal contrary to Officer recommendation.

SITE DESCRIPTION

The application site is located at the end of Churchfield Road, a cul-de-sac within the Coggeshall development boundary.

Principle of Development

The proposal is for the conversion of a garage to create a habitable room and the replacement of the garage door with a window. It is located within the development boundary and is therefore supported in principle, in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Design and Appearance

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

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

The proposal is for a garage conversion and material changes to the front elevation of the dwelling. The garage door is proposed to be infilled using matching brick and a new window inserted. The conversion would create a new habitable reception room as well as retaining space for storage. The garage was added to the property in 2011 (planning application reference: 10/01558/FUL) and permitted development rights were removed, preventing the applicant from carrying out works without first obtaining planning permission. The dwelling is the last in a row of houses within a cul-de-sac and is not considered to be in a prominent position. The street scene of Churchfield Road is not uniform and it is not deemed that the proposal would have a detrimental impact upon the character of the dwelling or the street. Therefore, the proposal is compliant with the abovementioned policies.

Impact on Neighbouring Residential Amenities

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

Due to the small external changes to the dwelling and its positioning at the end of the cul-de-sac the proposal would not have a detrimental impact on

neighbouring residential amenity and is compliant with the abovementioned policies.

Highway Considerations

Policy RLP56 of the Adopted Local Plan and Policy LPP45 of the Draft Local Plan states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards. When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided".

The dwelling has a small driveway in front of the garage. When the property was built, the plans referenced the space where the garage now stands as a parking space (planning application reference: 10/01312/FUL). When permission was granted for the garage it was still denoted as a parking space and the small driveway was outlined as the second parking space for the dwelling. It is now proposed that parking standards can be met by outlining both parking spaces within the small driveway. Although the configuration of the driveway is awkward, photographs have been submitted to show two cars parking comfortably. The case officer visited the application site to measure the driveway, which in total measures 7.9 metres in length and 5.4 metres in width. Essex Parking Standards stipulate that a standard parking space should measure 5.5 metres by 2.9 metres. Each parking bay on the driveway would measure 7.9 metres by 2.7 metres. As such, the proposed spaces would not meet the Adopted Parking Standards.

However, the parking provision would meet the standard for a minimum sized bay outlined by the Essex Parking Standards (5 metres by 2.5 metres). In this case, it is concluded that two cars could be parked on the driveway and having regard to the awkward parking arrangement with the garage space, it is not considered that the proposal would be sufficiently detrimental to warrant the refusal of planning permission.

RECOMMENDATION

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

APPROVED PLANS

General Plans & Elevations

Plan Ref: Plan 1

Location / Block Plan

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

Reason

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

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

Reason

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

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

Reason

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

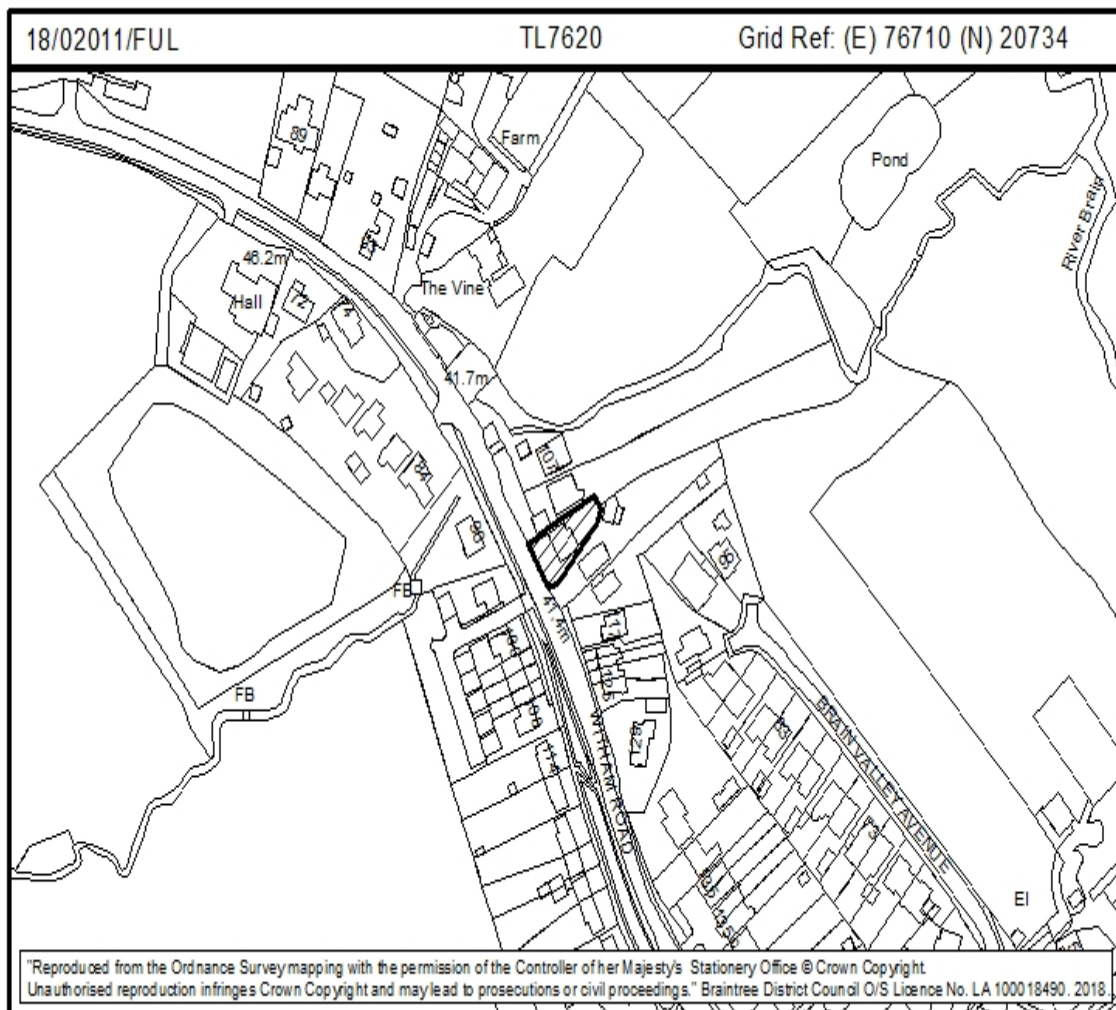
CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5e

PART B

APPLICATION NO: 18/02011/FUL DATE: 12.11.18
VALID:
APPLICANT: Mr Dan Ladkin
111 The Street, Black Notley, CM77 8LL
AGENT: David Lambert
10 Gowers End, Glemsford, Sudbury, CO10 7UF, United Kingdom
DESCRIPTION: Retention of doors, windows and materials not previously approved by Planning Permission 12/01500/FUL
LOCATION: 111 The Street, Black Notley, Essex, CM77 8LL

For more information about this Application please contact:
Mrs Liz Williamson on:- 01376 551414 Ext. 2506
or by e-mail to: liz.williamson@braintree.gov.uk



SITE HISTORY

07/00785/FUL	Extension of existing decking situated to the side of the property to allow for an external eating and drinking space	Refused	06.06.07
11/01248/FUL	Demolition of public house and erection of 4 bed detached dwelling with access and parking	Withdrawn	26.10.11
11/01473/FUL	Demolition of public house and erection of 4 bed detached dwelling with access and parking	Granted with S106 Agreement	19.04.12
12/01285/PDEM	Demolition of the public house known as 'The Reindeer'	Withdrawn	30.10.12
12/01318/FUL	Demolition of existing Public House and erection of new dwelling (revised design from previously approved application) APPLICATION NOT PROCEEDED WITH	Application Returned	
12/01500/FUL	Demolition of public house and erection of new dwelling	Granted with S106 Agreement	05.05.13
13/00098/DAC	Application for approval of details reserved by condition nos. 3, 6, 8, 17, 19 and 24 of approved application 12/01500/FUL	Granted	09.12.14
18/01372/FUL	Single storey rear extension	Granted	08.01.19

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.
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A further Supplementary Post-hearing letter dated 27th June has also been received. This letter provided the Inspector's 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);

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

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LPP45	Parking Provision
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LPP55	Layout and Design of Development

Other Material Considerations

None

INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

The application is being reported to the Planning Committee in accordance with the Council's scheme of delegation, as the Parish Council have objected to the application, contrary to officer recommendation.

SITE DESCRIPTION

The property is located within the village envelope of Black Notley and is not located within a Conservation Area. The premises is situated on the site of a former Public House, known as 'The Reindeer', which was demolished to enable the erection of a new dwelling, approved under planning application reference 12/01500/FUL. The site slopes approximately 3 metres from front to back, therefore the dwelling appears as a two storey dwelling to the front and a three storey dwelling to the rear which mimics the former public house.

PROPOSAL

The application seeks retrospective planning permission to regularise development that had not been approved under planning permission reference 12/01500/FUL. The application has been submitted following an investigation by the Planning Enforcement Team that unauthorised development had been undertaken at the site. The development that has been undertaken which differs from the above planning permission, includes cladding to the upper floors of all elevations of the premises. In addition, a first floor window, ground floor window and triple doors have been inserted on the side (south) elevation and a Juliet balcony has been inserted into the rear elevation. At ground floor level on the rear elevation, a window has been removed which was located adjacent to the side of the bi-fold doors and a window has also been replaced by a door on the lean-to element of the rear elevation.

CONSULTATIONS

Black Notley Parish Council

The Parish Council objects to the proposals for the following reasons:

- The Juliet balcony to the rear of the property is wide and grossly overlooks the neighbouring property at 113 The Street.
- The large upper side window would overlook the neighbouring property and therefore the Parish have requested that the window is glazed to protect neighbour privacy.
- The approved plans show that the elevations of the property should be finished in brick or render. The Parish Council consider that the cladding looks acceptable.

REPRESENTATIONS

Two letters of representation have been received from the occupants of 113 The Street, objecting to the development. A summary of these concerns are as follows.

- The position of the approved property overlooks 113 The Street;
- The size and position of the windows in the side (south) elevation, are detrimental to privacy of the property.
- The installation of the ground floor doors has resulted in a noise nuisance as sound, noise and conversation can be heard;
- The Juliet balcony which has been installed overlooks the objector's property and therefore impacts on the privacy by being overbearing and having a negative impact. The situation is exacerbated during the summer months due to the position of the dwelling.

The objector also states that the reinstatement of the property as approved under the original planning permission would reduce the impact of overlooking and lack of privacy to the property and requests that the changes should be made as soon as possible with the condition that the works should be carried out during the working week and not at weekends.

REPORT

Principle of Development

The property is located within the development boundary of Black Notley and therefore the alterations, subject to this retrospective application, are supported in principle, in accordance with Policy RLP17 of the Adopted Local Plan and Policy LPP38 of the Draft Local Plan, subject to criteria on design, amenity and other material considerations.

Design, Appearance and Layout

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

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

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

This application is to regularise development that has been carried out without the benefit of planning permission. The dwelling was originally approved under planning application reference 12/01500/FUL. It is positioned towards the rear of the site with a level parking and turning area to the front. A large window at first floor level has been inserted within the side elevation (south), together with an additional window and doors at ground floor level. The approved plans included a reduced size window in the centre of the side elevation and no additional windows/doors at either ground or first floor level.

At ground floor level on the rear elevation, a window has been removed which was located adjacent to the side of bi-fold doors and a window has been replaced by a door on the lean-to element of the rear elevation.

The approved plans originally show six windows on the rear elevation which were uniform in size, design and position. The middle window on the lower tier of windows has been replaced with double doors to form a Juliet balcony. It is relevant to note that an application for a flat roofed single storey rear extension with roof lantern was approved under planning application reference 18/01372/FUL. A condition was included to prevent the flat roof of the extension from being used as a seating area. Although the uniformity of the fenestration on the rear elevation has been lost due to the insertion of the Juliet balcony, it would not result in a greater degree of overlooking or loss of privacy than the window originally approved under planning application reference 12/01500/FUL.

The plans approved under application reference 12/01500/FUL also indicated that the approved dwelling would be clad in render. The dwelling has instead been clad in painted weatherboard. It is relevant to note that the dwellings in the existing street scene are a mix of render and brick. As the weatherboarding is of a neutral colour and not dissimilar to the colours of the render on neighbouring properties, it does not appear out of place. Furthermore, the Parish Council has stated that the weatherboarding looks acceptable. On balance, the use of weatherboarding as an external finish to the property is not considered to have a detrimental impact on the street scene or the surrounding area which would justify refusal of planning permission.

Impact on Neighbour Amenities

Concerns relating to the orientation of the dwelling, over-shadowing and overlooking, are issues that cannot be revisited as they were taken into

consideration during the determination of the original application, reference number 12/01500/FUL. It is acknowledged that the dwelling has had an impact on the street scene, however, it is not considered to be detrimental. As the dwelling has been orientated and sited as approved, there is no mechanism for this to be changed as it was considered acceptable when permission was granted.

The increased number of windows on the first floor on the side elevation is acknowledged. However, the first floor window would provide natural daylight to a staircase and is not within a habitable room. Therefore, although the objector's concerns are noted they are not sufficient to justify a refusal of this element of the proposal. A new window and door at ground floor level have also been introduced. However, due to position of the dwelling relative to the neighbouring property, it is considered that this has not had an adverse impact.

The concerns of the objector regarding overlooking and loss of privacy as a result of the changes to the approved plans are noted, particularly the Juliet balcony on the rear elevation. However it is relevant to note that Juliet balconies are designed as a safety precaution, allowing light into a room, whilst protecting the occupier from falling. Therefore, the occupier would not be able to look out any more than if a conventional window was in situ. In any event, it is reiterated that a condition was included as part of the decision to grant permission under reference 18/01372/FUL to prevent the use of the roof of the extension as a seating area.

Highway Issues

There is currently a generous amount of off street parking to the front of the property, which is unaffected by the alterations that have been implemented. Therefore, the proposal is acceptable in this regard.

Conclusion

Having assessed the submitted plans against policy criteria, the retention of the doors, windows and external materials, as built, would not be detrimental to the property or to the locality and therefore would not justify refusal of the application.

RECOMMENDATION

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

APPROVED PLANS

Elevations	Plan Ref: A332 06
Block Plan	Plan Ref: A332 08
Location Plan	Plan Ref: A332 07

- 1 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